

**DECISION of the FEI TRIBUNAL**  
**Alleged Horse Abuse of the horse ROMEO**  
**dated 6 December 2019**

**Alleged Horse Abuse Case 2019/08:**

Horse: ROMEO/105BQ04/UAE  
PR: Mohamed Ali AL MARZOUQI/10041488/UAE  
Trainer: Ali Mohd Yusuf AL MARZOUQI/10041249/UAE  
Event: CEI1\* 100 Abu Dhabi, Al Wathba (UAE)  
Date: 08.12.2018  
Allegation: Horse Abuse

**In the matter of**

**Ms. Rosemary SLOAN**

**“Ms. Sloan” or “the Claimant” or “the Protestor”**

**vs.**

**Mr. Mohamed Ali AL MARZOUQI**

**“Mr. Al Marzouqi” or “the Respondent”**

**I. COMPOSITION OF PANEL**

Ms. Constance Popineau, chair  
Mr. Cesar Torrente, member  
Ms. Harveen Thauli, 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 811.1:** "Any act or series of actions which, in the opinion of the Ground Jury can clearly be defined as cruelty or abuse shall be penalised by disqualification and as otherwise allowed under the GRs, and the individual concerned shall be reported to the FEI."

**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. Mohamed Ali Al Marzouqi participated with the horse ROMEO ("**the Horse**") at the CEI1\* 100 Abu Dhabi, Al Wathba, United Arab Emirates (UAE), on 8 December 2018 ("**the Event**"). Mr. Al Marzouqi is an FEI registered rider (FEI ID 10041488), and his administering National Federation is the UAE National Federation ("**UAE-NF**").

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

- 2.1 On 25 March 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 7 June 2019, the FEI notified Mr. Al Marzouqi through the UAE-NF that the FEI received a Protest of alleged horse abuse, filed by Ms. Sloan, Clean Endurance, and requested Mr. Al Marzouqi to provide a written reply.
- 2.3 On 24 June 2019, Mr. Al Marzouqi provided his response to the allegations.
- 2.4 On 29 October 2019, the FEI submitted the Case File to the Tribunal for adjudication.

- 2.5 On 31 October 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 4 November 2019, the FEI corrected and clarified the name of the Protestor; the name of a colleague of Ms. Sloan at Clean Endurance was mentioned in some documents in the case file.
- 2.7 On 27 November 2019, the FEI submitted its opinion in the case.
- 2.8 On 29 November 2019, the Tribunal invited the Parties, and the FEI as interested Party, to inform it whether they requested for a hearing to be held.
- 2.9 On 5 December 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. Sloan 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. Marzouqi on 7 June 2019, Ms. Sloan alleges as follows:

*"This behaviour constitutes abuse. Mr Al Marzooqi was kicking the horse as hard as he could, to the point that daylight can be seen between the entire length of the rider's legs and the saddle. He struck the horse repeatedly with the reins and threatened to strike it with his left arm. The horse was visibly exhausted and unable to accelerate its canter despite Mr Al Marzooqi's actions."*

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

- *"At 00 minutes 07 seconds into the video entitled Al Wathba 8 Dec 2018 bib 71 al Marzooqi abuse protest" the rider is seen riding behind 2 other riders. He is wearing bib number 71 over a shirt with bright blue sleeves, and riding a bay horse with a white saddle cloth. The camera cuts to the finish line, to show a grey horse wearing bib 32 crossing the finish line: Mr Al Blooshi with Songbird FF. The group of 3 riders of which Mr Al Marzooqi is part, is seen a few hundred yards from the finish line.*
- *At 00 Minutes 41 seconds, Mr Al Marzooqi with bib 71 is shown kicking his horse at least 5 times and hitting it with the reins, first on the withers and then on the right side of the neck. The camera cuts away for a few*

*moments to the vet gate to show a rider being carried off for the customary ritual dunking in a water vessel at the end of a ride.*

*• At 00 minutes 47 seconds, the group of 3 riders is seen sprinting. Mr Al Marzooqi is shown violently kicking his horse at least 20 times, striking it with the reins in his right hand at least 14 times, and gesticulating wildly with his left arm visibly to threaten the horse in the hope of making it go faster, as he approaches the finish line. The camera then cuts away."*

#### **4. Response**

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

*"(...) Based on that video you received. Regarding the case which one open by the Clean Endurance. I want to assure you that during the whole ride. I am looking after my horse and taking care of it and my horse is well-trained. On the last loop of the ride, it is natural in any race around the world that the riders would encourage to move the horse to get the good position and that my encouragement without abusing the horse nor beating the horse that I will never do so. But as the video footage show is that because I am tall rider and having long legs maybe it will show you on your conclusion that I am hurting the horses for kicking him hardly and also I try loose the reins for the reason that the horse can run freely but I want to assure you, that I did not kicked hardly and also I try loose the reins for the reason that the horse can run freely but I want to assure you, that I did not kicked hardly or beating the horse as what you have seen on that video and this was witnessed by the Ground Jury, who were there that following the first ten (10) winning horses on the last loop even on the finish line they were Ground Jury and Stewards was assigned on that area that watching all horses crossing the finish line until to the last part of the race track. If ever they noticed any abusive for the horse welfare they would have cancelled my result or disqualified me on the same day of the event but after my horse passed the Vet. check they congratulate me and recognized my position. For that, they can prove to it that I did not harm during the ride. And I want to clarify that whatever video that show you that I am abusing the horse, I would never be a true picture compare to the person or Officials who were there watched the live event. Like, the eyes of the Ground Jury /Judges are very closed that they can see the actual footage how I ride on that day? Otherwise they will have disqualified my automatically. I trust and respect the FEI and FEI Officials that they make the right decision. So, I will consider that my case is not a violation and I still have position on that ride and I will assure you that I will always look after my horses and promote the welfare of the horses.*

*I sincerely hope that you will accept my explanation accordingly."*

## 5. FEI opinion

- 5.1 To start with, the FEI submitted that Mr. Al Marzouqi 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 Marzouqi was liable under the FEI rules and regulations. In addition, Mr. Al Marzouqi, was also a registered Trainer for many horses, including the Horse (from 8 December 2018).
- 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 Marzouqi, 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 video of this case and it was clear that the rider was pushing his Horse by excessive kicking and using the reins as a whip. The FEI counted the excessive kicking to 27 times and the whipping with the reins to 19 times. It was important to remember that this was only a few seconds of video from a ride that was going on for 100 km over 6 hours.
- 5.4 The FEI was of the strong opinion that the riding that can be seen in the video does not constitute normal riding. Kicking is never considered a normal natural aid. The legs of any rider should be still and with very small movements indicate to the horse to move forward. Any kicking or flapping with the legs like in this video was driving the Horse forward with force to ultimately abuse the horse both physically and mentally. According to the FEI Veterinary Department, one single very hard strike of the legs, hands, reins or whip etc. should be considered as excessive, regardless of the response from the horse. It was the FEI's conclusion that the PR has used his aids excessively on the Horse several times.
- 5.5 The FEI was of the opinion that excessive kicking of the Horse and whipping the Horse with the reins in order to push it forward is an action or omission which causes pain and unnecessary discomfort to the Horse and therefore constituted abuse of horse within the meaning of Article 142 of the GRs.
- 5.6 In addition, Article 810.2 of the ERs provides that whips or any other item used as such are prohibited. The FEI was of the strong opinion that using reins to whip the Horse and kick the Horse violently in order to force it forward was strictly prohibited. To drive a horse in a competition with prohibited means was against the welfare of the Horse and such behaviour had to be sanctioned accordingly.

- 5.7 It was also aggravating that this took place just before the finish of the 100 km ride, and the frustration of the rider in his efforts to drive the horse forward could be clearly seen in his actions. Any whipping may never be used to vent any Athlete's temper, such use was always excessive. This was therefore a clear case of excessive use of aids to be considered as aggravating factor for the sanction in the case.
- 5.8 Finally, the FEI found it very worrying that a registered Trainer did not consider that such riding and actions constitute abuse of horse.
- 5.9 Given the totality of the circumstances, the FEI was of the opinion that the appropriate sanction for this case was in the mid-range, 6 months suspension. However, the FEI also pointed out similar case law to the Tribunal, *i.e.*, case 2019/02, 2019/03, 2019/04 and 2019/06 for the range of sanctions.
- 5.10 In addition, any confirmed Abuse of Horse shall lead to disqualification in accordance with Article 811 – CRUELTY of the ERs. The combination finished 4<sup>th</sup> in the ride, such results had to be disqualified.

## **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 Marzouqi arises from an alleged horse abuse. Any such Protest may be lodged by anybody under Article 163.2 of the GRs. Since Mr. Al Marzouqi 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 decide: 1) whether Mr. Al Marzouqi violated Article 810.2 of the ERs; and 2) if so, whether Mr. Al Marzouqi committed a horse abuse as defined in Article 142 of the GRs. The Tribunal does not question the veracity of the official video footage, and neither was it questioned by Mr. Marzouqi.
- 8.2 To start with, the Tribunal takes note of the Protestor's submission, namely that "*(...) Mr Al Marzooqi was kicking the horse as hard as he could, to the point that daylight can be seen between the entire length of the rider's legs*

*and the saddle. He struck the horse repeatedly with the reins and threatened to strike it with his left arm. The horse was visibly exhausted and unable to accelerate its canter despite Mr Al Marzooqi's actions."*

- 8.3 In addition, the Tribunal takes also note of the FEI's submission, namely that it was clear that the rider was pushing his horse by excessive kicking and using the reins as a whip. The FEI counted the excessive kicking to 27 times and the whipping with the reins to 19 times.
- 8.4 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 excessive kicking of the Horse and whipping the Horse with the reins in order to push it forward; this was an action or omission which causes pain and unnecessary discomfort to the Horse.
- 8.5 The Tribunal also notes Mr. Al Marzouqi's explanation, namely that "(...) *because I am tall rider and having long legs maybe it will show you on your conclusion that I am hurting the horses for kicking him hardly and also I try loose the reins for the reason that the horse can run freely but I want to assure you, that I did not kicked hardly and also I try loose the reins for the reason that the horse can run freely but I want to assure you, that I did not kicked hardly or beating the horse (...)*".
- 8.6 The Tribunal, however, disagrees. In the Tribunal's view, the video evidence shows that Mr. Al Marzouqi repeatedly struck the Horse with the reins on its neck, and such action is considered "whipping". Furthermore, the video shows Mr. Al Marzouqi kicking the Horse; according to the FEI 27 times.
- 8.7 In the Tribunal's view, the whipping was excessive within the meaning of Article 142.1 (i) of the GRs. In this respect, the Tribunal agrees – as also found in previous cases of alleged horse abuse - with the FEI Veterinary Department that one single very hard strike of the legs, hands, reins or whip etc. should be considered as excessive, regardless of the response from the horse. However, this case concerns repeated striking and kicking of the Horse. Despite this, the Tribunal finds that it does not matter whether the whipping was excessive or not, as the FEI rules and regulations prohibit any kind of whipping, as outlined in the following.
- 8.8 Pursuant to Article 810.2 of the ERs: "*Whips (or the use of any other item as a whip) and Spurs are prohibited.*" This Article is clear that whips are prohibited during Endurance events. As described in the previous paragraph, the Tribunal finds that Mr. Al Marzouqi used the reins as a whip to hit the Horse and therefore finds that he violated Article 810.2 of the ERs. The Tribunal finds that by participating in an FEI event, Mr. Al Marzouqi had an obligation to know the applicable FEI rules and



regulations, including Article 810.2 of the ERs, which prohibits the use of whips or the use of any other item as a whip.

- 8.9 The next question is whether Mr. Al Marzouqi's conduct constitutes horse abuse under the applicable FEI rules and regulations. The FEI Code of Conduct for the Welfare of the Horse considers the misuse of artificial aids such as whips as horse abuse that is not tolerated.
- 8.10 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. Since the list is non-exhaustive, and provides only examples, the Article clearly allows for other actions or omission that might likely cause pain or necessary discomfort to a horse to be considered as horse abuse. The Tribunal finds that such actions or omission have ultimately to be evaluated on a case by case basis.
- 8.11 The Tribunal agrees with the opinion of the FEI, and finds that Mr. Al Marzouqi by excessive kicking of the Horse and whipping the Horse with the reins in order to push it forward is an action or omission which causes 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.
- 8.12 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 Article 810.2 of the ERs has been violated in the present case.
- 8.13 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.
- 8.14 For the avoidance of any doubt, the Tribunal rejects Mr. Marzouqi's claim that his actions did not consider horse abuse, as the officials did not disqualify him during the Event. As previously outlined, Protests for alleged Horse abuse may be lodged by anybody, such as the Protestor in the present case.

- 8.15 As a result of these circumstances, the Tribunal finds a suspension of twelve (12) 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. The Tribunal also notes in this respect that Mr. Marzouqi is not only a rider, but also a registered Trainer for several horses.
- 8.16 As a result of the foregoing, the Tribunal finds that the actions of Mr. Al Marzouqi are considered as horse abuse within the meaning of Article 142.1 of the GRs. Furthermore, a violation of Article 810.2 of the ERs has been established in the case at hand. For the above reasons, and in accordance with Articles 142.1, 169.6.2, 169.8 and 169.10 of the GRs, and Article 810.2 of the ERs the Tribunal therefore decides as follows:
1. The Protest is admissible.
  2. A violation of Article 810.2 of the ERs has been established.
  3. Mr. Al Marzouqi has engaged in horse abuse and thereby violated Article 142 of the GRs.
  4. Mr. Al Marzouqi shall be suspended for a period of **twelve (12) months** starting from the date of the present decision.
  5. **All results** achieved by Mr. Al Marzouqi with the Horse at the Event, including forfeiture of medals, points and prizes shall be **disqualified**.
  6. Mr. Al Marzouqi shall be fined **four thousand Swiss Francs (CHF 4,000)**.
  7. Mr. Al Marzouqi shall contribute **one thousand Swiss Francs (CHF 1,000)** towards the cost of these proceedings.
- 8.17 According to Article 168 of the GRs, this Decision is effective from the date of its oral or written notification to the affected party or parties.
- 8.18 According to Articles 165.1.3 and 165.6.1 of the GRs, this Decision may be appealed to the Court of Arbitration for Sport (CAS) within twenty-one (21) days of the present notification.

**V. DECISION TO BE FORWARDED TO:**

**The Parties:** Yes

**Any other:** NF

**FOR THE PANEL**



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**Ms. Constance Popineau, FEI Tribunal panel chair**