DECISION of the FEI TRIBUNAL
dated 5 March 2020

Positive Anti-Doping Cases No.: 2018/BS08

Horse: SOHAIR DES BRUYERE  
FEI Passport No: 104VK62/QAT

Trainer/NF/ID: Hassan Khamis Mohammed A AL SHAHWANI/10131286/QAT

Event/ID: CEI2* 120 – Doha, Mesaieed (QAT)/2018_CI_1613_E_S_02_01

Date: 20 January 2018

Prohibited Substance: Testosterone

I. COMPOSITION OF PANEL

Mr. Martin Gibbs, one member panel

II. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

1. Articles of the Statutes/Regulations which are applicable:

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


Internal Regulations of the FEI Tribunal, 2nd edition, 1 January 2012, and Internal Regulations of the FEI Tribunal, 3rd Edition, 2 March 2018 (“IRs”).

FEI Equine Anti-Doping and Controlled Medication Regulations (“EADCMRs”), 2nd edition, effective 1 January 2018.


Veterinary Regulations (“VRs”), 14th edition 2018, effective 1 January 2018, Art. 1055 and seq.

FEI Code of Conduct for the Welfare of the Horse.

2. Additional Person Responsible - Trainer: Mr. Hassan Khamis Mohammed A AL SHAHWANI.
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).”

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.”

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 – 2.8 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.”

EAD Rules Art. 7.6.1: “At any time during the results management process the Person Responsible and/or member of the Support Personnel and/or Owner against whom an EAD 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 EAD Rules or (where some discretion as to Consequences exists under these EAD 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 Article 12.2.2 and published as provided in Article 13.3.”

III. DECISION

1. The Parties

1.1 Mr. Hassan Khamis Mohammed A Al Shahwani ("Trainer"), was the registered Trainer for the horse SOHAIR DES BRUYERE (the "Horse") at the CEI2* 120 – Doha, Mesaieed, Qatar, on 20 January 2018 (the "Event").
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. Factual Background

2.1 On 15 March 2018, the FEI received a statement from the Trainer inter alia admitting the use of Testosterone on the Horse upon suggestion of a veterinarian.

2.2 On 23 April 2018, the FEI notified the Trainer of an adverse analytical finding and alleged a violation of Article 2.2 of the EAD Rules, i.e., Use of a Banned Substance. Together with the Notification Letter the Trainer was informed that he was provisionally suspended, and provided with the opportunity to request for a Preliminary Hearing.

3. Final Tribunal Decision in the PR case

3.1 On 25 October 2019, the Tribunal issued a Decision in the case of the PR. The Tribunal has issued a Decision in the case of the PR by approving an Agreement between Parties.

4. Further proceedings

4.1 On 17 February 2020, the FEI informed the Tribunal that the Parties had reached an agreement in the context of the case 2018/BS08 SOHAIR DES BRUYERE regarding the case of the Trainer, and submitted the Agreement to the Tribunal for approval and incorporation into a Decision of the Tribunal in accordance with Article 7.6.1 of the EAD Rules.

4.2 Further, on 24 February 2020, the Parties provided a modified version of the Agreement, to which both Parties agreed.

4.3 On 24 February 2020, the FEI Tribunal Chair nominated a panel for the case at hand. None of the parties objected to the constitution of the panel.

4.4 On 2 March 2020, upon request of the Tribunal, the FEI clarified exactly when it received the admission by the Trainer.

5. Agreement between Parties

5.1 On 17 February 2020 and on 24 February 2020, the Parties reached the following Agreement:
In the matter of the Adverse Analytical Finding related to the samples, which were collected from the Horse SOHAIR DES BRUYERE (the "Horse") at CEI2* 120 - Doha, Mesaieed (QAT) Event on 20 January 2018 (the "Event"), Mr. AL Shahwani (the "Additional PR - Trainer") and the Fédération Equestre Internationale (the "FEI" and together with the Trainer, the "Parties") agree, in accordance with Article 7.6.1 (Agreement between Parties) of the EAD Rules, on the following:

1) The **Use of a Banned Substance** constitutes a violation of Article 2.2 of the EAD Rules.

2) **Ineligibility Period:**
The Parties agree that the prerequisites for Article 10.6.3 of the EAD Rules (Reduction of the Period of Ineligibility based on Prompt Admission) are fulfilled in the case at hand and that the applicable period of Ineligibility shall be twenty two (22) months, starting on the date of notification, namely 23 April 2018, until 22 February 2020.

3) **Full Settlement and Resolution:**
This agreement resolves and settles all outstanding matters between the FEI and the Trainer, Mr. Al Shahwani, including the horse SOHAIR DES BRUYERE.

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 Trainer shall contribute with a fine of 7 500 CHF and the legal costs of 1 500 CHF.
(b) No further Sanctions than those mentioned in this agreement should apply to the Trainer in relation to the above mentioned cases.

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 EAD Rules.

7) **Public Disclosure:**
This agreement is subject to approval of the FEI Tribunal, who will issue a final decision in the case. All final decisions of the FEI Tribunal are published on the FEI website.

8) For avoidance of doubt, this violation of the EAD Rules shall be considered a prior violation for the purpose of Multiple Violations in accordance with Article 10.8.3 of the EAD Rules.

9) The terms set out in this agreement have been agreed as a full and final settlement of all claims relating to the subject-matter of these proceedings.

***End Quote***

5.2 Furthermore, the Parties provided the following Case Summary and Full Reasoning for the case at hand:

1. **"CASE SUMMARY"**

1.1 The Person Responsible ("PR"), Ms. Elizaveta Minina, is an endurance rider for Russia.

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-Dressage and Para-Driving).

1.3 Mr. Hassan Khamis Mohammed A Al Shahwani, FEI ID 10131286, is the registered Trainer for the Horse and counts as the Additional Person Responsible and also the Support Personnel for the purpose of the positive finding in this case.

1.4 The PR took part with her horse SOHAIR DES BRUYERE (the “Horse”) at CEI2* 120 - Doha, Mesaieed (QAT) Event on 20 January 2018 (the “Event”). As a member of the Russian Equestrian Federation, (the "RUS NF"), the latter being a member of the FEI, the PR was bound by the EAD Rules1.

1.5 The Horse was selected for testing on 20 January 2018. The resulting samples were transported to the FEI approved LGC Laboratory, in

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1 Applicable rules of this agreement are the 2018 version of the FEI Equine Anti-Doping and Controlled Medication Rules ("EADCM Rules") and this agreement is made in accordance with Article 7.6.1 of these Rules. All capitalised terms used but not defined herein shall have the meaning ascribed to such terms in the EADCM Rules.
Newmarket (UK) for analysis. The A sample showed the presence for Testosterone.

1.6 Testosterone is an anabolic steroid with anabolic effects and classified as a Banned Substance under the FEI Equine Prohibited Substances List. The presence of Testosterone constitutes an Equine Anti-Doping Rule violation.

1.7 By notification letter dated 5 March 2018 the FEI informed Ms. Elizaveta Minina, in her capacity as the Person Responsible, and the RUS NF, of an alleged violation of Article 2.1 - The Presence of a Banned Substance in a Horse’s Sample, of the EAD Rules. In accordance with Article 7.4.1 of the EAD Rules, the FEI provisionally suspended the PR from all competition as of 5 March 2018. The Horse was also provisionally suspended from the same date for two (2) months, until 4 May 2018. (Exhibit 1)

1.8 On 15 March 2018, the Trainer admitted the violation and explained that he had used Testosterone injections on the Horse and also on his other horses. (Exhibit 3-4)

1.9 On 22 March 2018, a preliminary hearing was held where the Trainer and PR explained the situation. The Tribunal decided to maintain the provisional suspension of the PR and the Horse. (Exhibit 5)

1.10 Due to the admission to have used Testosterone on several of his horses and the facts that were revealed during the preliminary hearing, the Trainer was charged of a violation of Art 2.2 Use of a Banned Substance, of the EAD Rules and provisionally suspended as of 23 April 2018. (Exhibit 2)

1.11 Among other things, the Trainer’s submission advised of the following:

- Mr Al Shahwani is the Owner and Trainer of the Horse but also of the stable.
- He loves endurance and try to support Qatar endurance a lot.
- He has only been a trainer for 3 years, so he does not know much about medicines and such, and usually trust veterinarians and pharmacists who knows more about this.
- He made the mistake to listen to a veterinarian from Dubai who sent him some Testosterone.
- The vet said it was doping for only 7 days and that it can be used in training and stop in time for the competition.

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2 See Article 2.1 of this Decision: The FEI received the admission by the Trainer on 15 March 2018.
• So from January 2018, his horses were all injected with 0,5 ml of Testosterone regularly every 7 days.
• After the violation he asked several vets who informed him that it is prohibited at all times.
• From now on he will check all medications himself and not trust anyone else to do it.
• He is worried about all the other horses that were given the same treatment and has withdrawn them from all upcoming events.
• He is also very concerned about the rider since she is not really involved in medication only come for training and is not involved in this.

2. FULL REASONING FOR THE AGREEMENT

2A. How the substance entered the body of the Horse

2.1 The Trainer has established on a balance of probabilities how the substance Testosterone entered the body of the Horse, namely by injection of Testosterone as recommended by a veterinarian in Dubai.

2.2 The Parties therefore agree that the Trainer has fulfilled the threshold of how the substance entered the Horse’s body.

2B. Fault and Negligence for the rule violation

2.3 According to Article 10.2 of the EAD Rules, the period of ineligibility imposed for the violation of Article 2.2 shall be two (2) years, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6 of the EADR. A fine of up to CHF15,000 shall also be imposed and appropriate legal costs.

2.4 The FEI has proceeded to evaluate the level of Fault and Negligence of the Trainer. The Trainer has been highly at fault for the rule violation and in the FEI’s opinion there could be no reduction on the basis of 10.4 or 10.5 of the EAD Rules.

2.5 However, when viewed in the totality of the circumstances, the Trainer did promptly admit the violation, took the full blame, and acknowledged his fault and the use of Testosterone also on other horses. The FEI therefore believes that Prompt Admission in accordance with Art 10.6.3 EAD Rules can apply for this procedure.

2.6 From an FEI perspective, this a very serious violation especially since Testosterone is an anabolic steroid not only prohibited at all times under the FEI rules, but also prohibited by law in many countries. This
is something that each and every active person in equestrian sport must know. For the Trainer to ignore this fact and to not check with other veterinarians or look at the FEI Clean Sport App before administration of such substance is to be truly at fault and highly negligent.

2.7 The FEI believes that the Trainer has learned a lesson by this violation and will be more careful in the future. In addition, he has been very regretful about the whole situation and worried about the rider, which is due to his lack of knowledge of doping, medication and horse welfare. Without his admission it would not have been possible to find the source of the Testosterone, and this must give some base for reduction of his sanction.

2.8 Despite the seriousness of the violation the FEI does therefore agree to two months reduction of the standard two (2) years ineligibility period, resulting in a final suspension of twenty two (22) months imposed on the Trainer, starting from the date of the notification. The reasons for that the FEI does not agree to any further reduction on this basis is that the Trainer actually used the Testosterone on all his other horses, which is clearly an aggravating circumstance.

2.9 Article 10.2 of the EAD Rules provides that for a violation of Article 2.2 the Person shall also be fined up to CHF 15,000 'unless fairness dictates otherwise' and should be ordered to pay 'appropriate legal costs'. The parties agrees that a fine of 7 500 CHF shall be imposed on the Trainer, and that he be ordered to pay the legal costs of 1 500 CHF.³

2C. Conclusions of the Parties

2.10 Based on the evidence and documentation supplied by the Trainer and the evidence in the case, the parties conclude that source of the Testosterone in the Horse’s sample, was by the injection of the Trainer.

2.11 The parties conclude that:

(i) the Trainer has established how the how the Testosterone entered the Horse’s system;

(ii) the Trainer promptly admitted the rule violation.

2.12 The parties therefore agree that the otherwise applicable period of Ineligibility (i.e. two (2) years) should be reduced by two months to

³ In accordance with the FEI Guidelines for Legal Costs available at: https://inside.fei.org/sites/default/files/FEI_Guidelines_Legal_Costs.pdf
twenty two (22) months period of ineligibility for the Trainer, starting from the date of the notification, namely 23 April 2018.

2.13 As a consequence, Art 7.6.1 of the EAD Rules permits for an agreement between the parties, subject to FEI Tribunal approval.”

6. Jurisdiction

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

6.2 As a member of the Qatar National Federation, the latter being a member of the FEI, the Trainer was bound by the EAD Rules.

6.3 Further, Article 7.6.1 of the EADCMRs allows for agreements between parties.

6.4 As a result, the Tribunal finds that it has jurisdiction to issue this Decision.

7. Approval of Agreement

7.1 Having reviewed the Case Summary, the Full Reasoning for the Agreement and terms of the Agreement, the Tribunal has – among others – taken note, that the Trainer and owner of the Horse confirmed that the Horse was injected Testosterone on his order. The FEI has therefore established an Article 2.2 EAD Rule violation.

7.2 Further, the Tribunal takes note that the FEI accepted that the prerequisites for Article 10.6.3 of the EAD Rules (Reduction of the Period of Ineligibility based on Prompt Admission) are fulfilled in the case at hand.

7.3 Following from Article 10.6.3 of the EAD Rules, where a member of the Support Personnel promptly admits the asserted anti-doping rule violation after being confronted by the FEI, and also upon the approval and the discretion of the FEI, the member of the Support Personnel may receive a reduction in the period of Ineligibility down to a minimum of one half of the otherwise applicable period of Ineligibility, depending on the seriousness of the violation and the PR’s degree of fault.

7.4 However, the Tribunal wishes to clarify that it did not evaluate the degree of fault of the Trainer, nor did it take into account previous case law.

7.5 The Tribunal notes that the Trainer’s statement, confirming that the Horse was injected Testosterone on his order, was received by the FEI on 15
March 2018 and that the Person Responsible had been notified of the rule violation on 5 March 2018. The Tribunal further notes that the FEI considers this satisfies the requirements of prompt admission under Article 10.6.3 of the EAD Rules and that the application of this provision is at the discretion of the FEI.

7.6 The Parties agreed to a reduction of the period of Ineligibility of two (2) months, which falls within the provision for prompt admission.

7.7 Therefore, and 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. Further, this Decision shall terminate the present case 2018/BS08 SOHAIR DES BRUYERE with regard to the Trainer.

8. Decision

1) The Tribunal rules that the Agreement executed by the FEI and the Trainer, Mr. Hassan Khamis Mohammed A Al Shahwani, concerning the case 2018/BS08 SOHAIR DES BRUYERE is hereby ratified by the Tribunal with the consent of the Parties and its terms set out in Article 5 above are incorporated into this Decision.

2) This Decision is subject to appeal in accordance with Article 12.2 of the EAD 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 EAD Rules.

IV. DECISION TO BE FORWARDED TO:

a. The Parties: Yes
b. The President of the NF of the Trainer: Yes
c. The Organising Committee of the Event through the NF: Yes
d. Any other: No

FOR THE PANEL

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Mr. Martin Gibbs, one member panel