



**DECISION of the FEI TRIBUNAL**  
**Alleged Horse Abuse of the horse CASTLEBAR NATO**

**dated 26 June 2019**

**Alleged Horse Abuse Case 2019/02:**

Horse: CASTLEBAR NATO /104OC45/UAE

PR: Khalid Jumaa Salem AL KHATRI /10103378/UAE

Trainer: Mansoor Ahmed Ali Al SUBOSE /10028051/UAE

Event: CEI1\* 100 Abu Dhabi, Al Wathba (UAE)

Date: 08.12.2018

Allegation: Horse Abuse

**In the matter of**

**Ms. Pauline van Drumpt**

**"Ms. Van Drumpt" or "the Claimant"**

**vs.**

**Mr. Khalid Jumaa Salem Al Khatri**

**"Mr. Al Khatri" or "the Respondent"**

**I. COMPOSITION OF PANEL**

Mr. Cesar Torrente, chair

Ms. Harveen Thauli, 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 submissions, as well as the FEI's opinion received to date.

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

### 1. Relevant Rules and Regulations

Statutes 24<sup>th</sup> edition, effective 20 November 2018 ("**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**").

Endurance Rules, Updated 9<sup>th</sup> Edition, effective January 2018 ("**ERs**").

FEI Code of Conduct for the Welfare of the Horse

### 2. The relevant Legal Provisions

**ERs Article 810.2:** "Whips (or the use of any other item as a whip) and Spurs are prohibited."

**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 The rider, Mr. Khalid Jumaa Salem Al Khatri participated with the horse CASTLEBAR NATO (“**the Horse**”) in the CEI1\* 100 Abu Dhabi, Al Wathba, United Arab Emirates (UAE), on 8 December 2018 (“**the Event**”). Mr. Al Khatri is an FEI registered rider (FEI ID 10103378), and his administering National Federation is the UAE National Federation (“**UAE-NF**”).

##### **2. Procedural Background**

- 2.1 On 9 February 2019, the Protestor lodged a Protest for horse abuse (“**the Protest**”), in accordance with Articles 142.1 and 163.2 of the GRs, with the FEI Secretary General, for referral to the FEI Tribunal. The Protest further contained alleged violations of Article 810.2 of the ERs and the FEI Code of Conduct for the Welfare of the Horse (2 f) Misuse of Aids.
- 2.2 On 22 March 2019, the FEI notified Mr. Al Khatri that the FEI received a Protest of alleged Horse abuse, filed by Ms. Van Drumpt, Clean Endurance, and requested Mr. Al Khatri to provide a written reply.
- 2.3 On 12 April 2019, Mr. Al Khatri provided his response to the allegations.

- 2.4 On 6 May 2019, the FEI submitted the Case File to the Tribunal for adjudication.
- 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 7 June 2019, the Tribunal informed the Parties that since no Party requested an oral hearing, the Tribunal would decide the case based on the written submissions.

### **3. Protest**

- 3.1 Together with the Protest, Ms. Van Drumpt also provided video evidence, *i.e.*, the official livestream of the Event. In her Protest, which was also outlined in the letter from the FEI to Mr. Al Khatri on 22 March 2019, Ms. Van Drumpt alleges as follows:

*"Mr. Al Khatri can be seen repeatedly striking the horse with the reins and kicking it in an effort to make it go faster.*

- At 2 minutes 2 seconds into the video, Mr Al Khatri, wearing bib number 89, is seen striking Castlebar Nato 3 times with the reins.*
- At 2 minutes 13 seconds into the video, Mr Al Khatri strikes the horse again, 7 times.*
- At 2 minutes 24 seconds into the video, Mr. al Khatri strikes the horse again 4 times.*

*He then kicks the horse and violently flicks the reins towards the horse's head repeatedly, and strikes the horse again 4 times, 2 minutes 47 seconds into the video.*

*The horse is seen foaming at the mouth and breathing hard, visibly exhausted but going as fast as it can. 3 minutes into the video, it collapses to its knees, tries to get up but collapses again. When it puts its right foreleg down to try and get up, the cannon bone can be seen bending backwards with a fracture.*

*The horse is on the competition results as "Lame at Vet Gate 4".*

*Mr. Al Khatri struck the horse at least 18 times as documented in the captured live footage. Given that the live footage has a slight time lag (10 to 30 seconds in general) to allow broadcasters to edit out incriminating images, in reality the horse was no doubt struck many more times. The incidents occurred during the home stretch of the last loop, only a few hundred meters from the finish line, in full view of hundreds of spectators and logically, of the Officials waiting at the finish line. The bay horse with rider number 75 crossed the finish line at 12:32:29, one and a half minutes after Castlebar Nato collapsed. Castlebar Nato was in first position during the first 3 loops, and was clearly exhibiting signs of tiredness at the end of loop 3, where he needed more than double the recovery times of the previous 2 vet gates, and had to present twice. (...)”*

- 3.2 Together with the Notification Letter, the FEI submitted that the FEI made inquiries to the Official Veterinarians, who officiated at the Event, to clarify the incident. They confirmed that the Horse suffered a close fracture of the cannon bone on the right forelimb. The Horse was not euthanised, and instead it was decided to treat the Horse conservatively with a cast or surgery depending on the owner’s decision.

- 3.3 Dr. Alberic Thery stated that:

*“On palpation, a closed fracture of the cannon bone could be felt on his right forelimb. A bandage and a Kimsey splint were applied, and the horse was quietly loaded in a ambulance, no sedation was required.*

*In order to prevent a displacement of the fracture and put the horse life at risk, it was decided not to unload the horse from the trailer, and the stable veterinarian was contacted.*

*It was decided to refer the horse to the stable veterinarian in the same trailer, who could perform a further evaluation, and then decide to go for a conservative treatment with a case, or a surgery at Dubai Equine Hospital, depending on the owner’s decision.”*

- 3.4 Dr. C.V. Niranjana confirmed that the Horse endured a closed fracture of the right fore cannon bone.

#### **4. Response**

- 4.1 In summary, Mr. Al Khatri confirmed that he used his reins, however only to “encourage” the Horse and also stated “no force was used to cause the

horse any harm and discomfort". Mr. Al Khatri further explained the incident as follows:

*"on the day of the pre ride and previous races the pre ride briefings included what was not allowed to be used in the race such as whips and other aids which would cause pain and discomfort to the horse but when asked about using the reins to encourage the horse the answer was "if its not a band aid its allowed". furthermore and to be clear, the main reason why I was trying to encourage my horse to go faster was to allow horse number 75 to safely move away from me when we entered the rail as the horses where close to each other and that is typical with any herd or pack animal as they prefer to run close to each other and feel safe.*

*Moreover, and if we where to talk about animal welfare, looking back at my riding record, whenever I feel that the horse is tired I personally retire the horse I'm riding by the rider after finishing the loop and if i am in any question about the horses welfare on the loop then the horse would be untacked and loaded up and one of the examples was in the CEN 119km Dubai crown prince cup where members of the FEI where present. i was riding the horse (MAMBO DEI LAGHI)*

*when I felt that the horse got tired in the loop i decided to pull him from the race where there was only 5km left till i could have reached the village but the horse welfare and safety came first the reason why i am stating this is because when I untacked the horse the member of the FEI quickly approached me and asked to see the horse move so i trotted the horse as he was sound and fresh, he himself was shocked and pleased that i pulled the horse even though the horse was physically perfect but simply not in the right mind set and retiring him was the right thing to do.*

*Finally and with the love of animals and horses, it is no act of humanity to cause him harm to any living creature let alone an animal which I've spent my entire life growing up with and learnt so much from, i really so wish that a member of the FEI was present on that day and saw what really happened because what is shown in the video would have been much clearer if seen in person."*

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

- 5.1 Together with its opinion, the FEI submitted a statement of the FEI Veterinary Department stating, *"an exhausted horse does not respond forward when encouraged/whipped and is not able to maintain its speed and balance. While the Horse in the video does not respond to the repeated whipping there is no obvious loss of speed and balance until the*

*fracture occurred."* The FEI Veterinary Department concluded that there was no evidence that the Horse was exhausted.

5.2 Further, the FEI Veterinary Department stated, *"an excessive use of the whip or excessive beating is when the Horse does not respond forward to the initial 1-3 taps and the tapping/whipping/beating still continues. One single very hard strike of the whip, hand, rein, water bottle etc. should also be considered as excessive regardless of the response from the horse."* In the video, Mr. Al Khatri repeatedly struck the Horse with the reins on its neck without the Horse showing any visible forward response. The Veterinary Department concluded that Mr. Al Khatri had excessively beaten the Horse.

5.3 Regarding whether there was any evidence of why the Horse fractured its leg and whether Mr. Al Khatri's excessive beating and hard riding caused the fracture, the FEI Veterinary Department stated as follows:

*"We have not taken part of any evidence proving the cause or underlying factor to the fracture. However, in general terms there is evidence that spontaneous fractures (fractures that have not been caused by external force such as hitting a solid object) in horses are caused by already existing bone fatigue (stress fracture) that are due to long term overloading and mismanagement such as overtraining, poor training surface and intense frequency of competing. Although pre-existing bone fatigue is the most likely cause of this fracture there is no physical evidence to support this."*

*"High speed in a competition contributes to the overloading and could have triggered the fracture. There is however no physical evidence to support this."*

5.4 To start with, the FEI submitted that Mr. Al Khatri, as the rider of the Horse, had legal responsibility of the Horse in accordance with Article 118 of the GRs as well as under the FEI rules and regulations.

5.5 Further, 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. The actions of Mr. Al Khatri, which can be seen in the video, were in the FEI's view, prima facie evidence of "Abuse" within the meaning of Article 142 of the GRs (Abuse of Horse).

5.6 More specifically, the FEI submitted that the number of times Mr. Al Khatri struck the Horse was eighteen (18). The FEI was of the strong opinion that using the reins to whip the Horse and kicking the Horse violently to force it forward was strictly prohibited. It was very serious that the rider kept

on pushing the Horse despite it being clear from the video that the Horse was tired. In the FEI's view, to drive a horse in a competition until it collapses with a resulting fractured limb was against the Horse's welfare and such behaviour had to be sanctioned accordingly. Although there was no physical evidence to support a spontaneous fracture, which the Veterinary Department described as being a fracture that was not caused by external force such as hitting a solid object, the fact that the Horse ended up with a fractured leg, not being caused by external force, could not be ignored.

- 5.7 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.
- 5.8 In addition, any act or series of actions defined as cruelty or abuse shall be penalised by disqualification from the Event in accordance with Article 811.1 of the ERs.
- 5.9 Finally, the FEI also reserved its rights to open a case against any other Support Personnel involved in the case.

## **6. Jurisdiction**

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

## **7. Admissibility of the Claim**

- 7.1 The Protest submitted to the Tribunal by the FEI Secretary General through the FEI Legal Department against Mr. Al Khatri arises from an alleged horse abuse. Any such Protest may be lodged by anybody under Article 163.2 of the GRs. Since Mr. Al Khatri 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.

## **8. Decision**

- 8.1 To determine the merits of this case, the Tribunal has to decide: 1) whether Mr. Al Khatri violated Article 810.2 of the ERs; and 2) if so, whether Mr. Al Khatri committed a horse abuse as defined in Article 142 of the GRs. The Tribunal does not question the veracity of the official video footage.



- 8.2 At the outset, the Tribunal considered Mr. Al Khatri's explanation that he only encouraged the Horse and that "no force was used to cause the horse any harm and discomfort". The Tribunal disagrees. In the Tribunal's view, the video evidence shows that Mr. Al Khatri repeatedly struck the Horse with the reins on its neck, and such action is considered "whipping". In the Tribunal's view, the whipping was excessive within the meaning of Article 142.1 (i) of the GRs. In this respect, the Tribunal agrees with the FEI Veterinary Department that one single very hard strike of the rein is considered excessive regardless of the response from the Horse. However, this case concerns repeated striking of the Horse. Despite this, the Tribunal finds that it does not matter whether the whipping was excessive or not, as the FEI rules and regulations prohibit any kind of whipping, as outlined in the following.
- 8.3 The first question is whether Mr. Al Khatri violated Article 810.2 of the ERs, which states: "*Whips (or the use of any other item as a whip) and Spurs are prohibited.*" This Article is clear that whips are prohibited during Endurance events. As described in the previous paragraph, the Tribunal finds that Mr. Al Khatri used the reins as a whip to hit the Horse and therefore finds that he violated Article 810.2 of the ERs. The Tribunal finds that by participating in an FEI event, Mr. Al Khatri had an obligation to know the applicable FEI rules and regulations, including Article 810.2 of the ERs, which prohibits the use of whips or the use of any other item as a whip. The Tribunal dismisses his claims that he received pre-ride instructions allowing the use of reins to "encourage" the Horse. Mr. Al Khatri ought to have known that whips and other items used as whips are prohibited and as a result, so is whipping. In any event, the Tribunal finds that he used the reins to "whip" the Horse. In the Tribunal's view, the reasons for the use of the reins do not matter, and the Tribunal further dismisses Mr. Al Khatri's claim that he used the reins to move away safely from another horse.
- 8.4 For the Tribunal, it is clear from the video that Mr. Al Khatri was aiming to make the Horse go faster as he realised that he was about to be overtaken by another horse. There was, in the Tribunal's view, no danger for such a potential overtaking to take place as there was clearly sufficient space for the other horse to pass.
- 8.5 The next question is whether Mr. Al Khatri's conduct constitutes horse abuse under the applicable FEI rules and regulations. The FEI Code of Conduct for the Welfare of the Horse considers the misuse of artificial aids such as whips as horse abuse that is not tolerated.
- 8.6 Furthermore, 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*." As stated, the Tribunal finds that Mr. Al Khatri used the reins as a whip to hit the Horse repeatedly. This is clearly visible in the video.

- 8.7 The Tribunal notes Mr. Al Khatri's submission that he used no force to cause the Horse harm and discomfort. However, the Tribunal finds that it does not matter under Article 142.1 of the GRs whether or not Mr. Al Khatri intended to harm or cause discomfort to the Horse, but whether his actions de facto caused such harm or discomfort. Mr. Al Khatri whipped the Horse at least 18 times and violently kicked the Horse until the Horse eventually collapsed from exhaustion. His actions were all captured in the live video footage. The Horse was eventually found lame at Gate 4. The Tribunal finds that his actions constitute horse abuse because he undoubtedly caused pain or unnecessary discomfort to the Horse, as defined in Article 142.1 of the GRs
- 8.8 As a result, the Tribunal concludes that under the definition of horse abuse in the GRs, read together with the ERs, the Protestor discharged her 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.
- 8.9 Moreover, the Tribunal notes that although there was no physical evidence of a spontaneous fracture of the Horse's leg, there was also no evidence that the fracture was caused by an external force. In the Tribunal's view, the mere fact that the Horse fractured its leg during the competition cannot be left un-noted. The Tribunal finds that this fact, together with the whipping where no whipping is allowed, and Mr. Al Khatri seemingly showing no remorse for his actions and describing what happened as only "*encouraging*" the Horse, are aggravating factors.
- 8.10 Further, the Tribunal finds that Mr. Al Khatri's claims that he generally pulled out tired horses from competitions, and had done so in the past, is normal behaviour expected of a rider, and cannot be considered as a mitigating factor. In the Tribunal's view, rather the opposite would be true, namely if a horse abuse was to be repeated, the existence of the present case might be considered as an aggravating factor in a future case.
- 8.11 Finally, the Tribunal notes that the FEI reserves its rights to open a case against any other Support Personnel involved in the incident. In this regard, the Tribunal believes that protecting horses and reducing horse abuse, which seems to be frequently reported in the Endurance discipline, are paramount

and the FEI should ensure that all horse abusers are sanctioned accordingly, including the Support Personnel (if any) involved in this case.

- 8.12 Furthermore, the Tribunal encourages the FEI to ensure that the FEI Officials in events like the Event act on apparent horse abuses happening during competition. In addition, the Tribunal encourages the FEI to investigate and open disciplinary proceedings, if necessary, against the FEI Officials officiating at the Event for potential breaches of the FEI rules and regulations that they may have committed by not acting on the present horse abuse case during the actual Event.
- 8.13 The Tribunal reminds all participants of all disciplines, whether riders, trainers, owners or officials, that *"at all times the welfare of the Horse must be paramount. Welfare of the horse must never be subordinated to competitive or commercial influences"*. It is the duty of the FEI and of its members, PRs and officials that all horses participating in FEI competitions are properly protected. The Tribunal finds it unacceptable that third parties have to bring Protests of alleged horse abuse cases to the attention of the FEI Tribunal and to the public, while the FEI Officials present at the Event seemingly remained silent during and after the competition where a horse was clearly abused and ended the competition with a fracture.
- 8.14 From the foregoing, the Tribunal considers it of the utmost importance to clearly express that horse abuse must be taken very seriously to minimize unnecessary suffering of horses, and that proper enforcement of horse abuse rules and regulations by the FEI and FEI Officials is crucial for the future and for the survival of equestrian sport in general and specifically the discipline of Endurance.
- 8.15 As a result of these circumstances, the Tribunal finds that the length of suspension proposed by the FEI is not sufficient in the present case, and the Tribunal finds a suspension of thirty (30) months, in accordance with Article 169.6.2 of the GRs, in combination with a fine and disqualification, as provided for in Article 169.8 of the GRs, as proportionate.
- 8.16 As a result of the foregoing, the Tribunal finds that Mr. Al Khatri has violated Article 810.2 of the ERs. Furthermore, the Tribunal finds that the actions of Mr. Al Khatri are considered as 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. Al Khatri has violated Article 810.2 of the ERs.


3. Mr. Al Khatri has engaged in horse abuse and thereby violated Article 142 of the GRs.
  4. Mr. Al Khatri shall be suspended for a period of **thirty (30) months** starting from the date of the present decision.
  5. **All results** achieved by Mr. Khatri with the Horse at the Event, including forfeiture of medals, points and prizes shall be **disqualified**.
  6. Mr. Al Khatri shall be fined **nine thousand Swiss Francs (CHF 9,000)**.
  7. Mr. Al Khatri shall contribute **one thousand Swiss Francs (CHF 1,000)** towards the cost of these proceedings.
- 8.17 According to Article 168 of the GRs, this Decision is effective from the date of its oral or written notification to the affected party or parties.
- 8.18 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:** NF

**FOR THE PANEL**



---

**Mr. Cesar Torrente, FEI Tribunal panel chair**