



## FIDE ETHICS AND DISCIPLINARY COMMISSION

### APPEAL CHAMBER

The Appeal Chamber of the Ethics & Disciplinary Commission (EDC), convened in the following composition:

**Chairperson:** Ms. Olga Baskakova

**Members:** Mr. Alan Borda  
Mr. Ali Nihat Yazici

Following a thorough review of all documents submitted both in the first instance and on appeal, and after extensive deliberations among the members of the Appeal Chamber, the following decision is rendered.

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### DECISION

**Case No. 10/2023: "Alleged manipulation of pairings in a FIDE norm tournament."**

#### Introduction

1. The Appellant, IO Xuhao He (hereinafter referred to as "the Appellant"), appeals the decision of the First Instance Chamber (which comprised of Chairperson Mrs. Yolander Sammy, and members Mr. Khaleed Arfa and Mr. Ravindra Dongre), issued under Case No. 10/2023, which upheld the complaint filed by the US Chess Federation (hereinafter referred to as "USCF"). The Appellant was found guilty of a breach of the EDC Code and was consequently sanctioned with a worldwide ban for a period of five (5) years from serving as an International Organizer, effective until March 16, 2028 (coinciding with the conclusion of the national sanction). For the avoidance of doubt, the Appellant is prohibited from associating in any capacity with the organization of any international chess tournament during this period, whether directly or indirectly, including through affiliation with any organization.
2. The complaint before the First Instance Chamber relate to disciplinary proceedings held internally by the US Chess Federation for He's attempts to influence pairings in a FIDE Norm event (the Pacific Northwest Chess Center Summer of Seattle tournament).
3. The First Instance Chamber rejected the appellant's defences and found that the appellant's conduct amounted to violations of the following articles of the EDC Code:

3.1 manipulation of aspects of a chess event or competition (Article 11.8 (c) (i) and (iv) of the Disciplinary Code).

3.2 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 relating to the principle of responsibility.

### **Parties to the Appeal**

4. The Appellant, IO Xuhao He, is the original respondent in the proceedings.
5. The Respondent, USCF, is the original complainant in the proceedings.

### **Formal Admissibility of the Appeal**

6. The decision of the First Instance Chamber was published on 15 October 2023. The Appellant had a period of twenty-one (21) calendar days to lodge an appeal and remit the requisite appeal fee. The Appellant submitted the statement of appeal on 4 November 2023 and proof of payment of the appeal lodgment fee.
7. Pursuant to Article 17.1 of the EDC Code and Rule 42.2 of the EDC Procedural Rules, any member of the FIDE family found guilty of a violation of the EDC Code and sanctioned in any form has the right of appeal against the conviction and/or the sanction imposed.
8. The Appellant is duly registered with FIDE in the capacity of International Organizer (IO), and as such, is a member of the FIDE family (Article 4.2(k) of the EDC Code).
9. In light of the above, the Appellant has the right to appeal and has complied with the formal requirements for the submission of the appeal. Consequently, the appeal is declared admissible.

### **Relevant Facts**

10. From 24 to 28 June 2022, the Pacific Northwest Chess Center (PNWCC) hosted the Summer of Seattle tournament, a 9-round FIDE norm event also rated by the US Chess Federation.
11. During the tournament, the Appellant engaged with players with the intent to influence them to forgo participation in a game or to withdraw, thereby altering the pairings to benefit another player – the Appellant’s son. The Appellant does not deny contacting the players but characterizes the discussions as “technical discussions.” The Chief Arbiter of the event, Dr. Judit Sztaray, IA, issued a warning to the Appellant regarding this conduct.
12. The Appellant’s actions were subsequently subjected to proceedings at the national level, where the US Chess Ethics Committee, US Chess FIDE Events Committee, and US Chess Tournament Director Certification Committee all reviewed the matter. Following these proceedings, the Appellant was found guilty by the US Chess Federation and subjected to sanctions at the national level.

### **Grounds for Appeal**

13. The Appellant references specific paragraphs in the written decision of the First Instance Chamber, which mention that the player whose pairings were affected is his son. The Appellant asserts that the inclusion of this fact/relation constitutes a personal attack against him.



14. As a second point, the Appellant refers to his good work with the PNWCC, which he attempts to demonstrate through photographs. The Appellant goes further to request the removal of the players' names in any published decision by the EDC.
15. The third point presented by the Appellant involves a request made to an international arbiter for advice on a hypothetical scenario regarding norm qualification, as well as a rhetorical question posed to the arbiter in this context.
16. The Appellant in his Appeal Statement poses several rhetorical questions and invokes irrelevant circumstances concerning the conduct of other tournaments.
17. The Appellant submits a screenshot of correspondence with one of the player's parents, in which it is claimed that the Appellant did not propose altering the pairings.
18. The Appellant also contests the finding that he admitted to engaging in inappropriate behavior during previous tournaments.

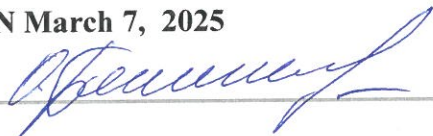
## **Discussion**

19. With respect to the first argument, it is undisputed that the player whose pairings the Appellant sought to alter is indeed the Appellant's son. The Appellant does not contest this fact. Therefore, this Argument lacks substance.
20. With respect to the second point, the photographs provided by the Appellant are unrelated to the substance of the complaint and cannot be regarded as pertinent evidence or any grounds for Appeal under Rule 59 of the EDC Procedural Rules.
21. With respect to the third point, the correspondence cited by the Appellant cannot be deemed proper evidence in accordance with Article 59 of the EDC Procedural Rules. A rhetorical question, in and of itself, is neither a valid argument nor evidence.
22. With respect to the Appellant's assertion that he did not propose altering the pairings, the material issue is not who suggested the improper conduct, but rather the fact that such conduct occurred. The screenshot in question thus serves as evidence of the Appellant's attempt to influence the pairings and alter the course of the chess competition.
23. The Appeal Chamber renders that manipulating the pairing of a chess tournament, or soliciting arbiters or players to interfere with pairings for one or more players to obtain a norm is against acceptable conduct within the FIDE rules. This is a serious offense that has the potential to affect the entire tournament and even the dignity of the FIDE rating and title system. The FIDE title system is based on concrete rules, formulas, and principles. It operates under strict and well-defined regulations that are applied equally to all players. Actions such as exerting pressure, cheating, tampering with pairings, engaging in manipulation, or failing to appear for matches to facilitate the acquisition of a title by one or more players violating the rules and ethical principles do not merely impact the only individuals involved. Such violations tarnish the reputation of the entire system and diminish the value of the titles earned.
24. The Appeal Chamber wishes to underscore further that motivating, and/or involving minors as players toward unethical actions and attempting to normalize such behavior for title acquisition or other benefits aggravates the issue.

## Decision

25. The Appeal Chamber, having carefully considered all arguments and evidence, and being in full agreement with the decision of the First Instance Chamber, upholds the guilty verdicts rendered.
26. However, the Appeal Chamber has taken into account both mitigating and aggravating factors. The mitigating factor is the Appellant's efforts to develop chess, while the aggravating factors are the Appellant's lack of remorse and the gravity of the misconduct. Considering these factors, the Appeal Chamber unanimously decides to vary the sanction imposed by the First Instance Chamber, and replace it as follows:
  - 26.1. The Appellant's title as International Organizer (IO) is hereby revoked.
  - 26.2. The 5-year worldwide ban initially imposed on the Appellant by the First Instance Chamber is reduced to 4 years.
27. The Respondent is advised that this decision may be appealed to the Court of Arbitration for Sport (CAS) within 21 days of receiving this decision.
28. The EDC Appeal Chamber requests that the FIDE Secretariat immediately communicate this decision to both the Respondent and the Complainant, and that the decision be published on the FIDE website in due course.

**DATED ON March 7, 2025**



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CHAIR, APPEAL CHAMBER  
FIDE ETHICS & DISCIPLINARY COMMISSION