

Information regarding the development of the situation in SA Chess.

1. For a number of years, Chess SA's leadership has been the subject of fierce controversy. FIDE has already appointed a Reverse delegate for the affairs of the federation in 2022.
2. In the spring of 2023, after the SASCOC (National Olympic Committee) suspended Chess SA membership, and taking into account numerous appeals from the chess community of South Africa, the FIDE Council once again appointed Reverse delegate for South Africa (Appendix No. 1).
3. After six months of work, Reverse delegate, together with other persons authorized by the Council' resolution, appointed elections under the auspices of FIDE (Appendix No. 2), participation in which was confirmed by all provinces of South Africa.
4. The current management of Chess SA, in accordance with the FIDE Charter, submits a complaint to the Assembly. (Appendix No.3).
5. A full complaint will be submitted by December 1, 2023 and sent to the delegates.
- 6.FIDE's legal opinion on this complaint and the proposed decision will be submitted upon receipt of the full appeal.

Sincerely
FIDE Legal Director
Aleksandr Martynov



10 May 2023

RESOLUTION
on the South African Chess Federation

After following closely and studying the situation in the South African Chess Federation (Chess SA), which has been in the center of conflicts and challenging the leadership for years;

Given that the said battles obviously cannot bring any positive development to the game of chess on the whole and to Chess SA in particular;

Given that a democratically elected leadership is undoubtedly required in order avoid any controversies and restore the trust to federation;

Given that on 13 March 2023 SASCOC (the South African Olympic Committee) issued a letter according to which Chess SA was suspended;

FIDE Council hereby decides as follows:

1. To appoint a task-force for conflict resolution in Chess SA with the following members:
 - 1.1. FIDE Vice President Mr. Olalekan Emmanuel Adeyemi as a Reverse Delegate for South Africa Chess Federation;
 - 1.2. FIDE Legal Director Mr. Aleksandr Martynov as a member of the task force with consulting rights;
 - 1.3. FIDE Continental Advisor Mr. Benard Wanjala as a member of the task force.
2. The appointments are effective from the date of this resolution and till results of eligible federation elections are approved by FIDE.
3. To authorize the reverse delegate within his mandate:
 - to evaluate and send FIDE requests about FIDE titles, ratings, events;
 - to evaluate and send FIDE requests about the participation of players in FIDE competitions, including team events, such as Chess Olympiads;
 - to liaise with national authorities, facilitating the solution of internal matters, if requested.
4. To oblige the Reverse Delegate to organize relevant consultations with SASCOC, FIDE



Constitutional Commission (if required) and all interested parties with reference to the elections in Chess SA, and to organize presidential elections in Chess SA within 3 months from the date of this Resolution in such a manner that all interested parties should be guaranteed their right to participate and to vote subject to democratic procedures. Other members of the task force have consulting rights for the above tasks.

5. To mandate the members of the task force to be part of the election commission if needed.
6. To invite SASCO representative in order to monitor the elections procedure or be a part of the elections commission.
7. To invite the representative of the FIDE African Continent to monitor the elections procedure.
8. To specify that FIDE shall be the leader in the Chess SA elections procedure, that FIDE shall be responsible for the procedure and that it shall have the majority of votes and/or a decisive vote in the electoral commission. All and any participants of the elections procedure can only be admitted to the procedure upon providing their consent to FIDE authority over the procedure and its right to announce the final decision on all conflict matters and issues.

A handwritten signature in blue ink, which appears to be "Arkady Dvorkovich", is positioned below the list of points. The signature is fluid and cursive.

Arkady Dvorkovich
FIDE President



FC/111/24/10/2023-e

Decision/Resolution «On extension of the powers of reverse delegate for South Africa»

Approved by the FIDE Council on: 24 October 2023

Further to the decision of the Electoral Commission consisting of Mr. O. Adeyemi (Chairman), Mr. B. Wanjala, Mr. F. Strydom and Mr. A. Martynov to hold the elections in South Africa chess under the supervision of FIDE on November 25, 2023, and the information from the FIDE Legal Director A. Martynov, it has been proposed to extend the powers of reverse delegate for South Africa FIDE Vice President Mr. Olalekan Adeyemi until 31 January 2024.

It has also been noted that this decision will be instrumental for monitoring the proper transfer of cases and the recognition of the election results by all parties.

After considering and supporting the proposal, FIDE Council has resolved:

To extend the powers of reverse delegate for South Africa until 31st January 2024.

For and on behalf of FIDE



Arkady Dvorkovich
FIDE President



06 October 2023

Nr. 14_28_2023

Dear sirs!

We would like to inform you that FIDE, represented by authorized persons appointed to resolve the situation in South African chess, has decided to call for FIDE-supervised elections in Chess SA.

We sincerely believe that as the governing body in world chess, our task is to contribute to the resolution of serious internal conflicts among our member federations.

We present below the text of the FIDE announcement. The Electoral Commission intends to publish additional reasonable conditions related to the elections, which will be aimed at overcoming the current situation.

Should you have any question about the elections, you are invited to write to me, and I shall pass it on to the Election Commission for decision and/or answer.

FIDE Announcement

Dear chess community of South Africa.

Aware of its responsibility for promoting the development of chess in South Africa, as well as the disastrous consequences of further delays in determining the permanent management of the federation,

FIDE decided to hold elections for the leadership of Chess SA under its auspices on the following conditions:

1. Elections will be held on November 25, 2023. The exact location of the elections and the time will be announced later.

2. To resolve all issues, the Election Commission is approved in the following composition:

1. FIDE Vice President Mr. Olalekan Emmanuel Adeyemi (the Reverse Delegate for South Africa Chess Federation) – Chairman;
2. FIDE Ethics and Disciplinary Commission Chairman Mr. Francois Strydom;
3. FIDE Continental Advisor Mr. Benard Wanjala;
4. FIDE Legal Director Mr. Aleksandr Martynov;
5. SASCOC's nominee (to be announced in due course).



3.All electoral matters including final decision about candidates and delegates admissibility will be subject of the Electoral Commission decision. All issues are resolved by the vote of a simple majority of the commission members, with equality, the chairman's vote is decisive.

4.Delegates applying to represent a particular province in the elections must submit an application to the Electoral Commission no later than October 23, 2023.

5.Candidates submitting their candidacies must submit their applications no later than November 7, 2023.

6.The final decision on the approval of the submitted applications remains with the Election Commission.

7.Any delegate and candidate confirms in writing that they agree with the powers of the Election Commission, accepts any of its decisions as final and not subject to challenge in any courts or other jurisdictional bodies.

8.FIDE confirms that the duly elected officials will be officially recognized by FIDE as the legitimate representatives of Chess SA and that FIDE shall continue to recognise Chess SA as the national federation member of FIDE for South Africa.

9.FIDE calls on SASCOC to officially confirm that the duly elected officials will be recognized by SASCOC and that SASCOC's suspension of Chess SA as SASCOC member will be lifted.

10.Any member of the chess family (as described in the FIDE Disciplinary and Ethics Code) who tries to obstruct the activities of the Electoral Commission on the organization and conduct of elections by applying to courts or other jurisdictional bodies other than the sports branch of the courts (applying to FIDE in accordance with the established procedure and further to CAS) or make him/herself guilty of a violation of the FIDE Disciplinary and Ethics Code and/or Articles 7 and 9 mutatis mutandis of the FIDE Electoral Rules) will be responsible according to the FIDE Disciplinary and Ethics Code of Ethics.

A report against any such person will be filed with the FIDE Ethics and Disciplinary Commission immediately.

11. Further directives concerning the election will be issued by the Electoral Commission in due course, including making available the required nomination forms and furnishing the contact e-mail addresses of the Electoral Commission.

12. FIDE counts on the constructive co-operation of all role-players in South African chess.

Dear SASCOC, we ask you to delegate a representative to participate in the work of the Election Commission and confirm the recognition of their legitimacy, which will help South African chess move forward.



Dear Hendrik and the ExBo, we invite you to consider participating in the elections, we also note that your opinion on the legitimacy of the delegates will be taken into account by the Election Commission when making a decision

Dear provinces, please send names of the proposed delegates to the Election Commission within the specified period, together with the documents confirming their legitimacy.

We also invite you to take an active part in the elections.

Sincerely,



Aleksandr Martynov
FIDE Legal Director





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Our ref. D Eloff/MAT5516

Your ref. No 14_33_2023

17 November 2023

MR ALEKSANDR MARTYNOV

FIDE LEGAL DIRECTOR

Email: aleksandr.martynov@fide.com

Dear Mr. Martynov,

RE: INTERNAL APPEAL CHESS SA TO THE GENERAL ASSEMBLY OF FIDE

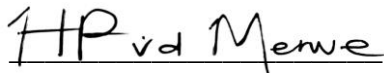
1. We thank you for your letter dated 14 November 2023 setting out the procedures to be followed for purposes of the internal appeal to the General Assembly of FIDE.
2. Accompanied with this letter is our client's notice of appeal to be placed on the agenda for the meeting of the General Assembly to be held on 17 December 2023. Kindly acknowledge receipt thereof and confirmation that it is placed on the agenda of the meeting of the General Assembly.

Directors: WD Spies B Com LLB MBA (UP); JP Voges LLB (Unisa); DJ Eloff LLB LLM (UP); M van Schalkwyk LLB (UJ)
Associate: HE Swan-Schutte B Proc LLB LLM (UP)
Professional Assistants: HP van der Merwe BA LLB (UP); B Pieterse LLB (Unisa); LC Snyman LLB (NWU)
Consultants: JJ Hurter Dip Proc (UP); J du Toit Böning B Tech (TUT), BA LLB LLM (Unisa)

Acting as caretaker of the former practice of: LT Pretorius Attorneys

3. Our client's furthermore detailed grounds of appeal as required and referred to in your letter of 14 November 2023 will follow and be submitted on or before 1 December 2023.
4. We also wish to specifically draw your attention to paragraph 5 of the notice of appeal following the contents of paragraph 5 of your letter dated 14 November 2023. We have included it in the notice of appeal as we were unsure as to whom the request is to be directed or what procedure is required for purposes of the request so that the results of the forthcoming election not be recognised and announced and suspended until our client's appeal has been fully exhausted. If this requires any further motivation for consideration by any organ of FIDE, kindly advise so that we can be able to do so. It speaks for itself that unless the outcome of the elections are not suspended pending the appeal process to the General Assembly and thereafter to CAS, if necessary, our client and its current legitimate board will be severely prejudiced and such will defeat our client's right of appeal.
5. Could you please also advise us for purposes of the meeting of the General Assembly whether it will be conducted via video link or otherwise and whether our client with its legal representatives may appear before the General Assembly for purposes of any further submissions regarding our client's appeal in order to explain or clarify any issues or questions that might arise.

Yours faithfully,



HURTER SPIES INC.

Per. HP van der Merwe

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**BEFORE THE GENERAL ASSEMBLY OF THE INTERNATIONAL CHESS
FEDERATION (FIDE) TO BE HELD ON 17 DECEMBER 2023**

IN RE: FIDE'S DECISION IN RESPECT OF ELECTIONS SCHEDULED TO BE HELD
ON 25 NOVEMBER 2023 FOR PURPOSES OF ELECTING AN EXECUTIVE BOARD
AND PRESIDENT OF CHESS SOUTH AFRICA (MEMBER FEDERATION OF FIDE)

NOTICE OF INTENTION TO APPEAL

1. **TAKE NOTICE THAT** following the letter of FIDE's Legal Director dated 14 November 2023 (attached hereto marked "A") in respect of the procedures to be followed by Chess SA and its current Executive Board ("Exbo") for purposes of an appeal against the decision(s) of the FIDE Council taken by the organs of FIDE by its Council or its President, as communicated by the President of FIDE on 10 May 2023, read with the further announcement dated 6 October 2023 by the FIDE Legal Director to organise and hold elections under the control of FIDE for purposes of the election of the President of Chess SA and the Exbo on 25 November 2023, Chess SA as represented by its current legitimate Exbo notes an appeal against the aforementioned decision(s).

2. **TAKE FURTHER NOTICE THAT** the Secretary and President of the FIDE Council are requested to place the appeal on the agenda of the General Assembly scheduled for 17 December 2023 in terms of article 17.2(l), read with article 35.2 of the FIDE Charter.

3. **TAKE FURTHER NOTICE THAT** as required in the letter dated 14 November 2023 (Annexure “A”), Chess SA will file a comprehensive appeal brief by not later than 1 December 2023 containing the facts, legal arguments and prayers for relief, together with relevant documents to be submitted for consideration by the General Assembly.

4. **TAKE FURTHER NOTICE THAT THE FOLLOWING APPROXIMATE REQUESTS WILL BE MADE BY CHESS SA:**
 - 4.1 That the decision(s) to hold elections on 25 November 2023 be revoked by the General Assembly and be set aside and that the results of the elections held on 25 November 2023 not be recognised and declared to be invalid as a consequence of the revocation of the decision(s).

 - 4.2 That the General Assembly be requested to direct the Council of FIDE to liaise and support the current Exbo of Chess SA as a member to ensure that democratic elections of the provincial members of Chess SA first be conducted in terms of the provincial constitutions, read with the constitution of Chess SA prior to the election of the President and Exbo of Chess SA.

- 4.3 That a delegation of FIDE as nominated by the FIDE Council consult with the current Exbo of Chess SA for purposes of the following:
- 4.3.1 the appointment of the members of an independent election commission(s) for purposes of conducting the provincial elections as referred to in paragraph 4.2 above.
- 4.3.2 that such elections be conducted in terms of the requirements and procedures of the constitution of Chess SA and the constitutions of the provincial members of Chess SA.
5. **TAKE FURTHER NOTICE** that pending the internal appeal before the General Assembly and any further appeal to the Court of Arbitration for Sport (CAS), the Council of FIDE is requested to refrain from recognising any results of the elections scheduled for 25 November 2023 and to refrain from announcing such results until the appeal of Chess SA and its Exbo have been exhausted.

SIGNED ON THIS 17TH DAY OF NOVEMBER 2023 AT PRETORIA



HURTER SPIES INC. ATTORNEYS

Attorneys for Chess SA

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TO: THE PRESIDENT OF FIDE

Mr A Dvorkovich

Email: fidepresident@fide.com

FIDE GENERAL SECRETARY

Email: office@fide.com

MR ALEKSANDR MARTYNOV

FIDE Legal Director

Email: aleksandr.martynov@fide.com

OLAKAN ADEYEMI

Reverse Delegate for Chess South Africa

Email: Olalekan.adeyemi@fide.com



"A"

Lausanne, 14 November 2023

No 14_33_2023

Mr. D. Eloff
Director
Hurter Spies Inc.

Dear Mr. Eloff.

Regarding your letter, we could comment as follows:

1. According to Article 35 of the FIDE Charter, an interested party may appeal the final decision of FIDE to the CAS within the time limits provided for in this article.

The decision is final after appealing it before the FIDE General Assembly.

Considering that in this case the decision on the appointment of Reverse delegate and his powers was made by the FIDE Council on 10 May 2023, this decision is subject to appeal before the General Assembly in accordance with art. 17.2(l) and 35.2 of the FIDE Charter.

2. The next General Assembly is scheduled for December 17, 2023, and according to the FIDE Charter (Article 17), the final agenda must be communicated to the federations no later than one month before the Assembly.

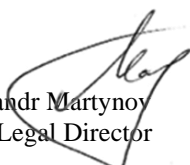
3. In order to maintain the balance of the parties and comply with the FIDE Charter, by analogy with the established CAS practice in similar situations, you can send a Notice of your intention to appeal to us by November 17, 2023 at 13.00 CET, containing at least approximate requests to the Assembly. This will be the basis for putting the relevant issue on the agenda.

In the future, you may, until December 1, 2023, 13.00 CET, file an Appeal brief on behalf of your client containing the facts, legal arguments, and prayers for relief with other applicable materials that will be submitted to the Assembly.

4. Please note that your client's appeal must be filed in compliance with the usual legal rules applicable for a legal appeal, including but not limited to the *locus standi* of the appellant, the authority of its representatives and the grounds of appeal.

5. Regarding the election procedure scheduled for November 25, 2023, there are currently no grounds for cancelling such elections. However, if an appeal will be filed as indicated above, we will consider refraining from recognizing the results of these elections until your client's right of appeal has been exhausted.

Yours sincerely,


Aleksandr Martynov
FIDE Legal Director

