

ICCF ARBITRATION COMMITTEE

ANNUAL REPORT TO CONGRESS- ALBENA 2017

1. The Committee has only had to deal with one matter during the past year, that of the appeal of Mr. Andrei Lesko.

2. In the past it has not been my policy to refer to individual referrals to the Committee in this annual report but I have taken the view that this year it is necessary given the unusual, indeed unique, set of circumstances that brought Mr. Lesko's situation before the Committee and the difficulties the Committee had in reaching a decision on the appeal.

3. This report doubles up therefore as full reasons for the decision, all relevant parties having been notified in January 2017 of the fact that Mr. Lesko's appeal had been dismissed.

4. The facts are as follows:

A. The 2016 Congress in Bremen made findings of fact that Mr. Lesko had offered a bribe to an opponent in an attempt to induce him to resign their game and in several ICCF tournaments had hacked into opponents' accounts on the ICCF server and made weak/losing moves for them.

B. Congress referred the quantum of penalty to the ICCF Disciplinary Committee who determined that the appropriate penalty was a five year suspension from taking part in ICCF activities. The World Tournament Director advised Mr. Lesko of the decision and of his right to appeal to the Arbitration Committee against the penalty imposed.

C. Mr. Lesko did appeal and I asked him for his representations in support, emphasising that the appeal was restricted to the punishment imposed and not the findings of fact that Congress had made against him, Congress being the highest authority. Mr. Lesko did respond to me very respectfully but simply saying that the allegations made against him were untrue. He did not address the issue of penalty.

D. The Committee took the view that the suspension was eminently fair and reasonable and that the punishment fitted the crime.

5. The significant issue that the Committee had to grapple with was that of jurisdiction. The Committee is a creature of statute that is to say that it can only deal with issues within its terms of reference. I have been unable to find any specific reference to the Arbitration Committee having the jurisdiction to overrule a decision of the Disciplinary Committee.

6. However it was the 2011 ICCF Congress at Jarvenpää which set up the Disciplinary Committee following a proposal by the World Tournament Director. The minute reads "It should be noted that the WTD would be responsible for defining the working procedures of the committee." After significant discussion my Committee decided that it did have jurisdiction under this generic note from Congress.

7. The Arbitration Committee respectfully suggests to Congress that the terms of reference of the Committee are, for the avoidance of doubt, amended to specifically refer to referrals such as that of Mr. Lesko. By way of analogy the Committee dealt with an appeal in 2015 under ICCF Tournament Rules, Section 13.4 as regards a player's change of Federations which specifically reads "A player

may appeal to the Arbitration Commission (sic) whose decision would be final if there is an objection to the transfer”.

8. The Arbitration Committee further respectfully suggests than in disciplinary matters Congress should only be involved as the final tribunal. Disciplinary procedures (including provision for appeals) are in place and my Committee is firmly of the view that Congress should not be asked to consider individual cases before the established decision-making process and any appeal procedures have been fully exhausted. Apart from principle this would have the added advantage of avoiding a situation where members of ICCF Committees have to declare an interest and withdraw because they were part of the Congress decision.

9. The Arbitration Committee, current members myself, Alan Borwell (SCO), Fritz Baumbach (GER), Ragnar Wikman(FIN) and Brian Jones (AUS) remain ready, willing and able to deal with all referrals during the coming year.

RVM HALL

Chairman

17th. August 2017.