

DECISION RENDERED BY THE FEI TRIBUNAL
24 May 2024

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (the "FEI")

vs.

Mr. Fahad Helal Mohamed AL KHATRI – Person Responsible (the "PR")

together the "Parties"

Reference No. FEI Tribunal: C24-0012

COMPOSITION OF THE FEI TRIBUNAL PANEL:

Mr. José A. Rodriguez Alvarez (MEX), Sole Panel Member

FEI Case number: 2023/CM10

Horse/ID/NF: FILANTE AL BARAKA/108AS78/BRN

Person Responsible/ID/NF: Fahad Helal Mohamed AL KHATRI/10065846/BRN

Trainer/ID/NF: Hari Singh Aam SINGH/10054036/IND

Event/Date: CH-M-YH-E 120 8YO - Padise (EST), 10-14.08.2023

Event ID: 2023_CH-M_0004_E_YH_01

Date of sample collection: 13.08.2023

Prohibited Substance(s): Dexamethasone

Bar Code Nos.: 5627346

I. Introduction

1. This Decision pertains to the FEI case 2023/CM10 FILANTE AL BARAKA (the "Horse"). In respect of this case, the FEI notified the PR that a violation of Article 2.1 (Presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse's Sample) and Article 2.2 (the Use of a Controlled Medication Substance and/or Controlled Medication Method) of the applicable Equine Controlled Medication Rules (the "ECMRs") had occurred based on the FEI approved laboratory - LGC Newmarket Road, Fordham, Cambridgeshire (the "Laboratory") adverse analytical finding (the "AAF") of Dexamethasone in the Horse's Sample collected at the CH-M-YH-E 120 8YO - Padise (EST) held on 13 August 2023 (the "Event").
2. A Settlement Agreement between the FEI and the PR in respect of this case was agreed to by the Parties on 31 March 2024 (the "Settlement Agreement"). The Settlement Agreement and the Exhibits thereto are hereby incorporated herein by reference.

II. Applicable Rule Provisions

3. The following regulations are applicable to the present case:

Statutes 24th edition, effective 17 November 2021 (the "Statutes").

General Regulations, 24th edition, 1 January 2020, updates effective 1 January 2022. (the "GRs").

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

FEI Equine Anti-Doping and Controlled Medication Regulations, 3rd edition, effective 1 January 2023 (the "EADCMRs"). As only the ECMRs apply in the present case, reference will be made hereinafter only to the second chapter of the EADCMRs.

III. Factual background and initial proceedings

4. Mr. Fahad Helal Mohamed Al Khatri (FEI ID 10065846) the PR in accordance with Article 118.3 of the GRs, is an Athlete in the discipline of Endurance for Bahrain.
5. The FEI is the IOC-recognised international governing body for the equestrian sport disciplines of Dressage and Para-Equestrian Dressage, Jumping, Eventing, Driving and Para-Driving, Endurance and Vaulting.

6. The PR is a member of the Equestrian Federation of Bahrain (the “BRN-NF”), the latter being a member of the FEI, thus the PR was bound by the EADCMRs.
7. The Horse was tested during the Event and returned an AAF for the presence of Dexamethasone. Dexamethasone is a corticosteroid used to treat inflammatory and autoimmune conditions. This substance is classified as a Controlled Medication Substance under the FEI Equine Prohibited Substances List 2023. Controlled Medication Substances are substances that are prohibited in-competition only.
8. The PR was provided with the right to request the B Sample analysis. The PR exercised this right, and the B Sample analysis was conducted by the Laboratory confirmed the presence of Dexamethasone in the Horse’s Samples.
9. The FEI informed the PR of the positive results for this Prohibited Substance by way of a notification letter dated 25 September 2023 (the “Notification Letter”). In accordance with Article 7.4.1. of the ECMRs, the FEI decided not to provisionally suspend the PR as only one Controlled Medication was detected in the Horse’s Sample. The FEI informed the PR that he had the right to request to be voluntarily suspended in accordance with the Art. 7.4.9 of the ECMRs. The PR did not exercise this right.
10. On 8 January 2024, the PR provided his answer to the Notification Letter.
11. On 1 February 2024, the FEI issued a Notice of Charge for an ECMR rule violation. The FEI also explained to the PR in the Notice of Charge that an option was available to admit the violation asserted, enter in a case resolution agreement with the FEI and agree to the Consequences proposed by the FEI in accordance with Article 10.1-10.7 of the ECMRs.
12. Additional explanations for the ECMR rule violation were remitted by the PR on 26 February 2024 (supplementing those already provided on 8 January 2024) following investigation by the PR of the source of the Prohibited Substance found in the Horse.
13. After review of the PR’s submissions, the FEI was satisfied that the PR had established, on a balance of probabilities, that the source of the Prohibited Substance arose from supplement contamination. Nonetheless, the FEI stated that in accordance with Article 10.5 of the ECMRs, No Fault or Negligence does not apply in cases where the presence of the Controlled Medication Substance in a Sample arose from a mislabelled or contaminated supplement. Therefore, the No Fault or Negligence provision cannot be applied in the present case.

14. Therefore, in accordance with Article 10.6.1.2 of the ECMRs, the FEI considered that the PR had established that he bore “No Significant Fault or Negligence” for the violation and that his level of fault was not significant and at the lower end of the applicable sanction range taking into account the general practices and high standards adopted by the PR and the BRN Team in relation to the prevention of occurrence of anti-doping violations therefore warranting sanctions of the lower range¹.
15. On 2 April 2024, the FEI notified the Tribunal that it had reached a settlement of the dispute with the PR, which included a three (3) month Period of Ineligibility. Pursuant to the Settlement Agreement, the otherwise applicable Period of Ineligibility of six (6) months was reduced to three (3) months and the PR was ordered to pay a fine of CHF 3,000.
16. On 15 April 2024, the Tribunal informed the Parties of the appointment of a one-person hearing panel to adjudicate and approve this case. The Parties were asked to provide any objections to the constitution of the hearing panel. No objections to the constitution of the hearing panel were received.

IV. Accepted Terms.

17. The Settlement Agreement is made in accordance with Article 10.8.2 of the ECMRs and is subject to the approval of the Tribunal.
18. The PR explicitly admitted the ECM Rule violation and accepted the following terms (the “Accepted Terms”) in accordance with Article 10.8.2 of the ECMRs:
 - a. The PR admits the violation of Article 2.1 of the ECMRs (*The presence of a Controlled Medication Substance and/or its Metabolites or Markers in a Horse’s Sample*);
 - b. The PR established on a balance of probabilities how Dexamethasone entered the Horse’s system;
 - c. The PR bears *No Significant Fault or Negligence* for the Rule Violation and the applicable period of Ineligibility shall be three (3) months, in accordance with Art. 10.6.1.2 and Art. 10.9.1.1 of the ECMRs, commencing as of the date of the final FEI Tribunal decision (the Provisional Suspension already served

¹ Settlement Agreement 31 March 2024 (between FEI and APR), paragraph 2.29, re summary of submissions dated 8 January 2024, 8 February 2024 and Exhibits referenced therein.

shall be credited against the imposed Ineligibility Period);

- d. The results obtained by the PR-Horse combination at the Event are disqualified with all subsequent consequences (forfeiture of all medals, points, prize money, etc. won) in accordance with Article 9 and 10.1.2 of the ECMRs;
- e. In accordance with Articles 9.1 and 10.1.2 of the ECMRs, the results achieved by the PR and the Horse at the Event are disqualified, with all resulting consequences, including forfeiture of any related medals, points and prizes;
- f. The PR shall pay a fine of 3'000 CHF;
- g. Each party will bear its own legal and other costs incurred in connection with these proceedings;
- h. No other Sanctions will apply in this case;
- i. This violation of the ECMRs shall be considered a prior violation for the purpose of Multiple Violations in accordance with Art. 10.9 of the ECMRs.

V. Decision

- 19. The Tribunal has jurisdiction over this matter pursuant to Article 38 of the Statutes, Article 161 of the GRs, the ECMRs and Article 18 of the IRs. The PR is a member of the BRN-NF, which is a member of the FEI; therefore, the PR is bound by the ECMRs.
- 20. The Tribunal confirms that the Accepted Terms of the Settlement Agreement comply with the ECMRs and finds no grounds to object thereto.
- 21. The Parties acknowledge and agree that pursuant to Article 13.3 of the ECMRs, the Decision will be made public by the FEI. The terms set out in the Settlement Agreement have been agreed as a full and final settlement of all claims relating to the subject matter of these proceedings.
- 22. The Settlement Agreement and this Decision are not subject to appeal under Article 13 of the ECMRs.

DECISION TO BE FORWARDED TO:

- a. The Parties: Yes

- b. The Secretary General of the NF of the person sanctioned: Yes
- c. Any other: No

FOR THE FEI TRIBUNAL



Mr. José A. Rodríguez Álvarez (MEX), one -member panel.