

July 18, 2014

Via E-Mail, Fax and Post

Tromsø Organizing Committee
for the 2014 Chess Olympiad

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Re: Purported Wrongful Exclusion of the Russian Chess Federation's Women's Team from the Tromsø Chess Olympiad 2014

Dear Sirs and Mesdames:

We are writing for and on behalf of the Russian Chess Federation (the "RCF") and have been instructed in relation to the purported wrongful exclusion by the Tromsø organizing committee (the "Organizing Committee") of the RCF's women's team from the upcoming Chess Olympiad 2014 (the "Olympiad").

We have reviewed a copy of your letter dated 16 July, 2014 to the Fédération Internationale des Echecs (“FIDE”) (the “Letter”), in which you attempt to rationalize your unjust and unlawful conclusion that “[t]eams that failed to submit their participation within the deadline of 1st June will not be accepted as participants in the Tromsø Chess Olympiad.”

The Letter is misleading and does not withstand scrutiny of elementary legal analysis. Instead of trying to resolve the problems of the Olympiad participants, you created additional barriers for them and even excluded numerous countries’ teams from the competition. This goes against Olympic principles and the spirit of FIDE, and was not expected from Norway as the host of the Olympiad. It is also troubling that this Letter was not communicated to the RCF directly, but instead was sent to FIDE and then distributed publicly to promote the Organizing Committee’s agenda. At the same time, there have been numerous public allegations about the affiliation of some members of your team with one of the candidates for the FIDE Presidency and that those individuals’ decisions are being influenced by their political ambitions. This all is in breach of the FIDE Ethics Code (e.g., clauses 2.23, 2.2.10 and 2.2.11).

Your “*unanimous resolution*” to exclude the RCF’s women’s team from the 2014 Olympiad is outrageous, blatantly disregards the Regulations for the Chess Olympiad (the “**Regulations**”) and must immediately be reversed.

The Organizing Committee’s “Resolution” is contrary to the Regulations

Our client has complied with the requirements set forth in the Regulations (and referenced in your Letter) and must be allowed to participate in the Chess Olympiad. First, the RCF provided the Organizing Committee with a “Notice of Participation” in March 2014, which satisfies the requirements of Section 3.6.1 of the Regulations.

Second, the RCF has also complied with Section 3.7 (Submission of team lists) by providing the requested details to the Organizing Committee via letter on 16 June, 2014. While Section 3.7.1 states that such details should be submitted to the Organizing Committee “[n]ot later than two months (PB ’98) before the start of the tournament,” Section 3.7.2 explicitly states: “Late notification of team particulars **shall be** accepted up to 20 hours before the start of Round 1 (PB’98), but subject to a late submission fee of 100 euros per name” (emphasis added).¹ This provision of the Regulations does not say that a federation’s team particulars “*may be*” accepted, it says they “**shall be**” accepted. The Organizing Committee does not have the discretion to refuse to accept RCF’s team list, which was irrefutably submitted prior to “20 hours before the start of Round 1.” As such, the RCF’s submission must be accepted as timely by the Organizing Committee and the RCF’s women’s team allowed to compete.

As you know, there was good cause for our client’s short delay in submitting the team list to the Organizing Committee. The RCF was working diligently to resolve the status of one of its team members, Ms. Lagno, who wished to transfer from the Ukrainian to the Russian national team.

¹ To the extent the RCF owes any late fees referred to in Section 3.7.2, it is prepared to make such payment to the Organizing Committee.

The Regulations Must Be Applied Uniformly and Fairly to All Federations

In your Letter, the Organizing Committee admits that it has not applied the Regulations uniformly to all federations.

You first state that *“based on the [Regulations] ... all teams that failed to meet the deadlines set in 3.6.1 and 3.7.1 are ineligible to participate.”* Your further statement is that *“the COT2014 and Fide [sic] Vice President Israel Gelfer had also agreed that the deadlines had no exceptions”*.

However, according to the Letter there were teams which *“were unable to confirm within the deadline”*, and that you *“assisted these federations”* and *“accepted late registration from those federations that took contact and asked for help in the process and within the deadline”*. You cite no support for these arbitrary exceptions, which are contrary both to your alleged agreement with FIDE that there would be *“no exceptions”* and your reading of the Regulations.

It is noteworthy that you purport to rely on specific Regulations with regard to deadlines (Sections 3.6.1 and 3.7.1), but are silent on the precise statutory basis for your decision with respect to the RCF. The Organizing Committee cannot be allowed to ignore the provisions that contradict its conclusions (i.e., Section 3.7.2) and is obligated to abide by the Regulations and to apply them consistently and fairly. Your decision to exclude the RCF is obviously at odds with your allegation that you purport *“to treat all federations alike”*.

The Organizing Committee’s Actions Contradict its “Resolution” to Exclude the RCF

While you have taken the position that the RCF’s women’s team has not been accepted to participate in the Chess Olympiad, your actions indicate otherwise. For example, on 7 July, 2014 the RCF received an invoice for the participation of 10 players (i.e., both the men's and women's national teams) in the Olympiad, which was paid by the RCF on 11 July, 2014 (which was by the deadline set in the invoice).

This clearly demonstrates that as of 7 July, 2014, the Russian women's national team was deemed to be fully eligible to participate in the competition. You had no authority under the Regulations or otherwise to subsequently determine that the Russian women’s team should not be allowed to compete.

The FIDE President has the Authority to Revoke Your “Resolution”

Since the Organizing Committee has blatantly violated the FIDE Regulations which govern the Chess Olympiad, we have brought the matter to the attention of the organization’s President, Mr. Kirsan Ilyumzhinov (the **“President”**). Contrary to the assertions in your Letter, the President has the authority to intervene in this situation and revoke the Organizing Committee’s purported exclusion of the RCF from the 2014 Olympiad.

Your analysis of the President’s powers ignores the express wording of Section 6.1 which states:

“The FIDE President represents the interests of FIDE and is empowered to take the final decision on all questions relating to the Olympiad as a whole”.

The President's power does not depend upon, nor is it conditional upon, the existence of a “case” – however you choose to define that term. Rather, the eligibility of any federation’s team and its potential exclusion clearly falls within the President’s remit, since eligibility of participants is certainly a “*question[] relating to the Olympiad as a whole*”. Furthermore, the President is not attempting, as you claim, to “*change regulations singlehandedly three weeks before the Olympiad takes place,*” but is merely enforcing the rules that are already in place and that the Organizing Committee has failed to recognize and apply.

Your reasoning also wrongly relies upon the alleged principle that (to paraphrase) “*the specific over-rides the general*”. Your analysis seems to be based on the premise that Section 6.1 applies only to those issues not covered by a specific Regulation. However, Section 6.1 is clear on its face and there is no need to introduce any unnecessary uncertainty in the already clear language of that Section.

Accordingly, the President is authorized to make the decision to revoke your “*resolution*” and determine that our client is entitled to compete. That decision is final and must be upheld by the Organizing Committee.

The Organizing Committee’s “Resolution” is Contrary to FIDE Precedent and to Principles of Fairness

Your Letter is a new page in FIDE history: one that disregards all principles of fundamental fairness and shuns the FIDE motto of “*Gens Una Sumus*” (We are one family). Even President Kirsan Ilyumzhinov recently commented on your inappropriate conduct: “*The Chess Olympiad Organizing Committee forgot its true purpose – to provide equal opportunity to all players of the world chess community to attend the tournament.*”

The Organizing Committee’s decision to exclude seven men’s teams (Cambodia, Central African Republic, Gabon, Côte d’Ivoire, Oman, Pakistan and Senegal) and two women’s teams (Russia and Afghanistan) from the Olympiad based solely on alleged failures to comply with registration deadlines is unprecedented. It has been the past practice of organizing committees to work with federations to ensure that everyone who wanted to participate was able to complete their team’s registration and compete in the event. It is unconscionable that you would exclude participants for allegedly failing to meet a 1 June deadline when the Organizing Committee only confirmed on 5 June that it had obtained the necessary finances from the Norwegian government to cover the budget to stage the Olympiad (<https://chess24.com/en/read/news/tromso-olympiad-gets-the-money-it-needs>).

Furthermore, it is troubling that there have been numerous public allegations that some members of your team are affiliated with one of the candidates for the FIDE Presidency and have made these arbitrary decisions to exclude certain federations’ teams merely to further their political ambitions.

All of these issues raise serious concerns as to the true motives behind your recent decision to exclude the RCF’s women’s team, as well as teams from eight other countries from the Olympiad. These are hardly the good-faith actions of one FIDE family member to another, but are a blatant attempt to achieve political goals by misusing your position as the Olympiad

organizer granted to you by the authority of FIDE. This behavior is completely inappropriate, inconsistent with the FIDE Ethics Code and will not be tolerated.

As set forth above, your decision to exclude our client's women's team from the Chess Olympiad violates FIDE Regulations and must be reversed immediately. Our client should also be allowed to include Kateryna Lagno on the team list pursuant to Section 3.7.2 of the Regulations

We demand that you provide us with written confirmation that our client's men's and women's teams are eligible to compete in the 2014 Chess Olympiad. If you do not comply with the foregoing demands by **5 p.m. CET today, 18 July, 2014**, we will take all appropriate steps to protect and enforce our client's rights, including, if necessary, commencing legal action and pursuing all appropriate remedies, which may include injunctive relief, claims for compensatory and exemplary damages, attorneys' fees, and all other costs associated with RCF's claims.

This letter is not an exhaustive statement of our client's legal position and is without prejudice to our client's rights in this matter, both legal and equitable, all of which are specifically and expressly reserved.

Respectfully yours,

A handwritten signature in blue ink that reads "Quinn Emanuel". The signature is written in a cursive, flowing style.

QUINN EMANUEL URQUHART & SULLIVAN, LLP