



Honourable members of the Fide Council,

during the third Quarter of 2021 the trend of the increase in Fair Play Panel activities was confirmed, with many Fide Online events requiring Fair Play monitoring. Overall, results from these events were satisfactory, and the FPL has continued to gather experience and establish best practices. In this respect, the Commission has prepared the Best Fair Play Practices for Online Events which should be finalized during the forthcoming, live meeting of the Commission in Riga at the end of October.

Special mention should be made of the Online Olympiad, as this event set an unprecedented test for FPP practices. All of seven FPL members were involved in the process, with an average daily engagement of roughly 10 hours. This was a valuable opportunity for sharing experience with newcomers to the task and for fine-tuning procedures. Cooperation with the arbiter team and the [Chess.com](https://www.chess.com) team greatly improved and overall FPL believes that improvements on the quality of service was rather noticeable.

Three issues however stand out. First of all, training for these online events should be improved, at all levels and for all those involved: players, captains, arbiters and FPP members. By way of example, arbiters should be provided with pre-round and in-play checklists and perform them routinely, and much greater attention should be placed on lighting and the placement of front and side cameras, which was generally unsatisfactory even at very high levels (Division Four was a mess, but serious problems arose also in Division One way up to the Final). Also, captains should be more aware of their role, and in general the best teams should always remember that they are expected to set an example for the rest of the world.

Second, regulations should be more detailed as to what is allowed and what is not and what leads to an “automatic” sanction (for example, having devices in the room, not showing taskbars, etc). In the FPL’s opinion, the approach taken during the OO (that it is the arbiter’s duty to remind players of their obligations at the beginning of each round and if this is not done then the player is, so to speak, “half justified” in his or her going astray) is not viable: regulations should be made available beforehand, discussed at the captains meeting and players and captains should be expected to know them and follow them.

Lastly, on the FPP side, it should be noted that, while desirable in principle, the level of service provided during the OO is not sustainable – at least not with the current formula. There are many “rooms” to be overseen and each room demands one full time expert supervisor (during the event, there have been times when a single FPP member had to watch two rooms at the same time). Also,

there is no person who can be on the watch consecutively for 10 hours. Therefore, one should ask itself if the “best standard approach” (ie full monitoring of each room) is viable, in terms of both human and financial resources - or if a “reactive approach” should be rather preferred (i.e. close monitoring is implemented only when there is cause for concern).

The process of rewriting of FPL Procedural Rules was finalized during this Quarter, with substantial input from the Chairs of the Constitutional and Ethics Commissions, especially on the newly established “Fast Lane” system (a sort of streamlined procedure for sanctioning Fair Play violations other than cheating proven with comfortable satisfaction). The restructuring of the FPL Procedural Rules also impacted the rewriting of the Code of Ethics, which now contains many new provisions that are instrumental to Fide’s Fair Play effort and to the effectiveness of FPL action. The revised FPL Procedural Rules have been sent out to Federations for comment.

As for the ongoing cases, two Reports have recently been submitted to the ETD. First – concerning the resonant Waszczuk case.¹ In this case, one of the most important considerations in preparing an indictment was the credibility of witness testimony. Since a witness had seen Waszczuk in the restroom (which is a private space as such) this case was deemed to be relatively complex. After thorough analysis of the evidence, the FPL considered that the testimony was credible enough. Actually, in the sports law practice, even more controversial evidence (for example, secret filming and recording by a hidden camera as in *Fusimalohi*, CAS 2011/A/2425) is deemed to be admissible. Herewith, the relevant CAS practice was quoted.²

Another case was initiated against a young Serbian player who allegedly attempted to fix a game. In this case, the role of the anonymous witness was a major topic of discussion while preparing the indictment. It must be emphasized that the Serbian case is a precedential case – for the first time in history FPL was able to collect information which is usually available only to law enforcement agencies. This echoes the recent tendencies in sports law: a key issue which has emerged – clearly expressed by sport integrity officers – in the last years of experience in the fight against match-fixing is the growing need to collect information “from the pitch” (sourced from players, coaches, officials, sponsors, sport clubs, federations) functional to work as “misbehaviour alerts” and trigger effective investigations. This can be achieved through a combination of 1) specific-tailored protected reporting systems (PRS) and 2) a change of attitude which would remove the existing omerta and conspiracy of silence. In the last three years a very first set of PRS has been established in Europe which are currently being piloted in other sports (i.e. outside the world of chess). Nonetheless, no specific robust, coherent and long-term oriented action to promote cultural change and a positive orientation to use them has been undertaken so far. The focus of the aforementioned case is exactly this: to activate for the first time FPL’s initiative with the ambition of gradually disrupting omerta and skepticism (step by step, within an articulated process, fully aware that it will require a long-term perspective organized in short-term milestones to be achieved).

¹ For the sake of objectivity, it should be noted that the Report of this case was submitted to the ETD during the second quarter, in June, 2021. ETD decision is expected to be rendered in the nearest future.

² Rigozzi A., Quinn B. *Evidentiary issues before CAS*, p. 42-45. Online access: <https://lk-k.com/wp-content/uploads/publications-rigozzi-quinn-bernasconi-intl-sports-cas-2014-ev.-issues-bf.-cas-pp.-1-55.pdf>

In this regard, the Chairwoman of the FPL's long academic and practical experience came in handy, and the academic article on cheating in chess is especially noteworthy.³ The publication in question was also used as the basis for an Erasmus+ application, for which a grant of 60 000 EUR was requested from the European Commission Education and Culture Executive Agency ([EACEA](#)). The results of the EACEA Erasmus+ application are expected to be published in December.

It should also be pointed out that the potential novelties of the Code of Ethics were presented by Dr. Zaksaitė to the public at large at Work4Chess conference session.⁴ For educational purposes, wider community can also see her other works related to cheating and fair play.⁵

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Chairperson of Fair Play Commission



Exhibit No 1. Best Fair Play Practices for Online Events.

³ Zaksaitė S. (2020) "Cheating in chess: a call for an integrated disciplinary regulation", *Kriminologijos studijos*, Vol. 8, pp. 57-83. doi: 10.15388/CrimLithuan.2020.8.3. <https://www.journals.vu.lt/kriminologijos-studijos/article/view/24883/24142>

⁴ Available at: <https://www.chesstech.org/2021/noone-can-remain-an-indifferent/>; also at https://www.researchgate.net/publication/355176004_Education_on_anti-cheating

⁵ For example, a presentation about Covid Pandemic & Fair Play: https://www.researchgate.net/publication/355176092_Covid_pandemic_and_fair_play.