



**DECISION of the FEI TRIBUNAL**  
**Alleged Horse Abuse of the horse SONGBIRD FF**  
**dated 26 June 2019**

**Alleged Horse Abuse Case 2019/03:**

Horse: SONGBIRD FF /105VH23/UAE

PR: Mohammed Saeed AL BLOOSHI /10113165/UAE

Trainer: Suhail Mugheer Salem ALAMEEMI /10137884 /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. Mohammed Saeed AL BLOOSHI**

**"Mr. Al Blooshi" 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."

**ERs Article 807.7 Forbidden Assistance:** "the types of activities set out below at Articles 807.7.1 to 807.7.8 (inclusive) are forbidden and the Athlete and/or the Registered Trainer is subject to the sanction applicable to each activity, as listed beside each activity:

(As an example:) "Someone on course encouraging the Horse by any means whatsoever under penalty of a Yellow Warning Card and disqualification."

**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. Mohammed Saeed Al Blooshi participated with the horse SONGBIRD FF (“**the Horse**”) at the CEI1\* 100 Abu Dhabi, Al Wathba, United Arab Emirates (UAE), on 8 December 2018 (“**the Event**”). Mr. Al Blooshi is an FEI registered rider (FEI ID 10113165), and his administering National Federation is the UAE National Federation (“**UAE-NF**”).

### **2. Procedural Background**

- 2.1 On 12 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 25 March 2019, the FEI notified Mr. Al Blooshi through the UAE-NF that the FEI received a Protest of alleged horse abuse, filed by Ms. Van Drumpt, Clean Endurance, and requested Mr. Al Blooshi to provide a written reply.

- 2.3 On 7 April 2019, Mr. Al Blooshi 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 provide 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, captured from the official livestream of the Event. In her Protest, which was also outlined in the letter from the FEI to Mr. Al Blooshi on 25 March 2019, Ms. Van Drumpt alleges as follows:
  - *"At 12:00:23 on the Dubai Racing TV timestamp in the top left corner of the screen, Mr Al Blooshi wearing bib 32 can be seen riding the horse in front of the out gate, awaiting departure for loop 4. The combination's out time for that gate is 12:01:35. A man wearing a trainer bib holds the horse by its head and walks it around. 2 grooms wearing bib numbers 35 and 33 are walking on either side of the horse and repeatedly tapping it in the abdomen, presumably to make it walk around faster. At 12:01:38 on the Dubai Racing timestamp, as the horse is pointed towards the out gate, 2 other persons join the 3 already accompanying the horse. A man in a trainer bib, and a man without a bib number, wearing a white and black UAE t-shirt. As the horse prepares to go thru the out gate, the trainer lets go of the horse's head, the groom on the right wearing bib number 33 keeps tapping the horse on its flank, the groom on the left with bib number 35 lifts his right arm several times to threaten to hit the horse and finally hits it on the hindquarters a first time, and a second time simultaneously with the trainer, while the second trainer and the man in the UAE shirt chase after it through the gate. A separate bit of footage is provided attached to this email showing the sequence seen from the other side of the outgate, where 7 persons can be seen chasing after the horse, waving their arms and gesticulating to make it go faster."*

- *3 minutes 54 seconds into the video, at 12:17:57 Dubai Racing TV timestamp, Mr Al Blooshi is shown flicking the reins at the horse, and a groom with bib number 35 is seen hitting the horse on the hindquarters as it passes him on the track.*
- *4 minutes 9 seconds into the video, the horse is shown visibly tiring and falling back into a trot, and Mr al Blooshi repeatedly flicking the reins at the horses head and ears. He than keeps flicking the loose reins at the horse, presumably to keep it in canter*
- *4 minutes 31 seconds into the video, a man wearing a bib with an undistinguishable number is seen running towards the horse. He than proceeds to chase it while clapping his hands.*
- *At 4 minutes 36 seconds a second man appears on the left, wearing a bib with possibly number 32. He runs towards the horse and brandishes what looks like an empty water bottle at the tiring horse which has fallen back into a trot.*
- *5 minutes 57 seconds into the video, the horse is shown again trotting, Mr Al Blooshi flicks the loose reins again at the horse and kicks it until it canters.*
- *6 minutes 47 seconds into the video, Mr Al Blooshi is shown having just been overtaken by bib number 76. A groom runs towards his horse, and throws water at its hindquarters followed by the empty bottle. Mr Al Blooshi kicks the horse and yanks and flicks the right rein repeatedly.*
- *At 7 minutes 7 seconds, Mr al Blooshi is shown in the right top corner of the screen with the horse slowed down to a walk. He has been overtaken by another horse (bay, bib 55). At 7 minutes 33 seconds, Mr Al Blooshi can be seen walking the horse along the left hand railing as seen from the finish line. He has now been overtaken by bib 11 (bay) as well.*
- *At 8 minutes 1 second Mr al Blooshi can be seen kicking the horse while a groom pours water over the horse' neck, The groom than takes hold of the horse's bridle and tries to pull it into a trot.*
- *At 8 minutes 15 seconds Mr al Blooshi has gotten off the horse and jogs next to it, while at least 5 grooms run next to and behind the horse.*
- *At 8 minutes 56 seconds, Mr al Blooshi is helped back into the*

*saddle. 5 grooms follow the horse and run after it, one of them is seen raising his arms and running after the horse while wildly gesticulating.*

*The horse walked across the finish line at 12:48:19 local time and is on the competition results as "Metabolic at Gate 4". It took 18 minutes 59 seconds (during which the horse was aggressively cooled with ice water) to present at Gate 4 and had a heart rate of 88/88 – which confirms it was clearly exhausted and over ridden. We are surprised this horse did not receive treatment.*

*We believe this repeated and incessant hazing during the entire last loop of the competition (the chasing, threatening and striking of the horse by grooms, the throwing of an empty water bottle at the horse, the excessive use of aids such as kicking the horse and flicking the reins on its neck and ears all to make it go faster while clearly it was tiring as the competition progressed - as shown by its diminishing speeds and rising recovery times) - constitutes abuse. (...)"*

### 3.2 In the Notification Letter these incidents are described as follows:

*"In addition, the last video "shows the horse Songbird FF being hit by a groom with bib 32 on the hindquarters with a water bottle. The grooms than hits the horse a second time with the bottle. A second groom with bib 32 throws water at the horse, and then throws the empty water bottle at the horse's hindquarters. A third groom wearing bib 33 (same stables) is shown running towards the horse and throwing water at it. These incident alone merits a severe sanction in my opinion, in addition to the actual (alleged) abuse perpetrated by the rider and PR, Mr Blooshi (who incidentally also kicks the horse several times in this footage) himself as documented in my protest letter."*

## 4. Response

### 4.1 Mr. Al Blooshi stated as follows with regard to the horse abuse allegations:

*"(...) The horse that I was riding it on the Above mentioned date is of a young age and has very limited experience in the endurance filed and has never been competing in any endurance championships, therefore on the day I was riding and guiding the horse in order to help, I did not cause any pain or abuse my horse. The crew members who were mentioned in your letter were helping and guiding the horse as well to help it as the horse was inexperienced. They were also giving my horse water to cool it down. They did not use any prohibited tools to beat, harm or cause any*

*abuse to the horse. I pledge to you that these behaviors will not be repeated in the future whatsoever. I sincerely hope that you will take this into your considerations.”*

## **5. FEI opinion**

- 5.1 To start with, the FEI submitted that Mr. Al Blooshi as the rider of the Horse had in accordance with Article 118 of the GRs legal responsibility of the Horse, including responsibility under the FEI Rules and Mr. Al Blooshi was liable under the FEI rules and regulations.
- 5.2 Further, the FEI took all allegation 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 Blooshi, as 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 FEI GRs (Abuse of Horse).
- 5.3 More specifically, the FEI submitted that the FEI has carefully watched the videos of this case and found it clear that the Horse was exhausted. The FEI Veterinary Department has reviewed the case and concluded that the Horse was exhausted. It did not respond forward to intense kicking and hard riding with the seat etc. It could not keep its speed or balance and on several occasions it changed gait into trot despite hard riding.
- 5.4 Clean Endurance also claimed that the Maximum Pulse – heart rate (HR) was 88 bpm after 19 minutes. In this respect a Vet Card was provided confirming the HR. It furthermore stated that the Horse was disqualified for metabolic reasons at Gate 4. According to Articles 821.2.3 and 814.1.5.4 of the ERs the allowed Maximum Pulse in the vet gate is 64 bpm after 20 minutes.
- 5.5 In addition, the Support Personnel of the rider was chasing and hazing the Horse on several occasions during the ride which was strictly prohibited in accordance with Article 807.7 of the ERs. The behaviour of the Support Personnel in this case was unacceptable and should lead to aggravating circumstances for the rider.
- 5.6 The FEI was of the strong opinion that using the reins to whip the Horse and kick the Horse violently in order to force it forward was strictly prohibited. It was very serious that the Athlete and Support Personnel kept on pushing the Horse despite it was clear from the videos that the Horse was exhausted. It was also very serious that the Support Personnel was trying to encourage the horse by several means during the competition. To drive a horse in a competition until it refuses to move

forward more than in walk was against the welfare of the Horse and such behaviour had to be sanctioned accordingly.

- 5.7 Considering the above, this behaviour constituted abuse of horse within the meaning of Article 142 of the GRs. 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 - 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 Blooshi arises from an alleged horse abuse. Any such Protest may be lodged by anybody under Article 163.2 of the GRs. Since Mr. Al Blooshi 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 rules and regulations.

## **8. Decision**

- 8.1 To determine the merits of this case, the Tribunal has to first and foremost decide whether Mr. Al Blooshi committed a horse abuse as defined in Article 142 of the GRs. In addition, the Tribunal may decide whether Mr. Al Blooshi committed any other violations of the FEI Rules and Regulations.
- 8.2 To start with, the Tribunal takes note of the Protestors submissions, namely that "*this repeated and incessant hazing during the entire last loop of the competition (the chasing, threatening and striking of the horse by grooms, the throwing of an empty water bottle at the horse, the excessive use of aids such as kicking the horse and flicking the reins on its neck and ears all to make it go faster while clearly it was tiring as the competition*

*progressed - as shown by its diminishing speeds and rising recovery times) - constitutes abuse. (...)".*

- 8.3 Furthermore, the Tribunal takes note of the FEI's opinion in the case, namely that horse abuse in the meaning of Article 142 of the GRs occurred by the using of the reins to whip the Horse and kick the Horse violently in order to force it forward, the pushing of the Horse despite the Horse being exhausted, the Support Personnel trying to encourage the Horse be several means during the competition. Further, the FEI submitted that the chasing and hazing the Horse on several occasions during the ride by the Support Personnel, which was strictly prohibited in accordance with Article 807.7 of the ERs, was to lead to aggravating circumstances for the rider.
- 8.4 Moreover, the Tribunal considered Mr. Al Blooshi's explanation that due to the young age and inexperience of the Horse, he "*was riding and guiding the horse in order to help, I did not cause any pain or abuse my horse*". The Tribunal disagrees. In the Tribunal's view, the video evidence shows, as also confirmed by the FEI Veterinary Department, as well as the Heart Rate and the Horse's recovery time at Vet Gate 4, that the Horse was exhausted, and Mr. Al Blooshi kept pushing it to move forward to try to maintain the speed. In the view of the Tribunal, Mr. Al Blooshi's actions cannot be described as a mere "guiding" of a young and/or unexperienced horse.
- 8.5 Article 142.1 of the GRs set 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 "*compete using an exhausted, lame or injured Horse*." The Tribunal finds that Mr. Al Blooshi by keeping to push the Horse, and continuing to compete with an exhausted horse, such as the Horse in the present case, was likely to have caused pain and unnecessary discomfort to the Horse. Hence the requirements of Article 142.1 of the GRs are fulfilled and a horse abuse within the meaning of this Article occurred. As a result, the Tribunal does not have in addition to decide whether the actions of Mr. Al Blooshi also fall under Article 142.1 (i) of the GRs, and this question can therefore be left open in the present case.
- 8.6 The Tribunal also finds that the Support Personnel was chasing and hazing the Horse on several occasions during the ride which in accordance with Article 807.7 of the ERs is prohibited, and thus a violation of Article 807.7 of the ERs has been established in the present case, and a Yellow Warning Card and Disqualification is provided for such violations. The Tribunal finds that Mr. Al Blooshi, as rider and Person Responsible had the obligation to instruct his Support Personnel to follow FEI Rules and Regulations, and not to violate

any such rules, including Article 807.7 of the ERs. Therefore Mr. Al Blooshi has to take some responsibility for the actions of the Support Personnel. Here, the Tribunal also finds that it is clear that the Support Personnel hit the Horse with a water bottle, and that such actions might be considered as horse abuse and/or a violation of the ERs by the respective individuals.

- 8.7 As a result, the Tribunal concludes that under the definition of horse abuse in the GRs, 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. Moreover, the Tribunal finds that at least Article 807.7 of the ERs has been violated in the present case.
- 8.8 Finally, the Tribunal notes that the FEI reserves its rights to open a case against any other Support Personnel involved in the case. In this regard, the Tribunal finds that for the protection of horse welfare, and with the aim to reduce future potential horse abuses, which seem to be frequently reported especially in the Endurance discipline, the FEI should assure that all potential horse abusers are sanctioned accordingly, including the Support Personnel involved in this case. From the video evidence submitted in this case it is clear that members of the Support Personnel by for example hitting the Horse with water bottles might have committed horse abuse within the meaning of Article 142.1 of the GRs themselves also. Therefore, the Tribunal finds that the FEI should initiate horse abuse cases against those individuals.
- 8.9 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.
- 8.10 As a result of these circumstances, the Tribunal finds a suspension of eighteen (18) 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.
- 8.11 As a result of the foregoing, the Tribunal finds that the actions of Mr. Al Blooshi are considered as horse abuse within the meaning of Article 142.1 of the GRs. Furthermore, a violation of Article 807.7 of the ERs has been established in the case at hand. Mr. Al Blooshi as rider and Person Responsible has to take some responsibility for the actions of his Support Personnel. 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. A violation of Article 807.7 of the ERs has been established.
  3. Mr. Al Blooshi has engaged in horse abuse and thereby violated Article 142 of the GRs.
  4. Mr. Al Blooshi shall be suspended for a period of **eighteen (18) months** starting from the date of the present decision.
  5. **All results** achieved by Mr. Al Blooshi with the Horse at the Event, including forfeiture of medals, points and prizes shall be **disqualified**.
  6. Mr. Al Blooshi shall be fined **six thousand Swiss Francs (CHF 6,000)**.
  7. Mr. Al Blooshi shall contribute **one thousand Swiss Francs (CHF 1,000)** towards the cost of these proceedings.
- 8.12 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.
- 8.13 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**

A handwritten signature in blue ink, appearing to read "Torrente".

---

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