

DECISION of the FEI TRIBUNAL  
dated 22 October 2021

Case 2019/HA14 Mr Ahmed Ali Mohammed Allay AL NAQBI – Allegation of Horse Abuse by the Respondent

I. COMPOSITION OF PANEL

Mr Christopher Hodson QC (NZL), Chair  
Ms Diane Pitts (USA), Member  
Ms Valérie Horyna (SUI), Member

II. SUMMARY OF THE FACTS

1. **Claim Brief:** By FEI Legal Department.
2. **Summary information provided by the Respondent:** The Tribunal duly took into consideration all evidence, submissions and documents presented in the case file, as also made available by and to the Respondent.
3. **Oral hearing:** none.

III. Summary of Legal Authority

1. **Articles of the Statutes/Regulations which are applicable:**

Statutes 24<sup>th</sup> edition, effective 20 November 2018 (“**Statutes**”), Arts. 1.4 and 38.

General Regulations, 23<sup>rd</sup> edition, 1 January 2009, updates effective 1 January 2018, Arts. 118, 142, 161, 163 and 169 (“**GRs**”).

Internal Regulations of the FEI Tribunal, 3<sup>rd</sup> Edition, 2 March 2018, Part III (Procedural Rules of the FEI Tribunal) (“**IRs**”).

FEI Code of Conduct on the Welfare of the Horse.

2. **Respondent:** Mr Ahmed Ali Mohammed Allay AL NAQBI (FEI ID 10114817).

3. **Authority for Sanction:**

**GRs Article 142.1:** No person may abuse a Horse during an Event or at any other time. "Abuse" means an action or omission which causes or is likely to cause pain or unnecessary discomfort to a Horse, including, but not limited to:

- (i) To whip or beat a Horse excessively;
- (ii) To subject a Horse to any kind of electric shock device;
- (iii) To use spurs excessively or persistently;
- (iv) To jab the Horse in the mouth with the bit or any other device;
- (v) To compete using an exhausted, lame or injured Horse;
- (vi) To "rap" a Horse.
- (vii) To abnormally sensitise or desensitise any part of a Horse;
- (viii) To leave a Horse without adequate food, drink or exercise;
- (ix) To use any device or equipment which causes excessive pain to the Horse upon knocking down an obstacle.

**GRs Article 161.2:**

"The FEI Tribunal may impose the following penalties, or, where appropriate, delegate to the FEI Secretary General and/or the FEI Legal Department the ability to do so:

2.2 A fine in an amount commensurate with the gravity of the violation and, where applicable, in accordance with the fine schedule associated with the rule violated;

[...]

2.5 Suspension of individuals and Horses for any period up to Suspension for life;"

**GRs Article 169 (Penalties):**

"1. In deciding on the appropriate penalties to be imposed, the following factors shall be taken into consideration, together with any other relevant factors:

- 1.1. Whether the action or omission resulted in an unfair advantage to the offender or an Athlete.

- 1.2. Whether the action or omission resulted in a material disadvantage to any other person or body involved.
  - 1.3. Whether the action or omission involved the maltreatment of Horses.
  - 1.4. Whether the action or omission affected the dignity or integrity of any person involved in the sport.
  - 1.5. Whether the action or omission involved fraud, violence or abuse or similar criminal acts.
  - 1.6. Whether the action or omission was deemed to be deliberate.
2. An oral or written warning is appropriate in cases of minor violations committed unintentionally and without significant consequences.
3. A fine is appropriate particularly in cases where the offender has acted negligently.
4. Disqualification is appropriate when it is specified in the Statutes, GRs or Sport Rules, or if the circumstances require an immediate action.
  - 4.1. Disqualification from a Competition means that the Athlete and/or Horse(s) concerned - even should they change ownership - are removed from the list of starters and the classification and includes the forfeiture of prize money won in that particular Competition.
  - 4.2. Disqualification from an Event means that the Athlete and/or Horse(s) - even should they change ownership - may take no further part in that Event and it may include (in addition to what is mandated under paragraph 4.1.) the forfeiture of any prize money won in previous Competitions at that Event where provided for in the Statutes, GRs or Sport Rules.
5. A Provisional or Final Suspension, on such terms and subject to conditions as the FEI Tribunal, or as the case may be, the FEI Secretary General, may impose, is appropriate in cases of intentional or very negligent violations. In certain cases a Provisional or Final Suspension may be automatic under the Statutes, GRs or Sport Rules.
  - 5.1. During the period of a Provisional or Final Suspension the person, Horse or body suspended may take no part in Competitions or Events as an Athlete, Horse or Official or in organisation of, any Event under the jurisdiction of the FEI or any Event under the jurisdiction of an NF in accordance with Statutes Article 41, or be present at an Event (other than as a spectator) that is under the jurisdiction of the FEI or any National Federation.
  - 5.2. In deciding when any Suspension will commence, the appropriate body shall, in order to achieve a just penalty, take into account the gravity of the offence.

6.

6.1 Notwithstanding anything to the contrary indicated in paragraphs 3 to 5 above, the penalties or other sanctions provided for in the EADCM Regulations and the FEI Anti-Doping Rules for Human Athletes will be applicable in cases falling under such rules and Regulations;

6.2 Abuse of Horses in any form (rapping, abnormal sensitisation or desensitisation of limbs, banned schooling methods etc.) may entail a fine of up to CHF 15,000.- and/or a Suspension of a minimum of three (3) months up to life;

6.3 Incorrect behaviour towards (a) Event Officials or any other party connected with the Event (other Athlete, journalist, public etc.) and/or (b) Doping Control Officers, Testing Veterinarian, Chaperones and/or any other person involved in the collection of a doping control sample may entail a fine of CHF 200.- to 10,000.- and/or a Suspension of a minimum of three (3) months up to a maximum of twelve (12) months;

6.4 Acts defined as criminal by the relevant national law, fraud of any kind, and violence shall entail a fine of CHF 1,000.- to 15,000.- and/or a Suspension of a minimum of one (1) month up to life.

6.5 Failure to cooperate with an investigation undertaken by, or on behalf of, the FEI may entail a fine of CHF 1,000 to CHF 10,000 and/or a Suspension of a minimum of one (1) month up to twelve (12) months.

7. In cases of offences mentioned in paragraphs 6.2 and 6.3 above and which are of a less serious nature and/or in cases specified in the Sport Rules and/or as mentioned in Article 140:

7.1 The President of the Ground Jury, the President of the Appeal Committee, the Chief Steward or the Technical Delegate must notify the Person Responsible during the Period of the Event that he will receive a Yellow Warning Card, which will be delivered either by hand or by any other suitable means. If after reasonable effort, the Athlete cannot be notified during the Period of the Event that he has received a Yellow Warning Card, the Athlete must be notified in writing within fourteen (14) days of the Event. A Yellow Warning Card may be issued in addition to any other sanction(s) that may be issued in accordance with these GRs and/or the relevant Sport Rules.

7.2 Should the same Person Responsible receive one (1) more Yellow Warning Card at the same or any other International Event within one year of the delivery of the first Yellow Warning Card, the Person Responsible shall be automatically suspended for a period of two (2) months after official notification from the FEI Secretary General.

8. The penalty imposed in any given case can consist of a combination of fine,

Suspension and Disqualification. The amount of a fine and the duration of a Suspension shall be decided according to the guidelines mentioned in paragraph 6 above and to the circumstances of the case.

9. All fines imposed under the Legal System are due to the FEI. They must not be paid to the OC or any other body but must be paid to the FEI on receipt of a demand. Any person who has not paid a fine within thirty (30) days of receiving a demand for payment will be automatically suspended until the fine is paid in full. If Fines are not paid within ninety (90) days from the date of issue, interest will automatically be charged at the end of each month at the rate of 10% p.a. If fines are inadvertently paid to the OC or any other person such fines shall be remitted to the FEI.

10. Decisions of the FEI Tribunal may also impose on unsuccessful parties the payment of costs borne by the FEI for the judicial procedure in the amount of CHF 500.- to 7,500.-. In addition, a party may be ordered to pay further costs not exceeding CHF 10,000.- if the costs of the procedures borne by the FEI have been increased by conducting a hearing or by excessive prolongation of the procedures or other exceptional cause. In the interests of fairness, the cost to the FEI of any hearing which is held in conjunction with other hearings or with an administrative meeting of the FEI Tribunal shall be separately calculated.

11. Any person who has not paid any costs as imposed by the FEI Tribunal and/or amounts due to the FEI (such as the costs of a judicial procedure before the FEI Tribunal and/or the CAS, B sample analysis fees, etc.) or has not complied with a requirement to repay/return prize money/prizes to an OC within thirty (30) days of receiving a demand for payment/repayment/return will be automatically suspended until the relevant amount is paid/repaid/returned in full.

#### **FEI Endurance Rules, Art. 811.1 (Cruelty)**

Any act or series of actions which, in the opinion of the Ground Jury can clearly be defined as cruelty or abuse shall be penalised by disqualification and as otherwise allowed under the GRs, and the individual concerned shall be reported to the FEI.

#### **IV. DECISION**

Below is a summary of the relevant facts, allegations and arguments based on the Parties' written submissions and evidence. Although the Tribunal has fully considered all the facts, allegations, and arguments in the present proceedings, it refers only to the

submissions and evidence it considers necessary to explain its reasoning in this decision.

## 1. Factual Background and Charges by the FEI

- 1.1 The Fédération Equestre Internationale (the “FEI”) is the IOC-recognised international governing body for the equestrian sport disciplines of jumping, dressage and para-dressage, eventing, driving and para-driving, endurance, vaulting and reining. As part of its governance responsibilities, the FEI issues various regulations to protect the welfare of the horse and the integrity of the sport.
- 1.2 Mr Ahmed Ali Mohammed Allay AL-NAQBI (the “Respondent”, and together with the FEI, the “Parties”) is an FEI-registered athlete from the UAE, who competed with the Horse F S DON JUAN (FEI ID: 104SN64; the “Horse”) at the CEI 1\* 100 km YAS Endurance Ride for Private Owners, in Al Wathba (UAE) on 8 December 2018 (the “Event”).
- 1.3 The FEI was made aware of a possible case of horse abuse by Ms Louise Raymond, who works for Clean Endurance (“CE”) and who lodged the protest. Clean Endurance is a global community which combats cheating, doping and horse abuse in endurance riding, which aims to improve horse welfare and achieve Clean and Fair Sport by collaborating with the FEI, National Federations and numerous other stakeholders.
- 1.4 The protest was submitted on 11 April 2019 to the FEI, and included two links to videos showing the incident, which both were, according to CE, captured from the official livestream by Dubai Racing and YAS TV. CE further provided a summary of the incidents which could be seen on the video, as follows:
  - *“At the start of the video entitled “Al Wathba 8 Dec 2018 bibb 81 Alnaqbi abuse protest” the rider is shown riding on the left hand side of a group of 3 riders. He kicks his horse, flicks the reins at it and yanks the right rein. He is wearing bib number 81 over a shirt with bright red sleeves, and riding a bay horse with a white blaze and a red saddle cloth, as clearly shown 7 seconds into the video when the camera zooms in to show Mr Alnaqbi riding in front and to the left of the other 2 riders.*
  - *Mr Alnaqbi is shown flicking both reins at the horse, whipping the horse with the loose end of the reins 5 times and kicking the horse as hard as he can with both legs 3 times. He puts both his hands on the saddle in front of him to lean on in order to kick as hard as possible.*

- 18 seconds into the video, Mr Alnaqbi hits the horse with the loose end of the reins twice more times.
- The camera cuts to the finish line, to show a grey horse wearing bib 32 crossing the finish line: Mr Al Blooshi with Songbird FF. The group of 3 riders of which Mr Alnaqbi is part, is seen a few hundred yards from the finish line in the top left corner of the screen.
- At 00 Minutes 41 seconds, Mr Alnaqbi with bib 81 is shown kicking his horse as hard as possible at least 5 times more and hitting it with the reins in his right hand at least 7 times. The camera cuts away for a few moments to the vet gate to show a rider being carried off for the customary ritual dunking in a water vessel at the end of a ride.
- At 00 minutes 47 seconds, the group of 3 riders is seen trying to sprint their very tired horses. Mr Alnaqbi, still riding along the railing, the far left rider on the screen, is shown violently kicking his horse at least 15 times while hitting the horse over the withers with the reins, yanking the reins sideways and jabbing the horse in the mouth with his right hand, and then taking the reins in both hands and using them to hit the horse on the neck and withers. The camera then cuts away."

1.5 CE added that "According to the timing system he arrived at 12:49:03, in 6th position. The horse took nearly 19 minutes of aggressive cooling with ice water to recover to a heartrate just below the maximum allowed. I believe this behaviour constitutes abuse. Mr Alnaqbi was kicking the horse as hard as he could, to the point that daylight can be seen between the entire length of the rider's legs and the saddle. He struck the horse repeatedly with the reins and gesticulated wildly to threaten it, trying to make it go faster. The horse was visibly exhausted and unable to accelerate its canter despite Mr Alnaqbi's actions."

1.6 Based on the abovementioned Protest, submitted by a third person pursuant to Art. 163 of the GRs, the FEI decided to open disciplinary proceedings against the Respondent. On 30 October 2019, the FEI sent a Notification Letter to the Respondent in which he was informed of the opening of disciplinary proceedings for alleged horse abuse in accordance with Art. 142 and 163 of the GRs, as well as the FEI Code of Conduct of Welfare of the Horse, with a short summary of the facts and evidence gathered.

## 2. Procedural Background (as at submission of the case file)

- 2.1 As mentioned *supra*, the FEI sent the Notification Letter to the Respondent on 30 October 2019. A deadline until 13 November 2019 was given to the Respondent to provide his written reply to the allegations brought against him.
- 2.2 On 10 March 2020, the Respondent submitted a short statement, explaining his position on the case, which is referred to under par. IV.3 below.
- 2.3 The FEI then submitted the present case to the Tribunal on 15 June 2021.
- 2.4 On 2 July 2021, the Tribunal acknowledged receipt of the claim submitted by the FEI and informed the Parties of the composition of the three-member Panel appointed for the case, in accordance with Art. 19.1 of the IRs. The Parties were granted a deadline until 5 July 2021 to submit any objections to the constitution of the Panel. Furthermore, the Respondent was required to submit, by 22 July 2021, his position, containing a statement of defence, any defence of lack of jurisdiction, any evidence and substantiated motions for the admission of evidence upon which the Respondent intended to rely, as well as his position on the recommended sanction. Finally, the Respondent was required to notify the Tribunal, within the same deadline, whether he requested a hearing, and to provide a Power of Attorney (PoA) confirming representation, if applicable. By means of the same letter, the UAE-NF was requested to forward the correspondence to the Respondent, and to provide the Tribunal with the Respondent's personal contact details by 5 July 2021.
- 2.5 On 2 July 2021, the FEI confirmed that it had no objection to the constitution of the Panel.
- 2.6 As no response was received by either the PR or the UAE-NF within the deadlines provided, the Tribunal sent a follow-up letter on 17 August 2021, requesting the UAE-NF to confirm, by 23 August 2021, that the Respondent had received the case file on this matter. The UAE-NF was further informed that, should the Tribunal not hear from them by the deadline provided, the Tribunal will proceed on the basis that the PR received the case file and chose not to respond to the Tribunal.



2.7 By the end of these proceedings, neither Party requested a hearing.

### **3. Written Submissions by and on behalf of the Respondent**

3.1 The Respondent provided his main and only submission to the FEI on 10 March 2020. He did not answer to the Tribunal when requested to remit any position in relation to the FEI's Response dated 15 June 2021.

3.2 The 10 March 2020 position from the Respondent is as follows.

3.3 *"I Mr. Ahmed Ali Mohammed Allay Al Naqbi with License number 5605 and the FEI number 10114817 have been riding since past 6 years and have no bad records of my riding. I have been attending all the seminars for training and have got all the education from the UAE federation in order to understand the rules and regulation properly.*

*I would like to apologize for my behavior for this particular case and I promise that this is the first and the last time that you see this kind of behavior of me with the horse because I am very passionate about the horses and horse riding and care about the horses/animals a lot.*

*I hope you accept my apology letter and I will make sure never to repeat such a behavior in the future."*

3.4 No further position was remitted by the Respondent in the context of the present proceedings.

### **4. Submission by the FEI**

4.1 The FEI submitted its Claim Brief on 15 June 2021. As previously stated, the Tribunal will summarise only the most relevant evidence required for this decision.

4.2 Upon receiving the Protest, the FEI checked carefully the veracity of the video received, and confirmed that said video was captured from the official livestream by Dubai Racing and YAS TV, the original broadcaster of the Event.

4.3 The FEI further referred expressly to the Protest received, and which summarized precisely the behaviour of the Respondent. The FEI considers that the Respondent

*"can be seen in the video to repeatedly violently kick his Horse, flick the reins from one to the other side of the neck by using the reins as a whip, and also yank the reins in the mouth of the Horse on several occasions".*

- 4.4 The FEI reverted to its Veterinary Director, Dr Göran Akerström, to detail whether the alleged behaviour from the Respondent could account for Horse Abuse, and if so in which way.
- 4.5 In particular, Dr Akerström concluded that *"The riding that can be seen in the video does not constitute a normal riding. Kicking is never considered a normal natural aid. The legs of any rider should be still and with very small movements indicate to the horse to move forward. Any kicking or flapping with the legs like in those videos is driving the horse forward with force to ultimately over exert the horse both physically and mentally",* further adding that *"the use of reins as a whip is strictly forbidden in the Endurance Rules, and in spite of this prohibition, the rider constantly used his reins to whip the horse, by flicking the reins from one side to the other on the horse's neck."*
- 4.6 The FEI further quoted in its submission Dr Akerström, when he stated that *"Excessive use of the aids is when the horse does not respond forward to the initial instructions "1-3 taps", in this case the violent kicking and flicking of the reins, and the kicking/flicking/whipping still continues. One single very hard kick of the legs, flicking with the reins and yanking with the reins, should also be considered as excessive regardless of the response from the horse",* which, in the FEI's view, applies to the Respondent's behaviour in the video.
- 4.7 In view of the above, the FEI is of the strong opinion that the Respondent committed Horse Abuse, by using the reins to whip the horse and to kick the horse violently in order to force it forward. The fact that the Respondent kept pushing the Horse despite the latter not responding makes it of very serious concern.
- 4.8 The video shows violent, extensive long-lasting kicking and recurrent use of the reins as a whip, in addition to the yanking of the reins in the mouth of the Horse. The FEI made the calculation: the Respondent whipped the Horse with the reins and yanked with the reins at least 15 times, and kicked violently the Horse with his legs at least 23 times. Also, what needs to be borne in mind is that the video shows only a glimpse of one minute, in a competition which lasted for several hours of riding, and over 100 km.

- 4.9 The FEI is of the opinion that the Respondent's conduct caused pain and/or unnecessary discomfort to the Horse, both physically and mentally, and thus constituted an Abuse of Horse, pursuant to Article 142 of the GRs (which is actually not disputed by the Respondent).
- 4.10 With respect to the sanctions, the FEI considers that the violation of Abuse of Horse is mirrored in the possible sanction under Article 169.6.2, which states that Abuse of Horses may entail a fine of up to CHF 15,000.-, and/or a suspension of a minimum of three months up to life.
- 4.11 Furthermore, with respect to disqualification, the FEI notes that the combination placed fifth in the Event, but that any confirmed Abuse of Horse leads to disqualification pursuant to Art. 811 of the FEI Endurance Rules.
- 4.12 In comparison to other similar cases rendered by the Tribunal, the sanctions imposed have ranged between 6 and 30 months, depending on the circumstances and seriousness of each case. Taking this into consideration, the FEI is of the opinion that the suspension to be imposed on the Respondent should range between 6 and 9 months.
- 4.13 The FEI respectfully requests the Tribunal issue the following decision:
1. *upholding the charge that the PR has violated Article 142 of the GRs;*
  2. *disqualifying the result of the PR and Horse combination obtained in the Competition and the Event, and the consequent forfeiture of all medals, points, prize money, etc. won;*
  3. *imposing a period of Ineligibility six (6) to nine (9) months on the PR, commencing on the date of this decision;*
  4. *fining the PR a fine of 3 000 CHF; and*
  5. *order the PR to pay the legal costs of 1 000 CHF that the FEI has incurred in these proceedings*

## 5. Jurisdiction

### *Ratione materiae*

- 5.1 The Tribunal has jurisdiction *ratione materiae* over this matter pursuant to Art. 38.1 of the Statutes, Art. 18.1 and 30 of the IRs and Art. 161 of the GRs. The jurisdiction of the Tribunal remains undisputed.
- 5.2 The present matter was brought to the FEI's attention by way of a Protest submitted by a third party, CE. Pursuant to Article 163.2 of the GRs, Protests for abuse of Horses may be lodged by any person or body.
- 5.3 Furthermore, Article 142.2 of the GRs provides that "*Any person witnessing an Abuse must report it in the form of a Protest (Article 163) without delay. If an Abuse is witnessed during or in direct connection with an Event, it should be reported as a Protest (Article 163) to an Official. If the Abuse is witnessed at any other time it should be reported as a Protest (Article 163) to the Secretary General who, following a review of the Protest, shall take a Decision as to whether or not to refer the matter to the FEI Tribunal.*"
- 5.4 As mentioned in the FEI Response submitted to the Tribunal on 15 June 2021, the Protest was handled by the FEI Headquarters, through the FEI Secretary General, who reviewed and assessed it, before notifying the matter to the Respondent and, ultimately, submitting it to the Tribunal.

### *Ratione personae*

- 5.5 The Respondent is validly registered with the FEI, with reference FEI 10114817. It is undisputed that he is an international professional athlete who participated to the Event, which is an international event, with the Horse, in December 2018. Thus, the Respondent is a Member of the UAE-NF, and as such, a Member of the FEI, bound by its Rules and Regulations.

### *Ratione temporis*

- 5.5 The alleged offences committed by the Respondent took place in December 2018, at a time when the applicable regulations were in place, as specified in Section III of the present decision. Therefore, those regulations apply to the present matter.

## 6. The Respondent

- 6.1 The Respondent is Ahmed Ali Mohammed Allay AL NAQBI (FEI ID: 10114817), an Endurance rider from the UAE, who has been involved in equestrian sport for several years and has competed at international events.

## 7. The Decision

- 7.1 The facts of the present case are mostly undisputed. In particular, the Tribunal notes that the Respondent seems to have admitted his misbehaviour, for which he apologised, in his position submitted on 10 March 2020.
- 7.2 The Tribunal notes the description of the Respondent's behaviour in the video, as submitted by the FEI (cf. *supra*, Section IV.4.3). In particular, the Tribunal concurs with the FEI that the Respondent *can be seen in the video to repeatedly violently kick his Horse, flick the reins from one to the other side of the neck by using the reins as a whip, and also yank the reins in the mouth of the Horse on several occasions.*
- 7.3 The Tribunal further notes the description of the Respondent's behaviour in the video, as submitted by CE in their protest (cf. *supra*, Section I.1.4). In particular, the Tribunal concurs with the following summary of events.

*"At the start of the video entitled "Al Wathba 8 Dec 2018 bibb 81 Alnaqbi abuse protest" the rider is shown riding on the left hand side of a group of 3 riders. He kicks his horse, flicks the reins at it and yanks the right rein. He is wearing bib number 81 over a shirt with bright red sleeves, and riding a bay horse with a white blaze and a red saddle cloth, as clearly shown 7 seconds into the video when the camera zooms in to show Mr Alnaqbi riding in front and to the left of the other 2 riders.*

- *Mr Alnaqbi is shown flicking both reins at the horse, whipping the horse with the loose end of the reins 5 times and kicking the horse as hard as he can with both legs 3 times. He puts both his hands on the saddle in front of him to lean on in order to kick as hard as possible.*
- *18 seconds into the video, Mr Alnaqbi hits the horse with the loose end of the reins twice more times.*
- *The camera cuts to the finish line, to show a grey horse wearing bib 32 crossing the finish line: Mr Al Blooshi with Songbird FF. The group of 3 riders of which Mr Alnaqbi is part, is seen a few hundred yards from the finish line in the top left corner of the screen.*
- *At 00 Minutes 41 seconds, Mr Alnaqbi with bib 81 is shown kicking his horse as hard*

*as possible at least 5 times more and hitting it with the reins in his right hand at least 7 times. The camera cuts away for a few moments to the vet gate to show a rider being carried off for the customary ritual dunking in a water vessel at the end of a ride.*

- *At 00 minutes 47 seconds, the group of 3 riders is seen trying to sprint their very tired horses. Mr Alnaqbi, still riding along the railing, the far left rider on the screen, is shown violently kicking his horse at least 15 times while hitting the horse over the withers with the reins, yanking the reins sideways and jabbing the horse in the mouth with his right hand, and then taking the reins in both hands and using them to hit the horse on the neck and withers. The camera then cuts away."*

7.4 In this respect, the Tribunal wishes to express its gratitude to the original complainant, which submitted a well-documented and duly supported complaint, following an FEI Event in which a case of Abuse of Horse took place. However, the Tribunal is concerned that the Respondent's behaviour, on the other hand, was not followed by any action from the officials attending the Event, and/or the National Federation in charge of the Event.

7.5 The summary of events mentioned in par. 7.2 and 7.3 above is not, *per se*, contested by the Respondent, who submitted, via a very brief and concise statement, some apology for his behaviour. The Tribunal notes that, by indicating that he "*would like to apologize for [his] behaviour for this particular case*" and by further promising that "*this is the first and the last time that you see this kind of behaviour of me with the horse*", the Respondent indeed admitted having behaved inappropriately.

7.6 The abovementioned behaviour, irrespective of the circumstances, constitutes horse abuse within the meaning of the FEI Rules and Regulations. In this respect, the Tribunal is comfortably satisfied that the FEI has met its burden of proof, as required under Article 32.2 of the IRs, that the Respondent committed horse abuse within the meaning of Article 142.1 of the GRs.

7.7 With respect to the circumstances surrounding the incident, the Respondent did not provide much explanation. The Tribunal notes, however, that the incident took place in the context of an international event in which the Respondent participated, and finished in sixth place. The Abuse of Horse thus clearly took place in the context of a competition, very likely with the aim of finishing in the best possible place for the combination.

### *Possible breach of Art. 142 GRs*

7.8 In accordance with Art. 142 GRs, *no person may abuse a Horse during an Event or at any other time. "Abuse" means an action or omission which causes or is likely to cause pain or unnecessary discomfort to a Horse, including, but not limited to:*

*(i) To whip or beat a Horse excessively;*

*[...]*

*(iv) To jab the Horse in the mouth with the bit or any other device.*

7.9 In this respect, the Tribunal first wishes to emphasize that the list of Art. 142 GRs is not exhaustive, as it can be understood from the terms *"including, but not limited to"* used in the first sentence of the article. Thus, a behaviour not included in the list, but which would constitute, in the Tribunal's view, a clear case of Horse abuse, could also be considered within the meaning of the present article.

7.10 *In casu*, the Tribunal is satisfied that the Respondent committed an Abuse of Horse within the meaning of Art. 142, let. i and iv of the GRs. The Respondent kicked the Horse, used the reins to whip the Horse, and flicked the reins in an effort to make the Horse go faster, thereby fulfilling the conditions of the two provisions. But the Respondent did adopt a reprehensible behaviour which went even beyond these two provisions, in abusing the Horse. *"Abuse"*, within the meaning of Art. 142 as stated above, is to be understood as any *action or omission which causes or is likely to cause pain or unnecessary discomfort to a Horse*. An unnecessary discomfort, which was clearly imposed on the Horse in the present case, is therefore also a case of Horse Abuse. As it can be seen from the video, the Horse did not respond to the Respondent's repeated attempts to make it go faster, but was, in no doubts in the Tribunal's view, being caused unnecessary discomfort, for the sole purpose of winning the competition.

### *Sanctions*

7.11 In accordance with Art. 169.6.2 of the GRs, Abuse of Horses in any form (rapping, abnormal sensitisation or desensitisation of limbs, banned schooling methods etc.) may entail a fine of up to CHF 15,000.- and/or a Suspension of a minimum of three (3) months up to life.

- 7.12 Art. 169.1 of the GRs further provides a list of factors that shall be taken into consideration, in deciding on the appropriate penalties to be imposed. In particular, the factors to be taken into consideration are whether the action resulted in an unfair advantage to the offender (Art. 169.1.1), whether the action involved the maltreatment of Horses (Art. 169.1.3), whether the action involved fraud, violence or abuse or similar criminal acts (Art. 169.1.5) and whether the action was deemed to be deliberate (Art. 169.1.6).
- 7.13 As it has been summarised above, the Respondent's behaviour amounts to a clear abuse of horse. These are among the most severe offences that can be committed in the context of equestrian sport. Furthermore, the Respondent's actions were deliberate.
- 7.14 As mitigating factors, the Tribunal notes that, to its knowledge, the Respondent has never been sanctioned for disciplinary offences in the context of his equestrian experience. Furthermore, the Tribunal notes that the Respondent apologized for his behaviour and assured not to repeat such behaviour in the future.
- 7.15 As stated in applicable case law,<sup>1</sup> it is a widely accepted general principle of sports law that the severity of a penalty must be in proportion with the seriousness of the infringement. The CAS has evidenced the existence and the importance of the principle of proportionality on several occasions. In the cases *TAS 91/56 (S. v. FEI)* and *TAS 92/63 (G. v. FEI)*, the CAS stated that: *"the seriousness of the penalty [...] depends on the degree of the fault committed by the person responsible"* (Digest of CAS Awards 1986-1998, Staempfli Editions, Berne 1998, 96 and 121).

In the advisory opinion TAS 93/109 of September 1994 (Fédération Française de Triathlon / International Triathlon Union), the CAS, quoting the IOC Charter against Doping in Sport, stated that all sports organisations must try to impose penalties graduated in accordance with the seriousness of the offence: *"All Sport Organisations must provide, in their respective regulations, for the imposition of balanced and realistic sanctions. Sanctions must be appropriate to the recognized offense, depending on its severity [...] Sport Organisations shall always seek to determine in which way the athlete has breached the rules, and adapted sanctions should be imposed on the respective offenders accordingly."*<sup>2</sup>

---

<sup>1</sup> Arbitration CAS 99/A/246 W. / International Equestrian Federation (FEI), award of 11 May 2000.

<sup>2</sup> *"Tous les organismes sportifs doivent prévoir dans leurs règlements l'imposition de sanctions pesées et*



The Tribunal further notes that proportionality in CAS case law has been understood to mean that: *"there must be a reasonable balance between the kind of misconduct and the sanction"* (CAS 2005/C/976 FIFA & WADA, para 138), or stated otherwise *"[t]o be proportionate, the sanction must not exceed what is reasonably required in the search of a justifiable aim"* (CAS 2005/C/976 FIFA & WADA, para 139).

- 7.16 The FEI concluded that the Tribunal should impose a suspension ranging between six (6) and nine (9) months suspension as well as three thousand Swiss Francs (3,000 CHF) fine and the Respondent should be ordered to pay the legal costs of one thousand Swiss Francs (1,000 CHF) that the FEI has incurred in these proceedings. The Respondent did not comment on the proposed sanctions.
- 7.17 When determining the appropriate sanction, the Tribunal is guided, among others, by the rules established in Art. 169 of the GRs, but it is not bound by the conclusions of the Parties.
- 7.18 The applicable rule for Horse Abuse carries a suspension of a minimum of three (3) months up to life. The Tribunal has already described in detail the seriousness of the Respondent's infringements.
- 7.19 The Tribunal is of the opinion that the Respondent's offence with respect to Abuse of Horse, while being serious and definitely unacceptable, does not range among the most severe cases of brutality. Furthermore, and as detailed *infra*, the infringements committed by the Respondent took place a long time ago, i.e. almost three years ago. Accordingly, a suspension not exceeding six (6) months should be imposed on the Respondent.
- 7.20 Therefore, based on the principle of proportionality and all of the evidence considered by the Tribunal, the Tribunal is imposing a period of Suspension of six (6) months on the Respondent for violating Article 142.1 of the GRs.

---

*réalistes. Les sanctions doivent être suffisantes pour l'infraction reconnue, selon sa gravité, [...] les organisations sportives doivent toujours chercher à déterminer de quelle façon l'athlète visé a enfreint les règlements, et des sanctions modulées devraient être imposées à toutes les personnes incriminées"* (loose translation on the text of the Decision)

- 7.21 With respect to the fine, Art. 169.8 of the GRs indicates that *“the penalty imposed in any given case can consist of a combination of fine, Suspension and Disqualification. The amount of a fine and the duration of a Suspension shall be decided according to the guidelines mentioned in paragraph 6 above and to the circumstances of the case”*, paragraph 6 stating that for cases of Abuse of Horses, the fine to be imposed might be up to CHF 15,000.-.
- 7.22 In the present matter, the FEI recommended for a fine of CHF 3,000.- to be imposed on the Respondent. As indicated above, the Tribunal considers that the Respondent’s behaviour, while being totally inadmissible, does not range among the most severe cases of horse abuse. Therefore, the fine shall not be located in the top range of the CHF 15,000.- possibility. Furthermore, the Tribunal notes the delay – not attributable to the Respondent – in the submission of the present case. The offence took place during an Event in December 2018, and the Respondent was requested to submit a statement on 30 October 2019 only, which was almost one year after the Event. While the – well documented – claim was submitted to the FEI on April 2019, it remains unclear why it took another six months for the FEI to contact the Respondent. Similarly, while the Respondent submitted his statement of defence on March 2020, the case was passed for adjudication to the Tribunal in June 2021 only, i.e. more than 15 months later. Due to this unjustified delay, the Tribunal holds that the fine and the costs to be imposed on the Respondent shall be reduced.
- 7.23 In view of the above and taking into consideration all circumstances of the present case, the Tribunal considers that a one thousand five hundred Swiss Francs (CHF 1,500) fine is appropriate, and that the Respondent shall be ordered to pay a participation towards the FEI costs of these proceedings in the amount of five hundred Swiss Francs (CHF 500).
- 7.24 Finally, and as the violation took place in the context of an Event, and for reasons ensuring a level playing field, the Tribunal disqualifies the Horse and the Respondent combination from the competition and the entire Event, and all medals, points and prize money won must be forfeited, in accordance with Article 161.2.3 of the GRs in connection with Article 169.4 of the GRs.

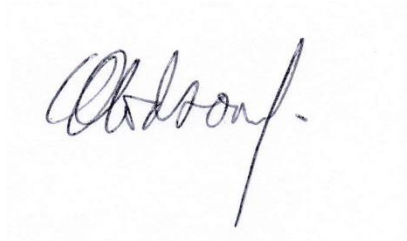
## 8. Operative part of the Decision

- 8.1 As a result of the foregoing, the Tribunal finds the Respondent's actions are considered horse abuse within the meaning of Art. 142.1 of the GRs.
- 8.2 For the above reasons, and in accordance with Articles 142.1, 161.2 and 169 of the GRs, the Tribunal therefore decides as follows:
- 1) Ahmed Ali Mohammed Allay AL NAQBI has engaged in Abuse of Horses and thereby violated Article 142 of the GRs.
  - 2) Consequently, Ahmed Ali Mohammed Allay AL NAQBI is suspended for a total period of **six (6) months**, starting from the date of this decision.
  - 3) Ahmed Ali Mohammed Allay AL NAQBI is fined **one thousand five hundred Swiss Francs (CHF 1,500)**.
  - 4) The result of the Respondent and Horse combination obtained in the Competition and the Event shall be disqualified, and all medals, points and prize money won must be forfeited.
  - 5) Ahmed Ali Mohammed Allay AL NAQBI is ordered to pay **five hundred Swiss Francs (CHF 500)** towards the cost of these proceedings.
- 8.3 During the period of a Suspension, the person, Horse or body suspended may take no part in Competitions or Events as an Athlete, Horse or Official or in the organisation of, any Event under the jurisdiction of the FEI or any Event under the jurisdiction of an NF in accordance with the Statutes or in any FEI related activity (e.g. FEI courses, meetings, General Assembly etc.), Art. 169.5.1 of the GRs.
- 8.4 According to Article 168 of the GRs, this Decision is effective from the date of its oral or written notification to the affected party or parties.
- 8.5 According to Articles 162 and 165 of the GRs, this Decision may be appealed to the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

V. DECISION TO BE FORWARDED TO:

- a. The person sanctioned: Yes
- b. The President of the NF of the person sanctioned: Yes
- c. FEI: Yes
- d. Any other: No

FOR THE PANEL

A handwritten signature in black ink, appearing to read "Chris Hodson", is centered on the page. The signature is written in a cursive style with a long, sweeping tail on the final letter.

---

Mr Chris Hodson, Tribunal panel chair