

## CONSENT AWARD

dated 14 August 2023 and issued by the

## FEI TRIBUNAL

Sitting in the following composition:

Sole Panel Member: Ms Constance Popineau (FRA)

in the matter between:

FÉDÉRATION EQUESTRE INTERNATIONALE (FEI)

and

**Mr Abdullah Aldhuwayhi** in his capacity as the **Person Responsible** in the following case:

**Case: C23-0040 ALDHUWAYHI**

**FEI Case reference: 2023/RF02**

Horse/Passport: SHAYMAA/106RQ41/KSA

Person Responsible/ID/NF: Abdullah ALDHUWAYHI /10203839/KSA

Event/ID: CEI2\* 120 - Al Ula (KSA), 03-04.03.2023, 2023\_CI\_0328\_E\_S\_01

Date of Rule Violation: 04.03.2023

Rule Violation: Article 2.3 of EADCMRs- Evading, Refusing or Failing to Submit to Sample Collection<sup>1</sup>

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<sup>1</sup> FEI Equine Anti-Doping & Controlled Medication Rules, 3rd edition, effective 1 January 2023. <http://inside.fei.org/content/anti-doping-rules>

## I. Parties

1. The Fédération Equestre Internationale (the “FEI”) is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body for the FEI equestrian disciplines of dressage, jumping, eventing, driving, endurance, vaulting, and para equestrian.
2. Mr Abdullah ALDHUWAYHI – (FEI ID 10203839), the Person Responsible (the “PR”), is a Rider from Saudi Arabia who competed with the horse, SHAYMAA (the “Horse”) at the CEI2\* 120 - Al Ula (KSA), 03-04.03.2023, 2023\_CI\_0328\_E\_S\_01 (the “Event”).

## II. Factual background

3. The Horse was due to be tested by the FEI officials at the Event, who confirmed they had notified and informed a crew member belonging to the PR to submit the Horse to sample collection. The FEI referred to the Article 2.3.3 and 2.3.4 of the FEI Equine Anti-Doping & Controlled Medication Rules (the “EADCMRs”), according to which the PR remained responsible for the Horse, even if care was delegated to a crew member:

“2.3.3 Accordingly, although it is permissible for the Person Responsible to delegate the submission and supervision of the Horse to a third party, the Person Responsible remains responsible for the Horse throughout the Sample collection process and for: (i) any evasion of Sample collection; and/or (ii) any refusal or failure, without compelling justification, to submit the Horse to Sample collection; and/or (iii) any failure to comply with any or all of the Sampling procedure requirements, including signing the Sampling form.

2.3.4 It is not necessary to demonstrate intent, fault, negligence or knowledge in relation to any delegation relating to the Sampling process or to the acts of a relevant third party in order to establish an EAD Rule violation under this Article 2.3.”

4. The FEI was therefore satisfied that via the communication made to his crew member, the PR was clearly aware that he had to submit the Horse to the sampling station and well informed about the consequences of not submitting the Horse to sample collection.

5. The FEI also considered the PR's explanations for failing to attend the sample collection (i.e., that he was never told that he had to attend at the sampling clinic and that he never received an email or any message from the FEI officials), but the FEI failed to find any compelling justification to warrant the PR's failure to bring the Horse to sample collection.
6. The FEI also considered that the PR's fault was significant in the totality of the circumstances and in relation to his duty of care as a PR for the Horse. Therefore, the FEI concluded that he had intentionally refused to submit the Horse to sample collection, despite being well informed of his responsibility as a PR and therefore his level of fault and negligence for the violation was high.

### III. Proceedings in front of the FEI

7. The FEI first opened disciplinary proceedings against the PR, for the alleged violation of Article 2.3 of the "EADCMRs by way of a Notification Letter dated 1 May 2023 (the "Notification Letter"), which was sent to the National Federation of Saudi Arabia (the "KSA-NF"), the PR's National Federation.
8. The Notification Letter explained to the PR that Evading, Refusing or Failing to submit to Sample Collection is a violation of Article 2.3 of the EADCMRs and that he may admit the violation, accept the sanctions and receive an automatic six (6) month reduction in the Period of Ineligibility. Furthermore, he was granted an opportunity to provide an explanation to the alleged violation within 20 days following the date of the Notification Letter.
9. On 20 May 2023, the PR replied to the FEI and stated:

*"The horse SHAYMAA 106RQ41 came to an email that this horse was required to draw a blood sample to detect prohibited substances. First / The horse on the day of the race ruled out a limp in the first stage and after being excluded by the referee, he told me and said (over luck) The horse was excluded and the tracking device of the horse was withdrawn and told me to go with the organizer. We went to the area of detecting the sensitivity of the limbs (block). Then I went The next day to check the horse with radio and then I went to the stable (the place of residence of the horse before the day of the race) and there was also an organizer and he asked me about the name of the horse and its number and whether it was excluded or not and I told him that he was excluded and allowed me to enter and he did not tell me that I had I have a message, not an email, a circular, or a ready voice in the village at all, I add to that the report I wrote by the doctor is there for her, and also the appointment. The organizer took me to the clinic and did not take me to the sampling room. If the organizer made a mistake, I could not bear that. If he told me that Everywhere after all that, I am*

*surprised by the arrival of an email stating that I refrained from withdrawing samples, and this is not true at all. there can be a mistake, and if there is no mistake, why didn't I be told that I should go to the sampling clinic?"*

10. The FEI evaluated the above-noted explanations and failed to find any compelling justification of why the PR did not submit the Horse for sample collection. Consequently, the FEI issued a Notice of Charge under the EADCMR on 19 June 2023. The Notice of Charge requested for the PR to admit the violation asserted and accept the proposed Consequences; or challenge in writing the assertion of a violation and/or proposed Consequences within 20 days from receiving the Notice of Charge.
11. On 6 July 2023, the PR elected to admit the violation and receive the 6 months reduction and hence serve a total ineligibility period of 18 months. The PR therefore duly signed the enclosed Acceptance of Consequences Form.

#### **IV. Summary of the proceeding before the FEI Tribunal**

12. On 10 July 2023, the FEI submitted to the FEI Tribunal the duly signed Acceptance of Consequences Form together with the Notification Letter and the Notice of Charge (and respective annexes) and requested that the FEI Tribunal issue a "Consent Award", confirming the accepted consequences to be imposed on the PR.
13. On 28 July 2023, the Tribunal Chair informed the Parties of the appointment of a sole panel member to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the panel by 3 August 2023.
14. On 28 July 2023, the FEI informed the Tribunal that it did not have any objections to the constitution of the panel. The PR never replied therefore, his silence was inferred as agreement to the constitution of the panel.
15. Neither party requested an oral hearing.

#### **V. Jurisdiction**

16. The jurisdiction of the FEI Tribunal, which is not disputed, derives from the:

Statutes 24<sup>th</sup> edition, effective 19 November 2019 ("Statutes"), Arts. 1.5, 38 and 39.

General Regulations, 24<sup>th</sup> edition, 1 January 2021, Arts. 118, 143.1, 159, 164, 165 and 167 ("GRs").

Internal Regulations of the FEI Tribunal, 3<sup>rd</sup> Edition, 2 March 2018 ("IRs").

FEI Equine Anti-Doping and Controlled Medication Regulations ("EADCMRs"), 3<sup>rd</sup> edition, changes effective 1 January 2023.

## **VI. Early Admission and Acceptance of Sanction**

17. In accordance with Article 10.8.1 of the EADCMRs, "where a Person Responsible and/or member of the Support Personnel and/or other Person, after being notified by the FEI of a potential EAD Rule violation that carries an asserted period of Ineligibility of two (2) years or more years (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an EAD Rule violation charge, the Person Responsible and/or member of the Support Personnel and/or other Person may receive a six (6) month reduction in the period of Ineligibility asserted by the FEI. Where the Person Responsible and/or member of the Support Personnel and/or other Person receives the six (6) month reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article."

## **VII. Ratification of the Accepted Consequences**

18. The PR has explicitly admitted the rule violation and accepted the following consequences (in accordance with the Article 10.8.1 of the EADCMRs):

- A period of Ineligibility of eighteen (18) months commencing from the date of the Consent Award issued by the FEI Tribunal; and
- Disqualification from the whole Event and forfeiture of all medals, points, prize money, etc. won at the Event with the Horse;
- Fine of CHF 5'000.

19. The sole panel member confirms that the above Accepted Consequences comply with the EADCMRs and finds no grounds to object to their terms.

### **ON THESE GROUNDS**

1. The sole panel member hereby ratifies the Accepted Consequences by the PR in the case C23-0040 ALDHUWAYHI [2023/RF02] and incorporates its terms into the Consent Award.

2. Each Party is hereby ordered to perform the obligations and duties pursuant to the Acceptance of Consequences Form.
3. The Consent Award is pronounced without costs.
4. This Consent Award is final and is not subject to an appeal as the PR has waived this right.
5. This Consent Award shall be published in accordance with Article 14.3 of the EADCMRs.

DECISION TO BE FORWARDED TO:

a. The Parties:

- FEI
- Mr Abdullah Aldhuwayhi (PR)

b. Any other:

- H.H Abdullah Bin Fahad Bin Abdullah AL SAUD - President KSA-NF

FOR THE TRIBUNAL



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Ms Constance Popineau (GBR)