



FIDE ETHICS & DISCIPLINARY COMMISSION

The First Instance Chamber of the Ethics & Disciplinary Commission (hereafter called “the EDC Chamber”), sitting in the following composition -

Chairperson: Mrs Yolander Sammy

Members: Mr Khaled Arfa
Mr Ravindra Dongre

during an exchange of correspondence and online meetings, made the following -

DECISION

Case no. 10/2022: "Alleged manipulation of pairings in FIDE norm tournament"

1. The EDC Chamber **notes** its establishment by the EDC Chairman on 19th August 2023.
2. The EDC Chamber **notes** that on the 7th August 2023 the FIDE Ethics and Disciplinary Commission (EDC) received a Complaint against IO Xuhao He (‘the Respondent’) from the US Chess Federation (“USCF”), concerning allegations of manipulation of pairings in a FIDE norm tournament in violation of the FIDE Ethics & Disciplinary Code, more particularly *Articles 6.1(h) and 11.8 (c)(i) & (iv)* of the Code relating to the principle of responsibility and the offence of manipulation of results, respectively.
3. The EDC Chamber **notes** that the Respondent was given the opportunity to respond to the complaint by way of notice dated 30th August 2023.
4. The EDC Chamber **notes** the contents of the following documents received as part of the case file: the Complaint of the USCF (7th August 2023) along with its exhibits, the notice to Respondent sent by the EDC Chamber (30th August 2023) and the Respondent’s response dated 10th September 2023 with exhibit.
5. The EDC Chamber **notes** the subject-matter of the Complaint, and defensive statements submitted:
 - 5.1 The US Chess Federation submitted a Complaint against the Respondent, following disciplinary proceedings held internally for his alleged attempts to influence the pairings in a FIDE Norm event- the Pacific Northwest Chess Center Summer of Seattle tournament (‘the tournament’).
 - 5.2 The USCF received a complaint against the Respondent in mid-August 2022 from the Arbiter of the tournament. It was alleged that during the last few rounds of the tournament the Respondent contacted one or more players, to attempt to influence them to skip a game or withdraw, to alter pairings,



- thereby increasing the norm chances of his son Anthony He, who was playing in the tournament.
- 5.3 The Respondent held no official role in the tournament as an organiser. His son was a participant, hoping to attain a GM norm.
- 5.4 The matter was reviewed by the US Chess Ethics Committee and two other internal committees, which concluded that the Respondent breached the US Code of Ethics, and the FIDE Code of Ethics by attempting to influence the pairings in a GM-Norm event. The US Executive Board, upon appeal, upheld the US Chess Committees' sanction of a suspension of the Respondent's US Chess Federation membership for 3 years- until March 16, 2026. Additionally, the Respondent received a suspension of his certification as a Tournament Director for any events rated by the US Federation for 5 years- until March 16, 2028.
- 5.5 The Respondent asserts that he is one of the founding members of the tournament.
- 5.6 The Respondent, in his defensive statement to the USCF, admitted to consulting with arbiters on 'solving issues' regarding players attaining norms. He has also admitted to having 'technical' conversations/discussions of this nature with players and their parents.
6. Upon due consideration, the EDC Chamber, by unanimity of its members, **finds** regarding the admissibility of the complaint that:
- 6.1 The Complainant is the USCF, which is a member federation of FIDE with the necessary *locus standi* to submit a complaint to the EDC, and in respect of which FIDE exercises jurisdiction.
- 6.2 The Respondent is a FIDE registered individual with the title of International Organizer (IO), and as such a member of the FIDE family.
- 6.3 The complaint discloses a *prima facie* case of a breach of the EDC Code by the Respondent, with a possible breach of *Art 6.1 (h) and Art 11.8(c)(i) and (iv) of the Code*.
- 6.4 The alleged misconduct took place at a FIDE norm tournament with international participation and is therefore regarded as having taken place in the international sphere.
- 6.5 The tournament took place in June 2022 in Redmond, Washington, USA within the prescriptive period.
- 6.6 The matter is therefore admissible, and the EDC has jurisdiction to investigate and sanction a violation of the EDC Code.
- 6.7 The EDC notes the recommendation by the USCF, namely that the Respondent ought to be stripped of his IO title by the EDC.
7. Upon due consideration, the EDC Chamber, by unanimity of its members, **observes and finds** regarding the issue of the Respondent's guilt as follows:



- 7.1 The EDC notes that although the Respondent was not an organiser of the tournament, he can still be regarded as holding a position of authority in the sphere of the tournament, as one of its founding members.
- 7.2 The Respondent, as a member of the FIDE Family, is bound by the Principle of Responsibility- *Art. 6.1*. As a holder of the I.O. FIDE title, it is expected that the Respondent should act as a role model and always conduct himself as an ambassador of chess, whether he is an organizer of a tournament or not. Accordingly, he is supposed to comply and enforce the policies and rules of his club, national federation and FIDE. (*Arts. 6.26 (a) & (d)*). In such a position, it is not the role of the Respondent to evaluate whether the policies and rules are fair or not, but rather to simply comply with them.
- 7.3 By the Respondent's own admission, he contacted the Chief Arbiter, players and parents of players in the tournament to withdraw from upcoming rounds in the tournament to alter the pairings, in order to gain favourable opponents for his son, thereby increasing his chance to obtain a GM norm.
- 7.4 The Respondent's behaviour and actions were intentional, as he sought advice from Mr. Laurent Freyd, an eminent arbiter and Chairman of the FIDE Arbiter's Commission (at that time). Mr. Freyd's response was as follows:

“I would suggest in general that players are patient and not try to force situations. Even if it can be frustrating to be in a "lose-lose" situation, maybe it just means that this particular tournament was not the one for a norm for them? “

In other words : The advice was not to try *“to remove all or part of the unpredictable nature of the chess competition“*.

Despite this clear advice about the policies to follow, the Respondent is still convinced that he is just *“hoping for a technical solution to solve a very stupid situation for our players so they can fight for norms.”*

- 7.5 By the Respondent's own admission, it appears he has conducted himself in a similar manner in previous tournaments. The Respondent did not even express any remorse in his final statements: *“At the end of the day, it's not up to any individual or organization to judge what I did for chess, it's the history!”*
8. Accordingly, and considering all of the above, the EDC Chamber **unanimously decides** as follows:
- 8.1 The Respondent the Respondent is found **guilty** of Article 11.8 (c)(i) & (iv) of the Disciplinary Code, for intentionally acting in an improper manner to influence and alter the pairings and the course of a chess competition for the undue benefit of his son.



- 8.2 The Respondent is also found **guilty** of Articles 6.1(h) and 6.2 read with 6.24, 6.25(a), 6.26(a) and 6.26(d) of the Ethics Code.
- 8.3 The Respondent is **sanctioned** a worldwide ban of **5 years** from serving as an International Organizer, that is until **March 16, 2028** (until the end of the National sanction). For clarity, the Respondent cannot be associated with the organisation of any international tournament indirectly for this period, such as through membership in an organization.
- 8.4 Although the USCF recommended that FIDE revoke the IO title of the Respondent or suspend his ability to serve as an IO, the Chamber believes that revoking his title is inappropriate as his title was not suspended at the national level; the vote to revoke the TD title at the national level failed. He was suspended from serving as Tournament Director for 5 years.
9. The Respondent is referred to Chapter 7 of the EDC Procedural Rules and advised that this decision may be appealed to the EDC Appeal Chamber by giving written notice of such appeal to the EDC Chairman (ethics@fide.com) within 21 days from the date upon which this decision is received. The notice of appeal must clearly state all the grounds for the appeal. An appeal lodgement fee of 150 EUROS must at the same time be paid to the FIDE Financial Department. Failing the due exercise of this right of appeal, the EDC Chamber's decision will become final.
10. The EDC Chamber **requests** the FIDE Secretariat to communicate forthwith the decision to the Respondent and the US Chess Federation and to publish in due course the decision on the FIDE website.

DATED ON THIS 15th of October 2023

Yolander Persaud-Sammy

CHAMBER CHAIRPERSON
DEPUTY CHAIRPERSON
FIDE ETHICS & DISCIPLINARY COMMISSION