



DECISION of the JUDICIAL COMMITTEE of the FEI

Dated 25 May 2007

In the matter of protest against the award ceremony at the FEI 2005 Endurance World Championship

Composition of the FEI Judicial Committee Panel:

Mr Erik Elstad
Mr Ken E. Lalo
Mr Philip O'Connor

BACKGROUND

Following various legal proceedings, the Court of Arbitration for Sport ("**CAS**") decided on 9 March 2006 to disqualify HH Sheikh Hazza Bin Sultan Bin Zayed Al Nayan (the "**PR**") with his horse "Hachim" from the 2005 Endurance World Championship ("**EWC**") due to a doping violation. An appeal against the CAS decision was later rejected by the Federal Court of Switzerland.

During these proceedings, the PR filed an official protest to the FEI against the EWC Organising Committee (the "**Organising Committee**") for not having awarded the PR the Gold Medal, Best Condition Award and related prizes. The processing of the protest awaited finalization of the alleged doping violation.

In its answer to the protest, the Organising Committee stated that according to FEI General Regulations Arts. 167.7 and 167.7.4 (21st ed., effective 1 January 2005) the protest was filed too late and not in compliance with the applicable deadline requirements.

The Organising Committee also stated that they acted fully in line with the best interests and with the rules of FEI and that the decision not to award the gold medal was acknowledged and endorsed by the FEI representatives and that the then Secretary General was the one that presented the gold medal to Ms. Barbara Lissargue later the same day.

The Organising Committee also stated that: "To grant the gold medal to a UAE rider, notwithstanding the existence of manifest positive doping, would have damaged the image and the reputation of FEI, of the Organising Committee, of the UAE Nation Federation and, in general, of all riders of the UAE".

DECISION

The Judicial Committee reprimands the Organising Committee that its actions were not in conformity with the FEI rules and regulations for handling possible doping cases (the "**Rules**"). Due to the outcome of the CAS decision in the underlying doping violation and the unclear evidence regarding the FEI advice during the award ceremonies, no further action is taken in this case.

The Judicial Committee highlights the following matters:

1. In any sport competing with a prohibited substance above a permitted threshold level, if any, is not permissible since it is assumed that this may affect the principles of fair play, equality and promotion of equal and fair conditions in the conduct of international events. These principles, which require the assurance of a level playing field for competitors, are also paramount principles established by the FEI as the international governing body of the equestrian sport. In equestrian sport, additional concerns regarding the welfare of the horse require the application of strict anti-doping rules.
2. To secure the fundamental rights of competitors in a possible doping case, the procedures for testing and analysis are detailed in the Rules and these should be adhered to. The Rules permit any competitor faced with a positive result of the A sample to request a confirmatory analysis of the B sample which should be carried out in conformity with the Rules.
3. Disqualification of a competitor is permitted only following the conclusion of the legal process and only by the authorized organs of the FEI. These provide competitors with certain basic rights which ensure that they are treated fairly and are provided with certain due process rights. The Organising Committee had no power to change the placings or to disqualify any of the competitors, even if there were clear rumours regarding a doping violation or even clear knowledge of such violation supported by a, then unannounced, positive result of the A sample.
4. The dilemma of the Organising Committee and the possibility of awarding a gold medal to a competitor who may later be disqualified and the possible damage to the event are understood, but the only way to address these would be to provide processes that allow immediate analysis of samples, an immediate counter analysis and a mechanism for an immediate judicial process. Today the technical limitations are such that such immediate processes apparently cannot exist while providing the necessary degree of evidentiary integrity. In any event, these were not available at the EWC.
5. The Judicial Committee notes that the Organising Committee discussed the case with FEI representatives present at the event. It is not clear to the Judicial Committee what was said by the FEI representatives. It is noted that these representatives were present during and participated at the award ceremony. In any event, these representatives had no authority to modify the Rules.

For the Judicial Committee:

Date : 25 May 2007

Signature: 