



FIDE ETHICS COMMISSION

MOTIVATION

Case no. 5/2017: Alleged unjustified accusation of computer-assisted cheating during various international tournaments in 2017

1. Introduction

- 1.1 This case concerns the publishing of unjustified and unfounded accusations of cheating in chess tournaments, in the same category as cases no. 3/2015 and 1/2017 recently decided by the Ethics Commission (“the ETH”), *i.e.* cases of publicly targeting a chess player with accusations of cheating based upon fears and suspicions unsupported by any concrete evidence, colloquially known as “witch– hunting”.
- 1.2 Having regard to the distinctive feature of the present case, which lies in that the accused player is a minor and the accusations were levelled by the father of one of the player’s direct and close chess rivals, the ETH particularly considered the impact that accusations of cheating may have on a child and the high standard / duty of care that adults involved in such cases are expected to observe.

2. The Parties

- 2.1 The complaint was submitted to the ETH by Ms. Liana Tanzharikova (hereinafter the “Complainant”), who acted on behalf of her minor daughter FM / WFM Bibisara Assaubayeva (“the Complainant’s daughter” or “WFM Assaubayeva”), with

FIDE ID 13708694, a member of the Russian Chess Federation.

- 2.2 The complaint was directed against GM Evgeniy Solozhenkin, with FIDE ID 4102266, a member of the Russian Chess Federation (hereinafter the “Respondent” or “GM Solozhenkin”).

3. The Complaint received and the scope of the ETH’s investigation

A. The content of the Complaint and the offensive articles

- 3.1 On 13 October 2017 the Complainant lodged a complaint with the ETH directed against the Respondent for publishing false accusations of cheating against her, *i.e.* the Complainant’s, daughter WFM Assaubayeva. On 25 October 2017 the Complaint was supplemented with English translations of the Respondent’s offensive articles.
- 3.2 According to the Complainant, following the end of the second round of the 2017 World Youth Chess Championships (“WYCC”) held from 16 – 26 September 2017 in Montevideo, Uruguay, the Respondent’s daughter WIM Elizaveta Solozhenkina told her father, the Respondent, that she had heard the Complainant’s daughter communicating with a third person, while being in a toilet cubicle, about her chess game. Both the Complainant’s and the Respondent’s daughters participated in the Girls Under 14 category of the tournament. In particular, the Respondent’s daughter told her father, *i.e.* the Respondent, that the Complainant’s daughter asked a third person over the phone about the evaluation of her position in the on-going game. The Respondent apparently refrained from bringing the incident to the attention of the tournament arbiters immediately.

- 3.3 However, on 19 September 2017, before the start of the fourth round, the Respondent submitted a complaint to the Chief Arbiter of the tournament, IA Hal Bond, accusing the Complainant's daughter of cheating. From that round on, the Complainant's daughter was screened with a metal detector and was meticulously examined for any equipment that could afford her outside assistance. At the same time, she was accompanied by arbiters to the toilet.
- 3.4 After the end of the tournament, despite not having a ruling from the Chief Arbiter or FIDE concerning his in-tournament complaint or any concrete proof to back his allegations (except an absolute reliance on what his daughter believed she had heard), the Respondent published an article on 26 September 2017 at a blog site, which was subsequently reproduced in different internet portals. According to this article the Complainant's daughter was a "cheater". On 29 September 2017 the article was re-published (with the addition of a brief introduction and postscript) on the Russian chess website "Chess-news" at the following link: <http://chess-news.ru/node/23790>.
- 3.5 The Respondent started his article by stating that he would not have written it were it not for the episode that took place in the second round of the 2017 WYCC. He recounted the circumstances in which his daughter had overheard WFM Assaubayeva in the ladies room asking softly: "*How is the rating?*" (evaluation) and, apparently after receiving an answer, she said "*good*" and left the ladies room.
- 3.6 The article then proceeded by mentioning that at the beginning of "this summer" (presumably about May 2017) the Respondent "*got involved into the issue of Bibisara Assaubayeva using computer hints*". The Respondent mentions the hearsay account of an unidentified boy who claimed that during a game

played by him against Assaubayeva he had noticed something in the shape of a device under her clothes. He lost the game but did not request a check for illegal equipment. However, this story made the Respondent more attentive to Assaubayeva's impressive results characterised by "*the absolute lack of tactical miscalculations and accurate positioning solutions*".

- 3.7 According to the article the Respondent's view of Assaubayeva as an honest and talented player changed when he took notice of her fantastic performance in the Match of the Millennials in July 2017 of which he gives an example in the article. With reference to another of Assaubayeva's games, the Respondent quotes her opponent as having said "she [Assaubayeva] plays like a robot". In the latter game Assaubayeva made a silly blunder and the Respondent comments in his article that if this "blackout" was a once-off case, it could be attributed to some crazy idea, but when it happens more than once, there is a pattern. In fact, a big part of the article is concerned with mistakes made by Assaubayeva which seem strange for a player of her rating strength rather than moves that seem computer-like or "too good" and therefore an indication of cheating.
- 3.8 In the article the Respondent further suggests that Assaubayeva avoids playing in tournaments with short time controls. He suggests that a young player who plays poorly in rapid and blitz events, but fabulously in standard time events, causes a certain amount of suspicion. The Respondents then provides a few examples of gross blunders made by Assaubayeva in the Handicap Tournament, Moscow in December 2016.
- 3.9 The article continues to analyse Assaubayeva's games from rounds 1 and 2 of the 2017 WYCC and comments on the fact that delayed broadcasting was not in effect at all times. The

bathroom incident and the Respondent's in-tournament complaint are again mentioned.

- 3.10 The Respondent concludes his article to say that, for him, the value of the sports achievements of Assaubayeva is zero. However, he adds, no information on the substance of his statement is available. The Respondent declares that he understands clearly the risk of getting into trouble by publishing his article. He explains his actions by stating that he has no right to ask his daughter for explanations regarding chess if he would pretend that nothing terrible was happening and if he were to justify his silence with some imaginary "noble" cause. The article ends with an encouragement of the re-posting of the article on chess sites.
- 3.11 The Complainant characterizes the above charges as "slander", which had been picked up and further disseminated by other chess players and trainers. According to the Complainant, she and her daughter have been receiving negative feedback from chess players and trainers, accusing her daughter of being a cheater and not worth playing chess, or publishing various comments that are distressing for the Complainant and her daughter. As a result of the above, the Complainant and her daughter cannot find the peace to quietly engage in chess. As a 13-year old child, the Complainant's daughter has suffered from "bullying", her reputation having been prejudiced and her abilities questioned, despite her being world champion or vice-world champion multiple times.
- 3.12 In her letter, the Complainant additionally seeks to implicate the Respondent's daughter, WIM Elizaveta Solozhenkina, as well as Chess Grandmasters S. Shipov, D. Kryakvin, S. Zagrebelny, chess journalist E. Atarov and tournament organiser S. Beshukov. The ETH declined to open an investigation against any of these individuals initially, who all

reacted to the allegations of the Respondent, but reserved the right to proceed against any or all of them once the outcome of the inquiry against the Respondent was known.

B. The outcome of the Investigatory Chamber's investigation

- 3.13 GM Solozhenkin's in-tournament complaint concerning the incident that allegedly occurred during the 2017 WYCC was referred to the FIDE Anti-Cheating Committee ("ACC") on October 18, 2017. As referred to above, the complaint was submitted by GM Solozhenkin, on behalf of his daughter Elizaveta Solozhenkina on 19 September 2017. The complaint accused WFM Assaubayeva of using a mobile phone to communicate with another person to analyze her game during the second round of the above tournament. It is claimed that Solozhenkina overheard Assaubayeva whispering: "How is the evaluation of my position?" In addition to the Complaint, the ACC received a report from IA Hal Bond (CAN) who was, as mentioned above, the Chief Arbiter of the tournament.
- 3.14 Pursuant to the provisions of the Anti-Cheating Guidelines currently in force, an Investigatory Chamber ("IC") was appointed on November 4, 2017 to investigate GM Solozhenkin's complaint. The IC consisted of GM Konstantin Landa (RUS), Mr. Klaus Deventer (GER), as members, and Ms. Yuliya Levitan (USA) as Chairperson.
- 3.15 Taking into consideration the facts laid down in its detailed report (the "IC Report"), in particular Assaubayeva's denials (expressed through her mother, Ms Tanzharikova) of communicating with another person to analyze her game and that she even possesses an individual phone, as well as the absence of any witnesses to the alleged incident, the fact that Assaubayeva was checked by a metal detector and nothing

was found, and taking into account Prof. Regan's report to the effect that there was no evidence of computer cheating at the tournament in question, the IC unanimously concluded that the accusation of electronic cheating in that case was not sustained.

- 3.16 At the same time, however, the IC resolved that because WIM Solozhenkina, i.e. the daughter of GM Solozhenkin, believed that she had heard the incriminating communication, the accusation against WFM Assaubayeva was "*not unfounded*".
- 3.17 It is important to note that according to the Anti-Cheating Guidelines accusations are unfounded when not based on substantial evidence. The conclusion that a cheating accusation is not unfounded does not imply that the accused player is guilty of cheating. It rather means that the complainant accusing that player of cheating lodged a *bona fide* complaint, that she did not act in an abusive manner, knowingly casting accusations against a player, when there is objectively, i.e. from the perspective of a reasonable observer, no basis for such accusations.
- 3.18 For the above reasons, the IC recommended to the ACC to close the matter without any sanctions for either party.
- 3.19 The IC's report was subsequently accepted and endorsed by the ACC and the parties informed accordingly.

C. Admissibility of the complaint and the scope of the ETH's investigation

- 3.20 At the outset of the case registration under no. 5/2017 the parties were informed that the scope of the ETH's inquiry would not include, for the time being, the allegations made by the Respondent and WIM Solozhenkina following the second round of the 2017 WYCC U-14 Girls in Montevideo/Uruguay, due to the fact that this incident constituted the subject-matter of an

in-tournament cheating complaint which would first be investigated by an IC. Thus, the ETH focused its investigation exclusively on the two (2) articles written by the Respondent and published in the public domain.

- 3.21 Subsequently, following the result of the IC investigation and the ACC's endorsement, there was no cause for expanding the ETH's investigation to include the Montevideo incident or to investigate WIM Solozhenkina for making unjustified accusations in Montevideo.
- 3.22 In considering the admissibility of the present complaint and the ETH's competence to adjudicate same, attention is drawn to clause 1.4 of the FIDE Code of Ethics in terms of which the Code is applicable to all competitors in FIDE registered tournaments. The ETH enjoys jurisdiction over the conduct of the player or player's agent if the case on which the alleged violation is based has international implications or affects various national federations of FIDE and is not judged at national level (FIDE Statutes, Chapter 08 / Ethics Commission / Objectives and Competencies). By publishing his articles on the Internet, and particularly on a well-read Russian chess news site, the Respondent's conduct indeed affected WFM Assaubayeva's reputation in the international chess community. Furthermore, to the knowledge of the ETH, he has not been judged at Russian federation level.
- 3.23 The 2017 tournaments of WFM Assaubayeva which form the subject-matter of the Respondent's cheating accusations were mostly international tournaments with participants from many countries. Cheating at the mentioned tournaments would not have been not a purely internal or domestic matter, as the alleged conduct affected players of various national federations of FIDE. Such conduct would also threaten the

integrity of the FIDE rating system as all of these tournaments were rated by FIDE.

- 3.24 In the circumstances, there can be little doubt that the ETH has the necessary competence to decide the Complainant's complaint, even if both the Complainant's daughter and the Respondent belong to the Russian Chess Federation.

4. Evidence

- 4.1 In addition to the above statement of the Complainant, i.e. the Complaint, the evidence produced in connection with the present case includes two defensive statements filed by the Respondent, the IC report (see above), the report of the Chief Arbiter of the 2017 WYCC, the report and findings of Prof. K. Regan, and the additional online publications made by GM Zagrebelny and chess journalist Atarov. The other evidence will be discussed first, before turning to the Respondent's version.

A. The statements of the Chief Arbiter of the 2017 WYCC

i. 2017 WYCC Chief Arbiter's Report

- 4.2 In his tournament report of 2 October 2017, the Chief Arbiter of the 2017 WYCC, IA Hal Bond notes that the question of a broadcast delay was raised at the Technical Meeting held prior to the first round of the 2017 WYCC. In light of the 30-minute forfeit rule for the event, it was determined that broadcast would not start before all players were present at their boards.
- 4.3 With regard to anti-cheating precautionary measures, the Chief Arbiter reports that the live broadcast of the games was randomly interrupted throughout the 2017 WYCC. PGNs were created daily and all games were screened by Prof. Regan,

who was in regular contact with the Chief Arbiter during the event. According to the report, some anomalies were noted but no serious problems were revealed during the screening. The Chief Arbiter affirms that all playing halls were provided with metal detection wands and random checks were conducted from the 5th round onward. Nothing inappropriate was discovered.

- 4.4 In respect of the in-tournament complaint submitted by the Respondent the Chief Arbiter reports that it was received prior to the 4th round of the 2017 WYCC, on 19 September 2017, concerning the possible use of a communication device by one of the players. The name of the accused player is not mentioned in the report, but there is no doubt that he refers to WFM Assaubayeva. He further explains that the case remained open for the balance of the 2017 WYCC and remarks that despite extra vigilance by the Arbiters, no evidence was found against the accused player.

ii. Chief Arbiter's statement to the IC

- 4.5 According to the statement submitted by the Chief Arbiter to the IC in the context of the ACC proceedings, immediately after the in-tournament complaint was filed, IA Bond contacted Prof. Regan to inquire about the monitoring the 2017 WYCC games in general and of the accused, in particular. The Chief Arbiter states that Prof. Regan assured him that there was nothing raising concerns with the games of the accused player.
- 4.6 With regard to the measures taken, the Chief Arbiter explains that the Organizers had one person monitoring the bathrooms area at all times, to ensure it was used by players only and a female arbiter often, but not always, followed the accused player to the bathroom. He affirms that no concerns arose in that respect. The metal detectors were only received and used

from round 5 and during all later rounds of the 2017 WYCC. The accused player was checked during the 5th round and nothing was found. During the rounds, the Arbiter would approach the player's game on multiple occasions but failed to detect anything in her ears that would imply the receipt of outside assistance. Additionally, the broadcast of the games was occasionally delayed or interrupted throughout the 2017 WYCC, with many games of the accused being affected.

ii. Chief Arbiter's email correspondence with the ETH

- 4.7 After receiving the Respondent's reply, namely his first statement as supplemented with his email of 17 November 2017, the ETH contacted IA Bond and requested a written statement by IA Bond concerning the events that occurred during the 2017 WYCC, the anti-cheating measures taken, in general and specifically regarding WFM Assaubayeva, the decisions regarding a delay in transmission, as well as to how the in-tournament cheating complaint was handled.
- 4.8 IA Bond replied by email on 1 December 2017 that, at the Respondent's request, he met with the Respondent during the 2017 WYCC for about an hour on 19 September 2017. At that meeting, the Respondent filed the aforementioned in-tournament complaint. IA Bond's immediate strategy was to leave the conditions unchanged in order to try to catch the alleged cheater while he continued his investigation.
- 4.9 As to the anti-cheating measures, he says that he put the Arbiters on notice and contacted Prof. Regan to review WFM Assaubayeva's PGNs. Prof. Regan reported that there was nothing suspicious in her games from his review. IA Bond further consulted with GM Fedorowicz at the tournament and the latter was of the same opinion.

- 4.10 Concerning the issue of live transmission interruption, IA Bond explains that he was on the main floor while the transmitted games were on another floor, so he did not have a direct involvement on the decision when to interrupt or delay the transmission. He comments that the broadcast was interrupted intermittently at the discretion of the team of Arbiters on the floor of the transmitted games. He believed that there was no need to delay the transmission completely, as the “threat level” fell over the course of the tournament, and on the whole he was satisfied with the Arbiters’ choices.
- 4.11 In addition to the above, IA Bond provided on 16 January 2018 additional information concerning the transmission delays, after contacting Ms. Sabrina de San Vicente, who was the Sector Arbiter of DGT room where games were broadcasted. IA Bond asserts that he never asked the Arbiters to delay all game transmissions. After the Technical Meeting, Ms. de San Vicente asked DGT whether it would be possible. DGT’s response was that there is no way to delay the transmission and provided some alternate suggestions as possibilities to be discusses with the person controlling the transmission website. According to Ms. de San Vicente, the person in charge with the website did not know how to implement DGT’s suggestions. In order to reach a solution, from the beginning of the 2017 WYCC the games were uploaded only once all players were at their chessboards, namely about 15 to 20 minutes from the start of each round. Additionally, the transmission was interrupted for about half an hour once or twice per round without a pre-established routine. Otherwise, the games were transmitted in real time.

B. The report and findings of Prof. K. Regan

- 4.12 On 20 December 2017 Prof. Regan, upon the ETH's invitation, provided a written report to the ETH in connection with the present case.
- 4.13 In his report Prof. Regan states that he was contacted by the Chief Arbiter of the 2017 WYCC, IA Bond, on 20 September 2017 and was asked to report specifically on WFM Assaubayeva's performance due to the fact that an in-tournament complaint has been submitted against her. During the tournament Prof. Regan ran daily screening tests and he reported that her games always showed screening results in the middle of the "*completely normal*" range. Prof. Regan explains in his report that, at that time, i.e. during the said WYCC, he did not run a "*full test*" of WFM Assaubayeva's games, which typically takes 4 – 6 hours on one processor, but conducted screening tests which typically take 10 – 15 minutes, as the screening results did not give rise to any suspicions that would require further investigation. After being notified, however, of the ETH proceedings, Prof. Regan ran full tests not only on WFM Assaubayeva's games at the 2017 WYCC, but also on all available games of every tournament (7 other events) she played earlier in 2017, as well as the World Youth U10G (September 2014) and U12G (October 2016) events in which WFM Assaubayeva had an impressive score. Prof. Regan also considered several other events to which GM Solozhenkin broadened the accusation by virtue of his article published on the aforementioned websites.
- 4.14 According to his report, Prof. Regan's full test analysis aimed at addressing (a) the question of possible cheating by WFM Assaubayeva in the 2017 WYCC, and (b) the broader question of possible cheating by the said player in the other events and also at ascertaining the relation of WFM Assaubayeva's level

of play as measured by his model's "Intrinsic Performance Rating" (IPR) relative to WFM Assaubayeva's FIDE rating and to the levels of computer programs. Prof. Regan found WFM Assaubayeva's test results (z-scores) not only normal but balanced between positive and negative, the latter meaning that the player performed below the expectation for her rating. His conclusion from the full tests is that there is *"no indication in the test results that can be distinguished apart from the typical track record of a rapidly improving junior player, alternating some great and some inconsistent performances"*.

- 4.15 Prof. Regan further sought to address the issues raised by the Respondent in his article, in particular to provide scientific input on the specific junctures of games highlighted by the Respondent in the analysis he included in his article to support his cheating allegations against WFM Assaubayeva. Prof. Regan emphatically concludes that the main indication from his review of those (i.e. the Respondent's) arguments is that the complainers had not attempted to give any analysis that could support their allegations. Instead, his own analysis using a neutral and automated scientific procedure mostly argues against them. He then goes on to remark that *"[t]o the extent that it is any evidence at all, what it exposes is that the complainers have failed to give "due diligence" in backing up their assertions."*

C. Other online publications

- 4.16 The Respondent's article was followed by the online publication of two articles, the first one on 3 October 2017 by GM Sergey Zagrebelny and the second one on 11 October 2017 by chess journalist E. Atarov. In the first article, GM Zagrebelny endorses the accusations of the Respondent against WFM Assaubayeva and presents an analysis of some of the games of the latter to support his allegations. In the

second article, E. Atarov presents the proposal of tournament organizer S. Beshukov to host a match between WIM Solozhenkina and WFM Assaubayeva to be arbitrated by GM Landa, member of the ACC, with a prize fund of 200,000 rubles. The core idea of the article is that the above match will give WFM Assaubayeva the opportunity to prove her value as chess player, and consequently her innocence.

D. The statements of the Respondent

4.17 On 10 November 2017 the ETH notified the Respondent of the complaint directed against him and provided him with a copy of the complaint and supporting documents. The ETH further informed the Respondent that it will investigate the possible violation of articles 2.2.9 and/or 2.2.11 of the FIDE Code of Ethics and set a deadline for the Respondent to provide his defensive statement by no later than 8 December 2017.

4.18 On 11 November 2017 the Respondent submitted to the ETH his defensive statement to the ETH, whereby he invoked a number of arguments to support his position as to the cheating accusations against the Complainant's daughter and also to criticize the Complainant. The Respondent's arguments can be summarized as follows:

4.18.1 He states that his article concerning the Complainant's daughter was published following the closing of the 2017 WYCC on a relatively unknown non-chess forum. After being approached by Chief Editor of the well – known "Chess-news" website, Mr. Surov, the Respondent granted his permission for his article to get published on the said website.

4.18.2 He argues that his cheating accusations against the Complainant's daughter are not false. He mentions that he already had suspicions about WFM Assaubayeva,

but that he would not have shared them publicly if it were not for the bathroom incident at the 2017 WYCC. The Respondent focuses on the latter incident, which he says is of primary importance for the case. To support the truthfulness of his daughter's claims he invokes screenshots of her "Messenger" conversation with her mother concerning the above incident.

- 4.18.3 He suggests that the Complainant is not a reliable person and invokes various incidents to support his claim. In this connection, he questions whether the Complainant's claims about heavy criticism on the Internet are accurate.
- 4.18.4 He questions whether the Complainant's daughter was indeed subjected to effective metal detector screening and checked by the arbiters at the 2017 WYCC.
- 4.18.5 He affirms that the in-tournament complaint was written exclusively by him and that WIM Solozhenkina, his daughter and chess rival of the Complainant's daughter, had no involvement whatsoever in drafting the complaint.
- 4.18.6 He accuses the Complainant and a group of supporters he refers to as the Complainant's "team" of attempting to discredit him online.
- 4.18.7 He invokes other online publications, including posts by GM Shipov, Kryavkin and Zagrebelny, to support his claims against the Complainant.
- 4.18.8 He explains that his motive in publishing his article was formulated by what he perceived as lack of response to his in-tournament complaint (*"when nothing happened and there was no reply on your complaint it is difficult to accept yourself that a player who*

discussed in WC the position evaluation gets a medal and calmly move to another tournament”). At the same time, the Respondent suggests that the ACC proceedings are not adequately effective invoking the example of Sandu vs. Zhukova and others, a case in relation to which the ACC reached a conclusion with a “two-year delay”.

- 4.18.9 He concludes by admitting that by publishing his article of September 26 he violated the anti-cheating rules and that he understood that he is likely to be sanctioned by the ETH.
- 4.19 The statement was supplemented by an email sent by the Respondent on 17 November 2017. In that email the Respondent suggests that the ETH should further investigate the issue of live game transmission delay at the 2017 WYCC. He appears to suggest that someone intervened to get such transmission delay deliberately aborted since the 2nd Round of the 2017 WYCC.
- 4.20 In addition to the above statement, on 28 December 2017 the Respondent sent the ETH a second statement commenting on the report and findings of Prof. K. Regan. In this statement, the Respondent questions the effectiveness of Prof. Regan’s scientific method, suggesting that a player may be a cheater and his screening results still appear within a “completely” normal range. It is noteworthy that the Respondent suggests that another factor should be applied in Prof. Regan’s method specifically for “*women chess*”, where according to the Respondent it is “*obvious*” that “*poor moves occur between female players much more often than in the games of experienced GMs*”. The Respondent concludes that he does not consider himself guilty. He explains that he faced a dilemma, as to whether he would speak out what he believed

to be the truth or to remain silent, both of which choices would cause him and his daughter damage. He considers the entourage and the mother, i.e. the Complainant, of the accused player in particular, as guilty for causing WFM Assaubayeva to seek outside assistance and for putting him in the above dilemma.

- 4.21 On 19 January 2018 the Respondent commented by email on the statements made by the 2017 WYCC Chief Arbiter IA Hal Bond. According to the Respondent there was an inconsistency between the statement of the Chief Arbiter and the information provided by Ms. Sabrina de San Vicente, Sector Arbiter of DGT. He avers that during the Technical Meeting with the Chief Arbiter he understood that the latter agreed to introduce a transmission delay and that the technical staff did not raise any objections thereto. The Respondent further suggests that during the first rounds transmission delays were organized not only at the start of the games but also – occasionally – during the course of each round. However he admits that he cannot provide any proof to this direction. The Respondent concludes his email of 19 January with questioning anew whether surveillance measures were indeed taken vis-à-vis the Complainant's daughter, as he reads into the Chief Arbiter's statement that such measures were either never taken or aborted after the Chief Arbiter received Prof. Regan's report that did not raise any suspicion of cheating from WFM Assaubayeva's part.

5. Evaluation and findings

- 5.1 On the basis of the evidence summarized above, the ETH concludes that the salient facts of the case are the following:

- 5.1.1 The Respondent wrote two articles, the first one published on a blog and the other on the Russian site chess-news.ru. The articles were similar in contents and accused the Complainant's 13-year old daughter, WFM Assaubayeva, that she had cheated during the 2017 WYCC, receiving outside assistance during round 2 of the tournament, but also that her performance in other tournaments are indicative of her using computer hints in her games.
- 5.1.2 The Respondent's cheating accusations as regards the 2017 WYCC were solely based upon the claim of his daughter, WIM Solozhenkina, that she had overheard WFM Assaubayeva, while in a toilet cubicle, talking to a third person on the phone and asking him/her about the evaluation of her position in the on-going game. This alleged telephone conversation is denied by WFM Assaubayeva.
- 5.1.3 An in-tournament complaint of cheating was submitted at the time by the Respondent, WFM Assaubayeva was monitored without any proof of cheating emerging and the complaint subsequently examined by the ACC. According to the IC report, the Respondent's accusations as laid down in his in-tournament complaint were not found to be unfounded. At the same time, the IC reports that there is conclusive evidence, based on Prof. Regan's report and the lack of any indication of strange conduct on the accused player's part while under surveillance by the WYCC arbiters that WFM Assaubayeva did not cheat during the 2017 WYCC.
- 5.1.4 As mentioned, the Respondent's articles were not restricted to the 2017 WYCC incident. The Respondent

accused WFM Assaubayeva of being a cheater and tried to demonstrate this with some chess analysis. Although the matter arose as a result of the above incident at the 2017 WYCC, the articles go much further and accuse WFM Assaubayeva of cheating at other tournaments as well.

- 5.1.5 The Respondent's articles claims that WFM Assaubayeva received "computer hints", but strangely the accusation is not backed-up with any analysis showing a close correspondence with the choices of chess engines in those positions, and consists rather of impressionistic comments. Whether or not GM Solozhenkin turns out to be correct seems more a matter of a hunch than reliance on any proven facts. The articles are also lacking any clarity or consistency about the supposed method(s) of cheating employed by WFM Assaubayeva in the light of the complete absence of any observational evidence of any irregular or suspicious conduct by her at any of the tournaments in issue.
- 5.1.6 Further online publications by GM Zagrebelny and E. Atarov imply that WFM Assaubayeva is guilty of cheating and that she should prove the Respondent wrong.
- 5.1.7 A comprehensive report of Prof. Regan, who had analysed WFM Assaubayeva's performance over the extent of some 10 tournaments, concluded that her performances were completed normal for a rapidly improving youth player currently at WFM Assaubayeva's rating level and that there is no reason to suspect any computer cheating by her.

- 5.1.8 In Ethics cases 8/2015 & 2/2016 the ETH undertook a thorough evaluation of Prof Regan's statistical model (the Motivation is published on the ETH's web-site) and accepted the relevance and reliability of the statistical evidence produced by the model. The Regan model proceeds from a null hypothesis of fair play and then test the deviation, i.e. the probability of cheating. In the present case, the z-scores in the full tests were in the range between -2.00 and 2.00 which are considered as normal play (a very low deviation and thus a very high probability of fair play). Against this background, the ETH does not regard GM Solozhenkin's criticism of Prof Regan's report in the present matter scientifically based or detracting from Prof Regan's conclusions.
- 5.1.9 In the article, as well as his statement to the ETH, the Respondent concede that he had violated FIDE's anti-cheating rules although he apparently does not believe that his cheating allegations, albeit unsubstantiated with any concrete proof, were false.
- 5.2 Having regard to the above established facts, the ETH investigated whether by his conduct the Respondent violated the provisions of articles 2.2.9 and/or 2.2.11 of the CoE.
- 5.3 According to article 2 of the CoE *"The Code of Ethics shall be breached by a person or organization [...] who in other respects acts contrary to this Code. 2.2.1. Of particular importance in this respect are the following: [...] 2.2.9 Players or members of their delegations must not make unjustified accusations toward other players, officials or sponsors. All protests must be referred directly to the arbiter or the Technical Director of the tournament. [...] 2.2.11. Any conduct likely to injure or discredit the reputation of FIDE, its events, organizers, participants,*

sponsors or that will enhance the goodwill which attaches to the same”.

- 5.4 In this connection, the ETH considered whether the Respondent’s accusations with regard to WFM Assaubayeva’s performance, as formulated in his online articles, were justified or not, namely whether reasonable grounds existed in this respect that could substantiate his suspicions. A further matter to be determined by the ETH is that of the Respondent’s personal blameworthiness regarding his conduct.
- 5.5 As laid down in the ETH’s decision in case no. 3/2015, the ETH considers that for an accusation to be considered justified, it is not sufficient that the complainant subjectively believes that the accused person might be cheating (subjective standard). It is necessary that a neutral, reasonable observer would believe so as well (objective standard) on the basis of information available to him at the time he/she makes the respective complaint/accusation. Such objective grounds would typically, but not exclusively, exist in case of abnormal behavior during or before the game, possession of devices or any kind of equipment that could be used for the transmission of information to and/or from the accused chess player during the game, such factors being usually combined with extraordinary play that can be technically and reliably proven in accordance with the standard of comfortable satisfaction to result from or be associated with computer or other external assistance.
- 5.6 It was underscored, however, in decision no. 3/2015, that a finding that a complaint was well-founded, i.e. based upon reasonable grounds / substantial evidence, is not dependent on the accused person ultimately being found guilty of cheating. There is an in-between situation where sufficient grounds for a reasonable suspicion of cheating exist, but a full

inquiry nevertheless shows that there had in fact been no cheating.

- 5.7 In this connection, the ETH reiterates its position on the gravity of consequences that unreasonable accusations may have against a chess player, as they may irreversibly tarnish his/her reputation. While it is easy to accuse a player of cheating, it is difficult for the accused person to prove that the accusations are groundless and therefore false. At the same time, the intrigue rising from a case of purported cheating, especially among high level players, attracts instant publicity, goes viral within a few days and leaves tracks in the media for a long time, even if the cheating case is in the end dismissed as groundless and unjustified. The consequences are even more serious in case, like the present one, where the player who has been targeted with accusations is a minor.
- 5.8 While the standard for determining the “unjustified” nature of accusations is an objective one, personal blameworthiness for purposes of defining the appropriate sanction, as laid down in the aforementioned case no. 3/2015, is determined on the basis of a subjective standard. Elements like the offender’s motives, the deliberate or careless nature of the offender’s conduct, his/her personal circumstances, the presence of remorse on the offender’s part and other mitigating circumstances are relevant and taken into consideration in determining the offender’s personal blame.
- 5.9 As pointed out in paragraph 8.24 of the EC Motivation in Ethics case no. 3/2015, there is arguably a measure of ambiguity in the wording of article 2.2.9 to the extent that the clause requires that players must not make unjustified accusations “*towards*” other players which, on a literal reading, seems to prohibit a confrontation with the other player. This interpretation is strengthened when regard is had to the second

sentence of article 2.2.9 which requires all protests to be referred to the arbiter or technical director (in other words a tournament setting is supposed). On the other hand, a more liberal interpretation of the clause's wording would require the word "*towards*" to be understood to mean "*concerning*" other players, thus putting the focus on the avoidance of a false accusation rather than the confrontation with the suspected player.

5.10 However, in the present case the offensive conduct did not take place in the context of an on-going tournament and article 2.2.9 seems to be an ill fit for the context within which the Respondent's conduct took place.

5.11 For the above reasons, the ETH makes no finding regarding a possible violation of article 2.2.9 which is unnecessary in the light of what follows.

5.12 The ETH is convinced by virtue of the "comfortable satisfaction" standard of proof, that the Respondent violated article 2.2.11 of the Code, by publicly accusing WFM Assaubayeva of cheating at FIDE tournaments at large. The Respondent exceeded his freedom of speech, by making such inappropriate comments which amounted to accusations of systematic cheating, especially about an under-age person, without any substantial proof. No objective grounds whatsoever existed to back such accusations. Moreover, the Respondent's motive behind his conduct was evidently self-redress. Instead of awaiting the results of the ACC on the in-tournament complaint that he submitted during the 2017 WYCC, he rather attempted to "take the law into his own hands" and "do justice" as he perceived it. In this respect, in the last two sentences of his first statement the Respondent expressly acknowledged his guilt regarding the disrespect of the Anti-Cheating Guidelines and implied that by the same conduct he

breached the CoE, since he also claimed that he realizes he may be sanctioned by the ETH, whose jurisdiction pertains to the violations of the CoE, in spite of proclaiming his innocence later in his second statement.

- 5.13 The ETH finds that the Respondent's conduct is likely to injure or discredit the reputation of WFM Assaubayeva as contemplated in article 2.2.11 of the Code of Ethics, the core purpose of which lies in protecting the good name and integrity of persons mentioned therein in light of the principles of sportsmanship and fair play. The Respondent exceeded his freedom of speech and defied the principles of sportsmanship and fair play by relating the WYCC incident with WFM Assaubayeva's accomplishments in chess in such a manner that her reputation in the eyes of an objective and reasonable reader of the articles would likely be tainted. His article was published twice with similar content, and the one on the Russian chess news site received maximum exposure, and his accusations were perpetuated by others in articles published on the internet and Facebook entries, maximizing the prejudice caused to the accused player.
- 5.14 In any event, as already laid down in case no. 1/2017, it is not necessary for the ETH to decide whether the Respondent's conduct would render him liable for defamation or libel in law, as the legal requirements for such a suit may differ in different jurisdictions such as Russia and Switzerland (FIDE's domicile) and the ETH is not a court of law deciding civil wrongs.
- 5.15 There can be no doubt that the Respondent's actions were either deliberate, or reckless in the sense that the Respondent did not care whether or not he violated FIDE's anti-cheating rules. As a grandmaster and a father of an under-age chess player facing, as a young person, the same challenges and hurdles in conquering the chess world, the Respondent must

be held to a high standard as regards the matter of personal blameworthiness. The Respondent was also aware of the ETH's judgment in case no. 3/2015, the full motivation of which was, as an exception to the normal publication only of the rulings/decisions, published on the webpage of the ETH on the website of FIDE, in order to provide guidance with regard to the interpretation and application of articles 2.2.9 and 2.2.11 of the CoE.

- 5.16 Having regard to the above, the ETH finds that the Respondent is guilty of violating article 2.2.11 of the CoE.

6. Sanction

- 6.1 The Respondent's conduct, as found above, constitutes a gross violation of the Code of Ethics and there are very few, if any, mitigating circumstances.
- 6.2 In spite of being invited to inform the ETH of his personal circumstances, relevant to an appropriate sanction, the Respondent failed to avail himself of the opportunity. Accordingly, save for knowing that the Respondent is a chess player, trainer and teacher who holds the title of grandmaster, very little of his work and personal details are known to the ETH.
- 6.3 The ETH will accept, in favour of the Respondent, that he was driven by his love for his daughter and a desire to address a situation which he perceived to be unjust, namely that his daughter's rival is obtaining her good results in chess purportedly by cheating and that this cheating remains undetected and unpunished by the chess authorities. In this sense, the Respondent was motivated by a desire to remove an injustice for his daughter and other competitors of the Complainant's daughter. Unfortunately, this desire clouded the

Respondent's objective and good judgment. Nevertheless, acceptance of the foregoing as his motive has moved the ETH to suspend part of the ban to be imposed.

- 6.4 On the other hand, there are a number of aggravating circumstances. The ETH will only mention a few. The Respondent had time for sober reflection after having made his in-tournament complaint and no foul play by WFM Assaubayeva was discovered by the arbiters in the 2017 WYCC. He not only permitted the publication of his article once, but in fact twice and encouraged others to re-post his article on chess websites for maximum exposure. This invitation was indeed taken up by others and the Respondent's accusations were in this way perpetuated. The victim is a young girl 13 years old at the time of the publishing of the articles and particularly vulnerable in her contact with other children who may believe and repeat the Respondent's allegations. The allegations made by the Respondent amount to a serious character assassination of WFM Assaubayeva. The Respondent knew what he did was wrong, but chose to address the perceived injustice for his daughter and others in his way rather than to wait for the outcome of the official investigations. The Respondent shows little remorse for his conduct in spite of the overwhelming absence of any proof of cheating on the part of WFM Assaubayeva.
- 6.5 In order to be an effective punishment and to serve as a deterrent for others which may make themselves guilty of the same conduct, the Respondent's conduct deserves a ban from chess activities organized or endorsed by FIDE for a period commensurate with the seriousness of his offence. The ETH is empowered to impose bans up to 15 years on taking part in a chess competition, or in any chess-related activity, as a player, arbiter, organiser, or representative of a chess federation. In

terms of the ACC Guidelines a suspension of up to 3 years from all FIDE rated events is proposed for a first-time violation of the anti-cheating regulations. In the present circumstances the ETH believes that a ban of 18 months, half of which is suspended, would be a suitable sanction. The Respondent will be left free, during the period of the ban, to participate as a player in FIDE-registered tournaments inside Russia and to pursue activities as a trainer, coach or manager inside Russia, in order not to interfere with his ability to earn an income for himself and his family.

- 6.6 In the result, GM Evgeny Solozhenkin is sanctioned with a ban of 18-months, with effect from the date of this decision, from (a) a presence at any official tournament on the FIDE calendar (including Youth and Junior events) and attendance of any FIDE meeting anywhere in the world (including Russia), whether as an organizer, player, trainer, manager, arbiter, accompanying person, delegate, representative or in any other capacity, and from (b) participating as a player in any FIDE-registered tournament outside of Russia. Half of the sanction period (9 months) is suspended for a period of 24 months on the condition that the Respondent is not found guilty of making unjustified accusations of cheating against, or otherwise unjustly injure the reputation of, any person committed during the period of suspension.

DATED ON THIS THE 19th DAY OF MARCH 2018

F P Strydom

CHAIRMAN
FIDE ETHICS COMMISSION