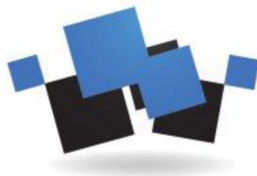


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3 July 2014

Kyiv

TO: FIDE MEMBERS
TO: FIDE SEKRETARIAT
TO: ECU SEKRETARIAT

OPEN LETTER

**in respect of the exclusive jurisdiction of the Ukrainian Chess Federation over territory of Ukraine and
serious violations of FIDE rules by the FIDE Secretariat**

Dear Sirs,

The Ukrainian Chess Federation writes this letter to express its position in respect of its exclusive jurisdiction over territory of Ukraine and to express grave concern on increased number of serious violations of FIDE rules and principles by the FIDE Secretariat. Please, consider the following matters:

1. Exclusive jurisdiction of the Ukrainian Chess Federation over territory of Ukraine.

In view of the fundamental principles of Olympic Charter and FIDE Rules as well as recent events in relation to occupation and annexation of the Autonomous Republic of Crimea and city of Sevastopol by the Russian Federation, the Ukrainian Chess Federation considered it vital for FIDE to express its position as to the organization of chess tournaments on the territory of Autonomous Republic of Crimea (Ukraine) and city of Sevastopol.

The Ukrainian Chess Federation directed attention of FIDE officials to the fact that the main principle of interaction between FIDE and national federations is based on the principle when only one national federation is recognized on the territory of each state. According to this principle, the Ukrainian Chess Federation has an exclusive jurisdiction for the conduct of chess competitions supported and protected by FIDE over the territory of Ukraine.

On 5 May 2014 the Ukrainian Chess Federation has submitted a proposal to FIDE General Assembly to make a declaration in support of Declaration of the Ukrainian Chess Federation regarding the exclusive jurisdiction of the Ukrainian Chess Federation over the territory of Ukraine. The proposal was made for the FIDE General Assembly which will be held in Tromso, Norway, during the period of 11-14 August 2014.

In particular, the Ukrainian Chess Federation proposed the following declaration to be made for FIDE General Assembly in support of the Declaration of the Ukrainian Chess Federation:

“In accordance with the Olympic Charter and Chapter 02 of FIDE Statutes, one of the fundamental principles of FIDE is that only one national federation should have the principal authority over chess activities in each country. Taking into account that the Autonomous Republic of Crimea and city of Sevastopol remain integral parts of the territory of Ukraine in accordance with the resolution of UN General Assembly meeting of 27 March 2014 and international law, FIDE affirms that the Ukrainian Chess Federation remains exclusive authority over chess activities under FIDE auspices conducted in the Autonomous Republic of Crimea and Sevastopol (Crimea region). The Ukrainian Chess Federation remains the only national chess federation validly formed in Ukraine.

FIDE will consider any attempt by another national chess federation to organize chess tournament under auspices of FIDE or otherwise exercise its jurisdiction in the territory of Crimea region as contrary to the Statutes of FIDE and the Olympic Charter”

On 30 June 2014 FIDE has issued an official Agenda for the General Assembly. Eventually, the proposal of Ukrainian Chess Federation to make a declaration in support of Declaration of the Ukrainian Chess Federation regarding the exclusive jurisdiction of Ukrainian Chess Federation over the territory of Ukraine was not included into the Agenda.

2. Illegal and unfounded refusal of the FIDE Secretariat to include the Proposal into the Agenda of the General Assembly

The Proposal regarding the Declaration of the Ukrainian Chess Federation was sent to FIDE Secretariat on 05 May 2013, which is 3 months and 6 days prior to General Assembly Session. The grounds for each proposal were specified. Given the fact that the Ukrainian Chess Federation did comply with the FIDE Rules requirements to submit proposals within the due time limits, the aforementioned Proposal must be included into the Agenda of the General Assembly as per paragraph 4.11 of FIDE Statutes.

Despite mandatory provisions of the FIDE Rules the Ukrainian Chess Federation has received a response from FIDE Secretariat with refusal to include the proposal of the Ukrainian Chess Federation to the Agenda of the FIDE General Assembly session on 19 June 2014. In support of such decision representative of FIDE Secretariat stated first that *“Proposal N 1 is not for FIDE, as this is your internal issue”* and subsequently that *“Proposal 1 is political and thus should not be on the Agenda”* and, therefore, such proposals must be excluded from the Agenda. Thus, the FIDE Secretariat (more precisely the FIDE Executive Director Mr. Freeman) violated

mandatory provisions of the FIDE Chapter 04 (article 4.11) as it is not within the authorities of FIDE Secretariat to make such a decision and the Secretariat simply is not authorized to take the functions of the General Assembly in assessing the content of the proposal. All attempts to receive comments of Mr. Freeman in respect of mandatory nature of the provision relating to the inclusion of the proposals into Agenda remained unattended. The only comment was that “*As FIDE Secretariat, we are responsible for the Agenda*” which is a far-reaching and dangerous conclusion beyond any reasonable interpretation of the functions of the FIDE Secretariat.

Moreover, Ukrainian Chess Federation asserts that a proposal to FIDE General Assembly to make a declaration in support of Declaration of the Ukrainian Chess Federation regarding the exclusive jurisdiction of the Ukrainian Chess Federation over the territory of Ukraine has purely sports nature and is not "internal" or "political" as it was previously characterized by the Secretariat. The Ukrainian Chess Federation strongly disagrees with such a point raised by the FIDE Secretariat. Since 1996 the Ukrainian Chess Federation was performing as a sole host of regional and international chess competitions on the territory of Ukraine, in particular, in the territory of Autonomous Republic of Crimea and the city of Sevastopol (Ukraine). During the last 18 years the jurisdiction of the Ukrainian Chess Federation to have principal authority over chess activities throughout the territory of Ukraine was not claimed or contested, therefore it has been properly recognized by FIDE and by all national federations. Regretfully, in 2014 activists of the Russian Chess Federation started a public discussion regarding conduct of a number of chess events, in particular “White Rook Tournament” within the jurisdiction of Ukrainian Chess Federation. The issue cannot be characterized as “internal” since more than one national chess federation is involved. The issue cannot be characterized as “political” as well since the Ukrainian Chess Federation aims to confirm its sports jurisdiction on the territory of Ukraine, i.e. to confirm the status of sole host who has principal authority over chess activities in Ukraine (*the status quo*).

The Ukrainian Chess Federation underlines that according to the principles of FIDE prescribed in para. 1.2 of FIDE Rules, FIDE is democratically established and bases itself on the principles of equal rights of its members. The FIDE Motto is "Gens Una Sumus" (We are one family). The decision not to include the proposal of Ukrainian Chess Federation to the agenda of FIDE General Assembly contrary to the mandatory provisions of FIDE rules cannot be treated in any other manner than the lobbying of interest of another FIDE member, in particular, interests of the Russian Chess Federation. Therefore, such decision of FIDE Secretariat clearly contravenes FIDE principle of equal right of its members.

Noteworthy, the same Declaration has been included into the Agenda of the European Chess Union Assembly in Tromsø without any unnecessary discussion.

The Ukrainian Chess Federation does not withdraw an application to include the Proposal to FIDE General Assembly to make a declaration in support of Declaration of the Ukrainian Chess Federation regarding the exclusive jurisdiction of Ukrainian Chess Federation over the territory of Ukraine. The Ukrainian Chess Federation insists on the inclusion of the duly submitted proposal to the Agenda for the General Assembly session as the matter of exclusive jurisdiction of the Ukrainian Chess Federation of the territory of Ukraine is the issue of first priority.

3. Pressure to register Ms. Lagno as a member of the Russian team. The Ukrainian Chess Federation became aware of the fact that the Russian Chess Federation made an illegal attempt to register the Ukrainian chess player Ms. Lagno for participation in 2014 Chess Olympiad in Tromso as a member of the Russian Chess Federation team. Moreover, we are cognizant of the pressure exercised by the Executive Director of FIDE Mr. Freeman in this regard favoring extension of time to enable such a registration.

In case such information corresponds to the true course of events, the Ukrainian Chess Federation strongly objects against illegal actions of the Russian Chess Federation and Mr. Freeman and brings up an issue of an attempt for serious violations of FIDE Rules at the stage of preparation for Olympiad on the following grounds:

1. As of today Kateryna Lagno is an official member of the Ukrainian Chess Federation. Article 1.2. of the FIDE Registration, Transfer & Rules of Eligibility of Players is straightforward in forbidding any double registration "*A player may only be registered with and only represent **one** Federation at any particular time*".
2. Following all FIDE procedures and time schedules Ms. Lagno has been duly included into the Ukrainian national team for participation in 2014 Chess Olympiad in Tromso. According to rule 6.3.8 of the Chess Olympiad regulation eligibility to participate is covered under the FIDE Eligibility Regulation which as mentioned above does not recognize any possibility for double affiliation.
3. There is no any legal ground for transfer of Ms. Lagno from the Ukrainian Chess Federation to any other federation and the matter is under consideration with the *status quo* retained.

The issue with potential transfer of Ms. Lagno indeed was brought into our attention by the FIDE Secretariat in March 2014. Since the requirements of rule 1.1 of 04 FIDE Registration, Transfer & Rules of Eligibility were not satisfied, the Ukrainian Chess Federation has clearly expressed its objections in due course on 3 June 2014. The objections referred to a number of serious grounds such as lack of residency and strong continuous ties with the Ukrainian Chess Federation confirmed among others by the recent representation of the Ukrainian Chess Federation by Ms. Lagno in the course of the Women's FIDE Grand Prix Series (Khanty-Mansiysk) in May 2014.

The Ukrainian Chess Federation referred also to other grounds and CAS jurisprudence. Following some exchanges and clarifications, the FIDE Secretariat notified us that the objections would be considered at the next session of the Presidential Board of FIDE. We are currently seeking an opportunity to comment on the documents and misleading translations which were not put to our attention before. Thus, as of today any registration and participation of Ms. Lagno in the Chess Olympiad in Tromso under the Russian flag is illegal and shall not be permitted. Following our objections to Olympiad organizers we received information from the FIDE Secretariat that the actions of FIDE Secretariat were directed not specifically in relation to Ms. Lagno but rather to the extension of time for the registration of the whole team. We call your attention to the fact of untimely registration of RCF team and consider that decision in favor of any given federation may break FIDE principles and lead to internal conflicts in FIDE. Be it or not, we are indeed concerned on any attempt to register the member of Ukrainian Chess Federation and Ukrainian team for Olympiad as a member of any other team.

We want to express our deepest hope that wisdom will prevail and the facts of FIDE Secretariat's gross intervention into the procedure of Ms. Lagno registration as well as attempts to extend the registration deadline will remain as just a small incident that would not become a matter for public discussion/consideration of international chess community in future.

Thus, the Ukrainian Chess Federation declares a strong protest against the illegal acts of FIDE officials in violations of the fundamental principles of FIDE Rules. On behalf of the Ukrainian chess community Ukrainian Chess Federation addresses all the National Chess Federations by this open letter with only purpose to prevent of any violation of the FIDE Rules and principles of Olympic Charter.

The Ukrainian Chess Federation want to express its hope that FIDE officials will stop acting in favor of any particular FIDE members and start not just declaring the FIDE Motto which is "Gens Una Sumus" (We are one family) but actively implement such fundamental principle of equal treatment of National Chess Federations into the practice.

UCF President



Viktor Kapustin