



GENS UNA SUMUS

# FÉDÉRATION INTERNATIONALE DES ÉCHECS

Recognized by the International Olympic Committee (1999)

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## FIDE ETHICS & DISCIPLINARY COMMISSION

The Ethics & Disciplinary Commission (hereafter called the EDC), sitting in the following composition -

Chairman: Ms Yolander Persaud

Members: Mr David Hater  
Mr Rajesh Joshi

during an exchange of correspondence and video-conference through the period 17<sup>th</sup> January through March 25<sup>th</sup> 2021, made the following decision unanimously-

## DECISION

### **Case n. 1/2021: “Alleged uncooperative behaviour in response to anti-cheating control measures taken during the 2019 Malaysian Open Chess Championships”**

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 17<sup>th</sup> January 2021.
2. The EDC Chamber **notes** the report of the FIDE Fair Play Commission (“FPL”) received by the EDC on the 14<sup>th</sup> January 2021, representing a complaint of the alleged violation of the FIDE Code of Ethics (“the Code of Ethics”) by GM Xuxiang Fang (“the Respondent”), more specifically an alleged violation of Art. 2.2.5 and/or Art. 2.2.11 of the Code of Ethics.
3. The EDC Chamber **notes** that the Respondent was furnished with a copy of the report and was invited to make written submissions to the EDC regarding the issue of his guilt or innocence as well as the issue of a suitable sanction.
4. The EDC Chamber **notes** the Respondent’s defense statement of 21 February 2021, as well as a statement from the Respondent’s mother.
5. The EDC Chamber **notes** the subject-matter of the Complaint and the defence(s):
  - 5.1 The Respondent is a Chinese Grandmaster, 23 years old at the time of the incident;
  - 5.2 The reported incident occurred during the 2019 Malaysian Open Chess Championship, on the 13<sup>th</sup> August 2019.

- 5.3 According to the Tournament Cheating Report, on the day of the incident the Respondent was observed making several visits to the toilet. At one visit, the player was requested to be subject to a body scan with the use of a metal detector, which the Deputy Arbiter FA Najib A Wahab performed. The Respondent agreed to the scan reluctantly.
- 5.4 Upon scanning the Respondent's right pocket, the scanner beeped, and a mobile phone was found, which was switched off.
- 5.5 The Respondent claimed he just uplifted the phone from the storage desk.
- 5.6 When the Respondent was asked to switch on the mobile device, he was uncooperative.
- 5.7 Upon the insistence of the Deputy Arbiter, the Respondent unlocked the phone, but allegedly deleted some applications.
- 5.8 It was discovered that the chess application Droid Fish was one of the deleted applications.
- 5.9 Following this incident, the Respondent was expelled from the Tournament, and banned by the Chinese Chess Association from playing for a period of 3 years commencing 16<sup>th</sup> September 2019.
- 5.10 The Respondent in his defense statement alleges that the reason he denied possession of the mobile phone was because of language barrier, stomach pains and mental stress.
6. The EDC Chamber **notes** the recommendation of the FPL, that the Respondent be banned from participation in FIDE-run or FIDE-authorized events for a two-year period; and that his inactivity since the announcement of the suspension on 16 September 2019 be considered, thereby causing his suspension to terminate on 16 September 2021.
7. Upon due consideration of the documents submitted, the EDC Chamber, by **unanimity** of its members, **finds** that:
  - 7.1 The 2019 Malaysian Open Chess Championship was an international event given the participation of foreign players and the EDC has jurisdiction to investigate a violation of the Code of Ethics, which occurred at the event, independently from the national federation's jurisdiction to take disciplinary steps against their own player for such a violation.
  - 7.2 In the present case, the Respondent's guilt regarding a violation of Art 2.2.5 (Cheating or attempts at cheating during games and tournaments and unseemly behaviour); and/or Art. 2.2.11 of the Code of Ethics (conduct likely to injure or discredit the reputation of FIDE, its events, or participants) is disputed, particularly that he did not cheat as he was only at move 11 of round 3 at the time of his allegedly uncooperative behaviour.
  - 7.3 The issues to be addressed were the Respondent's guilt or otherwise, to which offence (if so), and the appropriate sanction (if any).

7.4 In the present case, although there is no evidence that the Respondent made himself guilty of cheating, or attempted cheating, the Respondent's behavior was of a serious nature, particularly with the initial refusal and subsequent reluctance to undergo a body scan with a metal detector, the Respondent's false denial of being in possession of a mobile phone, and lack of cooperation to unlock the phone when caught with the device.

8. Accordingly, taking into account the Respondent's age as a young adult, the fact that he is a first offender, the remorse shown, the fact that he voluntarily obeyed the Chinese Chess Federation's ban in the international sphere and precedent decisions of the EDC in similar previous matters, the EDC Chamber unanimously **decides** as follows:

8.1 GM Xuxiang Fang is found guilty of a violation of Art 2.2.5 of the Code of Ethics for unseemly behaviour, BUT NOT for cheating as the Panel was not presented with any evidence to support a finding of cheating;

8.2 GM Xuxiang Fang is also found guilty of a violation of Art. 2.2.11 for conduct likely to injure or discredit the reputation of FIDE, its events, participants when he refused to cooperate;

8.3 Taking the two offences together, GM Xuxiang Fang is sanctioned to a worldwide ban of 24 months from participating as a player in any FIDE rated chess competition, taking effect retroactively from the date of the incident (August 13<sup>th</sup> 2019), with 6 months of the ban suspended for a period of one year from the expiry of the first 18 months. The Respondent shall be on probation for the mentioned one year period, meaning that if commits another breach of the Code of Ethics during the probationary period, the suspension shall automatically be revoked and the original suspended sanction of 6 months completely applied and added to the sanction imposed for the new breach..

8.4 For the sake of clarity, the EDC Chamber confirms that the effective period of GM Xuxiang Fang's ban expired on February 12<sup>th</sup>, 2021 (18 months) and the probation period will expire on February 12<sup>th</sup>, 2022. During the probation period GM Xuxiang Fang shall be free to participate in all chess activities.

9. The Respondent is advised that this decision may be appealed to the Appeal Chamber of the EDC by giving written notice of such appeal to the FIDE Secretariat within 21 days from the date upon which this decision is received by the Respondent. The notice of appeal must clearly state all the grounds for the appeal. Failing the due exercise of this right of appeal, the EDC Chamber's decision will become final.

10. The EDC requests the FIDE Secretariat to communicate forthwith the decision to the FPL, the Respondent, the Chinese Chess Federation, and to publish in due course the decision on the FIDE website.

DATED ON THIS 28<sup>th</sup> DAY OF MARCH, 2021.

**Yolander Persaud**

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*Yolander Persaud*  
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**First Instance Chamber Chairperson**

**FIDE ETHICS & DISCIPLINARY COMMISSION**