



## COLUMNISTS

## An Arbiter's Notebook

Geurt Gijssen



## Unusual Incidents

### My last response to Mr. Seirawan regarding Appeals Committees and arbiters

I was really surprised by the number of e-mails and phone calls I received after the publication of Mr. Seirawan's article at ChessBase, my response at [ChessCafe](#) and his subsequent response at ChessBase.

As a matter of fact I was not surprised that the majority of the reactions I received supported my decision.

There was one point in my article I tried to explain and I thought I had explained it well. But Stephane Escafre, Chairman of the French Arbiter's Council, was able to explain it in a much better way than I. He has given me permission to publish it:

*Obviously, Mr Seirawan doesn't know the basic notion of "Separation of Powers." First, the Legislative Branch makes the law. Second, the Executive Branch executes the law. Last, the Judicial Branch interprets the law. It is clear that the Arbiter represents the Executive Branch. Mr Gijssen executes the law. He can neither change nor interpret the law. Maybe you don't like it but it would be quite dangerous for democracy if the Executive (police, military etc) made its own rules. The main problem in this World Championship came from the Judicial Branch: The Appeals Committee.*

*Why? Because the Judicial Branch (Appeals Committee) was not separated from the Legislative Branch (FIDE). Instead of abiding by the Law, the Appeal Committee didn't follow the rules and made its own laws: this is against "Separation of Powers" doctrine and this is not democracy.*

*Many things for which Mr Seirawan reproaches the Arbiter should be in fact directed to the Appeals Committee or to FIDE. From a democratic point of view, Mr Gijssen exercised his duty as a representative of the Executive Branch. Mr Seirawan wrote "When an injustice is committed it should be righted." Yes, Sir, but not by the*

*Executive Branch. Injustice should be righted by Judicial Branch.*

I will not react to all his points, but there are some remarks I would like to make.

First of all the Appeals Committee. The President of FIDE or the Deputy President is the chairman as per FIDE's own governing regulations. They also state that no member of the Appeals Committee may belong to the same federation as one of the participants. What I had been trying to explain is the following: Suppose the President is the Chairman of the Appeals Committee, and does not have the same citizenship as one of the participants. The Appeals Committee makes a decision. How can the President, as member of the Appeals Committee, overrule that committee in his capacity as President?

That is why I wrote, that the fact that the President can overrule the Appeals Committee is "nonsense."

However, more important is the fact that it is not stated anywhere that the President may overrule the decisions of the Appeals Committee.

That Mr. Seirawan several times apparently chooses to cast what I put forth as "nonsense" is his own personal viewpoint.

A short remark about the Appeals Committee:

When we experienced a short period without an Appeals Committee (less than one day!), the President had the capacity to act per Article 3.23.1 of the Match Regulations:

*At any time in the course of the application of these regulations, any grounds that are not covered or any unforeseen event shall be referred to the Presidential Board or the President of FIDE, for final decision.*

And it was clear that we had an unforeseen situation. I cannot remember any important FIDE event without an Appeals Committee.

I disagree with Mr. Seirawan that the President acted as an Appeals Committee. He started negotiations with both teams. He made several proposals for further continuation of the match, which were not accepted. What this really means is that he did not make any decision, but tried to find a solution acceptable to both sides. I do not understand Mr. Seirawan's remark wondering why it is not possible to continue to negotiate, even when the Appeals Committee's decision is final.

Just before the start of game 5, I received a request to briefly postpone the start, because a letter from the President was on the way. Of course, I did not

know the content of this letter, but it was, in my opinion, appropriate to wait for this letter. I suggested to both players to wait for this letter. As previously mentioned, Mr. Kramnik did not change his mind and informed me that he would not play. What then happened is well known.

I repeat, I had no authority to call for a time out.

Mr. Seirawan finished his letter as follows:

*Mr. Gijssen would do well to remember that such an impasse (in case Mr. Topalov had won the match) would have resulted in him, and other match officials, being called upon to explain their conduct in a court of law.*

Well. Mr. Seirawan, I was ready – and remain ready now – to explain my conduct in any appropriate forum, because I believed then, as now, that from my perspective, there was no choice: I had to start game 5.

I shall refrain from replying to the unfortunate *ad hominem* remarks made by the respected American grandmaster. They were unnecessary and unwarranted. This shall be my last public statement on this entire episode. And now, on to other matters in my *Arbiter's Notebook*...

**Question** Dear Geurt, A strange situation arose during a recent knock-out tournament. Player X, a very strong and popular player, was paired against Player Y, who was very proud to be playing against one of his heroes – even though it was likely Player X would win. However, an hour after the clocks were started, Player Y was told that Player X had overslept, so Y phoned X at home (which was not allowed when the clock was running) and they agreed on a new time for the game, as Player Y did not want to win by default.

The tournament director, who was also the referee, did not object, as the time schedule of the tournament allowed a game to be postponed. However, the person who did object was Player Z, who would be the second round opponent of either Player X or Y. Player Z's motive was that Player Y would be an easier opponent to face than Player X.

The matter was discussed intensely and the tournament director, after having consulted other experts, decided that the round was lost for Player X. Is there anything in the rules of chess supporting a third party protest about the result of a game? How would you decide in this matter? Kind regards, **Dr. Bernd Broeckmann (Germany)**

**Answer** There is no Article in the Laws of Chess that dictates how to protest the decision of an arbiter. Article 10.2 only states that an appeal is impossible in one particular case. It is the Tournament Regulations that deal with protests against the decisions of the arbiter:

*When there is a dispute, the chief arbiter should make every effort to resolve the matter by reconciliation. If such means fail, where penalties are not specifically defined by the Laws or the regulations, he shall have discretionary power to impose penalties for infractions of rules, to maintain discipline, to offer other solutions which may placate the offended party.*

*A player may appeal any ruling made by the Chief Arbiter or one of his assistants, provided the appeal is submitted in written form not later than the deadline specifically fixed in advance. Decisions of the Appeals Committee are final.*

These Tournaments Rules are applicable for FIDE tournaments.

Now let's consider your actual question. First, I would like to refer to Article 6.7:

*Any player who arrives at the chessboard more than one hour after the scheduled start of the session shall lose the game unless the rules of the competition specify or the arbiter decides otherwise.*

We have to consider several elements:

- What does *scheduled time* mean? In tournaments, a schedule is usually published beforehand, indicating the start time of each round. If two players agree to start the game at 5PM, can this be considered as the starting time? I think so.
- I do not know the specific rules of your tournament, but the rules of an event normally do not specify this kind of exception.
- “*Unless the arbiter decides otherwise*” can be applied, but I have my doubts about whether it should. My interpretation of this is that the arbiter can be flexible in cases of *force majeure*. And to be honest, if a player has overslept, it is not a reasonable exception. I would have given a win to Player Y.

Only one question remains: Is it acceptable for Player Z to make a protest about a “game” between Player X and Player Y? In my opinion it is, because the arbiter's decision has considerable impact on Player Z as well as consequences for the whole competition. I am aware that this opinion opens the door for many cases.

**Question** Hello Mr. Gijssen, Are MP3- or radio-players allowed during a chess game? I've found that listening to music improves my concentration. Kind regards, **Bob Jansen (The Netherlands)**

**Answer** Let's refer to Article 12.2b:

*It is strictly forbidden to bring mobile phones or other electronic means of communication, not authorised by the arbiter, into the playing venue.*

In principle there is no reason to forbid MP3-players, but how can the arbiter be sure that there is only music on the MP3-player? Or that the device is simply an MP3-player and not a means for wireless communication? It is also possible that using the device would disturb the opponent. I would refuse to allow the device, especially after what happened in Elista.

**Question** Hi Geurt, I was informed of an unusual incident that occurred at a Swiss tournament in Frankfurt, Germany. Both players were in the final blitz phase and an arbiter was on hand to record the moves and observe. Player A moved a piece and pressed the clock. Player B then claimed that A's king was in check. So the arbiter told Player A to make a legal move and Player A did so with a different piece. Some moves later, Player B realized that Player A could have made a legal move with the piece he first touched and again made a claim to the arbiter, who then ruled a loss for Player A.

I think that the arbiter's decision was wrong. The arbiter should have realized that Player A had a legal move with the piece he first touched and he should have given Player B some extra time on the clock as compensation for Player A's mistake. Moreover, he forfeited Player A after two illegal moves, when Article 7.4b states that this can only be done after the third illegal move. Am I correct?

The second question is whether Player A's first incorrect move and subsequent correction should count as one illegal move or two, because in effect there were two illegal attempts on the same move. Thanks very much.  
**Markus Wilke (Germany)**

**Answer** In answer to your last question, it is my opinion that Player A made only one illegal move. This means that there was no reason for the arbiter to declare the game lost. This should only happen after the third illegal move in the same game by the same player.

More interesting is your first question. Player A made an illegal move and it was noticed immediately. The arbiter should then have awarded two extra minutes to Player B and made Player A make a legal move with the same piece. Apparently he didn't do so, and Player A moved a different piece, and Player B did not claim it. Well, let's refer to Article 4.7:

*A player forfeits his right to a claim against his opponent's violation of Article 4.3 or 4.4 once he deliberately touches a piece. (Note: Articles 4.3 and 4.4 deal with touching pieces.)*

Based on Article 4.7, I would not have forfeited Player A. Finally, I would like to mention that the arbiter made a big mistake when he allowed Player A to move another piece.

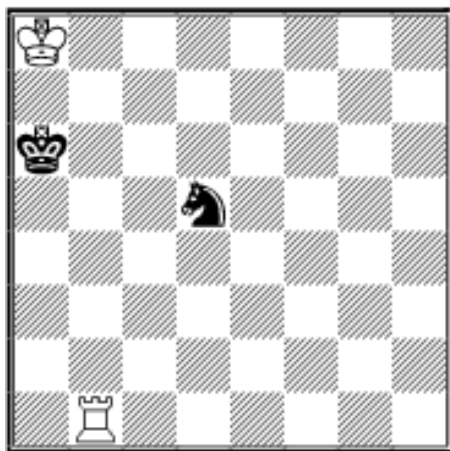
**Question** Dear Sir, I recently participated in a blitz game where my flag fell immediately after I captured my opponent's last pawn, leaving me with three pawns and my opponent with a bishop. I claimed a draw based on insufficient mating material, while my opponent claimed a win since a mate was possible, but only if I promoted one of my pawns to a bishop and smothered myself in a corner. How would you have decided and would the ruling be the same in a regular tournament game? Also, would various material balances affect the ruling, particularly knight vs. three pawns and two knights vs. bishop? Thank you, **Ariel Ginis (Israel)**

**Answer** If I understand you correctly, the situation is that a player oversteps the time limit and the question is in which kind of positions the opponent can claim a win. Article 6.10 states what should happen in a normal game:

*Except where Articles 5.1 or one of the Articles 5.2 (a), (b) and (c) apply, if a player does not complete the prescribed number of moves in the allotted time, the game is lost by the player. However, the game is drawn, if the position is such that the opponent cannot checkmate the player's king by any possible series of legal moves, even with the most unskilled counterplay.*

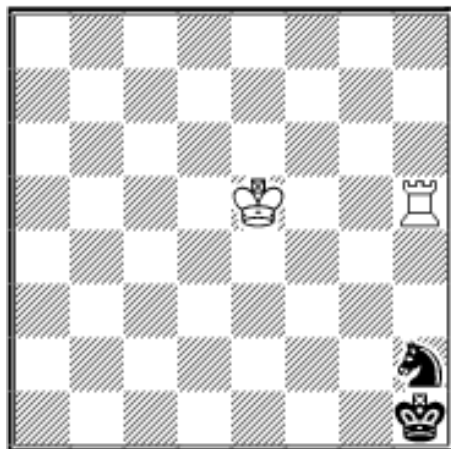
The last sentence is crucial. In laymen terms it states that there are exceptions to losing the game when one player oversteps the time limit. If the opponent cannot checkmate the player's king, even if one player is making ridiculous moves, then the game will be declared a draw. For instance, if the opponent only has a king, it is a draw.

If Player A has a king and knight and Player B has a king and rook, and Player B's flag falls, then the game is won for Player A.



From the diagrammed position, if White plays 1 Rb8??, then 1...Nc7 is checkmate.

Therefore, if White's flag falls in the following position, he loses the game, because the position from the previous diagram is possible with the material on the board.



The same rule applies to Blitz and Rapid games, but there is one difference. In Blitz and Rapid games, the win must be claimed.

By the way, in the second diagram, if White were on move and in extreme time pressure, he could avoid a loss by capturing the black knight.

**Question** Dear Mr. Gijssen, I was the arbiter during a rapid play tournament where one player claimed a draw under Article 10.2 with two seconds left on his clock. The other payer had ten seconds left. I ruled that the claim came too late, and the claimant lost the match on time. The player who made the claim had a king, rook and knight, while the opponent had a king and rook. Was my decision correct? Best wishes, **Werner Frehen (Germany)**

**Answer** It depends. If you had been observing the game for some time and were of the opinion that nothing much had changed for many moves, then it is reasonable to declare a draw. But if you were not following the game, your decision was correct.

**Question** In your August [column](#), I think you missed one point in your answer to Olaf Teschke. If the white player does not know the name of his opponent, and wishes to play a particular opening based on who is opponent is going to be, then perhaps he can seal something like “against Player A: 1.e4, against all others: 1.c4.” **Jens Nissen (Germany)**

**Answer** First, there is nothing written about this issue in the Rules of Chess, but something could be added to the Tournament Regulations. Here is what I wrote (emphasis added):

*In the Dutch league, we had a very logical rule: both team captains were to deliver the line-up of their teams to the arbiter before the start of the match. If one player did not arrive on time, then, within the first hour, the captain could replace this player. The white player would seal his move and press the clock. If the stated opponent arrives, then White has to play the sealed move, **but if a replacement is appointed, White can change his move.***

This means that if a substitute replaces the named opponent, the white player is completely free to play any move he wants.

*Have a question for Geurt Gijssen? Perhaps he will respond to it in a future column. Send it to [geurtgijssen@chesscafe.com](mailto:geurtgijssen@chesscafe.com). Please include your name and country of residence.*

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