



**DECISION of the FEI TRIBUNAL
dated 11 December 2017**

Case 2016/CM03 DEEJAY

Horse/Passport: DEEJAY/104CU76/KSA

Person Responsible/ID/NF: Ramzy Hamad Al Duhami/10009790/KSA

Event/ID: CSIO5* - NC EUD2 (POL) 2016_CI_0274_S_S_01/

Date: 9 – 12 June 2016

Prohibited Substance: Aminorex

I. COMPOSITION OF PANEL

Mr. Chris Hodson QC, chair
Mr. Henrik Arle, member
Dr. Armand Leone, member

II. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

1. Relevant Articles of the Statutes/Regulations:

Statutes 23rd edition, effective 29 April 2015 ("**Statutes**"), Arts. 1.4, 38 and 39.

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2016, Arts. 118, 143.1, 161, 168 and 169 ("**GRs**").

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

FEI Equine Anti-Doping and Controlled Medication Regulations ("**EADCMRs**"), 2nd edition, effective 1 January 2016.

FEI Controlled Medication Regulations ("**ECM Rules**"), 2nd edition, effective 1 January 2016.

Veterinary Regulations ("**VRs**"), 13th edition, effective 1 January 2016, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.



2. 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)."

GRs Art. 118.3: "The Person Responsible shall be the Athlete who rides, vaults or drives the Horse during an Event, but the Owner and other Support Personnel including but not limited to grooms and veterinarians may be regarded as additional Persons Responsible if they are present at the Event or have made a relevant Decision about the Horse. In vaulting, the lunger shall be an additional Person Responsible."

ECM Rules Art. 2.1.1: "It is each Person Responsible's personal duty to ensure that no Controlled Medication Substance is present in the Horse body during an Event without a valid Veterinary Form. Persons Responsible are responsible for any Controlled Medication Substance found to be present in their Horse's Samples, even though their Support Personnel will be considered additionally responsible under Articles 2.2 – 2.5 ECM Rules where the circumstances so warrant. It is not necessary that intent, Fault, negligence or knowing Use be demonstrated in order to establish a Rule violation under Article 2.1."

ECM Rules Art. 7.6.1: "In cases where the Administrative Procedure, as set out in Article 8.3 below, is not available, at any time during the results management process the *Person Responsible* and/or member of the *Support Personnel* and/or *Owner* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing and may agree with the FEI on the Consequences that are mandated by these ECM Rules or (where some discretion as to Consequences exists under these ECM Rules) that have been offered by the FEI. The agreement shall be submitted to the FEI Tribunal for approval and, where approved by the *FEI Tribunal*, the final agreement shall state the full reasons for any period of Ineligibility agreed, including (if applicable), a justification for why the flexibility in Sanction was applied. Such agreement shall be considered as a decision for the case and will be reported to the parties with a right to appeal under 12.2.2 and published as provided in Article 13.3."

III. DECISION

1. Parties

- 1.1 The Person Responsible (the "PR"), Mr. Ramzy Hamad Al Duhami is a show jumping rider for Saudi Arabia.
- 1.2 The Fédération Equestre Internationale (the "FEI" and together with the PR, the "Parties") is the sole IOC recognised international federation for equestrian sport. The FEI is the governing body of the FEI equestrian disciplines (Dressage, Jumping, Eventing, Driving, Endurance, Vaulting, Reining, Para-Equestrian).

2. Further proceedings

On 5 December 2017, the FEI informed the Tribunal that the Parties had reached an agreement in the context of the case 2016/CM03 DEEJAY and submitted the Agreement (together with the Case Summary and the Full Reasoning for the Agreement to the Tribunal for approval and incorporation into a Decision of the Tribunal in accordance with Article 7.6.1 of the EADCMRs.

I – Case Summary (as provided to the Tribunal by the Parties as part of the Agreement referred to Article 3 below)

- 3.1 The PR took part with his horse DEEJAY (the "Horse") at the CSIO5*-NC EUD2 event held in Sopot, Poland, from 9-12 June 2016 (the "Event"). As a member of the Saudi Arabian Equestrian Federation (the "Saudi NF"), the latter being a member of the FEI, the PR was bound by the ECM Rules.
- 3.2 The Horse was selected for testing on 12 June 2016. The resulting samples were transported to the FEI approved LGC Newmarket Road Laboratory ("LGC") in Cambridgeshire, UK for analysis.
- 3.3 By notification letter dated 31 August 2016 the FEI informed Mr. Ramzy Hamad Al Duhami, in his capacity as the Person Responsible, and the Saudi NF, of an alleged violation by Mr. Ramzy Hamad Al Duhami, of Article 2.1 (*The Presence of a Controlled Medication Substance or its Metabolites or Markers in a Horse's Sample*) of the ECM Rules. In accordance with Article 7.4.1 of the ECM Rules, no Provisional Suspension was imposed on the rider, since there was only one Controlled Medication Substance – Aminorex – present in the sample. It was however, the second violation of the ECM Rules by Mr.



Ramzy Hamad Al Duhami who committed a Medication Control Rule violation in December 2013 (case 2013/FT03 VITESSE), which was processed under the Administrative Procedure by means of the acceptance letter signed by Mr. Ramzy Al Duhami dated 14 February 2013. Consequently, this violation was ineligible for the Administrative Procedure and counts as a second violation under the Equine Controlled Medication Rules.

- 3.4 Aminorex is a parasympathomimetic and stimulant drug, used as an appetite suppressant. It has high potential to affect performance. This substance is classified as *Controlled Medication Substances* under the FEI Equine Prohibited Substances List. A positive finding for Aminorex constitutes a *prima facie* Equine Controlled Medication Rule violation.
- 3.5 Aminorex as a drug was introduced as a prescription appetite suppressant in certain countries in 1965, but was withdrawn in 1972 after it was found to cause pulmonary hypertension in approximately 0.2% of patients, and was linked to a number of deaths.
- 3.6 The B sample analysis was carried out on the 6 October 2016, and confirmed the A Sample analysis.
- 3.7 The PR submitted several statements from 3 November 2016 to 3 April 2017. Thereafter, with the consent of the FEI, the PR attempted to have the A Sample tested in a Philadelphia Laboratory that has expertise in identifying Levamisole in equine samples. The PR went through the complicated task of contacting the Laboratory and arranging for the Sample to be tested, as well as organizing the shipment of the A Sample from the UK Laboratory to the Philadelphia Laboratory. Unfortunately, to the PR's great disappointment, the Philadelphia Laboratory determined upon receipt of the Sample that there was not enough plasma to conduct further testing. Therefore, the PR did not have the opportunity to affirmatively demonstrate the presence of Levamisole in the Sample.
- 3.8 In essence the PR submitted the following:
 - The PR has never heard about Aminorex. Neither the PR nor anyone for whom he is responsible administered Aminorex to the Horse.
 - There is no metabolite of Aminorex present in the Horse's sample.
 - Aminorex is a metabolite of Levamisole and given the wide availability and use of this de-wormer, can sometimes present as a false positive for the prohibited Aminorex.



- The way to exclude Levamisole as the source of the Aminorex is to exclude any presence of 4-phenyl-2-imidazolidinone (Compound II) in the Sample.
- The Laboratory did not test the sample(s) on the presence of 4-phenyl-2-imidazolidinone (compound II) as an indicator of levamisole administration as the the Laboratory did not use chiral (optical isomer) chromatography that could allow to distinguish Aminorex arising from Levamisole versus the drug itself.
- Levamisole is widely used in Poland and in fact that Levamisole is the most frequently used de-wormer in Poland.
- It is therefore highly probable that it had been used at the Event venue in June 2016 which is where the Horse was tested, hence it is highly likely that the Horse had been exposed to the de-wormer Levamisole at the Event.
- The PR had taken substantial measures to ensure that Horse's system did not contain any Prohibited Substances during the Event. Among others, during the Event he had the Horse stabled on its own in the FEI stables in Sopot and only hand-walked by the groom in the facility of Hipodrom in Sopot where the Event was held. The PR gave his Support Personnel strict instructions to take great care with anything, food and otherwise, that the Horse could potentially come in contact with. In that respect, the PR did what was within his control to ensure that no Controlled Medication Substance came to be present in the Horse's system during the Event.

3.9 The FEI has investigated the case through the Veterinary Pharmacologist Professor Stuart Paine and is of the opinion that based on the submissions made and the evidence provided, the most likely cause of the positive Aminorex finding was some sort of contamination from Levamisole. That however, limited information was available with regards to the science in relation to this particular substance Aminorex and its metabolites. The FEI acknowledge the fact that the drug Aminorex was withdrawn from the market in 1972, and that Levamisole is a widely used de-warmer especially in Poland.

3.10 On 11 September 2017, the PR asked to be voluntary suspended, which was confirmed by a notification of Voluntary Suspension on the very same day."

II – Full Reasoning for the Agreement (as provided to the Tribunal by the Parties as part of the Agreement referred to in Article 3 below)

"4.1 According to Article 10.2 of the ECM Rules, the period of ineligibility imposed for the violation of Article 2.1 shall be six (6) months, subject



to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6. A fine of up to CHF15,000 shall also be imposed and appropriate legal costs.

- 4.2 Article 10.4 of the ECM Rules states: *“If the Person Responsible and/or member of the Support Personnel (where applicable) establishes in an individual case that he/she bears No Fault or Negligence for the ECM Rule violation, the otherwise applicable period of Ineligibility and other Sanctions (apart from Article 9) shall be eliminated in regard to such Person. When a Controlled Medication Substance and/or its Metabolites or Markers is detected in a Horse’s Sample in violation of Article 2.1 (presence of a Controlled Medication Substance), the Person Responsible and/or member of the Support Personnel (where applicable) must also establish how the Controlled Medication Substance entered the Horse’s system in order to have the period of Ineligibility and other Sanctions eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the ECM Rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for Multiple Violations under Article 10.8 below”.*
- 4.3 Based on the evidence and documentation supplied by the PR (as described in Section 3 above), the FEI has evaluated whether or not Article 10.4 ECM was applicable. The FEI has considered if the PR has established how the Controlled Medication Substance had entered the Horse’s system. In this regard, the FEI finds that there is a plausible explanation as to how the Controlled Medication Substance entered the Horse’s system based on the information that the Horse had been contaminated by Levamisole at the Event site.
- 4.4 Further the science on this matter is quite complex. If 4-phenyl-2-imidazolidinone is detected then the Aminorex resulted from a legitimate administration of the de-wormer drug known as Levamisole. Normally, if the Horse has been administered Levamisole, there is presence of both metabolites Aminorex and also 4-phenyl-2-imidazolidinone. If 4-phenyl-2-imidazolidinone is not detected, then the Aminorex originates from either contamination or administration of Aminorex. Considering that the Aminorex drug was withdrawn from the market in 1972, it is highly unlikely that the PR has administered Aminorex as a drug. The presence of only Aminorex in this particular case, is therefore most likely from contamination of Levamisole.
- 4.5 Moreover, Professor Stuart Pain confirmed the following in this specific case:



"Aminorex itself is a potent stimulant and is considered to have a very high potential to affect racing performance and has no generally-accepted medical use. Aminorex is not a commonly abused drug and commercial sources of Aminorex are not readily accessible. Aminorex can be produced as a metabolite in horse from the wormer drug known as levamisole. When levamisole was administered to horses three key metabolites were formed namely; Aminorex, Rexamino and 4-phenyl-2-imidazolidinone (compound II)...if 4-phenyl-2-imidazolidinone is detected then the Aminorex resulted from a legitimate administration of the wormer drug known as levamisole. However, if it is not detected then the Aminorex originates from either contamination or administration of Aminorex... concerns still remain for the continued detection of aminorex in other samples that showed no sign of any compound II present."

- 4.6 The FEI is therefore satisfied that contamination of Levamisole at the Event site is the most likely and a plausible explanation for how the Prohibited Substances entered the Horse's system. In addition, Aminorex as a drug was withdrawn from the market already in 1972 and not readily accessible. Thus, scientifically the most likely explanation for the presence of the Prohibited Substance is contamination by Levamisole and the likely scenario is that it came from the Event site since Levamisole is widely used in Poland. The FEI is thus satisfied that the requirement of establishing how the Prohibited Substances entered the Horse's system has been fulfilled.
- 4.6 The FEI has proceeded to evaluate the level of Fault and Negligence of the PR. The PR has not demonstrated that he exercised utmost caution to avoid a positive test. Further, it is the second violation of the PR, hence Multiple Violations Article 10.8 of the ECM Rules applies, where the minimum is a three (3) months ineligibility period. The FEI is however satisfied that the PR demonstrated that he bore No Significant Fault or Negligence since he had procedures in place in order to prevent positive findings. The PR has explained his habits and procedures for avoiding positive findings, and that he was extra careful since he had a first violation in 2013 already. He made sure that the contamination risk at the Event was eliminated by stabling at FEI stables only and that all his horses were only hand-walked by the grooms. The PR stabled his horses in a professional equestrian facility near Brussels, Belgium. His Support Personnel such as the groom, the driver and the veterinarian have significant experience in the Jumping sport. The veterinarian, Willem Verhaeghe was for many years the in-house vet of Mr Jan Tops and was entrusted with the veterinary management of the sport horses of Stal Tops. This was important to



the PR as he had several discussions with the Veterinarian about anti-doping procedures and he was assured that all available measures to avoid doping would be implemented. The PR could therefore reasonably not have been expected to take any further measures at the Event, which would have prevented the Prohibited Substance to enter the Horse's system, neither could he have suspected that the Event site was contaminated with Levamisole. Significantly, Levamisole itself is not a Prohibited Substance. In his statement of 8 March 2017 Dr. Verhaeghe provided a comprehensive statement (including the medication logbook) of the PR and the horse contending that the PR and his Support Personnel implemented the best practices and standards in the day-to-day management of the horses.

- 4.7 The FEI is satisfied that the PR has proven how the Prohibited Substance entered the body of the Horse and that he bears No Significant Fault or Negligence for the rule violation.
- 4.8 The FEI is satisfied that the criteria for the application of Article 10.5 of the ECM Rules had been met in that (i) the PR has established how the Prohibited Substances came to enter the Horse's system, (ii) the PR has demonstrated that he bore No Significant Fault or Negligence and (iii) the circumstances of the case are exceptional and that, therefore, the otherwise applicable period of Ineligibility (i.e. six (6) months) should be reduced to three (3) months period of ineligibility for the PR, starting from the date of the voluntary suspension, 11 September 2017. He may therefore resume competing on 10 December 2017.
- 4.9 In addition the Disqualification of the Horse's results at the Event in accordance with Article 9, 10.1.4 and 11 of the ECM Rules should apply.
- 4.10 Article 10.2 of the ECM Rules provides that a Person Responsible for an Articles 2.1 violation should also be fined up to CHF 15,000 'unless fairness dictates otherwise' and should be ordered to pay 'appropriate legal costs'. The FEI respectfully submits that fairness does not dictate that no fine be levied in this case, and duly requests that a fine of 2 000 CHF be imposed on each of the PR, and that the PR be ordered to pay the legal costs of 1 000 CHF that the FEI has incurred in pursuing this matter."



3. Agreement between Parties

On 4 December 2017, the Parties reached the following Agreement, based on the facts as detailed above:

*** Quote***

- 5.1 All capitalised terms used in this Agreement but not defined herein shall have the meaning ascribed to such term in the the FEI Equine Anti-Doping and Controlled Medication Rules ("EADCM Rules")
- 5.2 In the matter of the Adverse Analytical Finding related to the samples, which were collected from "), Mr Ramzy Hamad Al Duhami's horse DEEJAY (the "Horse") at the CSIO5*-NC EUD2 event held in Sopot, Poland, from 9-12 June 2016, (the "Event"), Mr Ramzy Hamad Al Duhami (the "PR") and the Fédération Equestre Internationale (the "FEI" and together with the PR, the "Parties") agree, in accordance with Article 7.6.1 (*Agreement between Parties*) of the ECM Rules, on the following:
- 1) The **Presence of a Controlled Medication Substance** in the Horse's sample constitutes a violation of Article 2.1 of the ECM Rules.
 - 2) **Ineligibility Period:**
The Parties agree that the prerequisites for Article 10.5 and 10.8 of the ECM Rules (*Reduction of the Period of Ineligibility based on No Significant Fault or Negligence*) are fulfilled in the case at hand and that the applicable period of Ineligibility shall be three (3) months, starting of the date of the Voluntary Suspension, 11 September 2017, and finishing on 10 December 2017.
 - 3) **Disqualification of Results:**
In accordance with Articles 9 and 10.1.4 of the ECM Rules, all the results achieved by the PR with the Horse at the Event are disqualified, including forfeiture of medals, points and prizes.
 - 4) **Full Settlement and Resolution:**
This agreement resolves and settles all outstanding matters between the FEI and the PR, Mr Ramzy Hamad Al Duhami, including the horse DEEJAY.
Accordingly, any and all other claims for relief that any party might otherwise have made against another in relation to the subject-matter of these proceedings are released and discharged unconditionally, and they may not be pursued in any form hereafter.

5) **Fine and Legal Costs:**

- (a) The PRs shall contribute with a fine of 2 000 CHF and the legal costs of 1 000 CHF.
- (b) No further Sanctions than those mentioned in this agreement should apply to the PR in relation to the above mentioned cases.
- (c) Each of the Parties shall bear their own legal costs.

6) **Right of Appeal:**

This Agreement will constitute the decision for this case. Consequently it will be communicated to the Parties with a right of appeal in accordance with Article 12.2 of the ECM Rules.

End Quote

4. Jurisdiction

- 4.1 The Tribunal has jurisdiction over this matter pursuant to the Statutes, the GRs and the EADCMRs.
- 4.2 As member of the Saudi Arabian National Equestrian Federation, and the latter being a member of the FEI, the PR was bound by the EADCMRs.
- 4.3 Further, Article 7.6.1 of the EADCMRs allows for agreements between parties.
- 4.4 As a result, the Tribunal finds that it has jurisdiction to issue this Decision.

5. Approval of Agreement

- 5.1 Having reviewed the Case Summary, the Full Reasoning for the Agreement and terms of the Agreement, the Tribunal finds no grounds to object to or disapprove the terms of the Agreement and is satisfied the Agreement constitutes a *bona fide* settlement of the present case.
- 5.2 In accordance with the mutual consent of the Parties, the Tribunal hereby directs the Parties to fully comply with all the terms of the Agreement as set forth in Article 3 above. Further, this Decision shall terminate the present case, *i.e.*, Case 2016/CM03 - DEEJAY.

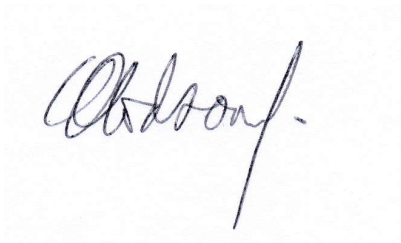
6. Decision

- 1) The Tribunal rules that the Agreement executed by the FEI and the PR, Mr. Ramzy Hamad Al Duhami, including the horse DEEJAY, concerning the Case 2016/CM03 is hereby ratified by the Tribunal with the consent of the Parties and its terms are incorporated into this Decision.
- 2) This Decision is subject to appeal in accordance with Article 12.2 of the ECM Rules. An appeal against this Decision may be brought by lodging an appeal with the Court of Arbitration for Sport (CAS) within twenty-one (21) days of receipt hereof.
- 3) This Decision shall be published in accordance with Article 13.3 of the ECM Rules.

IV. DECISION TO BE FORWARDED TO:

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

FOR THE PANEL



THE CHAIRMAN, Mr. Chris Hodson QC