



DECISION of the JUDICIAL COMMITTEE of the FEI

dated 28 June 2006

Positive Medication Case: 2005/43

Horse: Orkara (GB)

FEI Passport No.: FRA11441

Person Responsible: Mr. Ismail Mohammed (PR appointed), UAE

Competitor: Sheikh Majid bin Mohd Al Maktoum (rider / minor), UAE

Event: CH-EU-Open-4*E Compiègne (FRA), 26.08.2005

Prohibited Substances: Guanabenz & Hydroxy-guanabenz

1. COMPOSITION OF PANEL

Mr Philip O'Connor
Dr Jens Adolphsen
Mr Erik Elstad

2. SUMMARY OF THE FACTS

2.1 Memorandum of case: by Legal Department.

2.2 Summary information provided by Person Responsible (PR): The Judicial Committee took into consideration all documents presented in the case file, as also made available to the PR through his National Federation.

2.3 No oral hearing requested; hearing of the Panel by correspondence.

3. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

3.1 Articles of the Statutes/General Regulations/Veterinary Regulations which are applicable or have been infringed:

Statutes 21st edition, effective 21 April 2004, ("**Statutes**"), Arts. 001.6, 057 and 058.

General Regulations (“**GR**”), 21st edition, effective 1st January 2005, Arts. 142, 146.2 and 174.

Veterinary Regulations (“**VR**”), 9th edition, effective 1st January 2002, Art. 1013 and Annex IV.

FEI Code of Conduct for the Welfare of the Horse, 2004.

3.2 Persons Responsible: Mr. Ismail Mohammed

3.3 Justification for sanction:

GR Art. 146.2: “Any horse found to have a Prohibited Substance in any of its tissues, body fluids or excreta at an event [...] is automatically disqualified, together with the competitor [...], from all competitions at that event, [...] unless the Judicial Committee decides based on the evidence to terminate the proceedings of the case.”

4. DECISION:

A. The Relevant Facts

- 1) Orkara (GB) (“**Orkara**”) ridden by Sheikh Majid bin Mohd Al Maktoum (the “**Rider**”) participated in the CH-EU-Open-4*E at Compiègne (FRA), on the 26th of August 2005 (the “**Event**”).
- 2) The Rider’s date of birth is 16 October 1987 and as he was under 18 years of age on the competition date, the Rider cannot be considered to be the Person Responsible according to the FEI GR Art. 142. The Panel has been informed by counsel to the rider that Mr. Ismail Mohammed, an experienced trainer for endurance riding horses, was nominated as the Person Responsible (“**PR**”), according to GR Art. 142. Mr. Mohammed acknowledges that he was the Person Responsible and formally takes responsibility in his written statements dated 23 January and 11 May 2006.
- 3) Orkara was sampled by the FEI veterinary official on 26 August 2005. An analysis report on the urine sample issued by the Laboratoire des Courses Hippiques, the FEI central laboratory, dated 26 September 2005, reported the presence of a prohibited substance being guanabenz and its metabolite hydroxyl-guanabenz. A second analysis was performed on the urine by the Racing Laboratory of the Hong Kong Jockey Club which confirmed on 20 November 2005 the presence of the prohibited substance in the B samples. Analysis of both A and B samples were found to establish the presence of guanabenz and hydroxy-guanabenz as evidenced by the Medication Sub-Committee (“**MSC**”) reports dated 15 October and 10 December 2005.
- 4) The MSC describes the substance as follows: “Guanabenz is used in humans to lower blood pressure and decreases heart rate”; the MSC attributes Grade “1” to the substance combined with its metabolite, on a scale of 1 to 5, where “1” represents a high potential to affect performance.

B. Jurisdiction

- 5) The Judicial Committee has jurisdiction over this matter pursuant to Articles 057 and 058 of the FEI Statutes.

C. Analysis

- 6) The Judicial Committee is satisfied that the laboratory reports reflect that the tests were accurately performed in an acceptable method and that the findings of the Laboratoire des Courses Hippiques and the Racing Laboratory of the The Hong Kong Jockey Club are accurate. The Judicial Committee is satisfied that the test results evidence the presence of the prohibited substances, guanabenz and hydroxy-guanabenz. The PR did not contest the accuracy of the testing methods or the test results and positive findings. The FEI has thus sufficiently proven the objective elements of a doping offence.
- 7) The establishment of the objective elements of a doping offence creates the presumption of guilt of the PR. The finding on analysis of a prohibited substance is presumed to be a deliberate attempt of the PR to affect the performance of the horse. The PR has the opportunity to seek to rebut this presumption.
- 8) The file contains denials of any wrongdoing and of any knowledge of same, by or on behalf of the PR, the Rider and various staff members of the Al Aasfa Stables.
- 9) The foreman of the Al Aasfa Stables testified that every year he moves for the summer to the farm in England (hereinafter "**Summer Farm**") with the grooms, the trainer, the PR and the team veterinarian. He was responsible for the selection of the grooms who accompanied Orkara at the Event, but did not attend the Event in question.
- 10) The chief groom for Orkara at the Event declared having seen Orkara for the first time when he arrived at the farm on 6 August 2005. Two other grooms that looked after Orkara at the Summer Farm and at the Event testified that they had not noticed any third party touching Orkara at the Event or anything unusual about Orkara's behavior.
- 11) The ex-trainer for Orkara declared that prior to Orkara's transfer to the Summer Farm on 6 August 2005, while the horse was still in his care, no medications were administered to Orkara other than a worms treatment and vaccinations.
- 12) The treating veterinarian at the Summer Farm declared never having treated Orkara. He mentions that the PR is responsible for selecting the horses for competition and that he is informed only a few days before each event of which horses will take part at such event. He described the stable management at the Event, including the special care regarding the feed and grass used for the horses.
- 13) The PR declared never having heard of the substance guanabenz. He testified that the treating veterinarian researched this substance on the internet and he

was advised that it can be administered orally. The PR raised the assumption that the substance could have been given during the course of the race by a third party.

- 14) Despite these denials and unverified assumptions, which are duly noted, the PR has not been able to explain the presence of the prohibited substance in Orkara's samples and therefore has not rebutted the presumption of a deliberate attempt to affect the performance of the horse under GR 174.6.2.1.
- 15) Considering the nature of the detected substance, which is designed to lower heart rate, and the nature of the competition in which the horse was participating (an endurance race in which heart rate is a determining factor in the ability to compete), and that the substance was graded "1" by the MSC of the FEI, the Judicial Committee is of the opinion that a suspension of one (1) year is appropriate and proportional.
- 16) The Judicial Committee feels obliged to again emphasise in the clearest terms some key principles of the FEI as detailed in Article 001 of the Statutes, including:
 - "[...] the observance of the principles and spirit of equestrian sports",
 - "equal and fair conditions in the conduct of international events",
 - and lastly and most importantly "preserving and protecting the welfare of the horse".

Riders, trainers, owners **and other support personnel** have a strict obligation to ensure absolute observance of these basic requirements. Trainers which are associated with young riders have an even greater obligation to ensure full compliance with these principles.

D. Decision

As a consequence of the foregoing, the Judicial Committee decides as follows:

- 1) Disqualification of the horse Orkara and the Rider from the above Event and forfeiture of all prize money.
- 2) The PR (Mr. Ismail Mohammed) is suspended from taking part in international events, including training horses at international events, for a period of one (1) year to commence immediately and without further notice at the expiration of the period in which an appeal may be filed (30 days from the date of notification of this written decision) or earlier if the appeal is waived in writing by or on behalf of the PR.
- 3) The PR is fined CHF 5,000.-
- 4) The PR shall contribute CHF 500.- towards the legal costs of the judicial procedure and CHF 750.- towards the costs for the confirmatory analysis.

5. DECISION TO BE FORWARDED TO:

5.1 The person sanctioned: Yes

5.2 The President of the NF of the person sanctioned: Yes

**5.3 The President of the Organising Committee of the event
through his NF: Yes**

THE SECRETARY GENERAL OR HIS REPRESENTATIVE:

Date :

Signature: