



**DECISION of the FEI TRIBUNAL**

**2014/Alleged Horse Abuse**

**CEI2\* Sakhir (BRN) - 7-8 February 2014**

**dated 15 September 2014**

**In the matter of**

**Ms. Pippa CUCKSON (Horse & Hound, Freelance contributor)**

**and**

**Ms. Lucy HIGGINSON (Horse & Hound, Editor)**

**“the Protestors”**

**vs.**

**FÉDÉRATION EQUESTRE INTERNATIONALE (“FEI”)**

**Sheikh Mohammed Bin Mubarak Al Khalifa (BRN) and Groom**

**I. COMPOSITION OF PANEL**

Mr. Henrik Arle  
Ms. Randi Haukebø  
Mr. Pierre Ketterer

**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 received to date.

### III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

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

Statutes 23<sup>rd</sup> edition, effective 7 November 2013 ("**Statutes**").

General Regulations, 23<sup>rd</sup> edition, 1 January 2009, updates effective 16 January 2014 ("**GRs**").

Internal Regulations of the FEI Tribunal, 2<sup>nd</sup> edition, effective 1 January 2012 ("**IRs**").

FEI Endurance Rules, 9<sup>th</sup> edition, effective 1 January 2014 ("**ERs**").

#### 2. The relevant Legal Provisions

**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:

- To whip or beat a Horse excessively;
- (...)
- To use any device or equipment which causes excessive pain to the Horse upon knocking down an obstacle

**GRs Article 142.2:** "Any person witnessing an Abuse must report it in the form of a Protest (Article 163) without any delay. If an Abuse is witnessed during or in direct connection with an Event, it should be reported as a Protest (Article 163) to an Official. If the Abuse is witnessed at any other time it should be reported as a Protest (Article 163) to the Secretary General for referral to the FEI Tribunal."

**GRs Article 159.4:** The Ground Jury may impose the following penalties and sanctions:

(...)

4.2 A Yellow Warning Card;

4.3 A fine of a maximum of CHF 5,000;

4.4 Elimination and/or Disqualification of an Athlete(s) and/or Horse(s) from a Competition(s) and/or from an Event;

**GRs Article 163.2:** (...) Protests for abuse of Horses may be lodged by any person or body."

**GRs Article 169.4:** Disqualification is appropriate when it is specified in the Statutes, GRs or Sport Rules, or if the circumstances require an immediate action.

**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;

**GRs Article 169.7:** In cases of offences mentioned in paragraphs 6.2 and 6.3 above and which are of a less serious nature and/or in cases specified in the Sport Rules and/or as mentioned in Article 140:

7.1. The President of the Ground Jury, the President of the Appeal Committee, the Chief Steward or the Technical Delegate must notify the Person Responsible during the Period of the Event that he will receive a Yellow Warning Card, which will be delivered either by hand or by any other suitable means. (...)

**GRs Article 169.9:** All fines imposed under the Legal System are due to the FEI. (...)

**ERs Article 811:** 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.

#### **IV. DECISION**

The below presents a summary of the relevant facts and allegations based on the Parties' written submissions, pleadings and evidence adduced. 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 The rider Sheikh Mohammed Bin Mubarak Al Khalifa ("the Rider") participated with the horse TARABIC CARL ("the Horse") at the CEI2\* 120 km in Sakhir, Bahrain, which took place from 7 to 8 February 2014 ("the Event").
- 1.2 During the course of the Event the Rider was delivered a Yellow Warning Card for horse abuse and Non-Compliance with the applicable Sport Rules. The Rider accepted and signed the Yellow Warning Card. The Rider was further imposed a fine of five hundred Swiss Francs (500 CHF), which he paid on the day following the Event. In addition, the Rider and his groom ("the Groom") were suspended by their National Federation, the Bahrain Royal Equestrian and Endurance Federation ("the BRN-NF"). The respective suspensions started from the day of the incident to the end of the season in Bahrain, specifically 25 April 2014.

## **2. Procedural Background**

- 2.1 On 27 February 2014, the Protestors lodged a Protest for horse abuse ("the Protest"), in accordance with Articles 142.2 and 163.2 of the GRs, with the FEI Secretary General, for referral to the FEI Tribunal ("the Tribunal").
- 2.2 The Protest further contained alleged violations of various other FEI Rules and Regulations (amongst other Articles 810.2 and 807 of the ERs).

## **3. Protest by the Protestors**

- 3.1 Together with their Protest, the Protestors provided two video clips, which illustrate (i) the Rider hitting the Horse with a lash, (ii) two individuals leaving a moving vehicle and one of them striking the Horse several times. It is not clear from the video whether one of the individuals is using a hand-held implement. The videos further show several vehicles blasting their horns and following the Horse and the other horses on both sides of the Endurance track.
- 3.2 In their Protest, and relying on the two video clips, the Protestors alleged that the Rider and the Groom had committed an abuse of the Horse during the closing stage of the final loop of the Event. More specifically, the Protestors argued that the Rider had kicked his Horse "vigorously", and that furthermore he had hit the Horse with a lash. That the Rider's conduct would be in breach of the ERs regarding whipping, and that furthermore the two actions constituted "gratuitous abuse" insofar as the Horse had been moving freely forward and had not required either encouragement or correction.
- 3.3 The Protestors further argued that the Groom had followed the Horse running behind it, and had struck the Horse several times with a hand-held implement, and that this action also constituted horse abuse.
- 3.4 Moreover, the Protestors argued that the fact that numerous vehicles had followed the Horse along the track with blasting horns had also to be considered as horse abuse. The Protestors argued in this respect that the respective conduct was contrary to the accepted principles of horse training which would be based on the respect for equines as sensitive creatures that would flee from danger. Further, that the dust generation by vehicles would be contrary to the FEI Endurance notes for guidance.
- 3.5 That as a result thereof, and in accordance with Article 811.1 of the ERs, the results of the Rider had to be disqualified.
- 3.6 Finally that breaches of amongst others Articles 807.1 – 807.4, 807.6, 807.8 and 810.2 of the ERs had been committed by the Rider and the Groom.

#### **4. Further proceedings**

- 4.1 On 4 March 2014, the FEI Secretary General acknowledged receipt of the Protest regarding horse abuse and that he would refer that Protest to the FEI Tribunal. The FEI Secretary General further informed the Protestors that he had taken note of the additional Protest under Article 163.9 of the GRs for alleged violations of various provisions of the ERs, and that he would revert to the Protestors in due course in response.
- 4.2 On 4 March 2014, Ms. Pamela Young (CAN) and Ms. Jennifer Anstey (CAN) lodged a Protest for horse abuse and for alleged violation of various provisions of the ERs. The Protest lodged by Ms. Young and Ms. Anstey was identical to the one previously lodged by the Protestors.
- 4.3 On 10 March 2014, the FEI Secretary General acknowledged receipt of the Protest lodged by Ms. Young and Ms. Anstey, and informed them that a Protest on the same issue had already been lodged and that respective proceedings were pending. Further, that they were however entitled to submit an application to the Hearing Panel requesting to intervene or be joined in the pending proceedings in accordance with Article 18.12.4 of the IRs.
- 4.4 On 14 March 2014, the FEI informed the Protestors that it intended to inform the Rider and the Groom of the Protest in order to provide them with the opportunity to respond to the accusations and in order to allow them to provide their explanations.
- 4.5 On 24 March 2014, the FEI invited both, the Rider and the Groom separately, to comment on the allegations and to provide any relevant information, evidence, etc., as they deemed appropriate.
- 4.6 On 26 March 2014, the Rider responded for himself and on the Groom's behalf. In essence the Rider argued that, whereas he and the Groom would accept their mistakes, they also believed that they had received a fair punishment for their actions at the Event. That, as he had already received a Yellow Warning Card from the Ground Jury at the Event, and as he and the Groom had already been suspended by the BRN-NF, a further disqualification would contravene the well-recognized principle of double jeopardy, according to which it was forbidden to charge a defendant again on the same (or similar) charges following a legitimate acquittal or conviction.
- 4.7 On 5 May 2014, and in response to the allegation of violations of the ERs, the FEI informed the Protestors that insofar as the alleged violations would concern a field of play incident, consequently any sanctions would have had to be imposed by the relevant Officials during the Event, and during the timeframe of their exclusive jurisdiction. That consequently it was not appropriate for the FEI Secretary General to intervene in such field of play matters which would fall under the sole competence of the officials. That further, as the alleged violations did not justify a finding of "special circumstances" in the meaning of Article 163.9 of the GRs, the Protest related to the alleged violations of the ERs would not be referred

to the Tribunal.

- 4.8 On 7 May 2014, Ms. Young and Ms. Anstey explained that insofar as the Tribunal was already hearing evidence on the incidents as submitted by the Protestors, they wished to withdraw their Protest.

## **5. Answer of the FEI**

- 5.1 On 23 May 2014, the FEI provided its Answer to the Protest (“the Answer”). Together with its Answer, the FEI submitted a witness statement by Mr. Ghalib Al Alawi, President of the Ground Jury at the Event, and a statement by Dr. Brian Sheahan, Chair of the FEI Endurance Committee and owner of a private equine veterinary practice.
- 5.2 In his statement Mr. Al Alawi explained that whereas he had not personally observed the incident, shortly after the incident he had watched the videos available to the Protestors, and that, in his position as President of the Ground Jury, he had also directly taken care of the follow up after the incident with the Rider and the Groom. That the Rider had been considered as primary Person Responsible, and that in his opinion, the Rider had not himself violated the rules, and had not agreed with the Groom’s actions. That however as rider and Person Responsible he would be liable for the actions of the Groom. With regards to the Groom he explained that he had concluded that he had neither whipped the Horse excessively nor committed any of the other actions considered as horse abuse under Articles 142 and 169.6.2 GRs. That however in his eyes, the Groom’s behaviour was an unconventional method of stimulating the Horse and had considered it as a case of horse abuse of less severe nature under Article 169.7 of the GRs. That he had therefore given a Yellow Warning Card to the Rider. That he had chosen not to give a Yellow Warning Card to the Groom, as he had been a local groom who had no understanding of the surrounding liability advocated by FEI Rules. That the groom had further been an individual among the rider’s fans who had been filled with excitement at the time of the incident using any means necessary to please or serve the rider. That in the video the Rider showed discontent with the Groom’s actions, but that it had been the Rider choosing the Groom, and that therefore he also had to accept the full responsibility for the actions of the Groom. Moreover that the Groom had been subject to punishment for his actions by the BRN-NF. That, after weighing all factors related to the Rider, prior to the unruly behaviour of the Groom, he had been of the opinion that the case had not qualified as a case of cruelty under Article 811.1 of the ERs. With regards to the claim by the Protestors that further abuse had taken place in form of intimidation of numerous vehicles travelling next to the race track and following the rider-horse combination and the blasting of vehicles horns, Mr. Al Alawi stated that in his view it was clear from the video that the vehicles had travelled further away from the Horse and not right beside it, and that therefore any fumes potentially generated by the vehicles could not potentially have caused any risk of injury. That he and the Chief Steward had agreed to increase the number of National Stewards especially in the last loop, in order to report any violation that

sought to cause any necessary discomfort to the Horse. That however no such violations had been reported by any National Steward present at the Event.

- 5.3 In his statement Dr. Sheahan explained that he had been serving as a member of the FEI Endurance Committee since 2010, and that since 2012, he had been the Chair of that Committee. That he had acted as an official in endurance since 1975, that he was officiating as an FEI veterinarian since 2000, and that he was the author of the FEI training courses for Official Endurance Veterinarians and Official Treating Veterinarians. Dr. Sheahan further explained that he had not been present at the Event, but that he had watched the two relevant videos a number of times, and that he had also reviewed the Vet Card of the Horse at the Event. That the Vet Card would not describe any signs of injury such as welts, swellings or weeping skin wounds, which would be associated with skin trauma. That this would be an indication that the actions of the Rider and the Groom in striking the Horse had not affected the performance of the Horse or caused prolonged stress. He further explained that the Horse had successfully completed the Event without signs of metabolic compromise, lameness, back pain, skin abrasions or welts that would be associated with the use of a whip. Dr. Sheahan further stated that by striking the Horse, both the Rider and the Groom had caused the Horse to increase speed, albeit for a short duration only. Dr. Sheahan concluded that in his opinion, both the Rider and the Groom had committed a horse abuse, but no cruelty. That furthermore, insofar as the level of horse abuse did not result in injury or distress, it could be considered as less serious offence.
- 5.4 Regarding the question of jurisdiction of the Tribunal and admissibility of the Protest for horse abuse the FEI took the position that the jurisdiction of the Tribunal followed from Article 17.1 of the IRs. Further that the Protest was admissible insofar as Protests for horse abuse – as opposed to other Protests which could generally only be lodged by certain individuals - could be lodged by anybody in accordance with Article 163.2 of the GRs. That furthermore it followed from Article 142.2 of the GRs that no specific deadlines applied for lodging a Protest for horse abuse, but that such Protest had to be lodged “without delay”.
- 5.5 The FEI requested however that the Protest be dismissed on the merits. In this context the FEI argued that the decision of the President of the Ground Jury regarding the question as to whether or not the requirements of horse abuse and/or cruelty had been met was a field-of-play decision, which could only be reviewed under very restrictive conditions that were not given in the case at hand. Alternatively the FEI argued that only an act or series of actions which, in the opinion of the Ground Jury could be clearly defined as cruelty or abuse, could be penalised with disqualification in accordance with Article 811.1 of the ERs. That however the case at hand had not been qualified as either case of abuse or cruelty in the meaning of Article 811.1 ERs, but as a case of a horse abuse of “less severe nature”. Relying on the statement of Dr. Sheahan the FEI took the position that this qualification had been correct and that therefore the sanctions imposed by the officials at the Event were correct and appropriate.

- 5.6 Specifically the FEI argued that it would follow from Article 811.1 of the ERs and Article 169 of the GRs that it was for the Ground Jury to decide whether or not cruelty against a horse, and/or a horse abuse had been committed, and that the wording clearly indicated that it was of the discretion of the Ground Jury as to whether or not a certain behaviour would be qualified as horse abuse or cruelty. That furthermore, decisions by the Ground Jury under Article 811.1 of the ERs or under Article 169 of the GRs would qualify as "field-of-play" decisions. That those field-of-play decisions were technical determinations made by the officials responsible for judging an event, and were related to the conduct of the competition. That field-of-play decisions could only be reviewed under very restrictive conditions, as had also been ruled by the Court of Arbitration for Sport (CAS) in the past. That the Tribunal could therefore (i) only hear arguments relating to the procedure through which the Decision was reached, as opposed to the merits (i.e. whether the Ground Jury had reached the right conclusion in its decision regarding the horse abuse); and that (ii) the assessment had to be limited to determining whether any of the experts and Ground Jury members involved in the decision-making had acted in bad faith or in an arbitrarily manner, or had otherwise maliciously neglected fundamental rights of the PR. That however none of the two grounds for review had been alleged by the Protestors, and that it was of the opinion that there were no elements present in the case at hand that would indicate in the direction of either procedural flaws in the decision making process, or any signs of bad faith or arbitrariness.
- 5.7 In addition the FEI argued that the disqualification of the Rider would be a further sanction for charges against him which had already been sanctioned at an earlier stage. That therefore the Rider's disqualification would contravene the well-recognized principle of double jeopardy.
- 5.8 As regards a potential horse abuse by means of the vehicles travelling along the race track the FEI, relying on the statement by Mr. Al Alawi, argued that the vehicles had been further away from the horses and not right beside it, and that furthermore no further case of horse abuse had been reported by any National Steward at the Event.
- 5.9 As a result, the FEI requested the Tribunal to declare the Protest as admissible, but to dismiss it on the merits in accordance with Article 20.14.1 of the IRs. The FEI further requested the Tribunal to reject the request by the Protestors for the disqualification of the Rider, and to dismiss any other relief sought by the Protestors.

## **6. Rebuttal Submission by the Protestors**

- 6.1 On 19 June 2014, the Protestors submitted their Rebuttal Submission. In essence the Protestors further submitted that:
- a) they disagreed with the FEI position that the circumstances of the case at hand would fulfil the requirements for review of the field-of-play decision by the FEI Tribunal.



- b) Ms. Cuckson had attended an FEI Endurance conference held in Lausanne on 9 February 2014, and that the two videos had prompted disquiet amongst the attendees of the conference. That the FEI's Endurance Strategic Planning Group ("ESPG") had repeatedly emphasised the need for rule enforcement, and that therefore new sanctions would apply as off 1 August 2014, which foresaw "draconian" measures as had never been required in any other FEI discipline.
- c) between the two of them, the Protestors had over forty (40) years of experience in reporting up to the highest level of all equestrian sports, and that they had felt that the incident in question had been one of the most serious field-of-play incidents they had ever seen. That a Yellow Warning Card would be insufficient in the case under review, a view that would be shared by three further editors from all over the world – more specifically United States, Canada, and New Zealand. Finally that under the new version of the FEI Endurance Rules - effective 1 August 2014 - Additional Persons Responsible, such as the Groom in the case at hand, would be punishable by disqualification from the Event and in addition a Yellow Warning Card, and not only either disqualification or a Yellow Warning Card.
- d) the wording of Article 811.1 of the ERs did not set out the "extents" of abuse, i.e. as "lesser" or otherwise. Further that Dr. Sheahan and the Rider had admitted "abuse", not a "lesser extent" of abuse. That finally, the disqualification foreseen under Article 811.1 of the ERs could not be qualified as a double jeopardy, but had to be imposed under Article 811.1 of the ERs, in addition to a Yellow Warning Card. Further, that punishments had to have tangible effects, which could not be said of the case at hand insofar as the Rider had only been prevented for competing at three FEI competitions following his short suspension imposed by the BRN-NF. And insofar as the fine of five hundred Swiss Francs (500 CHF) imposed on the Rider had not caused any hardship to him as he had a high social rank and came from a wealthy family. In support of their argument that the penalties imposed on the Rider in Sakhir had not had sufficient deterrent affect the Protestors highlighted that the Rider had received another Yellow Warning Card for horse abuse on 23 May 2014, the first FEI competition he had competed in since the Event.
- e) the abuse of the Horse had indeed been "excessive", as the ERs would expressly and entirely forbid striking a horse, and would further prohibit carrying items that could be used for striking purposes. Further that whereas it was possible that some types of abuse would be measurable, most cases of abuse had to be subjective because the Horse could not speak for itself. That therefore the absence of marks and weals or similar, and the fact that the Horse had met all required soundness and metabolic parameters did not mean that the apparently tired Horse had not felt any pain or distress from the striking by the Groom or from the Rider's use of the lash. Nor would it mean that the Horse had not

been over-pushed towards the end of the Event, and that the Groom had contributed to that. That further, and in light of the fact that the FEI used thermography to detect hypersensitivity, it seemed to generally accept that horse abuse through pain could not only be measured objectively, by visible marks. In addition that in arena sports such as Dressage, a rider would be automatically disqualified in case a horse was bleeding, and irrespective of the question whether the bleeding had been caused by the rider. That the FEI could not allow intentional abuse in the discipline of Endurance, such as in the case at hand, to be punished less severely than an accidental, minor laceration in an arena sport, such as Dressage.

- f) the case would not represent a “lesser” level of abuse as the FEI claim of mitigating factor of the Groom’s intervention allegedly not being wanted by the PR was not proven. That – as shown in the video – the Rider had gesticulated with his left arm towards the red vehicle, which had been ahead of the PR, while urging on the Horse with hands and heels. That in the following, three people had left the red vehicle and had joined the field of play. That one of them had stroke the Horse three times and that at the same time the Rider also appeared to hit it. That this person – groom – appeared to have answered a call to assist by the Rider, or what the Groom interpreted as such. That later on, a different, second person appeared to be running behind the Rider while carrying a bottle.
- g) With regards to the Protest related to alleged violations of the ERs the Protestors accepted that it was not admissible within the legal framework. The Protestors however argued that the rules in place – requiring any alleged violation of the ERs to be reported no later than 30 minutes following the Final results at an event – would be against the aims of the ESPG, and had to be amended to account for the specialised nature of the discipline of Endurance, and in order to be able to guarantee enforcement of the ERs.

## **7. Jurisdiction**

- 7.1 The Tribunal has jurisdiction over the matter pursuant to the Statutes, GRs and IRs.

## **8. Admissibility of the Protest**

- 8.1 The Tribunal finds that the Protest submitted to it by the FEI Secretary General is admissible, as the Protest arises from an alleged horse abuse and may be lodged by anybody under Article 163.2 of the GRs.

## 9. Decision

- 9.1. In a second step, the Tribunal has to decide whether the Rider is to be disqualified from the Event, as requested by the Protestors. In this context it should be underlined that the legal basis on which disqualification could be ruled by the Tribunal in the case at hand is Article 811.1 ERs, which requires either a case of horse abuse, or of cruelty, and Article 169.4 of the GRs, which confirms that disqualification is appropriate when specified in the Sport Rules, such as the ERs. The reason for this is that the Tribunal accepts the position of the FEI Secretary General, i.e. that the Protest is only admissible under Article 163.2, second sentence of the GRs, and therefore only insofar as horse abuse is alleged. Furthermore, of the rules referred to by the Parties in the context of horse abuse, i.e. Articles 169.6.2 and 169.7 of the GRs and Article 811.1 of the ERs, only the latter one foresees disqualification.
- 9.2 In relying on the previous determination by the Ground Jury, i.e. by ticking the appropriate box (horse abuse) of the Yellow Warning Card and by the President of the Ground Jury's signature of it, and further also relying on the statement of Dr. Sheahan, the Tribunal finds that a horse abuse in accordance with Article 811.1 of the ERs and Article 169.6.2 of the GRs had indeed occurred.
- 9.3 In accordance with Article 811.1 of the ERs, the Tribunal holds that it was for the Ground Jury to decide whether a horse abuse had been committed. The Tribunal further finds that such decision by the Ground Jury qualified as a field-of-play decision. In line with previous CAS decisions, the Tribunal accepts the submission of the FEI, that such field-of-play decisions could only be reviewed under very restrictive conditions, and only in cases where the Ground Jury members had acted in bad faith or in an arbitrary manner, or otherwise maliciously neglected fundamental rights of the Rider. The Tribunal however finds that the case at hand falls within one of the exceptions outlined by CAS jurisprudence. Whereas the Ground Jury had the discretion to determine whether a horse abuse had occurred, it had no discretion in applying the correct sanction for that offence – once established - as Article 811.1 of the ERs requires an automatic disqualification. Further, the Tribunal finds that the wording of Article 811.1 of the ERs is clear and horse abuse "shall be penalised by disqualification and as otherwise allowed by the GRs". In addition, the Tribunal finds that in accordance with Article 169.4 of the GRs disqualification as specified in the ERs, i.e. Sport Rules, is appropriate.
- 9.4 In this respect, the Tribunal has also taken note of the FEI's claim, Mr. Al Alawi's statement and Dr. Sheahan's explanations that the abuse had been a "less serious abuse". The Tribunal however holds that it does not have to define the extent of the abuse, as the applicable Sport Rules (Article 811.1 of the ERs) do not differentiate between a case of an abuse and a case of abuse of "a less serious nature". The Tribunal further holds that therefore the Ground Jury had to penalise the horse abuse with disqualification, irrespective of the question whether or not a horse abuse of a "less severe nature" had taken place.


- 9.5 As a result, the Tribunal holds that the Ground Jury had therefore acted arbitrarily in not imposing any disqualification.
- 9.6 In accordance with Articles 811.1 of the ERs and 159.4 of the GRs, the Tribunal further finds that the Ground Jury however had discretion to impose further additional sanctions, such as a Yellow Warning Card or a fine. The Tribunal does therefore not accept the double jeopardy claim by the FEI and the Rider, and follows the Protestors argument of "applying the correct penalty for the offence in hindsight".
- 9.7 Lastly, and relying on the statement by the President of the Ground Jury, the Tribunal understands that the vehicles could not potentially have caused any risk of injury to the Horse, and that therefore no Horse abuse by means of those vehicles had taken place. At the same time the Tribunal notes in this context that according to Article 807.7 of the ERs, no vehicle was allowed to follow or accompany any horses, and therefore also the Horse at the Event. The Tribunal however acknowledges that under the FEI Rules and Regulations it does not have jurisdiction to intervene in these matters, except if a respective Protest is referred to it by the FEI Secretary General under Article 169.9 of the GRs, which is not the case here.
- 9.8 For the above reasons, the Tribunal therefore decides as follows:
- 1) The Protest is admissible.
  - 2) The Rider shall be disqualified from the Event. All medals, points and prize money won shall be forfeited.
  - 3) The Parties are to bear their own costs and expenses.
- 9.9 According to Article 168 of the GRs this Decision is effective from the date of oral or written notification to the affected party or parties.
- 9.10 According to Articles 165.1.3 and 165.6.1 of the GRs, this Decision can be appealed before the Court of Arbitration for Sport (CAS) within 30 days of the present notification.

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

**a. The Parties: Yes**

**b. Any other: NF, Organizing Committee of the Event**

**FOR THE PANEL**

A handwritten signature in black ink, appearing to read "Henrik Arle", is centered on the page. The signature is fluid and cursive, with a long horizontal stroke at the end.

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**The Chair, Mr. Henrik Arle**