

Subject: FW: ASEAN Chess Confederation

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From: NIGEL FREEMAN <nigelfreeman@fide.com>

To: adiantogm@yahoo.com

Cc: 'FIDE Secretariat' <office@fide.com>

Sent: Monday, November 23, 2015 2:14 PM

Subject: ASEAN Chess Confederation

To the attention of ASEAN Chess Confederation's Deputy President

Dear Mr Adianto,

FIDE has become aware of the resolutions taken by the ACC Board on 10 and 30 October 2015 against Mr Tony Tan Teck Leng, on the one hand, and the Singapore Chess Federation (SCF) on the other hand.

We understand that a complaint has been sent by the National Chess Federation of Philippines (NCFP) to Mr Thomas Hoe, SCF Executive Director on 17 September 2015 following an incident which occurred during the ASEAN +Age Group Chess Championships in Singapore on 12 June 2015.

In case of complaints against an official of a national chess federation, disciplinary sanctions may be taken by the relevant national federation (i.e. the Singapore Chess Federation), by the relevant Continental association (i.e. the Asian Chess Federation), or by the FIDE Ethics Commission, under certain conditions. ASEAN Chess Confederation is not the relevant national federation nor the Continental association for Asia .

FIDE notes that the complaint of the NCFP dated 17 September 2015 was addressed to the SCF, and not to ASEAN. Pursuant to Article 14 of the ASEAN Constitution, in the event of any disputes arising amongst member federations, they shall attempt to resolve the matter at an Extraordinary General Meeting in accordance with said Constitution. Should the members fail to resolve the matter, it may be brought to a court of law for settlement. The fact that a copy of the complaint was forwarded to ASEAN for its information does not vest it with jurisdiction to intervene in the dispute between two of its member federations nor to seek to impose disciplinary sanctions against SCF or Mr Tan. The ASEAN Constitution does not grant the Management Board any disciplinary powers and the resolutions of 10 and 30 October 2015 were clearly taken *ultra vires*.

In addition, the resolutions were clearly tainted by illegality for reasons of a total failure of fundamental justice (no hearing was held and neither SCF nor Mr Tan were afforded an opportunity to make representations before the Management Board took its decisions), an apparent bias on the part of the members of the Management Board against the SCF and Mr Tan, as well as the fact that the sanctions imposed were irrational, unreasonable and completely out of proportion with the alleged misconduct. In short, the resolutions were unlawful and fall to be revoked without any delay.

In addition, the SCF has investigated the complaint filed by the National Chess Federation of Philippines of 17 September 2015. On 5 November, the SCF Ethics Committee thus found Mr Tan guilty of showing disrespect during an official event and imposed a two-week suspension. The official concerned has therefore been duly and adequately sanctioned by the Singapore Chess Federation.

FIDE unites chess federations throughout the world and oversees all international competitions. It rejects discriminatory treatment and unlawful action against any-one of its member federations. The members of ASEAN and also FIDE member federations and must observe the Statutes, regulations, resolutions and decisions of FIDE, individually and collectively. In the present case, FIDE, for the reasons mentioned above, refuses to endorse or recognise the sanctions issued by ASEAN against Mr Tan and the Singapore Chess Federation.

I thank you to confirm by return email that the alleged sanctions against Mr Tan and the Singapore Chess Federation, as well as all their consequences, are lifted with immediate effect and that this annulment will be published on your website within the next days.

Finally, I note that as a FIDE affiliated organisation, you are requested to comply with FIDE decisions, including the decisions issued by the FIDE Ethics Commission. As you know, Mr Leong has been banned for a period of two years starting 21 October 2015 from holding any office or position within FIDE, including its affiliated international organisations. This decision has been published on the FIDE website on 21 October 2015. Its enforcement is not suspended by the appeal before the Court of Arbitration for Sport. ASEAN's announcement that Mr Leong will take leave

of absence pending the outcome of the CAS appeal or, if unsuccessful, for the remaining duration of his term, does not comply with FIDE Ethics Commission's decision.

Accordingly, I thank you to remove Mr Leong from office immediately.

FIDE reserves all rights.

Best regards,

Nigel Freeman
FIDE Executive Director