



DECISION of the FEI TRIBUNAL

dated 5 March 2013

Positive Anti-Doping Case No.: 2012/BS03

Horse: CROMWELL

FEI Passport No: 102TH69

Person Responsible/NF/ID: Rashed Mohd Ali Al Abbar/UAE/10063402

Event/ID: CEI2* - 120 km, Dubai, (UAE)/2012_CI_03

Date: 6 February 2012

Prohibited Substance: Testosterone

I. COMPOSITION OF PANEL

Prof. Dr. Jens Adolphsen, Chair
Mr. Pierre Ketterer, Panel Member
Mr. Henrik Arle, Panel Member

II. SUMMARY OF THE FACTS

1. Memorandum of case: By Legal Department.

2. Summary information provided by Person Responsible (PR):

The FEI Tribunal duly took into consideration all evidence, submissions and documents presented in the case file and at the oral hearing, as also made available by and to the PR.

3. Oral hearing: 14 December 2012 – FEI Headquarters, Lausanne

Present:

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

For the PR: Mr. Rashed Mohd Ali Al Abbar, PR

For the FEI: Ms. Carolin Fischer, FEI Legal Counsel
Mr. Francisco Lima, FEI Legal Counsel

III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

1. Articles of the Statutes/Regulations which are applicable or have been infringed:

Statutes 23rd edition, effective 15 November 2011 ("Statutes"), Arts. 1.4, 36, 37 and 39.

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2012, Arts. 118, 143.1, 161.2, 168.4 and 169 ("GRs").

Internal Regulations of the FEI Tribunal 2nd edition, 1 January 2012 ("IRs").

FEI Equine Anti-Doping and Controlled Medication Regulations ("EADCMRs"), 1st edition, effective 5 April 2010, updates effective 1 January 2012.

FEI Equine Anti-Doping Rules ("EAD Rules"), 1st edition, effective 5 April 2010, updates effective 1 January 2012.

Veterinary Regulations ("VRs"), 12th edition, effective 5th April 2010, updates effective 1 January 2012, Art. 1013 and seq. and Annex II (the "Equine Prohibited Substances List").

FEI Code of Conduct for the Welfare of the Horse.

2. Person Responsible: Mr. Rashed Mohd Ali Al Abbar

3. Justification for sanction:

GRs Art. 143.1: "Medication Control and Anti-Doping provisions are stated in the Anti-Doping Rules for Human Athletes (ADRHA), in conjunction with The World Anti-Doping Code, and in the Equine Anti-Doping and Controlled Medication Regulations (EADCM Regulations)."

EAD Rules Art. 2.1.1: "It is each *Person Responsible's* personal duty to ensure that no *Banned Substance* is present in the *Horse's* body. *Persons Responsible* are responsible for any *Banned Substance* found to be present in their *Horse's Samples*, even though their *Support Personnel* will be considered additionally responsible under Articles 2.2 – 2.7 below where the circumstances so warrant. It is not necessary that intent, fault, negligence or knowing *Use* be demonstrated in order to establish an *EAD Rule* violation under Article 2.1."

IV. DECISION

Below is a summary of the relevant facts and allegations based on the Parties' written submissions, pleadings and evidence adduced at the Hearing. Additional facts and allegations found in the Parties' written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. Although the Panel has considered all the facts, allegations, legal arguments and evidence in the present proceedings, in its decision it only refers to the submissions and evidence it considers necessary to explain its reasoning.

1. Factual Background

- 1.1 CROMWELL (the "Horse") participated at the CEI2* - 120 km, in Dubai, United Arab Emirates on 6 February 2012 (the "Event"), in the discipline of Endurance. The Horse was ridden by Mr. Rashed Mohd Ali Al Abbar who is the Person Responsible in accordance with Article 118.3 of the GRs (the "PR").
- 1.2 The Horse was selected for sampling on 6 February 2012.
- 1.3 Analysis of urine and blood sample no. 5513209 taken from the Horse at the Event was performed at the FEI approved laboratory, the Horseracing Forensic Laboratory Sport Science Ltd. (UK) ("HFL"). The analysis of the urine sample revealed the presence of Testosterone, at a concentration of free and conjugated Testosterone of 35 ng per millilitre (Certificate of Analysis no. 72840 dated 27 February 2012).
- 1.4 The Prohibited Substance detected is Testosterone. Testosterone is an anabolic steroid and the principal male sex hormone, which increases weight gain, energy levels and muscle development. Testosterone may potentially be endogenously produced by male horses. Therefore, a threshold concentration in urine for geldings of 0.02 micrograms (20 ng) of free and conjugated Testosterone per millilitre has been implemented by the FEI in its Equine Anti-Doping policy. Testosterone – provided it is detected in a gelding's sample at a level exceeding the above threshold – is classified as a Banned Substance under the FEI Equine Prohibited Substances List. According to the Horse's data, it is a gelding. Therefore, the concentration of free and conjugated Testosterone found in the Horse's sample was above the threshold, which gives rise to an Anti-Doping Rule Violation under the EAD Rules.

2. The Further Proceedings

- 2.1 On 14 March 2012, the FEI Legal Department officially notified the PR, through the United Arab Emirates Equestrian & Racing Federation ("UAE-NF"), of the presence of the Prohibited Substance following the laboratory analysis, the possible rule violation and the consequences implicated. The Notification Letter included notice that the PR was

provisionally suspended and granted him the opportunity to be heard at a Preliminary Hearing before the FEI Tribunal. In the Notification Letter, the PR was also informed that due to the fact that he had been held responsible in 2011 for an Anti-Doping Rule violation (Case 2011/FT02 – ALDJANI SAFINAT), the period of Ineligibility to be imposed on him would be increased by the Hearing Panel, under Articles 10.2 and 10.7 of the EAD Rules, taking into account the respective severity of both EAD Rule violations and the circumstances of the particular case.

- 2.2 Upon request by the PR, a Preliminary Hearing took place on 16 March 2012. During the Preliminary Hearing, the PR explained that he was the trainer and rider of the Horse. That no Testosterone was used at the Horse's stable, but that there was some suspicion that the Horse might be a cryptorchid. Following the Preliminary Hearing, the Preliminary Panel decided that the presence of a Prohibited Substance in the Horse's sample had not been denied, and therefore the Provisional Suspension was maintained.
- 2.3 It was agreed that the PR, in consultation with the FEI, could perform some tests on the Horse, in order to determine whether it was a cryptorchid. In the following an oestrone sulphate test as well as an hCG test were performed on the Horse. The samples taken from the Horse were analysed at the Beaufort Cottage Laboratories in the UK, which – following analysis – concluded that the Horse had no residual functional testicular tissue at the time that the samples were collected (Bar code no 551440 dated 11 April 2012).

3. The B-Sample analysis

- 3.1 The B-Sample analysis was performed on the urine on 2 April 2012, at the HFL as the PR requested that the B-Sample analysis be performed in the same laboratory than the A-Sample analysis.
- 3.2 The B-Sample analysis confirmed the presence of Testosterone at a concentration of 34 ng of free and conjugated Testosterone per millilitre (Certificate of Analysis no. 73637 dated 12 April 2012).

4. The PR's written and oral submissions

- 4.1 Together with his explanations, the PR submitted two documents entitled "Rabdan Stablebook", which contained information on training and supplements fed to his horses, and according to which the Horse had been given 1 ounce of a supplement called "The Enhancer" per day. In addition, the PR submitted an expert statement by Mr. Ahmad Obeid Al Bah of the Arab Lab for Technical Inspection. Mr. Al Bah stated that he had examined various examples of the PR's signature and that he believed that the paperwork filled out in the context of the 2011 Controlled Medication case involving the horse ALDJANI SAFINAT, in particular the Acceptance Letter confirming the acceptance of the

administrative sanctions offered to the PR in that procedure, had not been signed by the PR himself.

4.2 The PR further provided witness statements from the following individuals: (1) Dr. Massimo Puccetti, a veterinarian at the Dubai Equine Hospital who was also the veterinarian at the PR's stable caring for the Horse; (2) Mr. Wareen Khan, Foreman at Rabdan Stables, and (3) Mr. Muhaveer Singh, the Horse's groom. All witnesses explained in their statements that they had neither possessed nor had they administered any Testosterone to the Horse.

4.3 Following the Final Hearing of 14 December 2012, during which the Tribunal had expressed the view that the only possible explanation provided by the PR for the positive Testosterone test result would be the use of the product "The Enhancer", but that it was not convinced that the PR had established that the product "The Enhancer" had indeed been given to the Horse prior to the Event, the PR submitted two invoices from "EMIRTA Horse Requirements Centre" dated 28 October 2011 and 7 January 2012, both listing "1 quantity" of The Enhancer. The PR also provided additional witness statements by Dr. Puccetti, by Mr. Mohamed Al Shafar, a neighbour of the PR's stable, and by Dr. Mohammed, Veterinarian with EMIRTA Horse Requirements Centre. All witnesses confirmed that in October 2011, the PR had sought information about a supplement called "The Enhancer" produced by Cox Veterinary Lab, and that they had advised him that the supplement would be "safe and relevant" to the Horse's condition of loss of appetite. The witnesses also confirmed that two weeks after the first inquiry, the PR had further sought advice on increasing the dosage of The Enhancer from the recommended amount of 0.5 ounce to 1 ounce, which they had thought would be fine based on prior experience with the product and given the information provided by the manufacturer of The Enhancer that dosages may vary. In addition, the PR also provided a common statement from Abidulla Zabeehullah, Anees Ur Rahman Usaman and Zakir Ullah Amin Ullah, members of the feed team at Rabdan Stables. The members of the feed team confirmed that they had been instructed by the PR in October 2011 to add The Enhancer to the Horse's diet and, after the first two weeks of the administration of the product, to increase the dosage by an additional 0.5 ounce.

4.4 In essence the PR submitted:

a) That he was the trainer and stable manager at Rabdan Stables where the Horse was stabled, and that he was responsible for everything regarding the Horse including the Horse's training and the type of feed given to the Horse.

b) That since the Horse had refused to eat all the food allocated to it, he had been worried about the Horse's welfare in general and it losing too much weight. That after changing the Horse's feed several times without success, and following blood tests that had not revealed any medical condition of the Horse, in October 2011 he

had decided to use a supplement called "The Enhancer" on the Horse. That since he did not notice any difference in the Horse's appetite and after once more seeking advice from Mr. Al Shafar, Dr. Puccetti and Dr. Mohammed, he decided to increase the amount of The Enhancer from 0.5 ounce to 1 ounce.

- c) Regarding the source of the Prohibited Substance the PR contended that the Horse had never been given any Testosterone or other Prohibited Substances since he managed Rabdan Stables. He further submitted that the combination of the stressful conditions of endurance events in the United Arab Emirates, the over production of Testosterone in horses with stallion like behaviour - like CROMWELL - as well as the combination of various ingredients of the supplement The Enhancer, together were the source of the positive test result. Later on, and in light of the negative results of the hCG test and the oestrone sulphate test as well as various other factors the PR conceded that only the use of The Enhancer could have possibly caused the positive result. During the Hearing he further accepted that the threshold of 20 ng for free and conjugated Testosterone in geldings was set in order to cover even the most stressed horses.
- d) That only after having been notified of the positive finding, he had learned that two of the substances contained in The Enhancer, Dehydroepiandrosterone (DHEA) and Pregnenolone, are both precursors to Testosterone.
- e) That his intention when using The Enhancer was to enhance the appetite of the Horse only, and not to enhance the Horse's performance, nor to win competitions.
- f) That prior to using The Enhancer he had conducted an internet research about the product, and had also checked the product's ingredients against the Equine Prohibited Substances List. That Mr. Al Shafar had suggested that he tried The Enhancer, which he had seen being used for over ten years by many different stables in cases of loss of appetite. That he had also relied on his veterinarian, and that he had further contacted the manufacturer of The Enhancer, the Cox Veterinary Laboratory, and that he had been assured by them that The Enhancer was a safe product which had been on the market for over 30 years, and would not test positive. That in addition, he had also checked with his local supplier of The Enhancer in the United Arab Emirates.
- g) That finally, he had been "comfortably satisfied" with the information received and had administered The Enhancer with "good faith". That since the Horse had not reacted properly to the recommended dose of 0.5 ounce per day, and as according to the label of The Enhancer, the "frequency and amount" of the recommended dose could be varied, he had decided to increase the dosage administered to 1 ounce after having checked again with the above sources. The PR further conceded that whereas he did not

have any veterinarian or medical background, he was aware of the catch-all clause of the Equine Prohibited Substances List, and made sure that the above checks were undertaken in order to avoid using any products containing substances not listed by name on the List, but equally prohibited under the List's catch-all clause.

- h) Questioned regarding Dr. Puccetti, the PR explained not having been aware that the latter had been involved in several past Equine Anti-Doping and Controlled Medication cases. That Dr. Puccetti had appeared to him as a professional veterinarian and had always taken a conservative approach towards medication.
- i) With regards to the prior violation involving the horse ALDJANI SAFINAT, the PR argued that he had not been previously notified of the case by his National Federation (UAE-NF), that the procedure had been run and closed without his knowledge, and that his signature on the Acceptance Letter had been forged, as confirmed by the expert Mr. Al Bah of the Arab Lab who had analysed his signature. The PR further conceded that he had not reported the alleged forgery to the local police nor had he confronted the UAE-NF with the allegation of forgery.

5. The FEI's written and oral submissions

5.1 Together with its explanations, the FEI provided a statement by Mr. Bill Hawfield, Chemist at Cox Veterinary Laboratory. Mr. Hawfield confirmed that The Enhancer contained 600mg/ounce of DHEA. He further explained that the recommended dose per day was 0.5 ounce, but that 2 ounces per day had been given to horses, which had not tested positive. That it was for the first time in the context of the case at hand that the company had received a complaint about the product. In addition, the FEI provided The Enhancer product description by Cox Vet Laboratory, which mentioned DHEA as one of the substances contained. The FEI further submitted a statement by Dr. Stuart Paine, BSc (Hons), PhD, MRSC, CCHEM, CSci, ACS. Dr. Paine accepted that from a scientific point of view, the DHEA oral supplementation by means of the administration of The Enhancer at a dose of 1 ounce daily presented a plausible explanation for the source of the Prohibited Substance.

5.2 In essence the FEI submitted:

- a) That the PR had not disputed that Testosterone above the applicable threshold was present in the sample collected from the Horse at the Event and that it had therefore discharged its burden of establishing that the PR had violated Article 2.1 of the EAD Rules.
- b) That the PR had only to a limited extent answered the question of whether any of The Enhancer had been administered to the Horse. The FEI argued that the witness statements by Dr. Al Shafar, Dr. Mohammed and Dr. Puccetti per se could not be considered as

direct evidence that the Horse had indeed been fed The Enhancer, but had rather to be considered as evidence that the PR had consulted the three individuals concerning the product. Regarding the invoices by EMIRTA Horse Requirements Centre the FEI highlighted that the EMIRTA Horse Requirement Centre internet website did not list any product called The Enhancer in the company's product line. That further, since only two invoices had been provided by the PR, the two quantities purchased by the PR would have only lasted a little longer than two months in total, and that therefore, if anything at all, the invoices only established that the PR had purchased the product for some part of the period of the alleged administration.

- c) That even if the Tribunal came to the conclusion that the administration of The Enhancer to the Horse had been established by the PR, the PR had nonetheless been highly negligent and did not establish that he bore No Fault or Negligence for the rule violation. In this regard, the FEI acknowledged that the PR claimed having made efforts prior to using The Enhancer, including contacting the manufacturer of the product, consulting with the Horse's veterinarian, and checking that the ingredients of The Enhancer are not prohibited under the FEI Rules. That however no respective positive confirmation or clearance had been provided in writing by either Cox Vet Laboratory, the local supplier or the PR's neighbour. That furthermore, DHEA was clearly mentioned on the product label as one of the ingredients of The Enhancer and that the PR and his veterinarian could have discovered by a simple internet Google search that DHEA is a precursor to Testosterone. That further, the PR, practically working on his own and deciding about the feed and medication of the 24 horses in his stable on his own and mostly upon oral advice, had acted negligently and without the required knowledge, in particular veterinary knowledge.
- d) That, as affirmed by Dr. Paine, it had been known for some time that the use of DHEA is a means to boost Testosterone levels in geldings and mares for the purpose of enhancing performance, and that using a product called The Enhancer, at twice the recommended dose without proper exercise of due caution epitomized fault.
- e) That the PR had relied on Dr. Puccetti, although several horses under the care of this veterinarian had tested positive to Prohibited Substances in the past couple of years.
- f) That prior to using the supplement, in particular prior to using twice the amount as recommended by the manufacturer, the PR should have sought advice regarding the use of the product from outside the manufacturer's and supplier's sphere, since both the manufacturer and supplier would potentially have an interest in promoting their products, and possibly were not as neutral as required. The FEI highlighted that it had invited Cox Veterinary Laboratory several times to provide evidence that twice the

recommended dose would not test positive, but that no respective proof had been received.

g) That the PR had clearly been aware of the enhancing potential of The Enhancer, as he had admitted having expected that the Horse's welfare and metabolic state as well as its ability to endure long distances would improve. That furthermore in light of the prohibition by the FEI of the use of performance "enhancing" products it could have been reasonably expected by the PR that he would have been alerted by the name of the product used, "The Enhancer" that it was prohibited. That therefore, the PR had not established that he bore No Fault or Negligence for the rule violation, since with the exercise of utmost caution, he could have reasonably known, or at least suspected, that the Horse's system contained a Banned Substance.

5.3 With regard to the 2011 positive case involving the horse ALDJANI SAFINAT, the FEI argued that the PR had not contested that ALDJANI SAFINAT had tested positive to the Prohibited Substances Phenylbutazone and Oxyphenbutazone, after he had competed with it at an FEI Event. That due to the strict liability principle applicable in cases of positive findings under the EADCMRs, the PR was liable for the rule violation involving ALDJANI SAFINAT, irrespective of the question whether he had been involved at the time in the respective administrative procedure. That further, it was striking that the PR had not undertaken any steps towards the police or the UAE-NF following his allegations of forgery. That consequently, it had been established that the PR had first committed an ECM Rule violation prior to the present EAD Rule violation. That therefore, in accordance with Article 10.7.1 of the EAD Rules, the prior Controlled Medication violation should be considered as a factor in determining aggravating circumstances under Article 10.6 of the EAD Rules.

6. Jurisdiction

6.1 The Tribunal has jurisdiction over this matter pursuant to the Statutes, GRs and EAD Rules.

7. The Person Responsible

7.1 The PR is the Person Responsible for the Horse, in accordance with Article 118.3 of the GRs, as he was the rider of the Horse at the Event.

8. The Decision

8.1 The Tribunal is satisfied that the laboratory reports relating to the A-Sample and the B-Sample reflect that the analytical tests were performed in an acceptable manner and that the findings of HFL are accurate. The Tribunal is satisfied that the test results evidence the presence of Testosterone above the FEI threshold in the sample taken from the Horse

at the Event. The PR did not contest the accuracy of the test results or the positive findings. Testosterone – provided it is detected in a gelding's Sample at a level above the FEI threshold - is classified as a Banned Substance under the Equine Prohibited Substances List.

- 8.2 The FEI has thus established an Adverse Analytical Finding, and has thereby sufficiently proven the objective elements of an offence in accordance with Article 2.1 and 3.1 of the EAD Rules. This is undisputed between the Parties.
- 8.3 In cases brought under Article 2.1 of the EADCMRs, the so-called strict liability principle applies as described in Article 2.1.1 of the EAD Rules. This means that once a positive finding of a Prohibited Substance has been established, an EAD Rule violation has been established by the FEI and the PR has the burden of proving that he bears "No Fault or Negligence" for the positive findings as set forth in Article 10.5.1 of the EAD Rules, or "No Significant Fault or Negligence," as set forth in Article 10.5.2 of the EAD Rules. However, in order to benefit from any elimination or reduction of the applicable sanction under Article 10.5 of the EAD Rules, the PR must first establish how the Prohibited Substance entered the Horse's system. This element is a "pre-requisite" to the application of Article 10.5 of the EAD Rules. The standard of proof is that the PR must establish "specified facts or circumstances" "by a balance of probability".
- 8.4 The Tribunal takes note of the evidence adduced by the PR on how the Testosterone had entered the Horse's system, including the Rabdan Stablebook, the invoices from EMIRTA Horse Requirement Centre, and the witness statements provided by Dr. Puccetti, Mr. Al Shafar, Dr. Mohammed and the feed team of Rabdan Stables. The Tribunal finds however that these documents and explanations do not sufficiently establish that the Horse had indeed been fed The Enhancer. The PR's inquiries concerning The Enhancer only prove the enquiry itself, but not the application of the product or the Prohibited Substance respectively. Even though the Stablebook contains an entry for The Enhancer, it is partly in contradiction with the two invoices provided by the PR. The invoices only show that the PR had purchased two quantities of The Enhancer, which would however not have lasted for more than approximately two months. The Tribunal is therefore not fully convinced that the product had been administered to the Horse, since no details of the alleged administration to the Horse, such as the route or concrete time of administration, have been provided. Hence, the Tribunal comes to the conclusion that whereas from a scientific point of view, as affirmed by Dr. Paine, the administration of 1 ounce of The Enhancer could potentially have lead to the positive finding, the PR has not succeeded in establishing that 1 ounce of the product was indeed administered to the Horse in the months leading up to the Event.
- 8.5 But even if the PR would have established the source of the Prohibited Substance, the end result would not differ. In order to obtain any reduction of the otherwise applicable sanction, the PR would need to establish that he bears No (or No Significant) Fault or Negligence for the

positive findings. However, whereas the Tribunal acknowledges that the PR has been cooperative throughout the proceedings, the Tribunal finds at the same time that the PR was grossly negligent when administering a supplement called The Enhancer to the Horse. Specifically, the label of the product clearly indicated that it contained DHEA, and the PR could have known by a simple internet search, or through knowledgeable veterinary advice, that DHEA is a precursor of the Banned Substance Testosterone. The label of The Enhancer further specifically indicates the performance enhancing effect, and does not restrict the effects of the product to enhancing the appetite. The Tribunal also holds that seeking oral information only on the product, even if it was from the veterinarian, the manufacturer, the local distributor and a purportedly experienced neighbour, was not enough to ensure that no Banned Substance was administered to the Horse. The Tribunal is of the opinion that the PR should only have been sufficiently confident by a written confirmation by the manufacturer or the supplier, given that both the manufacturer and the local supplier were potentially interested in selling their product. As regards the PR's purportedly experienced neighbour, the Tribunal takes note that no evidence has been adduced regarding the neighbour's specific expertise and it is not clear on which grounds the PR relied on the neighbour. Finally, the only potentially qualified person for advice was the PR's veterinarian, who stated that he had advised that the product was both safe and relevant to the Horse's condition, but apparently did not realize that two of the main ingredients of The Enhancer were precursors to Testosterone. In this regard, the Tribunal is of the opinion that the PR's veterinarian, by applying due diligence, would have known the risks of the substances contained in the product. The Tribunal further relies on the statement by Dr. Paine that it had been known for some time that the use of DHEA is a means to boost Testosterone levels in geldings and mares for the purpose of enhancing performance. The Tribunal believes that ultimately it is the PR's responsibility to choose a trustworthy and knowledgeable veterinarian, and finds that the veterinarian in the case at hand seems to not have fulfilled these criteria as he had been involved in several previous anti-doping cases and had apparently given the green light for the use of The Enhancer, a product containing two precursors to Testosterone.

- 8.6 Lastly, the Tribunal finds that the PR has been even more grossly negligent in doubling the recommended dose of the product. In this context the Tribunal takes note of the directions on the product label that the amount and frequency may be varied as necessary. The Tribunal is however of the opinion that the directions on the product are very vague and that any rider, prior to using twice the recommended dose of either a supplement or any type of medication, should have nonetheless sought professional advice.
- 8.7 In conclusion, the Tribunal finds that the PR has not succeeded in establishing that he bears No (Significant) Fault or Negligence for the rule violation.
- 8.8 Accordingly, there is no basis for the Tribunal to eliminate or reduce the otherwise applicable sanctions by virtue of Article 10.5.1 or Article 10.5.2

of the EAD Rules.

9. Disqualification

- 9.1 For the reasons set forth above, the FEI Tribunal is disqualifying the Horse and the PR combination from the Competition and all medals, points and prize money won must be forfeited, in accordance with Article 9 of the EAD Rules.

10. Sanctions

- 10.1 Under the current EAD Rules, the sanction for an Adverse Analytical Finding for a Banned Substance is a two-year Ineligibility period for first time offenders. The Tribunal finds that based on the Case File, the PR is a first offender in the meaning of the EAD Rules, since he has not yet violated those EAD Rules.
- 10.2 As regards the Controlled Medication case of 2011 involving the horse ALDJANI SAFINAT, the Tribunal takes note of the PR's explanations that he had not been involved in the Controlled Medication case procedures, and of the expert statement of Mr. Al Bah of the Arab Lab for Technical Inspection. Nonetheless, the Tribunal finds that at the latest, the PR had been notified of the Controlled Medication violation on 14 March 2012, and had since then not contested the substance of the case, i.e. the positive finding and that he had competed with the horse ALDJANI SAFINAT at the Event during which it had tested positive. The Tribunal further takes note that the PR had not sought any criminal prosecution against representatives of the UAE-NF for forgery or similar misconduct. Given those circumstances the Tribunal considers the 2011 Controlled Medication violation by the PR as being established, and further takes it into consideration as a factor leading to the finding of aggravating circumstances for the case at hand under Articles 10.7.1 and 10.6 of the EAD Rules.
- 10.3 The Tribunal therefore imposes the following sanctions on the PR, in accordance with Article 169 of the GRs and Article 10 of the EAD Rules:
- 1) The PR shall be suspended for a period of **thirty (30) months** to be effective immediately and without further notice from the date of the notification. The period of Provisional Suspension, effective from 14 March 2012, the date of Provisional Suspension, shall be credited against the Period of Ineligibility imposed in this decision. Therefore, the PR shall be ineligible **through 13 September 2014**.
 - 2) The PR is fined **CHF 3,000**.
 - 3) The PR shall contribute **CHF 2,000** towards the legal costs of the judicial procedure, as well as the costs of the B-

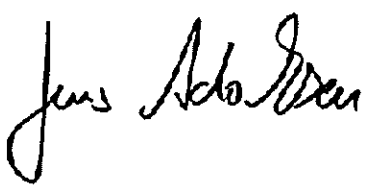
Sample analysis.

- 10.4 No Person Responsible who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity that is authorized or organized by the FEI or any National Federation or be present at an Event (other than as a spectator) that is authorized or organized by the FEI or any National Federation, or participate in any capacity in Competitions authorized or organized by any international or national-level Event organization (Article 10.10.1 of the EAD Rules). Under Article 10.10.2 of the EAD Rules, specific consequences are foreseen for a violation of the period of Ineligibility.
- 10.5 According to Article 168.4 of the GRs, the present Decision is effective from the day of written notification to the persons and bodies concerned.
- 10.6 In accordance with Article 12 of the EAD Rules, the PR and the FEI may appeal against this decision by lodging an appeal with the Court of Arbitration for Sport within 30 days of receipt hereof.

V. DECISION TO BE FORWARDED TO:

- a. **The person sanctioned: Yes**
- b. **The President of the NF of the person sanctioned: Yes**
- c. **The President of the Organising Committee of the Event through his NF: Yes**
- d. **Any other: No**

FOR THE PANEL

A handwritten signature in black ink, appearing to read 'Jens Adolphsen', followed by a vertical line.

THE CHAIRMAN, Prof. Dr. Jens Adolphsen