



DECISION of the JUDICIAL COMMITTEE of the FEI

dated 14 November 2005

Positive Medication Case No.: 2005/02

Horse: QWINTO

FEI Passport No: JOR00075

Person Responsible: Mr Ibrahim Bisharat, JOR

Event: CSI-W Sharjah, UAE, 12-14.01.05

Prohibited Substances: Procaine

1. COMPOSITION OF PANEL

Dr Jens Adolphsen
Mr Ken E. Lalo
Ms Helen Huggett

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 Oral hearing: Not requested by the PR, 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 1 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 Ibrahim Bisharat

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**

4.1 **Consideration of the evidence:**

- a. Qwinto took part at the CSI-W in Sharjah (UAE), from the 12th to the 14th of January 2005 (the "Event"). Qwinto was ridden by Mr Ibrahim Bisharat who is the Person Responsible in accordance with GR Article 142 (the "PR").
- b. Qwinto was selected for sampling on 14 January 2005. Analysis of the urine sample taken from Qwinto conducted by the approved associate laboratory, the Equine Forensic Unit of the Central Veterinary Research Laboratory in Dubai ("EFU"), was found to contain Procaine. EFU finding was confirmed by the Laboratoire des Courses Hippiques, France ("LCH"), the FEI approved central laboratory. The confirmatory analysis was conducted in the presence of witnesses appointed by the FEI and by the PR.
- c. Procaine is a local anaesthetic acting *inter alia* on the locomotor system and is graded "3" by the Medication Sub-Committee of the FEI ("MSC").
- d. 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 EFU and LCH are accurate. The Judicial Committee is satisfied that the test results show the presence of the prohibited substance, Procaine. 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.
- e. 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 chance to rebut this presumption.
- f. In his written explanations, the PR provided a possible explanation to the positive results. The PR alleged that penicillin was given to the horse further to an injury that occurred on 12 October 2004. The PR's groom and

veterinarian confirmed that two shots of penicillin, which contained Procaine, were administered on the 12th and 13th of October 2004.

- g. The PR alleged that, on his veterinarian's advice, he was convinced that the prohibited substance would be completely eliminated from Qwinto's systems before the Event.
- h. The PR has succeeded in rebutting the presumption that the administration of the medication was a deliberate attempt to affect the performance of the horse. It must also be stated, that the PR has obviously totally relied on the appreciation of his vet. He has not submitted that he had really questioned the vet's advice to use this specific substance.

4.2 Disqualification

The Judicial Committee has agreed that the horse Qwinto and the PR must be disqualified from the Event and that all prizes and prize money won at the Event must be forfeited.

In addition, the PR is fined CHF 1000.- and is liable to pay CHF 1000.- towards the costs of administering of this case and CHF 750.- for the confirmatory analysis.

4.3 Publication

This decision is to be published.

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

5.4 Any other: No

6. THE SECRETARY GENERAL OR HIS REPRESENTATIVE:

Date : 14 November 2005

Signature: *Ami Colin Smith*