



FIDE ARBITERS DISCIPLINARY SUB- COMMITTEE

No. Case DSC-001-2023-002

The Arbiters Disciplinary Sub- Committee (hereafter called “the DSC”), sitting in the following composition -

Chairperson: Mrs. Carolina Munoz.

Members: Mr. Benak Jaroslav
and Mrs. Genden Oyunchimeg.

during an exchange of correspondence and online meetings during the period 29 April – 16 July 2023, made the following

DECISION

Case No 1/2023 “Tie breaks change in the... Amateur Individual Chess Championship 2022”

1. The DSC **notes** that on January, 2023 the Arbiter Commission (ARB) received from the Fair Play Commission (FPL) a report, generated by its Investigatory Panel of a matter concerning alleged violation of the FIDE Regulations by IA... (“the Respondent”), relating to actions during the “...Amateur Individual Chess Championship 2022” tournament from November 26th to December 4th 2022, held in
2. The DSC **notes** that the Respondent has been given the opportunity to respond to the allegations in the report and has submitted an explanation about the case.
3. The DSC **notes** the contents of the following documents and e-mails received as part of the case file: Complaint by ... Chess Federation, Emails answer and explanation of the Respondent dated December 12th 2022 and June 16th 2023; and tournament report provided by the Respondent.

4. The DSC **notes** the subject-matter of the complaint and defense:
 - 4.1 The Respondent is an IA and was chief arbiter in the “...*Amateur Individual Chess Championship 2022*” tournament, being responsible for the tie breaks and final ranking.
 - 4.2 The allegations towards the Respondent in the present case are related to the change of the tie breaks after the final round of the tournament – in all the categories-, decision taken by the Respondent together with the organizer.
 - 4.3 The Respondent in his reply to the FPL and DSC did explain the reason behind the change of tie breaks after the final round.

5. Upon due consideration, the DSC, by unanimity of its members, **finds** regarding the admissibility of the complaint that:
 - 5.1 The alleged breach of the FIDE Handbook- General Rules and Technical Recommendations for Tournaments, C05 and C07 is a referral by a FIDE organ regarding a matter concerning FIDE’s interests specifically related to disciplinary arbiters matters. See articles 1.1. and 2 in the **FIDE Arbiter Disciplinary Regulations (B.06.5)**;
 - 5.2 The Respondent is registered in the FIDE database as an IA and as such part of the FIDE Family, over which the DSC exercises jurisdiction;
 - 5.3 The statements *prima facie* has the potential to constitute a violation of conduct prohibited in article 3 d and h of the Disciplinary Regulations for Arbiters applied when the conducted was made.
 - 5.4 The potential transgression took place in the international sphere as there were multi-national participation in the event. See article 2.7.a of B.065;
 - 5.5 The DSC finds therefore that it has jurisdiction to investigate a violation of the General Rules and Technical Recommendations for Tournaments.

6. Upon due consideration, the DSC, by unanimity of its members, **observes** and **finds** regarding the issue of the Respondents’ guilt as follows:
 - 6.1 Article C07.1.1 in the **Tie-Break Regulations effective till 30 June 2023** reads: “The choice of the tie-break system to be used in a tournament shall be decided in advance

and shall be announced prior to the start of the tournament. If all tie-breaks fail, the tie shall be broken by drawing of lots.”

- 6.2 Articles C05.3.2. and 3.3. in the General Regulations for Competitions reads: “The Chief Arbiter (CA)...Prior to the start of the competition: (1) he may draw up additional rules in consultation with the CO;... 3.3 In case of different opinion between CA and CO regarding interpretation of the Laws of Chess, it is assumed that opinion of CA takes priority.”
- 6.3 Both regulations state that tiebreaks must be communicated before the start of the tournament. According to the rules of the tournament and the arbiter final report, the tiebreaks published at the beginning of the event were changed by decision of the arbiter after the end of round 9 -last one- and were not used to define the final classification. No decision was made at the technical meeting to change the tiebreakers.
- 6.4 The Respondent was, in his capacity as chief arbiter of the tournament, responsible for the tie breaks and final standing report. The Respondent has admitted he changed the tie breaks in all the categories of the tournament after the nine (final) round: “*It was a situation where the last round has finished and we were preparing for closing ceremony*”. He justified the decision with the criteria that the new tie break was more according with the rating of the participant and fairer. Also, he added “*The decision to apply direct encounter in all the categories was based on consistency and alignment with standard practices which has been in most of Amateur individual Chess Championships.*” DSC panel considers that this criteria should be apply and announce before the start of the tournament, and not after. So, the action committed by the arbiter was negligent, by not applying the international technical regulations established for tiebreakers.
- 6.5 Articles 3 d and h in the Disciplinary Regulations for Arbiters applied when the conducted was made reads: “3. Cases of disciplinary misconduct by the arbiters and their associated remedies shall be as follows:... d. Infringement (misinterpretation) of technical regulations of chess (written reprimand and /or disqualification up to 6 months). h. Failure to comply with the provisions of the Tournament Regulations and with the Rules, instructions, circulars and decisions of the arbitration bodies (written reprimand or/and disqualification up to six months).”

Appropriate sanction

7. Upon due consideration, the DSC, by unanimity of its members, **finds** regarding the matter of an appropriate sanction that:
 - 7.1 In determining the sanction, the DSC must take into consideration all relevant aspects of the case.
 - 7.2 The Respondent is taken as first offender and collaborated in the investigation.
 - 7.3 The Respondent has committed the offence in his capacity as an International Arbiter, thus being responsible for the pairing of the players.
 - 7.4 The Respondent as an International Arbiter should know the regulations mentioned about.
 - 7.5 Taking the above into consideration, the DSC finds that a ban of two months from acting as an arbiter is an appropriate sanction in this case.
 - 7.6 The sanction will apply immediately, once the notification is made.

8. Accordingly, and taking into account all of the above, the DSC **unanimously decides** as follows:
 - 8.1 The Respondent is found guilty of breach of Articles 3 d and h in the Disciplinary Regulations for Arbiters applied when the conducted was made.
 - 8.2 The Respondent is **sanctioned** to a worldwide ban of two (2) months from acting as an arbiter.

9. The DSC will communicate the decision to the Respondent, ... Chess Federation and the FIDE Arbiters Commission.

DATED ON THIS 22th July 2023



IA. Carolina Munoz Solis

CHAIRMAN DISCIPLINARY ARBITERS SUB COMMITTEE