



**DECISION of the FEI TRIBUNAL**  
**Alleged Horse Abuse of the pony Sherwill Valerian**  
**dated 15 August 2019**

**Alleged Horse Abuse Case 2019/06:**

Pony: Sherwill Valerian

Person: Joris VANSRINGEL/10004575/BEL

Location: Stadium Eventing/Cross Country Clinic at Fourways Riding Centre South Africa

Date: 17 November 2018

Allegation: Horse Abuse

**In the matter of**

**South African National Federation**

**“RSA-NF” or “the Claimant” or “the Protestor”**

**vs.**

**Mr. Joris Vanspringel**

**“Mr. Vanspringel” or “the Respondent”**

**Represented by Schelstraete Advocaten, Jc Oisterwijk, the Netherlands.**

**Together “the Parties”**

**I. COMPOSITION OF PANEL**

Mr. Laurent Niddam, chair

Mr. Henrik Arle, member

Ms. Constance Popineau, member

## II. SUMMARY OF THE FACTS

- 1. Memorandum of case:** By Legal Department.
- 2. Case File:** The FEI Tribunal duly took into consideration the Parties' written and oral submissions, as well as the FEI's opinion.
- 3. Oral Hearing:** 6 August 2019 at the FEI Headquarters in Lausanne, Switzerland.

### Present:

- The FEI Tribunal Panel
- Ms. Erika Riedl, FEI Tribunal Clerk

### For the Claimant:

- Mr. Wessel Strauss, Secretary General RSA-NF
- Dr. Sheelagh Higgerty, FEI Head Veterinarian RSA-NF
- Ms. Sara Zoe Corbet Boulle, witness
- Ms. Hannah Francine Corbet Boulle, witness

### For the Respondent:

- Mr. Joris Vanspringel, Respondent
- Mr. Luc M. Schelstraete, counsel

### For the FEI:

- Ms. Anna Thorstenson, Legal Counsel
- Ms. Müskat Hotin, Litigation Administrator

## III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

### 1. Relevant Rules and Regulations

Statutes 23rd edition, effective 29 April 2015 ("**Statutes**").

General Regulations, 23<sup>rd</sup> edition, 1 January 2009, updates effective 1 January 2018 ("**GRs**").

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

Eventing Rules, 25<sup>th</sup> Edition, effective 1<sup>st</sup> January 2018 ("**EVRs**").

FEI Code of Conduct for the Welfare of the Horse

## 2. The relevant Legal Provisions

**FEI Code of Conduct for the Welfare of the Horse – 2 f) Misuse of aids:** “Abuse of a Horse using natural riding aids or artificial aids (e.g. whips, spurs, etc.) will not be tolerated.”

**GRs Article 142.1:** “No person may abuse a Horse during an Event or at any other time. “Abuse” means “an action or omission which causes or is likely to cause pain or unnecessary discomfort to a Horse, including, but not limited to:

- (i) To whip or beat a Horse excessively;
- (ii) To subject a Horse to any kind of electric shock device;
- (iii) To use spurs excessively or persistently;
- (iv) To jab the Horse in the mouth with the bit or any other device;
- (v) To compete using an exhausted, lame or injured Horse;
- (vi) To "rap" a Horse.
- (vii) To abnormally sensitise or desensitise any part of a Horse;
- (viii) To leave a Horse without adequate food, drink or exercise;
- (ix) To use any device or equipment which causes excessive pain to the Horse upon knocking down an obstacle”

**GRs Article 163.2:** “(...) Protests for abuse of Horses may be lodged by any person or body.”

**GRs Article 169.6.2:** “Abuse of Horses in any form (rapping, abnormal sensitisation or desensitisation of limbs, banned schooling methods etc.) may entail a fine of up to 15,000.- and/or a Suspension of a minimum of three (3) months up to life;”

## IV. DECISION

The below is a summary of the relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence, as well as the FEI’s opinion. Although the Tribunal has considered all the facts, allegations, legal arguments and evidence in the present proceedings, it refers only to the submissions and evidence it considers necessary to explain its reasoning in this decision.

### 1. Factual Background

- 1.1 On 17 November 2018, Mr. Vanspringel held a clinic at the Stadium Eventing/Cross Country Clinic at Fourways Riding Centre in South Africa, which the minor, Ms. Hannah Francine Corbet Boulle (“**Ms. Hannah Boulle**”), and her mother Ms. Sara Zoe Corbet Boulle (“**Ms. Sara Boulle**”)

attended. Ms. Hannah Boulle was riding the pony Sherwill Valerian (the "Pony").

## **2. Procedural Background**

- 2.1 On 20 January 2019, the FEI received a letter from the RSA-NF, who explained that the RSA-NF in its turn, had received a letter of complaint from one of its members, concerning the rider Mr. Joris Vanspringel in November 2018 ("the Protest"). The RSA-NF handed this complaint over to the FEI since Mr. Vanspringel was not a member of the RSA-NF, but is registered under the Belgian National Federation ("BEL-NF") and under FEI jurisdiction.
- 2.2 On 15 March 2019, the FEI notified Mr. Vanspringel that the FEI received a Protest of alleged Horse abuse, filed by the RSA-NF, and requested Mr. Vanspringel to provide a written reply.
- 2.3 On 3 April 2019, Mr. Vanspringel provided his response to the allegations.
- 2.4 On 6 May 2019, the FEI submitted the Case File to the Tribunal for adjudication. On 19 July 2019, upon request by the panel, the FEI further provided a witness statement (which was not included in the original case file) by Ms. Hannah Boulle, dated 11 January 2019.
- 2.5 On 8 May 2019, the Tribunal Chair nominated a panel for this case, and provided the FEI – as interested party – with the opportunity to submit its opinion in the matter.
- 2.6 On 3 June 2019, the FEI submitted its opinion in the case.
- 2.7 On 28 June 2019, a pre-hearing conference call was held, and on 2 July 2019, the Tribunal issued Procedural Order No 1, *inter alia* (i) confirming the in-person hearing for 6 August 2019; (ii) encouraging the Protestor to attend the final hearing; and (iii) accepting a tri-partite agreement (if any) subject to approval by the Tribunal until 16 July 2019; no such agreement was ultimately received.
- 2.8 On 6 August 2019, a final in-person hearing was held at the FEI Headquarters in Lausanne, Switzerland.

## **3. Protest**

- 3.1 Together with the Protest, the RSA-NF also provided photos and a video clip filmed by Shannon Smeddle who was present and witnessed the

incident. Together with the Protest, the RSA-NF provided witness statements by Ms. Hannah Boule and by Ms. Sara Boule.

3.2 Ms. Hannah Boule stated as follows:

*"8. ... After multiple attempts Valerian didn't want to jump it. 9. Joris asked if he could get on and try and I agreed. 10. Joris borrowed my stick and spurs. He went around the field to get Valerian moving forward. He came down and attempted to jump the jump. Valerian stopped. Joris smacked him very hard and tried again and again. 11. Valerian kept stopping and he kept smacking him very hard and started pulling the bit right through his mouth. 12. Valerian started getting welts on the side that Joris was smacking him on. 13. I told Joris to stop but he ignored me or didn't hear me. 14. After more attempts Valerian kept stopping. Joris kept hitting him hard and pulling on the bit very hard. 15. I told him that Valerian was very tired and that he wasn't going to jump. Joris replied that he would do it once more, he didn't, he tried more than once. 16. After a few more attempts he got off, he handed me the pony and broken whip and left. 17. I took my pony, put my stirrups up, loosened his girth, undid his bridle and checked his sides. 18. When I got to the top Joris handed me my spurs and walked off again. 19. When I arrived at the trailer, I told Sara what had happened."*

3.3 Ms. Sara Boule stated as follows:

*"3. All was going well while Hannah was in the arena working over the XC and SJ fences. The pony does have a stop in him but Joris was giving Hannah great advice and said the pony was cheeky, which he is. (...) 8. Hannah went back to jump the fence he looked at one more time and he stopped. She tried again and again but he was having none of it. 9. I saw Joris had got on to Valerian. He sent him forward a few times then tried some other fences but Valerian was still stopping. 10. I was watching from the above field but my horse had had enough, as by this point I had been on him for quite a long time so I decided to take him back to the trailer. 11. I had been waiting for about 20-30 minutes then Hannah arrived in tears leading Valerian. She told me Joris had beaten Valerian and was being so rough with his hands the bit had been pulled through Valerian's mouth. 12. She showed me her whip that had been broken in two. 13. Valerian had huge, tender lumps on his right side behind the saddle and sores both sides of his mouth. He also looked absolutely exhausted. I noticed he had lost his front right shoe."*

3.4 In its Protest, which was also outlined in the letter from the FEI to Mr. Vanspringel, the RSA-NF stated as follows:

*"I believe that the affidavits, photos, video and original email are all self-explanatory. ... Joris Vanspringel apparently runs regular clinics in this country to athletes wishing to improve themselves in the field of eventing. However I believe that any athlete displaying the behaviour as seen in the video clip in any competitive or warm up arena, would be instantly yellow carded and face disciplinary investigation. The SAEF does not believe that because you are not in competition that this behaviour is acceptable. This behaviour is even more disturbing when it is displayed in front of a minor, who is looking up to such a person to be a role model. The FEI emphasises the Welfare of the Horse and its overriding importance in not only the competitive arena, but in training, stabling and in fact in every aspect of horse care and competition. (...)"*

#### **4. Response**

- 4.1 In essence Mr. Vanspringel does not deny the allegations. He further stated as follows:

*"I felt very sad after reading the complaint concerning the allegation of Horse abuse. I have been a professional rider, trainer and teacher for over more than 30 years, and this has never happened to me before. Since 2010 mister Edward Ludgard asks me every year to go to South Africa to help young athletes. The pony that I sit on in the video was first ridden by her owner, a young girl. She had a lot of difficulties during the training (the pony was entered in the 80/90cm but needed 60cm fences), so I lowered the fence (takehner), build a ground line an extra cross bar and filled up with hay. I made it as easy as possible. But still the pony refused to jump. I was asked by the attendant of the young girl to ride the horse. She gave me her cap, her spurs and her whip. I really wanted to help this young girl but what I did on the pony is not who I am, and I feel terribly bad and sorry about it. Still today. Like I said before I've been training all these years so many combinations and never did I disrespect the horse (or rider). I've never received any warning, yellow card or allegations of horse abuse. If I could turn back the time I would, but that is impossible. I sincerely want to apologize to everyone that is involved in this case. This will never happen to me again, of that you can be sure, I am too much of a horseman for that."*

#### **5. Opinion by the FEI**

- 5.1 To start with, the FEI submitted that Mr. Vanspringel, as a member of the BEL-NF competing at international level was under the FEI's jurisdiction. Further, protests for abuse of horses may be lodged by any person or body at any time.

- 5.2 Moreover, the FEI took all allegations of horse abuse very seriously and the FEI had no reason to doubt the authenticity or veracity of the video or pictures. The actions of Mr. Vanspringel, which can be seen in the video and pictures, were in the FEI's view, prima facie evidence of "Abuse" within the meaning of Article 142 of the GRs (Abuse of Horse).
- 5.3 More specifically, the FEI submitted that the FEI has carefully watched the video and Mr. Vanspringel can be seen striking the horse repeatedly in an effort to make it jump; the FEI counted 8 strikes, some of them against the head of the horse. In addition, there are several pictures which show that: there are marks on the Horse, the mouth is damaged, and the stick is broken in two pieces.
- 5.4 Mr. Vanspringel is a very experienced rider and horse owner, namely, he has participated in 4 Olympic Games, 2 World Equestrian Games, and 7 European Championships.
- 5.5 The behaviour seen in the video has no place in equestrian sport and especially not from a rider with this great experience. Being an experienced rider Mr. Vanspringel should know better and control himself and his anger against the horse. In addition, this behaviour has taken place in front of a child, a young person where the trainer should be a role model for how to handle a difficult situation with a horse. This was in the FEI's opinion an aggravating factor that cannot be ignored.
- 5.6 Considering these facts, the FEI was of the strong opinion that there was evidence of horse abuse within the meaning of Article 142 of the GRs, and given the totality of the circumstances, the FEI was of the opinion that the appropriate sanction for this case was in the middle range between 6 to 12 months suspension.

## **6. Final Hearing**

- 6.1 During the hearing the Parties and the FEI as interested party had ample opportunity to present their cases, submit their arguments and answer the questions asked by the Tribunal. After the Parties' submissions, the Tribunal closed the hearing and reserved its Decision. The Tribunal heard carefully and took into consideration in its discussion and subsequent deliberation all the evidence and the arguments presented by the Parties even if they have not been summarized herein.
- 6.2 At the end of the hearing, the Parties and the FEI acknowledged that the Tribunal has respected their right to be heard and their procedural rights.

- 6.3 During the hearing, and where not mentioned otherwise in the following, the Parties, as well as the FEI confirmed their written submissions.
- 6.4 Ms. Hannah Boulle explained that the Horse did not want to jump and it kept stopping with her when she tried to approach the fence. She approached the fence several times, albeit she does not remember how many times in total. When asked, she admitted that she had given the Horse a tap on the shoulder, but believes nowhere else. She also confirmed that she used the spurs, as her legs were not strong enough. Finally, she explained that on the day she was very upset with what Mr. Vanspringel did to her pony.
- 6.5 Mr. Vanspringel further explained that he had been asked to ride the Pony, and was given the whip and spurs, which he claims had been previously used by Ms. Hannah Boulle. He was trying to get the pony to jump which it did not. He was not told "anything" on the day of the incident, but was only notified of the allegations by the FEI months later. He immediately offered an apology in writing.
- 6.6 He indicated that he rode the Pony for between 5 to 10 minutes (whereas the video only shows 12 seconds), and that he made three (3) unsuccessful attempts to jump the fence with the Pony. He does not contest having used the whip. However, the video only shows him hitting the Pony with the whip on the shoulder, but not any whipping of the back of the Pony. Neither was the whip on the video broken. According to him he used a loose rein, the Pony's head was still in front of the body, and there was no video footage available of any spur abuse or the alleged jabbing. Neither did a veterinary report exist.
- 6.7 Furthermore, the photo material did not illustrate the Pony prior to him mounting it. He was convinced that Ms. Hannah Boulle must have whipped the Pony whilst trying to jump. Since there was no video or photo material from before or after these attempts by Ms. Hannah Boulle, it was unknown whether the cause of the marks on the pony were already present prior to when he mounted the Pony.
- 6.8 Nevertheless, he realized that the use of the whip was not acceptable. He realized and accepted the clear ruling of 142 GRs, and he understood that "discomfort" itself could constitute horse abuse. He did not dispute the pain of the Pony in the present case; his intention was not to cause the Pony any pain, but to merely help the Pony and the girl, *i.e.*, Ms. Hannah Boulle. It was important that only the whipping of the shoulder of the Pony has been proven in this case.



- 6.9 A fair sanction had to be found, which in Mr. Vanspringel's view should only amount to a fine and no period of suspension. In the alternative, if the Tribunal decides to impose a suspension, such suspension should not start earlier than December 2019, as selections for the Olympic Games were underway before that date. An unconditioned sanction would end his career at this point in time, and he would miss out on the upcoming European Championships and the Olympic Games. When imposing a sanction his flawless equine career of over four (4) decades had to be taken into account, the fact that he holds the highest coaching certificates in Belgium and was helping the BEL-NF with their coaching, as well as the fact that he was currently preparing two (2) horses for the Olympic Games, his last Olympic Games, as he planned to retire thereafter.
- 6.10 Furthermore, when comparing this case with other horse abuse cases, and more specifically with the case 2016/09, the latter case was more serious in Mr. Vanspringel's view, as that horse was injured and had open wounds, of which photo material and a declaration of an FEI veterinarian was provided. Furthermore, Mr. Vanspringel argued that the case at hand could not be compared with alleged horse abuse cases in Endurance, as the discipline was different and concerned many integrity issues.
- 6.11 The RSA-NF further explained that its Veterinary Department had received the complaint from Ms. Sara Boulle, and that they had approached the BEL-NF during the FEI General Assembly in November 2018 to discuss it. In the following, they finalised the complaint in writing and brought it to the FEI.
- 6.12 Further, that it was clear that only one of the three (3) attempts by Mr. Vanspringel had been recorded on video. One could clearly see 3 welts on the right side of the neck of the Pony, and it could not be excluded that the Pony was hit behind the saddle during the other attempts.
- 6.13 The FEI argued that the video by itself was sufficient prove of the horse abuse; the pictures were only adding to the facts which are not shown in the video. Further, when looking at the video in slow motion, a clear jab in the mouth was to be seen, and the head of the Pony goes left and right. In any case, the foregoing was is irrelevant, as it caused discomfort to the Pony, which is enough to constitute horse abuse in the meaning of Article 142 of the GRs.
- 6.14 Finally, the FEI stated that the FEI believes that Dr. Higgerty, a veterinarian, would not have reported the incident, if she did not consider it as horse abuse or serious enough for reporting.

## **7. Jurisdiction**

- 7.1 The Tribunal has jurisdiction over the matter pursuant to the Statutes, GRs and IRs.

## **8. Admissibility of the Claim**

- 8.1 The Protest submitted to the Tribunal by the FEI Secretary General through the FEI Legal Department against Mr. Vanspringel arises from an alleged horse abuse. Any such Protest may be lodged by anybody under Article 163.2 of the GRs. Since Mr. Vanspringel was registered with the FEI at the time of the incident, the Protest is admissible and the Tribunal will decide on the matter in accordance with applicable FEI rules and regulations.

## **9. Decision**

- 9.1 To determine the merits of this case, the Tribunal has to decide whether Mr. Vanspringel committed a horse abuse as defined in Article 142 of the GRs.
- 9.2 To start with, the Tribunal wishes to evaluate the evidence it has received in the case at hand. The Tribunal has been provided with a video of 12 seconds, showing one or part of an attempt by Mr. Vanspringel to jump the fence with the Pony, which the Pony refuses. The video shows Mr. Vanspringel hitting the Pony eight (8) times with the whip on the shoulders of the Pony. All parties in these proceedings have accepted the veracity of this video footage.
- 9.3 Furthermore, the video shows what is also described in the affidavit of Ms. Hannah Boule. The affidavit of Ms. Hannah Boule, which remains unchallenged by all parties, however describes that Mr. Vanspringel hit the Pony "repeatedly". Mr. Vanspringel did not challenge Ms. Hannah Boule's affidavit, but tried instead to shift the blame to Ms. Hannah Boule.
- 9.4 Moreover, the Tribunal notes the pictures, and Mr. Vanspringel's claim that there was no evidence that the marks on the Pony were caused by him. The Tribunal agrees that there is no evidence of the state of the Pony before it was handed over to Mr. Vanspringel, but there is no evidence on the record and Mr. Vanspringel did not attest that he saw Ms. Hannah Boule hit the horse in a way that could have caused the welt marks that can be seen on the photos. The Tribunal thus finds the video, the photos and the affidavit of Ms. Hannah Boule sufficient to conclude that Mr. Vanspringel has abused the Pony within the meaning of Article 142.1 of the GRs, and come to its decision in the present case, furthermore for the reasons outlined below.
- 9.5 Article 142.1 of the GRs sets out the principle that no person may abuse a horse during an event or at any other time and defines the word "*abuse*" to

mean "an action or omission which causes or is likely to cause pain or unnecessary discomfort to a Horse". This Article then gives a non-exhaustive illustrative list of what constitutes horse abuse, which includes to "whip or beat a Horse excessively." From the accepted evidence submitted, it is clear that Mr. Vanspringel excessively and repeatedly whipped the Pony, and that this action was "likely to cause pain or unnecessary discomfort" to the Pony.

- 9.6 The Tribunal notes Mr. Vanspringel's submission in this regard, namely that he accepts that he caused pain to the Pony, but that he had no intention to do so. The Tribunal however finds that it does not matter under Article 142.1 of the GRs whether or not Mr. Vanspringel intended to harm or cause discomfort to the Pony, but whether his actions were *de facto* likely to have caused such harm or discomfort, which Mr. Vanspringel has accepted and apologised for. The Tribunal finds that his actions constitute horse abuse because he undoubtedly caused pain or unnecessary discomfort to the Pony, as defined in Article 142.1 of the GRs.
- 9.7 As a result, the Tribunal concludes that under the definition of horse abuse in the GRs, the Protestor discharged its burden of proof to establish horse abuse under the applicable FEI rules and regulations, namely Article 142.1 of the GRs together with the FEI Code of Conduct for the Welfare of the Horse.
- 9.8 Regarding sanctions, the Tribunal finds aggravating circumstances in the facts that the horse abuse was committed by an experienced rider in front of a young rider of fourteen training with him. On the other hand, the Tribunal has taken into account the facts that Mr. Vanspringel accepted that his actions were wrong and promptly recognized and apologised for them.
- 9.9 The Tribunal has taken note of Mr. Vanspringel's submission and comparison of the case at hand with a previous case. The Tribunal however finds that the facts in that case were very different from the facts in the case at hand, and thus the Tribunal finds that no comparison between the cases is possible.
- 9.10 The Tribunal has taken note of the length of suspension suggested by the FEI in the present case. In taking into account all circumstance of the case, the Tribunal finds a suspension of nine (9) months, in combination with a fine, as provided for in Articles 169.6.2 and 169.8 of the GRs, as proportionate.
- 9.11 Finally, the Tribunal does not agree with Mr. Vanspringel's request to start any potential suspension at a later date in order for him to participate in the European Championships and in Olympic qualifier competitions. Pursuant to Article 168 of the GRs, "Decisions are effective from the date of oral or

*written notification to the affected party or parties (...)*". The Tribunal does not find any circumstances which could warrant this provision to be disregarded.

9.12 As a result of the foregoing, the Tribunal finds that the actions of Mr. Vanspringel constitute horse abuse within the meaning of Article 142.1 of the GRs. For the above reasons, and in accordance with Articles 142.1, 169.6.2, 169.8 and 169.10 of the GRs, the Tribunal therefore decides as follows:

1. The Protest is admissible.
2. Mr. Vanspringel has engaged in horse abuse and thereby violated Article 142 of the GRs.
3. Mr. Vanspringel shall be suspended for a period of **nine (9) months** starting from the date of the present decision.
4. Mr. Vanspringel shall be fined **three thousand Swiss Francs (CHF 3,000)**.
5. Mr. Vanspringel shall contribute **three thousand Swiss Francs (CHF 3,000)** towards the cost of these proceedings.

9.13 According to Article 168 of the GRs, this Decision is effective as from the date of its oral or written notification to the affected party or parties.

9.14 According to Articles 165.1.3 and 165.6.1 of the GRs, this Decision may be appealed to the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

**V. DECISION TO BE FORWARDED TO:**

**The Parties:** Yes

**Any other:** Belgium NF and the FEI

**FOR THE PANEL**



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**Mr. Laurent Niddam, FEI Tribunal panel chair**