



FIDE ARBITERS DISCIPLINARY SUB- COMMITTEE
No. Case DSC-002-2023-002

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

Chairperson: Mrs. Carolina Munoz.

Members: Mr. Pablyto Robert Baioco Ribeiro and Mr. Ronald Norman King.

during an exchange of correspondence and online meetings during the period 29 April – 22 July 2023, made the following

DECISION

Case No 2/2023 “Parings change in the “...tournament”

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 “...Tournament 2022” tournament from March 22nd - 27th 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 Rating Officer, Emails answer and explanation of the Respondent dated November 1st and 3rd 2022 and June 19th 2023; and Annex 1-11 sent by FPL.
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 “...Tournament 2022” tournament, being responsible for the pairings and final ranking, among others.
 - 4.2 The allegations towards the Respondent in the present case are related to the change of the pairings in the final round of the tournament, decision taken by the Respondent. Also, during the investigation, it was determinate that the Respondent change the pairings of rounds one, two, four, five, six and nine; manually or by using forbidden pairings.
 - 4.3 The Respondent in his reply to the FPL and DSC did explain the reason behind

the change of rounds.

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: **FIDE Title Regulations effective from 1 January 2022 till 31 December 2022 (B01) and General handling rules for Swiss Tournaments (C.04.2)**; it 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 e, g 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 at which norms for FIDE titles can be earned. See article 2.7.a of B.065;

5.5 The DSC finds therefore that it has jurisdiction to investigate a violation of the FIDE Handbook mentioned in 6.1.

6. Upon due consideration, the DSC, by unanimity of its members, **observes** and **finds** regarding the issue of the Respondents' guilt as follows:

7.1. The DSC reached a comfortable satisfaction that there were **technical violations** of General Handling Rules for Swiss Tournaments and of International Title Regulations.

7.2. It shall be emphasized that the Chief Arbiter is responsible for the full control of the competition and for the correct application of the Laws of Chess and the Tournament Regulations and is required to take care of all technical matters and ensure the best conditions for the players. However, as Chief Arbiter Mr... violated the rules to be indicated below.

7.3. Article B01.1.4.2. of the **FIDE Title Regulations effective from 1 January 2022 till 31 December 2022** reads: *"The following are not included:... d. Tournaments in which changes are made which have the effect of benefitting one or more players (for example by altering the number of rounds, or the order of rounds, or providing particular opponents, not otherwise participating in the event)."*

7.4. Article B01.1.8. of the **FIDE Title Regulations effective from 1 January 2022 till 31 December 2022** reads: *"Title Tournament Certificates. The Chief Arbiter must prepare and sign a certificate of title results achieved, and send it to the Rating Officer of the Organising Federation..."*

7.5. Articles **C.04.2.A. 4 and 5** of the **General handling rules for Swiss Tournaments** reads: *"4. The Swiss Pairing Systems defined by FIDE and not deprecated (see C.04.4) pair the players in an objective, impartial and reproducible way. In any tournament where such systems are used,*

different arbiters, or different endorsed software programs, must be able to arrive at identical pairings. 5. It is not allowed to alter the correct pairings in favour of any player. Where it can be shown that modifications of the original pairings were made to help a player achieve a norm or a direct title, a report may be submitted to the QC to initiate disciplinary measures through the Ethics Commission.”

7.6. Both regulations state that the Chief Arbiter is responsible for the pairings and signing titles norms. Likewise, he may not alter the pairings to favor a player; under penalty of violating the technical regulations and invalidating the title standard.

7.7. The Respondent was, in his capacity as chief arbiter of the tournament, responsible for the pairings and final standing reports. The Respondent has admitted he interfered with the pairings, in at least two rounds, the first one by manual pairing of board five and by forbidden pairing last round, board one: *“I only banned one pair, the other pairs were regularly published by the Swiss Manager...”* (See November 1st 2022 email). *“I only remember the first round, there was one forbidden pair then, but I don't know how it was in the following rounds. I have to concentrate. I also remember the last round, but I answered that. The case of pairing in round 4 is really strange. I really don't understand.”* (See November 3rd 2022 email).“

7.8. The version of the Respondent is contradictory to the information published in chess-results... According to Swiss Manager's tournament file, the forbidden match... against... was established from the first round, not the last one; which prevented that match in subsequent rounds, specifically 1, 2, 4 and 5. According to Swiss System Rules, they should meet in round 1 (No. 13 against No. 6) and there is not evidence a manual pairing were made in order to change that; so the Chief Arbiter set that forbidden pairing since the beginning of the tournament.

7.9. In the last round, board 1, the match should be... vrs... , who has more rating than... ; so the reason for the change wasn't the Average Rating, which was the justification that the Respondant gave for alter the pairing. Once again, the Chief Arbiter use the forbidden pairing option to avoid that match.

7.10. In addition, there were many more irregularities, explained below.

7.10.1. The pairings on round 1 of board N.5 are incorrect according to Swiss-system pairing rules. This is a manual pairing, for which no explanation was provided.

7.10.2. There are forbidden pairings for all-round pairings (Forbidden pairings are not allowed at all for no reason):...

7.10.3. All rounds pairing except rounds 7 and 8 were produced by the Swiss-manager program without the “forbidden pairings” option enabled.

- 7.10.4. The pairings on round 4 of board N.1 and board N.2 are incorrect according to Swiss-system pairing rules. The only explanation is that there was an extra forbidden pair... vrs... for this round only. Then the forbidden pair has been removed and players met at round 6.
- 7.10.5. An additional letter was sent from Fair Play Commission on November 2nd 2022, asking for an explanation of these irregularities (see Annex No. 5 and 6). On November 3rd 2022 Mr... answered the letter but did not provide any more reasonable explanations (see Annex No. 7). On 22 November 2022, Fair Play Commission sent one more letter (see Annex No. 8), but no answer was provided since then.
- 7.11. In conclusion, the Respondant version is not consistent with the published information. The available evidence is sufficient to state that the CA of the tournament illegally interfered with the pairings during all the tournament -using mainly the forbidden pairing option- and failed to explain why this happened.
- 7.12. Articles 3 e, g 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:... e. Deliberately changing the pairings in a tournament (disqualification from 4 to 18 months)... g. Deliberately signing incorrect certificates of title results for players or/and arbiters of a tournament (disqualification from 4 to 18 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.
- 7.3 The Respondent didn't collaborated in the investigation; even though he had previously (on 6th March 2023) been sanctioned by the FIDE Ethics Commission for this reason.
- 7.4 The Respondent has committed the offence in his capacity as an International Arbiter, thus being responsible for the pairing of the players.
- 7.5 The Respondent as an International Arbiter should know the regulations mentioned about.
- 7.6 The Respondent admit he alter the correct pairings in at least two rounds in favour of the player..., in order he obtained the GM norm; in violation of Articles **C.04.2.A. 4 and 5**.
- 7.7 The Respondent signed the GM norm of Mr... in violation of Articles B01.1.4.2.

8.8. Taking the above into consideration, the DSC finds that a ban of eighteen months from acting as an arbiter is an appropriate sanction in this case.

7.8 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 e, g 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 eighteen (18) 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 23th July 2023



IA. Carolina Munoz Solis

CHAMBER CHAIRWOMAN
DISCIPLINARY ARBITERS SUB COMMITTE