



GENS UNA SUMUS

FÉDÉRATION INTERNATIONALE DES ÉCHECS

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FIDE ETHICS & DISCIPLINARY COMMISSION

REPORT TO FIDE COUNCIL

JUNE 2020

Dear Mr President and members of the FIDE Council

This is a report covering the activities of the Ethics & Disciplinary Commission (EDC) for the last few months, commencing with the FIDE Congress in Abu Dhabi in February 2020.

1. New name, term of office and composition of the EDC

The *new* FIDE Charter, which was duly passed at the Extraordinary General Assembly of the 90th FIDE Congress in Abu Dhabi, allowed the *now* Ethics and Disciplinary Commission (EDC) [previously Ethics Commission (ETH)] to be expanded to seven (7) members [previously five (5) members]. The Charter further provides for the term of office of all EDC members to be extended until 2024. The General Assembly voted in 3 new members: Khaled Arfa (TUN), David Hater (USA) and Johan Sigeman (SWE). A short resumé of each new member has been published on the EDC website.

2. Cases decided at FIDE Congress, Abu Dhabi, February 2020

- 2.1 In **case 2/2019** the EDC conducted a *de novo* enquiry on the merits of the complaint of the Nigerian Chess Federation (NCF) against one of its players, Mr. Bomo Kigigha. The unanimous decision was that Mr. Kigigha was guilty of violating Art 2.2.10 of the FIDE Code of Ethics and was therefore sanctioned to a worldwide ban of 12 months from participating as a player, half of the ban being suspended for a period of 2 years of probation.
- 2.2 The EDC also conducted a *de novo* enquiry on the merits of the complaint of the NCF against Austin Apemiye and other players in **case 3/2019**. The EDC found by

unanimity Mr Austin Apemiye, Mr Ajibola Olanrewaju and Mr Adegbayi Oluwadara “not guilty” of the complaint that their participation in the 2019 Zonal 4.4 Championships as nominees of the ACC President, was in breach of the NCF’s regulations regarding participation in official international tournaments. They were accordingly acquitted.

- 2.3 **Case 7/2019** (a matter between the African Chess Confederation and Dr. Hesham Elgendy), which was previously declared provisionally admissible, was postponed to allow for the submission of an ACC Board resolution authorizing or ratifying the lodging of the complaint by the ACC President with the EDC.
- 2.4 Subsequent to the Congress, the written records of decision in cases **2/2019** and **3/2019**, detailing the EDC’s motivation in each case, were prepared and released to the parties and published on the EDC website on 23 April 2020.

3. Cases subsequently received

- 3.1 In case **1/2020** the EDC decided a cheating case referred to it by the FIDE Fair-Play Commission. Mr Siddhart Banik (USA) was found guilty of a violation of Art. 2.2.5 of the Code of Ethics and sanctioned to a worldwide ban of 30 months from participating as a player in any FIDE rated chess competition, taking effect retroactively from 24 March 2019 (the day following the date of the incident).
- 3.2 This was the first case heard by a First Instance Chamber consisting of three (3) EDC members only, in terms of the new procedure introduced by the FIDE Charter. The written record of decision was released to the parties and published on the EDC website on 8 May 2020.
- 3.3 A case of alleged match-fixing was received from the FIDE Fair-Play Commission and registered as case **2/2020**. A First Instance Chamber consisting of three (3) EDC members was nominated to consider and decide the case. The decision is expected by 12 June 2020.

4. Virtual meeting of EDC, 20 May 2020

- 4.1 On 20 May 2020, at the initiative and invitation of the FIDE President, the EDC held a virtual meeting on the Zoom electronic platform. The FIDE President and various other members of FIDE’s top management attended the meeting.
- 4.2 The matters discussed and decisions taken at the meeting appear from the Minutes of the meeting, a copy of which is enclosed herewith.

Johannesburg, 31 May 2020

The Chairman of the Ethics & Disciplinary Commission
Francois Strydom

**MINUTES OF A MEETING
OF THE FIDE ETHICS & DISCIPLINARY COMMISSION (EDC)
HELD VIA TELE-CONFERENCE ON 20TH MAY 2020.**

PRESENT:EDC members:

Francois Strydom – Chairman
Rajesh Joshi
Yolander Persaud
David Hater
Johan Sigeman
Khaled Arfa
Ravindra Dongre

Guests:

Arkady Dvorkovich – FIDE President
Bachar Kouatly – FIDE Deputy President
Igor Kogan – Deputy Chairman, FIDE Management Board
Victor Bologan – FIDE Executive Director
Emil Sutovsky – FIDE Director-General
Willy Iclicki – FIDE Chief Operating Officer
Lukasz Turlej – FIDE Vice-President
Aleksandr Martynov – FIDE Legal Advisor

Secretariat:

Konstantin Kiselev – Assistant to the FIDE President
Sava Stoisavljevic – Assistant to Chief Operating Officer

1. Welcome by EDC Chairman & appointment of minute-taker

The Chairman of the EDC welcomed FIDE President, the EDC Members and all other participants to the meeting. Ms. Yolander Persaud was appointed as the minute-taker of the meeting. The Chairman invited each participant to introduce himself / herself to the others.

2. Opening remarks by FIDE President

The FIDE President gave brief opening remarks and thank the EDC for their work and contribution to FIDE's success even if the EDC's task is not an easy one. The FIDE President observes that the meeting was called to discuss institutional and capacity matters within the EDC, as well as co-operation with other FIDE commissions and the FIDE Council / Management Board, not individual cases.

3. Impressions of members of “new EDC” and its activities

The Chairman highlights some important changes in the *modus operandi* of the EDC following the adoption of the new FIDE Charter. He mentions that he intends initially to rotate the nomination of the panel chairman to give everyone a chance to show their abilities.

The new EDC members Johan, David and Khaled all gave feedback on their induction into the Commission, and their experience with the first two cases of 2020. They all find the work and interaction with their colleagues a pleasant experience. The existing members Yolander, Rajesh

and Ravindra also gave their comments on the new procedures within the EDC which they all find positive.

The Chairman congratulated the FIDE President on his role and success with having a new Charter in place, which gives respondents an option of a two stage appeal process if they wish to challenge a decision made by the First Instance Chamber of the EDC. The appeal mechanism to CAS has proven to be a very expensive option, not available to many persons.

4. Case Load

The pending cases on the EDC's case list is noted merely for information purposes and not for discussion.

The Chairman mentioned that there is currently an ongoing case namely Case 2/2020 involving the Kenyan women players. The Chairman also noted that there are 3 old pending cases: Case 5/2016 (Bulgaria), Case 4/2019 (Mongolia) and Case 7/2018 (Elgendy).

Once established, the Fact-finding committee of the EDC will continue with the investigation Bulgarian case.

Despite attempts to a settlement of the Mongolian case, these were unfruitful and a First Instance Chamber will now be nominated for this case.

The EDC is awaiting a resolution from the ACC to proceed with case 7/2018.

5. Matters Arising from FIDE Charter

5.1 Election of EDC Deputy Chair

The Chairman advised that there will be an election of the Deputy Chair in about 6 months, after all EDC members have been given the opportunity to Chair a case and interact with each other and the new Procedural Rules have been formulated.

5.2 Nomination of Fact-finding Committee

The Chairman advised that he has 3 names in mind which he will submit shortly for approval by the FIDE Council at its upcoming meeting in June 2020.

5.3 Review of Code of Ethics

There will be a review of the Code of Ethics, which will be a joint project with the Constitutional Commission. It may be best to form a Task Force to perform the initial work before the full complement of the two commissions become involved.

The FIDE President advised that 6 months is a fair timeline to produce a first-draft of the revised Code of Ethics for further consultation / public discussion with national federations with a view to adoption at the next General Assembly meeting in Russia mid-2021.

5.4 Review of EDC Procedural Rules

The EDC members will undertake an initial review of the EDC Procedural Rules, possibly in consultation with the Constitutional Commission.

The Chairman proposed that once established, the draft Procedural Rules must be tested in practice for at least 6 months before finalized and put before the FIDE Council for approval. In the meantime, the EDC will act in accordance with the relevant provisions of the new Charter and the existing Procedural Rules to the extent applicable.

6. Joint Projects/ co-operation with other FIDE Commissions

There is regular communication with the chairmen of the Fair Play Commission, Constitutional Commission and Arbiters Commission. There were discussions on joint projects with other Commissions, such as co-operation with the FLP on issues related to cheating and specifically

online cheating, and for sensitization projects on the Code of Ethics with national federations. The FIDE President proposed that in the curricula of the Arbiters Commission, Trainers Commission and Events Commission there should be a section on the Code of Ethics and that the EDC should empower the lecturers in those commissions with the necessary information so that this can be passed on to the trainees. Visual presentations can be prepared or information documents in the style of Q & A's.

7. Training of EDC Members

The Chairman advised that commission members will be trained in sports law by a lawyer versed in sports law and CAS (e.g. online seminar).

Additionally, there were also discussions around training with Professor Regan on the use of statistical analysis and his algorithms, as well as possible workshops (together with other commissions) on the specific challenges faced in the field of cheating.

Once travel restrictions have subsided, the different commissions will convene for training.

8. EDC Website

The Commission was commended on its website activity. It was noted that the reason it is not advertised as much was because the commission was mindful of the publicity it may attract. Additionally, it publishes all decisions in the interest of transparency. It is suggested that the existence of the EDC and its website should be better made known through social media so that people are aware of its work. The documents on the EDC website should be fully searchable (documents not to be in pdf format) and fully integrated with rest of FIDE website.

FIDE President advised that the profile of the EDC members should have an indication of the country they are from and a short bio.

9. Budgetary Constraints

Budgetary constraints were discussed, and it was advised that currently the Commission's budget only allows for stipends and online activities. The Chairman advised that the stipend budget should be extended to provide for 3 new members.

10. Next meeting

FIDE President suggests that the next meeting should be in 3 months' time (September 2020) for report-back and follow-up on the issues discussed.

There being no further business, the Chairman thanked all those present for attending the meeting, which ended after one hour, fifteen minutes.

F P Strydom

31 May 2020

CHAIRMAN

DATE