



## NEWS & MESSAGES

01/05

### **“GOLDEN” Decisions .... (?)**

#### **January 2005**

On Thursday, January 27, HH Sheik Hazza Bin Sultan Bin Zayed Al Nayan (UAE) won the FEI Endurance World Championship 2005, 160 km in Dubai. He was riding Hachim, FEI Passport No ESP 02734.

The MCP (Medication Control Programme) Team selected Hachim for sampling as well as 9 other horses participating in the championship.

Friday, January 28: Gulfnews praised Sheik Hazza Bin Sultan Bin Zayed Al Nayan's "golden decision" to switch horses shortly before the championship. He was supposed to ride Shahdon, formerly ridden by two-time world champion Valerie Kanavy. Instead he opted for Hachim, the horse he rode to victory in Bahrain. The championship was – according to Gulfnews and Khaleej Times – the first-ever 160 km ride for Hachim.

Saturday, January 29: About 15 minutes before the official prize giving ceremony, held at Lisaili Fort off the Dubai-Al Ain highway, the French Team was informed that 2<sup>nd</sup> placed Barbara Lissarague/ Georgat will be declared the individual winner of the FEI World Endurance Championship instead of Sheik Hazza, because traces of performance enhancing drugs seem to have been found in the sampling of his horse Hachim. Sheik Hazza, who was present for the closing ceremony, left midway after being informed about this decision (according to gulfnews).

Barbara Lissarague/ Georgat (FRA) was then awarded the gold medal and declared world champion.



PferdeWoche, Sascha Dubach

## **February 2005**

HH Sheik Hazza Bin Sultan Bin Zayed Al Nayan (UAE) / Hachim was re-established Endurance World Champion by the FEI.

FEI Press News, 02/02/2005:

### ***FEI World Endurance Championship***

*The FEI has formally written to the Organising Committee of the World Endurance Championship asking for a detailed explanation as to why, without prior knowledge of the FEI, the winner of the Individual competition Sheik Hazza bin Sultan Al Nahyan (UAE) was not presented with his gold medal during the closing ceremony.*

*The official results, as signed off by the President of the Ground Jury are published on the FEI website, section Endurance, Results. Those results remain unchanged.*

FEI Press News, 11/02/2005:

### ***FEI World Endurance Championship***

*On 8 February 2005, the FEI received an official protest from Sheik Hazza bin Sultan bin Zayed Al Nayan (UAE) who finished first at the World Endurance Championship which took place on 27 January 2005 in Dubai (UAE). The protest which will be forwarded to the Judicial Committee for consideration, is lodged against the Organising Committee of the Championship regarding the official prize giving ceremony of the 29 January 2005, where Sheik Hazza bin Sultan bin Zayed Al Nayan was not presented with the individual gold medal.*

*Last week, the FEI formally wrote to the Organising Committee of the World Endurance Championship and to the UAE National Federation asking for a detailed explanation as to why, without prior knowledge of the FEI, the winner of the Individual competition had not been presented with his gold medal during the closing ceremony.*

*So far, the FEI has not received any official reply neither from the Organising Committee nor from the National Federation.*

*The official results, as signed off by the President of the Ground Jury are published on the FEI website, section Endurance, Results. Those results remain unchanged.*

## **March 2005**

In a letter to the FEI, dated 5<sup>th</sup> March, HH Sheik Hazza Bin Sultan Bin Zayed Al Nayan's counsel asked for a Confirmatory Analysis in compliance with the FEI rules. He specifically stated and asked again by letters to the FEI dated 19<sup>th</sup> and 29<sup>th</sup> March that the claimant wishes to be present during the B-Sample testing together with his experts and lawyers.

(full text see: "Decision of the Judicial Committee of the FEI, The Relevant Facts, Point 9 -11, FEI website)

In a fax from the FEI to Dr. Yves Bonnaire, Laboratoire des Courses Hippiques, dated 18<sup>th</sup> March 2005, LCH, was asked to perform the Confirmatory Analysis, which was done without awaiting further instruction and not in the presence of a witnessing analyst. (full text see: "Decision of the Judicial Committee of the FEI, The Relevant Facts, Point 12/13, FEI website)

FEI Press News, 22/03/2005:

**Positive Medication case at the World Endurance Championship**

*The analysis of the urine sample collected from the horse Hachim during the World Endurance Championship on 27 January 2005 in Dubai (UAE) revealed the presence a prohibited substance according to FEI Rules.*

*The positive result was notified to the Person Responsible Sheik Hazza Bin Sultan Bin Zayed Al Nahyan (UAE) through his National Federation. Sheik Hazza Bin Sultan Bin Zayed Al Nahyan has requested a confirmatory analysis to be carried out. The analysis of the B sample shall take place by 8 April at the latest.*

*Sheik Hazza Bin Sultan Bin Zayed Al Nahyan / Hachim finished first of the championship.*

*The MCP Team sampled ten horses participating in the championship. All the other samples proved negative.*

*Detailed FEI legal procedure is published on the FEI website, section legal.*

**April 2005**

In a letter to the FEI, dated 6<sup>th</sup> April, HH Sheik Hazza Bin Sultan Bin Zayed Al Nayan's counsels stated that "it was our intention to attend and witness the opening and testing of the B-Sample at the confirmatory analysis". In addition they stated: "Additionally, we have previously raised to the FEI several of the other errors occurring herein, including our objection to the validity of the "A" Sample test and result, due in significant part to the obvious lack of independence of the CVR Lab in Dubai".

(full text see: "Decision of the Judicial Committee of the FEI, The Relevant Facts, Point 14, FEI website)

- According to "Decision of the Judicial Committee of the FEI", dated April 28, 2005, the analysis of the urine sample taken from Hachim on January 27 revealed the presence of Methylprednisolone. The analysis was conducted by the associate laboratory of the FEI, Central Veterinary Research Laboratory, Equine Forensic Unit, UAE.  
(full text see: "Decision of the Judicial Committee of the FEI, The Relevant Facts, Point 3, FEI website)
- The confirmatory analysis, performed by the the FEI's approved central laboratory, Laboratoire des Courses Hippiques, France, LCH, revealed the presence of Methylprednisolone. Dr. Yves Bonnaire from LCH has confirmed that the seals of the security bag and the bottle were unbroken and intact and that the analysis was conducted in accordance with internationally accepted practices.  
(see: "Decision of the Judicial Committee of the FEI, The Relevant Facts, Point 4/5, FEI website)

April 14, 2005: The case was submitted to the Judicial Committee.

(full text see: "Decision of the Judicial Committee of the FEI, The Relevant Facts, Point 7, FEI website)

## **May 2005**

FEI Press News 03/05/2005:

### ***Legal Update: FEI World Endurance Championship***

*On 28 April 2005, the FEI Judicial Committee decided the positive medication case concerning the horse Hachim and rider HH Sheik Hazza Bin Sultan Bin Zayed Al Nahyan (UAE), who won the gold medal of the World Endurance Championship in Dubai last January.*

*Analysis of the urine sample taken from Hachim, conducted by the associate Laboratory of the FEI Central Veterinary Research Laboratory, Equine Forensic Unit (UAE), revealed the presence of Methylprednisolone, which is a prohibited substance according to FEI Rules.*

*A confirmatory analysis was requested by the Person Responsible (PR) and was performed by the FEI approved central laboratory, Laboratoire des Courses Hippiques, France, on 24 March 2005. This analysis confirmed the presence of Methylprednisolone. However the PR was not duly informed of the date and place of the confirmatory analysis (B Sample) and was therefore unable to send a witnessing analyst to the laboratory, despite having requested the opportunity to be represented.*

*While noting the existence of two positive results, the Judicial Committee nevertheless decided that the fact that the PR did not have the opportunity to have a witness present at the confirmatory analysis compromised his rights to such an extent that the results had to be disregarded. The Judicial Committee cited several relevant decisions of the Court of Arbitration for Sport in reaching its ruling, which terminates the proceedings. Consequently, the results of the FEI World Endurance Championship remain unchanged as published on the FEI website. The FEI Secretariat will ensure that HH Sheik Hazza Bin Sultan Bin Zayed Al Nahyan will receive the Gold medal and all relevant prizes won by him. The Judicial Committee is not ordering a new Official Award Ceremony to be held.*

*Note to the editor:*

*Hachim, ridden by HH Sheik Hazza Bin Sultan Bin Zayed Al Nahyan (UAE) won the FEI World Endurance Championship held in Dubai on 27 January 2005.*

*Methylprednisolone is an anti-inflammatory corticosteroid acting on the locomotor system and is graded 3 by the Medication Sub-Committee of the FEI. Under the FEI grading system, a substance is graded "1" if it has a relative high potential to affect the performance of the horse and is grade "5" if it has a relative low potential to affect the performance of the horse.*

*The Official Award Ceremony by the Organising Committee, who did not invite HH Sheik Hazza Bin Sultan Bin Zayed Al Nahyan to receive his gold medal, is the subject of a separate inquiry and may be examined by the Judicial Committee at a later stage.*

*The list of prohibited substances for horses is published on the FEI website [www.horsesport.org](http://www.horsesport.org) section veterinary – medication control. The FEI complete legal procedure for positive medication cases is published in the section legal – legal procedure.*

*The full decision will be published today on the FEI website section Legal/Judicial Committee*

May 4, 2005: Press Release by the French Equestrian Federation to announce the intention to protest against the decision of the FEI.:

**Fédération Française d'Équitation**

*Communiqué de Presse du 4 mai 2005*

*Décision de la FEI irrecevable pour la FFE :*

*Classement du Championnat du Monde d'Endurance maintenu alors que le tenant du titre est prouvé positif.*

*Par un communiqué daté du mardi 3 mai, la Fédération Equestre Internationale fait savoir qu'elle annule la procédure à l'encontre du cavalier classé premier au Championnat du Monde d'Endurance le 27 janvier 2005 à Dubaï.*

*La présence de substance prohibée (cortisone sous forme de méthylprednisolone) est avérée dans l'échantillon A puis B du cheval du couple émirati tenant du titre. A aucun moment les procédures techniques de contrôle ne sont mises en cause. Toutefois, Barbara Lissarrague se voit retirer la Médaille d'Or remise lors de la cérémonie de remise des prix pour vice de procédure au motif de l'absence de témoin lors de la contre-expertise (échantillon B) !!!*

*Le classement initial est donc maintenu :*

- 1. He Sh Hazza bin Sultan Al Nahyan (EAU) avec Hachim*
- 2. Barbara Lissarrague (FRA) et Georget*
- 3. HH Sh Mohd bin Rashid Al Maktoum (EAU) et Nashmi*

*Au nom de la morale sportive et de la défense des droits de la cavalière Barbara Lissarrague, la Fédération Française d'Équitation étudie dès aujourd'hui les moyens de contester cette décision.*

*Contact Presse :*

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**Reasons for the FEI decision:**

(full text see: "Decision of the Judicial Committee of the FEI, "Decision", Point 16-23, FEI website)

The Judicial Committee of the FEI precises that

- "Competing with a prohibited substance above a permitted threshold level, if any, is not permissible since it is assumed that this may affect the principles of fair play, equality and promotion of equal and fair conditions in the conduct of international events."
- "The FEI has a strict liability policy in regard to competing with prohibited substances present in the horse's systems at international events, pursuant to GR Art.146\*. This strict liability or no-fault system means that no intention is required in order to establish a doping offence. **The mere presence of a prohibited substance in the horse's systems is sufficient.**"

\*GR Art. 146:

- 1. The use of any substance or method that has the potential to harm the horse or to enhance its performance is forbidden...*
- 2. Subject to prior authorisation by the FEI, any horse found to have a Prohibited Substance in any of its tissues, body fluids or excreta at an event as the result of a Medication Test, is automatically disqualified, together with the competitor with that horse, from all competitions at that event and the classification adjusted accordingly, unless the Ground Jury has authorized the horse to participate or continue in the event or unless the Judicial Committee decides based on the evidence provided to terminate the proceedings of the case.*

This strict liability policy is also described in the FEI Vet Journal 11-04.doc:

**“The policy of the FEI is to maintain international equestrianism as a “clean” sport with a level playing field for all horses and protect horse welfare at all costs.”**



However, with reference to several leading cases\*, the FEI Judicial Committee decides that even so **VR Article 1022** has no specific rules about the **Person Responsible's (PR) right to appoint a witnessing analyst**, “the Court of Arbitration for Sport (“CAS”) has on numerous occasions stated in its case law that the failure to provide the PR with the opportunity to be present or to be represented at the opening and analysis of the B-Sample constitutes a procedural error compromising the limited rights of a PR to such an extent that the results of the analysis of the B-Sample and thus the entire urine test should be disregarded.”

*\*B & S v. Equestrian Fed.of Australia, CAS 2003/A/477  
Kabaeva v. Féd.Int.de Gymnastique, CAS 2002/A/385  
P v. Int'l. Equestrian Fed. CAS 98/184*

- “As a result, the Judicial Committee finds that there has been a procedural error that is of the nature to compromise the limited rights of the PR to such an extent that the results of the B-sample analysis, and therefore the entire urine test, should be disregarded.”  
(full text see: “Decision of the Judicial Committee of the FEI, “Decision”, Point 23, FEI website)
- And that’s how it comes that the sport of Endurance has to represent a World Champion whose horse achieved this performance under the influence of a prohibited substance, a fact, which seems to be quite controversial to the FEI Code of Conduct for the Welfare of the Horse (Point 1) and specially to the FEI Code of Conduct towards Fair Play.

### **THE FEI CODE OF CONDUCT** *for the Welfare of the Horse*

*1. The Fédération Equestre Internationale (FEI) expects all those involved in international equestrian sport to adhere to the FEI’s Code of Conduct and to acknowledge and accept that at all times the welfare of the horse must be paramount and must never be subordinated to competitive or commercial influences.*

FEI CODE OF CONDUCT TOWARDS FAIR PLAY

**Fair Play and Equestrian Sport**

The equestrian disciplines, in common with other sports, depend heavily for their credibility, public acceptance and ultimate survival upon their adherence to the sportsman's code of fair play. Behind this precept lies the premise that the best man, woman or team should win fairly and squarely, having competed under even and equitable conditions and under rules that are themselves fair, realistic, and applied with scrupulous competence and even-handedness. **No result can be meaningful or valid if it has not achieved "on a level playing field."**

Translating the abstract ideals of fair play into practice requires the collaboration of all those who participate in any way in the competition, i.e., not only the competitors, officials, organisers and federations, but also even the owners, trainers, spectators and media. Each of these groups has an important role to play in enhancing both the image and the reality of equestrian sport, by respecting the spirit of fair play as embodied in the rules and by insisting that the best interests of the sport and the welfare of the horse are placed above all else. Some additional considerations that especially concern particular groups are noted below:

**Responsibilities of competitors, coaches and trainers**

The competitors themselves play a highly critical role in promoting and safeguarding fair play in their sport. For whatever the responsibilities or actions of others, in the end it is the competitors who can most directly influence whether or not the play is fair by understanding all the rules that govern their discipline, and by faithfully observing them even when nobody is watching.

**High profile competitors must recognise how influential their example can be for others, and accept their responsibilities as role models.** This applies to their actions both on and off the horse, and in the warm-up area as well as the competitive arena.

Coaches and trainers can also help to promote fair play by setting a good example and by discouraging disrespect for the rules or acts of discourtesy by competitors under their supervision. Older advisers clearly exert as important an influence by their example as by their instruction.

**Responsibilities of governing bodies (national and international federations)**

The governing bodies of equestrian sport not only formulate the rules, but also qualify and license the officials, approve the dates and programs of the major competitions, and often act as the final level of judicial authority. They must make every effort to ensure that their rules are fair, based firmly on reality and applied accurately and consistently by officials of demonstrated competence and impartiality. They must also do everything they can to enhance and promote the quality of the disciplines and their attractiveness for spectators and competitors alike through a proactive use of their executive powers. **Finally, they must recognise that neglect or disregard of the ideals of fair play reflects both on the sport and on the organisations responsible for its conduct.**

## **Other international and/ or Endurance decisions in May 2005:**

FEI Press News, 09/05/2005

### **2005 FEI European Endurance Championship cancelled**

*The British Equestrian Federation (BEF) today announced that the Organising Committee of the European Endurance Championships, due to take place on 6 August 2005 in Stourhead House, Wiltshire (GBR) had taken the decision to cancel the event to be held in August.*

*The OC commented as follows "The level of total funds available had not reached initial expectations, requiring the OC to take action now". John Hudson, a member of the Organising Committee went on to say, "The Organising Committee wishes to express it's thanks to the BEF and the FEI for their support during this difficult time for everyone, and especially wish to thank the many Endurance GB members, friends and other volunteers who have given up many days of time and effort to help in this venture".*

*The FEI has found a potential replacement to ensure the Championship will still take place and is in contact with the OC and the NF concerned to finalise arrangements at this time.*

*Details of the rescheduled Championship will be announced shortly and all National Federations advised accordingly.*

- One month earlier this event had the title "FEI Emirates International Endurance Open European Championships". "Horse & Hound", GBR, published on March 7, 2005, that the OC has gained title sponsorship from the Emirates International Endurance Racing and that this significant contribution would ensure the viability of the event.

FEI Press News, 10/05/2005:

### **FEI Secretary General Resigns**

*The Executive Board of the Fédération Equestre Internationale accepted the resignation of Dr Bo Helander as Secretary General, effective 31 August 2005.*

*Dr Helander has served the FEI with dedication and distinction for the past 10 years, first as Head of the Legal Department, and since May 1995, as Secretary General.*

*Dr Helander made his decision to open the way for the important changes that will occur in the near future with the implementation of the new structure of the FEI, which was approved last April at the FEI General Assembly in London, in the frame of the new FEI Strategic Plan.*

*Dr Helander will continue to cooperate with the FEI as Senior Advisor to the Executive Board and in this capacity, will work on specific assignments.*

*The FEI Executive Board and Bureau expressed their appreciation and thank Dr Helander for his dedication and all the work accomplished during his tenure at the FEI.*