

DECISION of the FEI TRIBUNAL

dated 1 November 2022

in the matter of

Mr Hicham Gharib (the Respondent; Ref. C22-0028)

(FEI Case number: FEI 2022/DP01)

I. Composition of the FEI Tribunal Hearing Panel:

Mr Jose A. Rodriguez Alvarez (MEX), One-member panel

II. Articles of the Statutes/Regulations which are, *inter alia*, applicable:

- Statutes 24th edition, effective 17 November 2021 (“Statutes”).
- General Regulations, 24th edition, 1 January 2020, updates effective 1 January 2022 (“GRs”).
- Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (“IRs”).

III. General details of the case:

FEI Tribunal Reference: C22-0028 [FEI 2022/DP01]

The Respondent/ID/NF: Hicham GHARIB/10033790/SYR

IV. Factual background

1. By way of a Decision dated 2 February 2022 (the "**2 February 2022 Decision**"), the FEI Tribunal imposed a 1-year suspension on Mr Hicham GHARIB, the Respondent, for Incorrect Behaviour in relation to Abuse of Horse (cf. Horse Abuse Case C21-0042, 2021/HA01 – APR Mr. Hicham Gharib). The suspension came into effect as of 2 February 2022 and lasts until 1 February 2023, at midnight ("**Period of Suspension**").
2. The Respondent appealed the aforementioned Decision to CAS. Despite requesting conservatory and provisional measures, CAS rejected the Respondent's application on 4 March 2022. The suspension was therefore in force at all times during the arbitral procedure. Finally, the CAS panel dismissed the appeal by way of a Decision dated 6 July 2022.
3. On several occasions since the 2 February 2022 Decision, the Respondent sought clarification on the scope of his suspension from various members of the FEI and the FEI Tribunal.
4. In May 2022 the FEI was alerted by members of the equestrian community that the Respondent might not be complying with the terms of his suspension and that he was seen jumping three different horses at an event held in Furusiyya (UAE) on 6 April 2022 (the "**Event**"). Additionally, the FEI was informed that the Respondent would have been registered for this Event under a false name. In addition, the Respondent would have signed up to other events, trying to enter those events, but later withdrew since the organisers had realised that he was suspended.
5. As a consequence, the FEI decided to open new disciplinary proceedings against the Respondent for his latest offence in accordance with the FEI Rules and Regulations.
6. The Fédération Equestre Internationale (the "**FEI**" together with the Respondent, the "**Parties**"), is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body of the FEI equestrian disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, Para-Equestrian).

V. Procedural background

7. By way of a notification letter dated 23 May 2022, the FEI notified the Respondent of the opening of Disciplinary Proceedings, based on Art. 164.7.e of the GRs, for non-compliance with the suspension imposed on him by means of the 2 February 2022 Decision.
8. The Respondent was given the choice to admit the alleged infringements and, accept the sanctions proposed by the FEI; in which case he would have no right of appeal against such measures; or admit the alleged infringements and have the sanctions determined by an FEI Tribunal Hearing Panel; or deny the alleged infringements and have his liability and (if applicable) sanctions determined by an FEI Tribunal Hearing Panel (Art. 30.2 IRs).
9. On 30 May 2022, the Respondent submitted to the FEI his reply to the allegations, where he denied any participation in any event or activity during the Period of Suspension.
10. By way of a Claim Brief dated 20 June 2022, the FEI submitted the case file to the Tribunal for adjudication. The Respondent, as well as the National Federation of Syrian Arab Republic (the "SYR-NF"), the Respondent's NF, were copied to the FEI's correspondence.
11. On 25 June 2022, the Tribunal Chair informed the Parties of the appointment of a one-person hearing panel to decide this case. The Parties were asked to provide any objections to the constitution of the hearing panel by 28 June 2022. Furthermore, the Tribunal Chair granted the Respondent with the opportunity to respond to the FEI's Correspondence of 20 June 2022 by providing a statement of defence and any supporting evidence by 15 July 2022. The Tribunal Chair further informed the Respondent that, should he fail to comply with the specified timelines, the Tribunal hearing panel would decide this case using the file material in its possession. Finally, the Tribunal Chair informed the Parties of their right to request an oral hearing.
12. On 27 June 2022, the FEI informed the Tribunal that it did not have any objections to the constitution of the hearing panel.
13. On 15 July 2022, the Respondent submitted a statement of defence within the prescribed deadline.

14. Neither party requested a hearing.

VI. Submissions by the Parties:

A. Submissions by the FEI:

15. The FEI submitted its Claim Brief on 20 June 2022, which contained its position, and which can be summarized as follows.

16. The FEI submitted that:

16.1 The applicable rules for this case are the FEI General Regulations, and in particular Articles 164.7 and 117.6.

16.2 Appendix A of the GRs states that "Suspension" has the meaning set out in Article 164.7 of the GRs, which states:

"(a) 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.).

(...)

(e) Where a Person who has been Suspended or whose Horse has been Suspended violates the prohibition against participation or attendance during the Suspension, the results of any such participation shall be Disqualified and a new period of Suspension equal in length to the original period of Suspension shall be added to the end of the original period of Suspension. The new period of Suspension may be adjusted based on the Person's degree of Fault or other circumstances of the case. In addition, further sanctions may be imposed if appropriate. The determination of whether any Person has violated the prohibition against participation or attendance, and whether an adjustment shall be made by the FEI Tribunal. This Decision may be appealed as per the FEI General Regulations.

(...)"

16.3 The disciplinary proceedings in question were opened, after information received from an active member of the equestrian community (the "**Whistle-blower**"), who shared intelligence to the FEI about an alleged violation of the

suspension by the Respondent.

- 16.4 The Whistle-blower, who wishes to remain anonymous, reported that the Respondent was competing in UAE, under the name Hisham Moataz. Further, the person knows what Hicham Gharib looks like and saw him riding in the Furusiyya show under the name Hisham Moataz.
- 16.5 The FEI bases its claim on the above-mentioned testimony, on pictures taken by the official photographer of the Event showing the Respondent riding a horse at the Event, and on a print screen of the athletes participating which shows the participation of a Rider called "Hisham Moataz".
- 16.6 In addition, on the start list from the Event, the person Hicham Moutaz is registered with 3 different horses, which coincides with the information provided by the Whistle-blower and also confirms that he participated with at least 2 horses which could be seen in the different photographs.
- 16.7 The FEI confirmed the identity of the Respondent through the FEI Officials who originally reported the horse abuse case and the NF. In addition, the passport of Mr Hicham Gharib shows and confirms that the photographs taken during the Event are of him. The FEI is therefore satisfied that the Respondent has been positively identified in the submitted photographs.
- 16.8 The FEI investigated three events where the Respondent allegedly participated, as clarified in the Notice Letter: the Event (as described above) and two events in Dubai ("Event 1 and 3 in the Notice Letter"). Due to lack of evidence, the FEI did not pursue the alleged participation at those two events in Dubai..
- 16.9 The FEI highlights that it is prohibited to take part in any competition "hors concours" in accordance with Art. 117.6 Grs which states: "*No Athlete may take part "hors concours" in any International Competition unless otherwise specified by the Sport Rules of the relevant Discipline.*"
- 16.10 The FEI highlighted that throughout their investigation, more and more evidence was removed from both internet and Instagram. Interestingly, the deeper the FEI tried to investigate, the more the evidence became elusive. The facts submitted by the Whistle-blower can in any case not be ignored, since it is substantiated with photographs and start lists of the Respondent at the events in question.
- 16.11 The organiser of the Event, the Furusiyya Equestrian Club (the "**Organiser**"), is a member of the UAE national federation, who is applying

national/international/FEI rules and regulations for its competitions and therefore falls under the umbrella of the FEI's jurisdiction as per the FEI Statutes.

- 16.12 The Organiser confirmed that Hisham Ghrayb (FEI ID 10033790), participated on 6 April 2022, but without results (HC) on this day and that he was there with his students. The Organiser explained that: *"No he came with his students and he not given entrance fees just ride as HC", Further ..."and we didn't count his timings because he is HC..."* and *"No prices and no results for him that day."*
- 16.13 Ever since the suspension was imposed by the FEI Tribunal, the Respondent had repeatedly asked the FEI administration and, the FEI Tribunal about his rights/restrictions during his suspension. He had asked *"Could you please confirm that I can attend Competitions and Events as a trainer or spectator. Also, during the period of suspension I have to continue to ride my horses (not during Competitions and Events) to look after their welfare."*
- 16.14 The FEI Tribunal clarified in a letter the following:

"In this respect, we would like to inform you that, as per Art. 164.7 (a) of the FEI General Regulations, which is stated at par. 10.4 of the FEI Tribunal Final Decision which was notified to you on 2 February 2022, "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.)".

In this regard, please note that training FEI Athletes and FEI Horses at FEI Events is to be considered as an FEI related activity. The same applies to Events organised by and within the FEI's National Federations.

In view of the above, please note that you are therefore not entitled to attend Competitions and Events as a Trainer. You are however entitled to do so as a spectator, and you are also entitled to ride your own Horses at home (but not at official places)."

- 16.15 The Respondent continued to ask what he could do or not do, during his suspension. In fact, he sent several emails and WhatsApp messages to different FEI staff. Among others, the APR contacted the FEI Legal Director via WhatsApp, and received similar responses as the ones provided by the Tribunal which are quoted in the above paragraph.

- 16.16 The FEI submits that the Respondent has breached his suspension in accordance with Art. 164.7.e of the FEI General Regulations.
- 16.17 In any event, Article 164.7.a states that a person subject to such a Suspension cannot participate in 'any FEI related activity'. The examples that are provided immediately after those words are just that, and do not represent a closed list of activities that fall within the scope of the provision. Engaging in competitions with other FEI/NF registered athletes, even hors concours and at a club level (the club is a member of the NF, and the NF a member of the FEI), is in the FEI's view to be considered as any FEI related activity, and it is about as obvious a 'FEI related activity' as one can imagine.
- 16.18 In addition, there is a significant risk to horse welfare (and to the image of the sport and the good name of the FEI) that would be posed by the Respondent's continued involvement at events, given his proven gross misconduct.
- 16.19 The Respondent has showed a serious disregard for horse welfare and it is only right and proper that his access to horses/competitions/events and right to engage in FEI related activity is curtailed while he serves out his suspension.
- 16.20 It is important to note that there is a dual purpose in imposing a suspension in horse abuse cases; 1) to penalise/sanction the person who engaged in horse abuse; and 2) as far as possible to protect horses from the risk of further harm.
- 16.21 For this purpose, and for this case in particular, the Respondent who is suspended for incorrect behaviour in relation to abuse of horse, should not be associated in any capacity, apart from being a spectator, with any FEI and/or NF registered horses or athletes.
- 16.22 The FEI reiterates that the Respondent made substantive efforts to understand his limitations associated with the suspension and was fully aware of what he can and cannot do. Despite that, the Respondent engaged in such prohibited conduct breaching his suspension.
- 16.23 It is also important to remember where the Respondent was found to have engaged in and facilitated the horse abuse – at an event. It is therefore entirely logical, reasonable and proportionate for the FEI to prevent someone that has engaged in horse abuse at an FEI event from attending further events under the FEI umbrella, to engage in FEI activity during his period of suspension.
- 16.24 Lastly, non-compliance with i) the FEI Tribunal's suspension, and ii) the CAS

decision to maintain the final suspension on provisional measures, is also a conduct that brings the FEI and/or equestrian sport into disrepute, i.e. conduct that causes the public opinion of the FEI and/or equestrian sport to be diminished.

16.25 Given the above facts the FEI is therefore satisfied that there are solid facts and evidence confirming that the Respondent has breached his suspension.

16.26 The FEI requested the following prayers for relief against the Respondent:

- (i) *finds that the Respondent has breached Art. 164.7(e) of the FEI General Regulations;*
- (ii) *as a consequence of such breach, impose on the Respondent:*
 - *A one (1) year additional period of suspension, to be added to the end of the original suspension, in accordance with Article 164.7(e) of the FEI General Regulations; and*
 - *A fine of CHF 5 000 (five thousand Swiss francs); and*
 - *All the result obtained in any event during the suspension shall be disqualified, in accordance with Article 164.7(e) of the FEI General Regulations, if applicable.*
- (iii) *order the Respondent to pay a contribution towards the costs of these proceedings in the amount of two thousand Swiss Francs (2,000 CHF).*

B. Submissions by the Respondent:

17. On 15 July 2022, the Respondent submitted the following answer which can be summarized as follow:

17.1 First, he objects to the claim against him *"on the basis that I have not taken 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 the United Arab Emirates National Federation, whether as alleged by the Claimant in the Claim Brief or at all".*

17.2 The Respondent recognizes himself on the photos taken by Elisabeth Glanville, the Official photographer on the day of the Event. However, he contests having taking part in the Event. His explanation is that he uses the fences still available in the arena after the event and jumped the course with two horses later that day.

17.3 In support of this, he provided a letter from the Furusiyya Equestrian Club certifying that he had not taken part in the competition and the signatures of

several people present that day also certifying that he attended the event only as a spectator and that he took no part in the FEI event or competition as an athlete, rider or trainer.

- 17.4 Furthermore, the Respondent stated that the FEI never obtain a confirmation from Mrs Glanville that these pictures were taken during the show. Mrs Glanville, on the contrary, confirmed to the Claimant that she was not sure about the image in question and that her assistant sometimes rotates them for social media purposes.
- 17.5 The FEI decided to support false allegations and simply presumed certain facts without careful investigation. That offends the general rule of burden of proof. The Claimant's allegations, assertion and interpretation are denied by the Respondent.
- 17.6 It should be noted at the outset that the start list from the Event submitted by the Claimant in support of the allegations, contains the name of Hicham Moataz as rider registered with three different horses, namely Gomez, Corletta and Lomadine, which clearly confirms that the information received from the "whistle-blower" and/or gathered is incorrect and misleading because the horses on the pictures submitted by the Claimant are identified as follows:
- Grey horse: Coracleo Classido
 - Chestnut horse: IStar
- 17.7 According to the FEI, the Respondent would have used his father's name to register to the entry list. This is a mere assumption since the Respondent's father's name is not spelled the same way as the name on the entry list. If he had wished to use his father's name, he would not have misspelled it.
- 17.8 With respect to his passport, the Respondent did provide his cousins' passports to evidence the confusion that could have arisen for the FEI in relation to the Dubai events. Additionally, he cannot be held responsible should there be incorrect information in the database, since it is up to the Syrian NF to ensure that correct information is uploaded.
- 17.9 The Organiser confirmed to the Claimant that the Respondent was in the training show (i.e. the Event) with his students and further confirmed in writing that i) he has not competed or participated in the said show; and ii) he only did ride his own horse outside of the competition.

17.10 According to the Claimant, there was a confusion with the words “Hors Concours” (HC) because he has not competed at all since February 2022, even HC. As mentioned by the Claimant, ever since the suspension was imposed by the Tribunal, he has repeatedly asked, the FEI HQ, the Tribunal and various FEI staff, about his rights/restrictions during his suspension.

17.11 All in all, the Respondent denies all the FEI's allegations, since he did not take 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.*

17.12 The Respondent requested the following relief:

- (i) *A declaration by the Tribunal that the Claimant has failed to demonstrate that I have taken 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 following the suspension decided by the Tribunal;*
- (ii) *A declaration by the Tribunal that the Respondent has not breached Art. 164.7(e) of the FEI General Regulations;*
- (iii) *Further to (ii), accordingly a declaration that the Claimant's claims against the Respondent are dismissed;*
- (iv) *An award of all costs and expenses of the proceedings, including the contribution towards the costs of these proceedings in the amount of two thousand Swiss Francs (2,000 CHF); and/or*
- (v) *Such further or other relief as the Tribunal considers appropriate.*

VII. Legal Analysis

A. Jurisdiction

18. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes and Article 18.1 of the IRs. The jurisdiction of the Tribunal is undisputed.

19. The Respondent is a member of the SYR-NF, which is a member of the FEI; therefore, the Respondent is bound by the FEI General Regulations.

B. Legal Discussion

20. Although the Tribunal has fully considered all the facts, allegations, legal arguments and evidence in the present proceedings, it only refers to the submissions and evidence it considers necessary to explain its reasoning in this decision.

Alleged breach of the Suspension

21. In application of Art. 32.1 IRs, the Claimant shall have the burden of proving that the Respondent committed the infringement(s) alleged in the Claim.
22. Pursuant to Art. 164.7 (a) of the GRs, *“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).*
23. The FEI Tribunal’s task is therefore to determine whether the Respondent breached Art. 164.7 (a) of the GRs, and therefore breached the Period of Suspension which was imposed on him by the Tribunal on 2 February 2022.
24. As per the facts, the Tribunal notes that the FEI’s Claim is based on information received from the Whistle-blower: an active member of the equestrian community who wishes to remain anonymous due to risks of retaliation, and on photographs taken on 6 April 2022 at a competition organised by the FuruSiyya Equestrian Club.
25. The Event took place at the FuruSiyya Equestrian Club, and was part of the Ramadan Jumping Series. The Organiser of the Event, FuruSiyya Equestrian Club, is a member of the UAE Equestrian & Racing Federation, which is a member of the FEI. Therefore, the Event falls under the definition provided for pursuant to Art. 164.7 (a) of the GRs, i.e. any Event under the jurisdiction of an NF in accordance with the Statutes.
26. The FEI further submitted a print screen with the list of Riders where the name Hisham Moataz appears three times.
27. Furthermore, the Respondent admitted being the rider that appears in the aforementioned photographs and that those photographs were taken on the same day of the Event. However, he argues (without providing any supporting evidence) that the photographs were taken after the Event, while he was using the facilities to jump with two horses.

28. The Respondent further submitted a list of people who attended the Event, and who testified that he only attended as a spectator.
29. In view of the above and for the purpose of the present matter, the Tribunal is comfortably satisfied that the FEI has sufficiently proven that the Respondent was present at the Event.
30. The Tribunal further needs to determine in which quality did the Respondent attend the Event.
31. The FEI's submission is that the Respondent attended the Event under a different name, Hicham Moataz, and was riding three different horses therein. The FEI submitted an email from the Organiser which indicated that the Respondent did not participate in the Event, but rode as "HC", meaning Hors Concours.
32. The Respondent submitted an attestation from the Organiser and from several participants of the Event, stating that he did not participate at the Event. He further explained that it was a mere confusion from the Furusiyya Equestrian club when they stated that he had competed HC which is, according to the Respondent, false, since he had not competed, even HC, at all since February 2022.
33. The Organiser's statement by means of which the Respondent competed Hors Concours shows that the Respondent was, indeed, not present only as a spectator, as it was alleged by the Respondent. Moreover, neither party has provided any official statement from the Organiser contradicting its initial statement sent to the FEI. Similarly, the list of signatories submitted by the Respondent is, in the Tribunal's view, of no help for his case. Indeed, those signatories allege that the Respondent "*attended the event strictly as a spectator*", which is contradicted not only by the evidence submitted by the FEI, but also by the Respondent himself, who admitted being the person photographed, that day, whilst riding on the same place of the Event.
34. Bearing in mind the above, the Tribunal is therefore satisfied that the Respondent participated at the Event not as a mere spectator but as an Athlete. The fact that the Respondent was not awarded any prize-money is of no relevance.
35. Indeed, the Respondent took the risk that the other participants, FEI Officials and/or the spectators would consider that he was participating at the Event. For instance, the Event's official photographer took pictures of the Respondent, which in itself constitutes an indicator of this perception.

36. Furthermore, it cannot be considered that the Respondent did not know that he could be in violation of his suspension. Indeed, as mentioned in the Claim Brief, the Respondent repeatedly asked the FEI and the FEI Tribunal for clarification as to the scope of his suspension. In a letter from 15 February 2022, the FEI Tribunal explained the following: *"please note that training FEI Athletes and FEI Horses at FEI Events is to be considered as an FEI related activity. The same applies to Events organised by and within the FEI's National Federations. In view of the above, please note that you are therefore not entitled to attend Competitions and Events as a Trainer. You are however entitled to do so as a spectator, and you are also entitled to ride your own Horses at home (but not at official places)."*
37. The FEI Tribunal clearly outlined that the Respondent could not train FEI Athletes and FEI Horses at FEI Events and that, while he could ride his own horses, he was allowed to do so only at home but not at official venues. This information was confirmed by the FEI Legal Director in a WhatsApp message in the following terms: *"You are allowed to ride and train your own private yard. However, participating/training in unaffiliated events where other regional, national or FEI riders or horses participated is not allowed"*.
38. The APR alleged – without supporting evidence – that his horses were stabled at the Furusiyya Club, and that he only rode them after the Event. The Tribunal is not convinced by the APR's arguments. First of all, and as mentioned above, the Organiser itself confirmed that the APR rode Hors Concours, which is already sufficient to constitute a breach of the terms of his suspension.
39. But also, in the absence of any evidence, the Tribunal cannot uphold the Respondent's arguments that his horses are stabled in the Furusiyya Club and/or that he rode them only after the Event. Furthermore, in view of all the circumstances, the Tribunal is comfortably satisfied that, despite having a full and clear understanding of the scope of his suspension, the Respondent took the initiative to be present on the day of the Event and to ride at least two horses on the facilities set up for the occasion, Hors Concours.
40. By doing so, the Respondent has violated his suspension.
41. Whether the Respondent attended the Event under the name of Mr Hicham Moataz could remain open since the above considerations are sufficient to consider that the Respondent was in breach of his suspension.
42. For the sake of completeness, the Tribunal however notes the following aspects, which confirm that the Respondent attended the Event as Mr Hicham Moataz:

- 42.1 The Whistle-blower confirmed that the Respondent was indeed the rider under the name Hisham Moataz, and was even surprised to hear that it was a different name than Mr Gharib.
- 42.2 There is no “Hisham Moataz” on the FEI Database.
- 42.3 One of the horses which was supposed to be ridden at the Event by Mr Hisham Moataz, LOMADINE, was a horse that the Respondent used to ride at multiple events prior to his suspension (in Al Ain in December 2021, in Abu Dhabi in various occurrences in January 2022), which would be, in the Tribunal's view, a very unlikely coincidence.
- 42.4 If Mr Hisham Moataz was indeed a rider which rode those three horses at the Event, the Respondent could have easily submitted a witness statement from this person, as he did for many other participants which were present during that day.
- 42.5 On the other hand, the Respondent alleged that the two horses he rode were “identified” as being Coracleo Classido and IStar. How such “identification” was made remains unclear and, in any event, is not substantiated with proper evidence.
43. It follows from the above that the Tribunal is convinced that the Respondent also registered, under a different name, for the Event, and attempted to compete with three horses.
44. However, the Tribunal has not been provided with credible evidence that the Respondent could, ultimately, indeed compete at the Event with the three horses. The Organiser indicated that he participated Hors Concours, and the FEI stated that *“several persons onsite had complained that a FEI suspended rider was competing”* and that *“it did not look good for the sport”*, especially to have a suspended rider in the prize giving ceremony. Despite this, the Respondent continued to participate in the Event as “hors concours”. The Tribunal thus rules that the Respondent attempted to participate at the Event as a Rider under a different name, but could ultimately not compete for results.
45. It follows from the above that the Tribunal is comfortably satisfied that the Respondent breached his suspension, by attempting to compete as a Rider in the entry list, and by ultimately riding two horses in the context of the Event.

Determination of the Sanction

46. According to Art. 164.7.e GRs, *"where a Person who has been Suspended or whose Horse has been Suspended violates the prohibition against participation or attendance during the Suspension, the results of any such participation shall be Disqualified and a new period of Suspension equal in length to the original period of Suspension shall be added to the end of the original period of Suspension. The new period of Suspension may be adjusted based on the Person's degree of Fault or other circumstances of the case. In addition, further sanctions may be imposed if appropriate. The determination of whether any Person has violated the prohibition against participation or attendance, and whether an adjustment shall be made by the FEI Tribunal. This Decision may be appealed as per the FEI General Regulations"*.
47. As the FEI has rightly pointed out, the suspension is imposed on a person after a breach of the rules in place to protect primarily the welfare of the horse and the health of the athletes, but also the level playing field of equestrian sport and fair play. The prohibition from participating or attending in certain roles, provides a strong deterrent effect for other persons in the equestrian community and strengthens the integrity of the FEI legal system.
48. The violation of his suspension shows how little consideration the Respondent has for the FEI rules.
49. The Tribunal is satisfied that the Respondent has violated his suspension and that it is appropriate to add a new period of suspension to the end of the original period of suspension as stipulated by Art. 164.7.e GRs. The duration of the new suspension should be of one year, which was the length of the original suspension.
50. With respect to the fine to be imposed, the Tribunal considers that the amount of CHF 5 000.- requested by the FEI is proportionate and adequate, taking into consideration all circumstances.
51. Finally, the Respondent will bear the costs of the proceedings in the amount of CHF 2 000.-.

VIII. Terms of the Decision

52. As a result, the Tribunal imposes the following sanctions in accordance with Article 164.7 of the GRs:
 - a) The Tribunal upholds the charge that the APR violated Article 164.7 (a) of

the GRs.

- b) The Respondent shall be suspended for an additional period of one (1) year. Therefore, the Respondent will be ineligible until 31 January 2024.
 - c) The Respondent is fined five thousand Swiss Francs (CHF 5 000).
 - d) The Respondent shall pay his part of the costs of these proceedings in the amount of two thousand Swiss francs (CHF 2 000).
53. According to Article 165 of the GRs, the present decision is effective from the day of written notification to the persons and bodies concerned.

FOR THE TRIBUNAL



Mr Jose A. Rodriguez Alvarez, One-Member Panel

IX. Decision to be forwarded

- a. The Parties:
 - The FEI
 - Mr Hisham Gharib (the Respondent)
- b. Any other:
 - The NF of the Respondent, the SYR-NF

Legal Action

According to Articles 162.1 and 162.7 of the GRs, this decision can be appealed before the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.