



**DECISION of the FEI TRIBUNAL
dated 25 February 2019**

In the matter of

FÉDÉRATION EQUESTRE INTERNATIONALE (“the FEI”) or «Claimant»

represented by Mr. Jonathan Tayler QC and Ms. Lauren Pagé, Bird & Bird LLP, London, United Kingdom.

vs.

Dr. Ignasi CASAS VAQUE

“Dr. Vaque” or “Respondent”

represented by Dr. Jan Kleiner, Kleiner & Cavaliero, Zurich, Switzerland, and Mr. Alberto Fortún Costea, Cuatrecasas, Madrid, Spain.

together “the Parties”

I. COMPOSITION OF PANEL

Dr. Armand Leone, chair
Mr. Laurent Niddam, member
Mr. Henrik Arle, member

II. SUMMARY OF THE FACTS

- 1. Case File:** The Tribunal duly took into consideration the Parties’ written submissions and communications received to date and the oral argument presented on 5 February 2019.
- 2. Oral Hearing:** 5 February 2019 – Lausanne, Switzerland.

Present:

- The FEI Tribunal Panel
- Ms. Erika Riedl, FEI Tribunal Clerk

For the Claimant:

- Mr. Jonathan Taylor QC, external legal counsel to the FEI
- Ms. Lauren Pagé, external legal counsel to the FEI
- Mr. Mikael Rentsch, FEI Legal Director
- Ms. Áine Power, FEI Deputy Legal Director
- Ms. Sabrina Ibáñez, witness

For the Respondent:

- Dr. Ignasi Casas Vaque, Respondent
- Dr. Jan Kleiner, counsel to Respondent
- Mr. Marco Vedovatti, counsel to Respondent
- Mr. Claudinei Nunes da Silva, interpreter

III. DESCRIPTION OF THE CASE FROM THE LEGAL VIEWPOINT

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

Statutes 23rd edition, effective 29 April 2015 ("**Statutes**").

General Regulations, 23rd edition, 1 January 2009, updates effective 1 January 2018 ("**GRs**").

Internal Regulations of the FEI Tribunal, 3rd edition, effective 2 March 2018 ("**IRs**").

Endurance Rules, Updated 9th Edition, effective January 2018 ("**ERs**").

2. The relevant Legal Provisions

Statutes Article 38: "Subject to Articles 38.2 and 38.4, the FEI Tribunal shall decide all cases submitted to it by or through the Secretary General, whether Appeals from or matters not otherwise under the jurisdiction of the Ground Jury or Appeal Committee. These cases may be:

- (i) Any infringement of the Statutes, General Regulations, Sport Rules, or Procedural Regulations of a General Assembly or of violation of the common principles of behavior, fairness, and

accepted standards of sportsmanship, whether or not arising during an FEI meeting or Event; (...)

GRs Article 161:

- “1. The competence of the FEI Tribunal is defined in the Statutes (See Article 38).
2. The FEI Tribunal may impose the following penalties, or, where appropriate, delegate to the FEI Secretary General or the FEI Legal Department the ability to do so:
 - 2.1. A Warning;
 - 2.2. A fine in an amount commensurate with the gravity of the violation and, where applicable, in accordance with the fine schedule associated with the rule violated;
 - 2.3. Disqualification of Athlete(s) and/or Horse(s) from Competitions or from Events;
 - 2.4. Suspension of a body for any period;
 - 2.5. Suspension of individuals and Horses for any period up to Suspension for life;
 - 2.6. A Provisional Suspension or such other interim relief or conservatory measures as it sees fit pending its final determination of the matter.”

GRs Article 163.9: “Notwithstanding anything to the contrary, the FEI, at its sole discretion, may open a disciplinary case against a person(s) in the event that conduct brings equestrian sport, and the FEI in particular, into disrepute and/or in the case of match fixing, betting, bribery and/or corruption and/or in the case of an Abuse of a Horse and/or in the case of any other breach of the FEI Rules and Regulations without the payment of a deposit.”

GRs Articles 169.6: “(...)

6.3 Incorrect behaviour towards (a) Event Officials or any other party connected with the Event (other Athlete, journalist, public etc.) and/or (b) Doping Control Officers, Testing Veterinarian, Chaperones and/or any other person involved in the collection of a doping control sample may entail a fine of CHF 200.- to 10,000.- and/or a Suspension of a minimum of three (3) months up to a maximum of twelve (12) months;

6.4 Acts defined as criminal by the relevant national law, fraud of any kind, and violence shall entail a fine of CHF 1,000.- to 15,000.- and/or a Suspension of a minimum of one (1) month up to life.”

IRs Article 18.1: “In accordance with Article 38 of the FEI Statutes, the FEI Tribunal has the competence to hear and determine any matter properly submitted to it, including, but not limited to, Claims (as provided for in Article 30 of these Internal Regulations of the FEI Tribunal), those matters specified in Article 163 (Protests and Disciplinary cases) and Article 165 (Appeals) of the FEI General Regulations and all disputes and procedures arising under the FEI Anti-Doping Rules for Human Athletes and the FEI Equine Anti-Doping and Controlled Medication Regulations. The FEI Tribunal also has jurisdiction to decide upon cases referred to it by the Independent Election Committee in accordance with the process set out in the Code of Conduct for FEI Elections.”

IV. DECISION

Below is a summary of the relevant facts, allegations and arguments based on the Parties’ written submissions, pleadings and evidence adduced during the oral hearing. 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 Tribunal has fully 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 Respondent is a 53-year old Spanish national who has been involved in Horse sport (including show jumping, dressage and endurance) and equine veterinary care for over three decades. At the time of the incidents on 12 September 2018, the Respondent was (i) the Chef d’Equipe for the Spanish endurance team competing at the 2018 World Equestrian Games (“**2018 WEG**” or the “**Event**”); (ii) the Endurance Director of the Spanish National Federation (since 2013); (iii) the National Head FEI Veterinarian for the Spanish National Federation (since 2013); (iv) the Deputy Chair of the FEI Endurance Committee (in his third year of a four-year term, 2015-2019); (v) and FEI Official Veterinarian (since 2012) qualified for 4* endurance and show jumping events; and (vi) an FEI Permitted Treating Veterinarian (approved for 2016 – 2020).
- 1.2 On 22 October 2018, the FEI sent the Respondent a letter informing him that

the FEI Bureau has voted to provisionally relieve him of his rights and duties as FEI Endurance Committee Deputy Chair due to the pending legal proceedings against him arising from his alleged incorrect behaviour at the 2018 WEG. The FEI Endurance Committee has been replaced by the Temporary Technical Committee appointed to assess the issues currently affecting the discipline of endurance; according to an FEI press release, the committee or members thereof may however provide recommendations to the Temporary Technical Committee.

- 1.3 The Endurance Competition at the 2018 WEG (the "**Competition**" or the "**Race**") was scheduled to take place on 12 September 2018. A group of riders and their horses were misdirected to the wrong starting place, and as a result not all horses in the Competition completed the same distance over the first loop. A decision was taken to re-start the race at a later point in time as a 120 km (rather than 160 km) competition.
- 1.4 However, later in the day, following a heavy downpour, it became very hot, with a dangerously high humidity index. The officials (including the President of the Ground Jury, Technical Delegate, President of the Veterinary Commission, and the Organising Committee) unanimously agreed that the weather conditions "presented an unacceptable risk to horse welfare" and so cancelled the Competition in accordance with Article 109.12 of the GRs and Article 804.3.4 of the ERs.
- 1.5 At the time of cancellation, the Spanish riders as team were doing better than any other team (four riders in the top five positions).
- 1.6 The FEI commissioned various reports by the Equestrian Community Integrity Unit (ECIU), one of which addressed organisational flaws, at the Competition, which outcomes were also presented during the FEI General Assembly in November 2018.
- 1.7 Facebook live videos from the Competition and the incidents have been streamed, and a video titled "Guns, riots and death threats at the World Equestrian Games in Tryon" can be found on YouTube. According to the FEI one Facebook live video has been viewed over 73,000 times and garnered over 900 comments, and the video on YouTube has been viewed more than 14,000 times.

2. Procedural Background

- 2.1 On 15 October 2018, the FEI sent the Respondent a Notification Letter, alleging that his conduct at the WEG breached various FEI rules and regulations, and proposing a sanction to him.

- 2.2 On 23 October 2018, the Respondent informed the FEI that he could not accept the proposals made, *i.e.*, by the FEI in the Notification Letter, and that he reiterated his apologies for any possible action that might have been considered inappropriate. Further that, on 6 October 2018, he apologised to the FEI Secretary General, Ms. Sabrina Ibáñez, *"for any inappropriate behaviour that might have bothered someone, as well as I confirmed her that I never insulted or behaved violently with anyone"*.
- 2.3 On 26 October 2018, the FEI informed the Respondent that it will submit the matter to the Tribunal for it to take a final decision.
- 2.4 On 13 November 2018, the FEI submitted its Claim Brief.
- 2.5 On 26 November 2018, the FEI Tribunal Chair nominated a one member panel for the present case, and further enlarged the panel to a three-member panel, upon prior application by the FEI.
- 2.6 On 21 December 2018, the Tribunal issued a document disclosure order whereby the FEI was requested to produce certain documents requested by the Respondent.
- 2.7 On 25 January 2019, the Tribunal confirmed that only those witnesses which provided a witness statement in writing will be allowed to testify during the hearing, unless both parties agree to allow another witness. The Parties did not agree on any other witnesses to be heard during the hearing.

3. Burden and standard of proof & evidence submitted

- 3.1 The burden and standard of proof – pursuant to Article 32 of the IRs – is on the FEI to establish that the Respondent committed the alleged breaches (as outlined further below) to the comfortable satisfaction of the Tribunal.
- 3.2 In this respect, the Tribunal takes note of the evidence submitted by the FEI in its Claim Brief, mainly relying on video footage regarding the incidents at the Event, as well as on a witness statement by Ms. Ibáñez, who was cross-examined during the hearing.
- 3.3 Upon the Respondent's request for document production and Tribunal order, the FEI provided further documents, including ECIU reports, which partly contained statements by other individuals, some of them having provided confidential statements.

- 3.4 The Respondent, in its written submission and during the hearing, argued that large parts of the documents which the FEI was ordered to produce were redacted without further reasons or explanations from the FEI; the Tribunal had to infer therefrom that the redacted information was detrimental to the FEI's Claim. In addition, the FEI provided information from an anonymous individual, which was equally inadmissible and represented a manifest violation of the Respondent's rights of defence. The FEI's argument in this respect is, that it only relied on video evidence and the witness statement of Ms. Ibáñez, as submitted in the Claim Brief; any other/additional documents provided were upon request by the Respondent and order by the Tribunal.
- 3.5 The Respondent sought to hear some of the individuals having provided statements to the ECIU. In addition, the Respondent sought to cross-examine the President of the Ground Jury and the other members of the Ground Jury subject to the alleged incorrect behaviour by the Respondent, as outlined further below. However, neither party provided any written witness statements from those individuals, as required pursuant to the IRs, and the FEI objected that they be heard. Thus, the Tribunal did not allow for them to be heard.
- 3.6 During the hearing the Respondent maintained his objections to the Tribunal's ruling not to hear further witnesses, as requested by him.

4. Written and oral submissions by the FEI

- 4.1 To start with, the FEI submitted that the Tribunal has jurisdiction to hear this matter pursuant to Article 38.1 of the Statutes, Articles 18.1 and 30 of the IRs and Article 163.9 of the GRs.
- 4.2 Basing its submissions on several videos – some of them "live videos" from the Competition, the FEI - in essence - submitted that the Respondent by his actions in the vet gate after the announcement of the cancellation of the Competition, breached one or more of the following provisions: (i) Article 169.6.4 of the GRs; (ii) Article 163.9 of the GRs; (iii) Article 169.6.3 of the GRs; and (iv) Article 38.1 of the Statutes.
- 4.3 Further, the FEI invoked the *lex specialis* doctrine, *i.e.*, where the accused person's conduct amounts to a breach of more than one rule, if there is a specific provision that entirely covers the incriminated conduct, the accused person should be sanctioned under that provision and may not be sanctioned again for the same conduct under a more general provision.

Breach of Article 169.6.4 of the GRs:

- 4.4 The FEI argued that in North Carolina, *i.e.*, where the 2018 WEG took place, it was a crime to "riot" or to "incite a riot", and that in the FEI's view the Respondent's conduct amounted to "engaging in a riot" and/or "inciting others to engage in a riot" for purposes of the North Carolina Statutes, for the reasons as follows.
- 4.5 The vet gate is a mandatory horse inspection area where veterinarians check the vitals of each horse and where horses are given a mandatory rest period. The vet gate area is therefore a restricted-access area, and during the 2018 WEG only three (3) people (Athlete, Groom, Chef d'Equipe or Team Vet) were provided access to the vet gate. As the video showed, a number of horses were receiving attention and rest in the vet gate area at the time of the Respondent's actions, which therefore put at risk the welfare of those horses, as well as the welfare of the persons tending to those horses, if they became agitated as a result of the aggressive actions of the Respondent and those he incited to enter the vet gate area.
- 4.6 The FEI argued that the Respondent twice incited people to enter the vet gate area for the purpose of protesting against the decision to cancel the Competition. He went over to the perimeter boards of the vet gate (even stepping beyond the perimeter at one point), gesticulating for others to enter the vet gate area, while shouting "Come on, come on, let's go" (the first time) and then "Come on" (the second time). At least two (2) people, and likely more, entered the vet gate area following the gestures (with the Respondent the number of persons, *i.e.*, three or more, was satisfied to meet the definition of a "riot" under the North Carolina General Statutes. Their actions clearly amounted to "disorderly and violent conduct", as one unidentified person in the video said "I can't have my horses in that race and these people behave like football hooligans". And as a result of those actions, there was a clear and present danger of injury and damage to persons (the Respondent's actions in particular his aggressive body language and shouting, encouraged others to engage in an aggressive protest; the police arrested at least one individual) or property (the aggressive conduct, shouting, running and general disorder in the vet gate area could certainly have frightened the horses that were still present in the vet gate area, and created a clear and present danger of injury to horses and/or innocent bystanders). At the very least, by his actions in inciting to join him in aggressively and violently protesting the decision to abandon the Competition, the Respondent created a clear and present danger of "disorderly and violent conduct" that would threaten to injure or damage persons or property.
- 4.7 Alternatively, if the foregoing acts did not amount to criminal acts, the FEI

submitted that clearly amounted to intimidation by the exhibition of physical force, which was an act of “violence” under Article 169.6.4 of the GRs. A dictionary definition of “violence” in the legal context was “the unlawful exercise of physical force or intimidation by the exhibition of such force”.

Breach of Article 163.9 of the GRs:

- 4.8 The FEI submitted that the Respondent engaged in conduct that “brings equestrian sport, and the FEI in particular, into disrepute” pursuant to Article 163.9 of the GRs. Referring to previous cases in various sports, the FEI argued that it concerned a conduct that causes the public opinion of the sport to be diminished, and that intent was not required to establish the offence. More specifically the FEI argued that, the Respondent called into question the integrity of FEI Officials, first by saying “you are a cheater” to a Ground Jury member, and then by suggesting that the decision to cancel the race had been made to stop the Spanish team from winning (“We are leading and you do not want us to win!”). Further, the Respondent verbally abused FEI Officials, including by saying “You crazy” and then saying “are you stupid or what?” to the President of the Ground Jury, and aggressively shouting at him (and others). Furthermore, the Respondent made death threats to the aforementioned person “(t)he riders will kill you. The riders will find you. The riders will travel on the horse. The will kill you”. Finally, unless already found to be a breach of Article 169.6.4 of the GRs, the Respondent also incited others to come without permission into the Vet Gate area, to join in his violent protest of the decision to cancel the Competition.
- 4.9 The Respondent’s conduct and comments were all captured on video and widely circulated and viewed on social media, including on Facebook and YouTube, prompting various critical comments, including that the Respondent and others were “behaving like football hooligans”. Therefore, there was a clear negative impact on the FEI’s and the sport’s reputation in the public.
- 4.10 Panels of previous cases in different sports (examples which the FEI provided) had been clear in that similar conduct reflected unfavourably on the sport and brought it into disrepute. The present case was even worse given that the Respondent was acting as Chef d’Equipe (and so was in a position of leadership), and was also a sitting member (and Deputy Chair) of the FEI Endurance Committee and an FEI Official. There was no doubt that his conduct brought both the discipline of Endurance and the FEI as the international governing body of equestrian sport into disrepute.

Breach of Articles 169.6.3 of the GRs and/or Article 38.1 of the Statutes (unless conduct breached either or both of Article 169.6.4 and/or Article

163.9 of the GRs)

- 4.11 The FEI argued that it was clear that the Respondent's conduct was contrary to common principles of behaviour, fairness and sportsmanship, and therefore was a breach of Article 38.1 of the Statutes.
- 4.12 Alternatively, at the very least, it was clear that the Respondent acted in an incorrect manner towards FEI Officials at the Event, in breach of Article 169.6.3 of the FEI GRs. By apologising "for any inappropriate behaviour that might have bothered someone", the Respondent effectively (and correctly) admitted that. There was no justification for verbal abuse and shouting death threats towards officials, for accusing them of cheating, or for inciting non-permitted persons to come into the vet gate area to join in a protest.
- 4.13 The FEI respectfully requested that the Tribunal:
- (i) find that the Respondent has breached 169.6.4 (act defined as criminal) and 163.9 (bringing equestrian sport and the FEI into disrepute) of the GRs;
 - (ii) alternatively, find that the Respondent has breached Article 38.1 of the Statutes (infringement of the "common principles of behaviour, fairness, and accepted standards of sportsmanship" during an FEI event) and/or Article 169.6.3 of the GRs (incorrect behaviour towards officials);
 - (iii) impose on the Respondent a two-year suspension starting from the date of the Decision, with the terms of such suspension to be governed by Article 169.5.1 of the GRs; a fine of 2,000 CHF; and order the Respondent to pay a contribution towards the costs of these proceedings in an amount of 1,500 to 7,500 CHF.
- 4.14 The FEI further submitted that any suspension imposed had to be proportionate to the offence, and any fine imposed had to be commensurate with the gravity of the violation. In this regard, the FEI argued that the Respondent's conduct was very serious and warranted a severe penalty, since the Respondent's conduct (i) amounted to separate breaches of at least two very important Articles of the GRs; (ii) adversely affected the dignity and integrity of FEI Officials; (iii) involved acts that amounted to a crime under the law in North Carolina; (iv) was deliberate, rather than an honest mistake or unintentional conduct; (v) the abuse of officials and misconduct during an event was a very serious offence, as confirmed in previous cases; (vi) death threats, such as in the case at hand, even if not intended to be carried out, were very serious (referring to another case); (vii) the Respondent was in a clear leadership role as a Chef d'Equipe, and so was expected to uphold high

standards of professionalism, as also confirmed by case law; (viii) the Respondent is the FEI Endurance Committee Deputy Chair and an FEI Official; and (ix) the Respondent engaged in conduct with total disregard for the welfare of the horses in the vet gate area. The welfare of the Horse must be paramount pursuant to the preamble of the FEI Code of Conduct for the Welfare; the Respondent, however, prioritised concerns for his team's results over the welfare of the horses in the vet gate area.

- 4.15 The FEI acknowledged the following mitigating factors in the case at hand: (i) it was the Respondent's first violation of the FEI rules and regulations; and (ii) the circumstances surrounding the Competition were challenging for all concerned and emotions, in general, were running high. However, even if the Respondent was frustrated by the decision to cancel the Competition, that had no impact on how he had to conduct himself as Chef d'Equipe and could not (under any circumstances) justify his conduct. By reference to a previous case, the FEI submitted that sport demanded that its participants respect officials, and did not accept that grievances about officiating excused abuse.
- 4.16 Little room for mitigation, on the other hand, was regarding apologies in the case at hand, as the Respondent had (i) not publicly acknowledged or apologised for his conduct; (ii) not apologised to the FEI Officials he verbally abused and threatened; and (iii) only apologised to the FEI Secretary General after she told him that he should apologise and he did not express any genuine contrition for his actions.
- 4.17 The FEI submitted that as Chef d'Equipe the Respondent was expected to act as a role model and uphold the high standards expected of him. There was no doubt that the situation at the Competition was difficult. The Respondent, given his position, should have done everything possible to pacify the situation and show respect to the officials; instead his conduct escalated matters significantly. Further, a signal had to be sent to all stakeholders in the sport that this sort of conduct was not acceptable and had to be avoided at all costs. The FEI was not aware of any other cases that were on all fours with the facts of this case; however, the proposed sanction was certainly not out of kilter with other Tribunal decisions, or decisions in other sports.

5. Written and oral submissions by the Respondent

- 5.1 To start with, the Respondent did not contest the jurisdiction of the Tribunal. The Respondent requested the following Prayers for Relief:
- (i) The proceedings opened against him shall be immediately closed without any sanction against him.

- (ii) In the alternative, a decision shall be rendered according to which the charges of the FEI against him are dismissed and he is declared not to have violated any rule or regulation in connection with the 2018 WEG.
- (iii) In the alternative, a maximum sanction of a warning shall be issued against him.
In any event, no costs shall be charged against him.

5.2 In his submission, the Respondent describes at length the organisational flaws prior and during the Competition, as well as the assistance he provided (or tried to provide) prior and during the 2018 WEG which the FEI did not dispute. Such actions included among others:

- a) Prior to the 2018 WEG: Providing feedback to the FEI after the test event in April 2018. It had been clear already at the time that there would be climatic challenges in the form of high temperatures and high levels of humidity. Furthermore, during the meeting of the Endurance Technical Committee on 18 July 2018, amongst other issues, it was reported that the test event revealed serious problems with the GPS tracking system.
- b) During the 2018 WEG: The Respondent submitted that from the beginning, participants were facing extremely serious logistical problems and failures (providing numerous examples), and that overall it was fair to state that all participants encountered a complete and utter chaos. However, he had invested all his energy to improve the situation of the horses and riders. He did not only support his team, but also helped many other competitors of other teams and nations, for example by organising hay and drinking water.
- c) After decision to re-start the race: The Respondent explained in a very clear and calm way why the decision to re-start was unfair. He even expressly warned of the risk of a thunderstorm and said "we should do it tomorrow". In this regard, the Respondent asserted that the FEI knew already on the day before the Race that the temperature and humidity would reach a peak in the afternoon, as this was shown in the relevant weather predictions. The participants also realized that it would be dark towards the end of the Race, but proper lighting was not installed, and as the ECIU report confirmed the decision to re-start the Race was taken without any risk assessment whatsoever. Therefore, there was common agreement that the decision to re-start the Race was, most importantly, also detrimental to the welfare of the horses. In the Respondent's view the chaos could have been avoided, if a backup plan had been implemented. However, contrary to Article 804.2.3 of the ERs, no plans for rescheduling were available. For the protection of the

horses' welfare and for the safety and fairness of the Competition, a group of 18 Chefs d'Equipe, led by the Respondent, filed a protest before the Ground Jury against the decision to re-start the race, which had not been unanimously taken, and at least two Ground Jury members confirmed not having been involved in this decision.

- 5.3 Regarding the alleged incidents, *i.e.*, after the announcement to cancel the Race, the Respondent explained that the decision to cancel the Race had been taken without any prior warning, prior consultation with the involved teams, and without any prior communication whatsoever. The decision, by itself, caused frustration and disbelief, even worse, since it had been taken exactly because of circumstances about which all participants had previously warned, *i.e.*, the heat and humidity level. At the time of the decision, the Respondent was still on the loop, and drove immediately back to ask the responsible parties to explain their decision. He desperately tried to prevent such a chaotic and unfair outcome. However, he was at no time – not even remotely – aggressive and violent, nor did he ever behave inappropriately in any other respect.
- 5.4 The Respondent further submitted that numerous other riders, participants and officials complained about the disastrous lack of organisation, and it was only natural that this caused anger, frustration and disappointment with all participating riders, coaches and Chefs d'Equipe. An additional cause for frustration was a general feeling that several wrong decisions were being taken by the deciding bodies, despite prior warning from all involved persons. Further, the decision to cancel the Race was shocking and frustrating because it was predictable, and because it could have been prevented. In such a situation, the Respondent argued, every human being would feel nothing but huge disappointment.
- 5.5 For the Spanish team in particular who was leading, the decision to cancel the Race was a shock. The Respondent submits that – as a result – he became emotional, he expressed his anger and frustration. However, he did not breach any rules, was never aggressive or violent, and, most obviously, never participated in any action that could only remotely be considered as criminal, and never brought the sport into disrepute. Quite to the contrary, what he did was to try and save an impossible situation, for the benefit of his sport, the riders and for the welfare of horses.
- 5.6 The Respondent submitted several witness statements describing that tensions were running high at the Event, including statements such as for example "*(...) some felt anger, hurt and shouted, others cried. (...)*". Furthermore, several witnesses expressed an understanding for the Respondent's reaction, as well as vouched for the Respondent's character.

The Respondent argued that it was therefore overall blatantly wrong to suggest that his reaction was out of the ordinary, not acceptable, violent or by any other standards inappropriate.

- 5.7 Regarding the specific allegations, the Respondent submitted that the accusations by the FEI were simply and objectively untrue. More specifically, the Respondent argued as follows with regard to the allegations made by the FEI:

Allegation - "Incitement of Others to break through the Perimeter":

- 5.8 This accusation was baseless, as when the decision to cancel the race was announced, people immediately started to scream, shout and kick against the fences. At that moment the Respondent was not even present; it was untenable to hold him responsible for this reaction of the crowd. Further, at the moment when certain individuals entered the restricted area, the Respondent had already left the scene. It was only later that the Respondent came back to the fence, and the only people he did wave at were his two assistants who were outside the restricted area. It was totally obvious that the Respondent did not make any gesture towards the crowd and that he certainly did not incite any type of anger or riot. Much rather, without any involvement from his side, all spectators continued to be angry, sad and frustrated because of the sudden cancellation of the race.

Allegation - "Death Threats":

- 5.9 The Respondent does not dispute that he said to the President of the Ground Jury "the riders will kill you". However, the plain meaning of the words chosen by the Respondent rendered it obvious that this was no threat whatsoever of the Respondent against the President of the Ground Jury. The Respondent chose words from his Spanish native language "*te van a matar*", meaning "*they will kill you*". There was no basis whatsoever to sustain that such expression could be anything else than a figure of speech. The Respondent did nothing else than to express his very serious concern about how angrily the riders would react to the decision to cancel the race. This common understanding was also confirmed by other witnesses and participants.

Allegation - "Criminal Acts":

- 5.10 The Respondent argued that the video footage demonstrated that he never incited any type of violent behaviour. Had he engaged in any type of behaviour which would only remotely be considered as violent or criminal, the police present at the venue would have intervened and

criminal charges would have been presented against him, which was however not the case.

Allegation - "Bringing equestrian sport and the FEI into disrepute":

- 5.11 In this regard the Respondent argued that he could not be blamed for the chaos at the 2018 WEG, and neither could he be blamed for the frustration among spectators and about their angry outbursts. In addition, he cannot be blamed if all of this was posted on Social Media, and even less could he be blamed for a title given to such a video by a third person. The FEI was trying to put all the blame on him. All he did was to express his anger and frustration, and he tried to present wrong decisions and he warned FEI Officials how the riders would react. It was absolutely true that he did all of this in an emotional way. This, however, was completely understandable given the circumstances at the 2018 WEG.

Allegation - "Committing an Act of Violence":

- 5.12 The Respondent submitted that from the video footage it was obvious that he never – not even remotely – used any physical force, or any other form of physical aggression, against anybody.

Allegation - "Incorrect behaviour towards Officials":

- 5.13 The Respondent argued that his behaviour was appropriate at all times and that it was completely understandable under the given circumstances. It was thus not surprising that all his colleagues and other participants expressed understanding for his criticism and action. Likewise, when he used the word "*cheater*", this resulted from the Spanish expression "*hacer trampas*", which expressed the feeling that the Spanish team would be unfairly deprived of victory. The FEI entirely baseless portrayed such an expression as calling the integrity of FEI Officials into question". Most importantly, however, not a single one of all concerned Officials on the ground issued any type of sanction or warning against the Respondent; neither a White or Yellow Card. This was in his view simply because also the officials present on the ground understood very well why he was so emotional. The Respondent argued that it would have been interesting to hear the opinion of the concerned FEI Officials, but the FEI unfortunately chose not to call them as witnesses.

Allegation - "Endangerment of the Welfare of Horses":

- 5.14 The Respondent submitted in this respect that it was him in the days prior to the Competition, and on the day of the Competition itself, trying to prevent decisions which could endanger the welfare of horses. The fact

that there was a very heated atmosphere was solely attributable to the FEI's decision to cancel and re-start the race. Therefore, the fact alone that horses were present while all spectators started to behave in an aggressive way could not be attributed to him, and it was therefore a false accusation that he would have endangered the welfare of horses.

5.15 In conclusion, the Respondent submitted that:

- (i) He did not breach Article 169.6.4 of the GRs because he never – not even remotely – committed any criminal act.
- (ii) He did not breach Article 163.9 of the GRs because at no point did he bring the FEI into disrepute.
- (iii) He did not breach Article 169.6.3 of the GRs because he never behaved in any incorrect way.
- (iv) He did not breach Article 38.1 of the Statutes, because his behaviour was at all times appropriate and, even if he reacted in an emotional way, this was completely understandable under the given circumstances.

5.16 Given that he did not breach any applicable rule, no sanction or costs can be imposed on him. In addition, the sanction requested by the FEI was in any event grossly and most evidently disproportionate. As a matter of fact and law, no sanction whatsoever was justified in this case. If at all, at maximum, a warning could be issued against him. Anything above would simply mean to punish the wrong person for mistakes he did not commit, and which he even tried to remedy in good faith and for the good of his sport. It seemed that the FEI was looking for a scapegoat. He should somehow be held responsible for the failures that happened all along at the Event, or at least he should be punished for having spoken up.

6. Hearing

6.1 During the hearing the Parties had ample opportunity to present their cases, submit their arguments and answer to the questions posed by the Tribunal. After the Parties' submissions, the Tribunal closed the hearing and reserved its Decision. The Tribunal heard carefully and took into consideration in its discussion and subsequent deliberation all the evidence and the arguments presented by the Parties even if they have not been summarized herein.

6.2 At the end of the hearing, the Parties acknowledged that the Tribunal had respected their right to be heard and their procedural rights.

6.3 During the hearing, and where not mentioned otherwise in the following,

both Parties maintained their previous submissions.

Witness statements:

- 6.4 During the hearing Ms. Ibáñez, who has previously also submitted a written statement for the FEI in relation to the apology to her by the Respondent, further stated that she had seen the incidents via live feed, but had not been personally present at the vet gate, and neither when the decision to cancel the Event has been announced. In this respect, she could not recall whether a person had been arrested by the police. Regarding the decision to re-start the Race, she stated that she had announced that decision to the Chefs d'Equipe, as the English of the President of the Ground Jury had not been good enough. At that point in time, the Respondent had been very agitated, and was acting aggressively, but he had not been the only person. In addition, she confirmed that she, together with the legal team, had decided to bring the case against the Respondent forward, and that the FEI planned to bring forward additional cases against other persons, once the ECIU had finalised investigations. In her view, the Respondent's case was the most obvious case. Moreover, she explained that after some teams had requested some compensation, seen that the Competition had been cancelled, the FEI Board had considered the request and decided to pay a contribution to National Federations of 1,000 CHF per participant, essentially a rounding up of the entry fee of 850 CHF. She stated that the FEI Board felt that there should be some kind of acknowledgement to the National Federations. Finally, she stated that everyone, including the FEI, was responsible for the shortcomings at the Event.
- 6.5 The Respondent stated that he was considered as a well-known and respected expert in Endurance. He knew the President of the Ground Jury since the 90s, spent much time with him at events and had a good working relationship, albeit they were not friends. He and his wife were however friends with the other member of the Ground Jury concerned. He had been helping the FEI with the Endurance discipline and it felt strange that the FEI opened proceedings against him. He explained further that his mother tongue was Spanish, and that many expressions he uses would come from his mother tongue, so also "the riders will kill you". Similarly, he would also say to his kids "your mother will kill you" when they came home dirty from playing football. When asked what he meant when saying these words, he answered that it had been a warning to the President of the Ground Jury.
- 6.6 Moreover, he stated that he never intended for people to come into the vet gate. The police had been in the vet gate at all times, but did not contact him; however, they had arrested another person. He further stated that he had been very emotional, and that – having seen the videos many times – he accepted that he was maybe overreacting. His reaction was not nice,

but he had felt very emotional; the situation was terrible, full of people shouting. When he reached the vet gate he did not know why the Race had been cancelled. There had been no reason to cancel the Race, as the horses had passed the vet gate.

- 6.7 Moreover, the Respondent confirmed that he called the member of the Ground Jury a "cheater" ("trampas" in Spanish). Furthermore, he would use "are you stupid or what" in a colloquial way with his friends and family. With regard, as to when he was saying "come on", "come on" "let's go" he was not talking to the crowd, and he meant "please Ground Jury do something, don't cancel the race". And his waiving when he came back meant "saying stop", and he was trying to signal to his assistants.
- 6.8 In addition, the Respondent stated that he did not agree with what was been reported as his statement in the ECIU report, which he did not sign. He confirmed that he never said, as stated in ECIU report, "*The behaviour was not appropriate and I can include myself in this, I accept responsibility with it*". He argued that he had even sent an email to the ECIU that he did not agree with the contents of his statement. Finally, he confirmed that he had not apologised to the President or the other member of the Ground Jury.

Further arguments by FEI:

- 6.9 The FEI further submitted that it accepted that the Event was not well organised. The rules however allowed for no "compelling justification", there was simply no excuse for the Respondent's conduct. The disorganisation at the Event was – at most – a mitigating factor. Since the Respondent had several positions, which came with responsibilities, it was the FEI's view that this made the case more serious. The FEI therefore requested that the Tribunal send a message that such behaviour was not acceptable. Furthermore, the FEI dropped the charge of "death threat", however argued that the Respondent's conduct still amounted to a breach of that provision.
- 6.10 Regarding the Respondent's argument that he did not receive any Yellow Card, the FEI responded that this did not mean that the behaviour was not incorrect. Furthermore, there had been no police in the vet gate area during his alleged inciting people to come to the arena. Furthermore, the weather data did not predict correctly, in fact it was supposed to go up to 28 degrees and then down; instead it climbed up to 33 degrees, which was not expected.
- 6.11 During the hearing both Parties ultimately agreed that due to the shorter distance after the re-start of the Race, the leader would have been

expected to finish the Race no more than thirty (30) minutes than in the race originally scheduled. The FEI submitted that the additional risk argument by the PR had therefore to be rejected.

- 6.12 The FEI further argued that the Race had been stopped for horse welfare reasons, and that at the time of cancellation of the race 53 out of 131 horses had been at the clinic. The responsibility in respecting the rules, and thus the decisions taken by the officials, became important when one did not like the decisions. The FEI argued that the Respondent was not calm as claimed in his written submission when the decision to re-start the Race was taken, and that this was another decision. Regarding the Respondent's claim that his words to the officials were colloquial, the FEI argued that one had to look at the context, and look at the conduct objectively, which was clearly insulting, and thus it had to be considered as an incorrect behaviour to insult officials, as well as it did also bring the sport into disrepute. Furthermore, the meanings of the words "you are a cheater" are not mistakable, namely that the official was biased against Spain, and this was imputing the integrity of officials. The FEI further argued there was a big difference between not agreeing with a decision and attacking the integrity of officials; the latter was crossing the line, contrary to common behaviour of sportsmanship, and bringing the sport into disrepute. Moreover, the "warning" by the Respondent that "the riders will kill you" was a menacing warning, which also accounted to an incorrect behaviour, contrary to common behaviour of sportsmanship and was bringing the sport into disrepute.
- 6.13 Finally, the FEI agreed that the Respondent did not create the angry atmosphere, however he was pouring fuel on the fire, and fostered, encouraged and incited the atmosphere. The hand movements of the Respondent were inciting the crowd to join him in the protest, break through the barriers and come into the vet gate while the Horses were still there, and this was a serious behaviour. Grown men had been in tears and compared the situation to "football hooliganism". According to the FEI the situation would have gotten even worse had the Respondent been given a Yellow Card.
- 6.14 Regarding sanctions, the FEI argued that the seriousness of the offence, *i.e.*, the nature of the wrong-doing, and the effects it had on the sport, had to be taken into account. The FEI argued that a two (2) year suspension was appropriate. The Respondent had disregarded the welfare of the horses in the vet gate area. Further, the Respondent was in a leadership role, did not apologise, showed a lack of self-awareness and a lack of understanding of the seriousness of the behaviour; there was no comfort that something like this will not happen again. The purpose of sanctions was (i) punishing the seriousness of the conduct; (ii) protecting the sport;

and (iii) deterrence of such conduct in the future.

Further arguments by Respondent:

- 6.15 The Respondent further argued that the FEI singled out one person and tried to present the case in a way that he was the cause of all the happenings at the Event, *i.e.*, him being the one who created a hostile environment. The Respondent did not accept the argument that “his” was the most obvious case. The Respondent alleged that someone punched an official, in which case in the Respondent’s view the FEI should have opened proceedings. The FEI on the other hand was not aware of this incident, and requested the Respondent to provide it with further information/evidence.
- 6.16 Article 169 of the GRs foresaw that the Tribunal had to take into account all relevant factors when taking a decision, as well as had to look at the context. The Respondent however had to insist that the Tribunal was provided with all relevant information, *i.e.*, via document production. In this respect, the FEI counter-argued that there was video evidence which spoke for itself, and the FEI had produced all documents requested by the Tribunal, even if they were not relevant to the issues in the FEI’s view. Further, the Respondent could have requested the officials – since he knew them – to provide witness statements, if he wanted to.
- 6.17 In the Respondent’s view when looking at the circumstances at the Event – emotions, running high, screaming and shouting, pressure, tensions - the case at hand was not about breaching rules, the case was about the circumstances of the Event. The sense of frustration and unfairness felt by the Respondent had to be taken into account. He had reacted “in an emotional way”.
- 6.18 He further argued that if the FEI believed that he had committed a criminal act, the FEI could have called the police, which the FEI did not. The crowd was already hostile, this had nothing to do with his actions, he had not been leading an angry protest.
- 6.19 Moreover, the Respondent disagreed that he intimidated officials. He knew those officials for 25 and 15 years respectively, and he argued that he was telling them in the “heated situation” that he disagreed with their decision to cancel the Race.
- 6.20 The accusations, therefore, were baseless and no sanctions should be imposed on him. In any case, when comparing with previous FEI cases, a two-years suspension would not correspond to equal treatment and proportionality.

7. Decision on Interim Relief

- 7.1 On 18 January 2019, the Respondent – together with its Answer to the Claim Brief – submitted the following request for Interim Relief: *“Respondent requests that he shall be immediately reinstated to his position as Member and Deputy Chair of the FEI Endurance Committee”*.
- 7.2 On 23 January 2019, the FEI provided its comments to the Request.
- 7.3 On 5 February 2019, during the final hearing on the merits of the Claim, both Parties made further submissions in this respect.
- 7.4 On the same day, the Tribunal issued a decision with regard to the Request for Interim Relief. The Tribunal decided that it would have jurisdiction to hear an Appeal of a Decision taken within the meaning of Article 165 of the GRs, such as a Decision by the FEI Bureau to provisionally relieve the Respondent from his position as Deputy Chair and member of the FEI Endurance Committee. However, an Appeal against that decision had not been lodged within the time limits foreseen. The Tribunal therefore dismissed the Respondent’s Request for Interim Relief.

8. Jurisdiction

- 8.1 The Tribunal finds that, pursuant to Article 38 of the Statutes and Article 18.1 of the IRs, it has jurisdiction to hear this matter. Furthermore, neither party disputes the jurisdiction of the Tribunal.
- 8.2 In addition, the Tribunal finds that the Respondent, as Chef d’Equipe for the Spanish Endurance team during the 2018 WEG, was bound by FEI Rules and Regulations. The Tribunal finds further that the Respondent was also bound by those rules as FEI veterinarian, and as Deputy Chair and member of the Endurance Committee. In any case, neither party disputes that the Respondent was bound by FEI Rules and Regulations.

9. Decision

- 9.1 The Tribunal, having taken into consideration all arguments, submissions and evidence by the Parties, considers that it has to decide the following in the case at hand:
 - a) Whether the Respondent’s actions or omissions during the Event amounted to any breaches of the FEI Rules and Regulations, and whether the FEI met its burden of proof.

- b) If a) is established, whether the circumstances surrounding the Event justified his actions, and thus no rule violation occurred.
- c) If a) is established, and b) does not apply, decide on sanctions that are proportionate taking into account all circumstances of the case.
- 9.2 The FEI alleges that the Respondent with his actions in the vet gate after the announcement of the cancellation of the Competition, breached one or more of the following provisions: (i) Article 169.6.4 of the GRs; (ii) Article 163.9 of the GRs; (iii) Article 169.6.3 of the GRs; and (iv) Article 38.1 of the Statutes. The Respondent argues that he did not breach any of those rules.
- 9.3 To start with, the Tribunal finds that the video evidence provided direct evidence of the conduct of the Respondent. Neither party claimed or raised any objections that the video evidence was inaccurate. The Respondent was allowed to testify and proffer explanations for his conduct on the video, even though he did not submit a witness statement prior to the hearing. The Tribunal wishes to clarify that only the conduct of the Respondent was considered by the Tribunal, and this Decision only deals with the conduct of the Respondent.
- 9.4 The Tribunal finds that ample evidence was presented showing that the Competition at the 2018 WEG was poorly managed and caused frustration and anger amongst the participants. The FEI stipulated that there were difficulties and problems running the event.
- 9.5 In the following, the Tribunal will decide whether the Respondent breached the provisions alleged by the FEI, whether the FEI has met its burden of proof, and whether the circumstances at the Event can justify the Respondent's conduct.

Breach of Article 169.6.4 of the GRs?

"Acts defined as criminal by the relevant national law, fraud of any kind, and violence shall entail a fine of CHF 1,000.- to 15,000.- and/or a Suspension of a minimum of one (1) month up to life."

- 9.6 Based on the evidence presented, the Tribunal finds that the FEI has not met its burden of proof that the Respondent conducted a criminal act pursuant to Article 169.6.4 of the GRs. The Tribunal comes to this conclusion since no evidence was presented on the issue of whether the conduct of the Respondent was a violation under North Carolina criminal law. There was no expert testimony on North Carolina criminal law presented. The Tribunal was not presented with any evidence of an arrest

or conviction of the Respondent. No evidence of physical violence by the Respondent was displayed on the video, and no claim of physical violence was made against the Respondent. In addition, no witnesses testified of feeling intimidated or being fearful for their safety as a result of the Respondent's conduct. As outlined further below, the Tribunal however finds that this conduct by the Respondent, while not criminal, breached a different provision.

- 9.7 The Tribunal also finds that the use of the phrases "The riders will kill you", and "They will kill you" did not constitute death threats under Article 169.6.4 of the GRs. The Tribunal notes that the Respondent did not say "I will kill you" and agrees with the Respondent that the language used by him ("The riders will kill you" and "They will kill you") is merely a figure of speech, very common and accepted in English, Spanish and French.

Breach of Article 163.9 of the GRs?

"Notwithstanding anything to the contrary, the FEI, at its sole discretion, may open a disciplinary case against a person(s) in the event that conduct brings equestrian sport, and the FEI in particular, into disrepute and/or in the case of match fixing, betting, bribery and/or corruption and/or in the case of an Abuse of a Horse and/or in the case of any other breach of the FEI Rules and Regulations without the payment of a deposit."

- 9.8 The Tribunal finds that the actions of the Respondent did not – given the specific circumstances in the case at hand - bring the equestrian sport, and the FEI in particular, into disrepute. The Tribunal comes to this conclusion as the poor organisation and errors in running the event had already put a stain on the reputation of the FEI and possible disrepute of the FEI. The Tribunal finds that the Respondent's actions were not a significant factor in causing damage to the FEI's reputation, as it had already been damaged by the running of the event itself.

Breach of Article 169.6.3 of the GRs?

"Incorrect behaviour towards (a) Event Officials or any other party connected with the Event (other Athlete, journalist, public etc.) and/or (b) Doping Control Officers, Testing Veterinarian, Chaperones and/or any other person involved in the collection of a doping control sample may entail a fine of CHF 200.- to 10,000.- and/or a Suspension of a minimum of three (3) months up to a maximum of twelve (12) months;"

- 9.9 The Tribunal finds that the Respondent engaged in multiple violations of Article 169.6.3 of the GRs, and more specifically a), i.e., Incorrect behaviour towards Event Officials. The Respondent had a heightened duty

to act appropriately with event officials and other competitors during the Event. He was the Chef d'Equipe for the Spanish Endurance Team, a FEI veterinarian, and a member and Deputy Chair of the FEI Endurance Committee. The Tribunal finds that, being both a leader in the FEI Endurance Community and a veterinarian, he had a duty to enforce FEI Rules, to be respectful to other competitors and officials and to maintain a safe environment for the horses competing in the Event.

- 9.10 The Tribunal recognises that the Endurance Competition at the 2018 WEG had multiple problems and mistakes were made by the organisers and officials that caused legitimate frustration, disappointment and anger amongst the competitors and teams. The Tribunal also recognises that some expressions are unique to the Spanish language, and a literal translation into English may not accurately reflect the meaning and intent of the phrase in Spanish. Furthermore, the Tribunal notes that members of the press and public were present during the events after the decision to re-start the Competition and after the decision to cancel the Competition was made.

Violation #1:

- 9.11 The Tribunal finds that shouting phrases such as "The riders will kill you", and "Are you stupid or what?" rises to the level of Incorrect Behavior when repeatedly shouted at FEI Officials in front of members of the press and public.

Violation #2:

- 9.12 The Tribunal further finds that accusing a FEI Official, in this case the President of the Ground Jury, of being a "Cheater" constitutes Incorrect Behavior in this case, and even more so because it was shouted in front of the public, press and other competitors. Furthermore, the Tribunal finds that publicly calling the President of the Ground Jury a "Cheater" impugns the integrity of a FEI Official.

Violation #3:

- 9.13 Moreover, the Tribunal finds that the Respondent engaged in Incorrect Behavior when he encouraged non-accredited members of the public to violate FEI regulations and enter the restricted vet check area by gesturing with his hand and repeatedly yelling "Come On" to an already angry crowd.
- 9.14 The Tribunal notes in this respect that Competition horses were present in the vet check area when the decision to cancel the Competition was made. There was loud protesting and yelling by the spectator crowd surrounding the vet check area, which was creating a disturbance for the horses. The

Tribunal finds that the Respondent intentionally turned towards the agitated crowd and signalled them to both increase their protesting and to enter the restricted area. The Tribunal finds that this was an intentional encouragement to violate FEI rules. Furthermore, the Respondent's actions increased the level of agitation of an already angry crowd.

- 9.15 The Tribunal therefore finds that it was Incorrect Behavior to encourage non-accredited event members and the public to enter the vet check area where horses were being cared for. The Tribunal finds that this created an increased risk of harm to the horses present in the vet check and was impeding the ability of support crew to care for them.
- 9.16 In his regard, the Tribunal notes that an unidentified person (either FEI Official or member of security staff) then warned people that there were horses being cared for in the restricted area and to stop yelling. Shortly after, an unidentified person pulled down one of the perimeter barriers which allowed unaccredited persons to have access to the vet check area.

Violation #4:

- 9.17 The Tribunal finds that the Respondent engaged in Incorrect Behavior again when he encouraged non-accredited members and the public to enter the restricted vet check area a second time after the perimeter fence had been pulled down. The Respondent ran back to the perimeter fence and by gesturing with his hand and yelling to an already angry crowd, the Respondent encouraged entry into the restricted vet check area. Not only did this increase the risk of harm to FEI Officials but it put the welfare of the horses in the vet check at risk of harm. The steward had warned everyone that there were horses requiring care, and the Respondent had a responsibility as a FEI veterinarian, a Chef d'Equipe and a Deputy Chair of the Endurance Committee to not only comply with FEI rules but to also make sure that the welfare of the Competition horses was safeguarded. The Respondent, however, failed to fulfil his responsibilities to comply with FEI rules and to help maintain a safe environment for the competitors and horses in the vet check area. The Respondent did exactly the opposite of what was required in this volatile and potentially dangerous situation.
- 9.18 In summary, therefore, the Tribunal finds that the Respondent has breached Article 169.6.3 of the GRs multiple times. Contrary to the Respondent's submissions, the Tribunal finds that he did behave incorrectly within the meaning of Article 169.6.3 of the GRs. As set out previously, the Tribunal finds that his behaviour was not appropriate, even when taking into account the circumstances at the Event.

Breach of Article 38.1(i) of the Statutes?

- 9.19 Following the FEI's submission with regard to *lex specialis* – to which the Tribunal agrees -, and given that the Tribunal finds that the Respondent breached Article 169.6.3 of the GRs, which rule is more specific, the Tribunal does not have to decide whether he would also have breached Article 38.1(i) of the Statutes.
- 9.20 Furthermore, the Tribunal finds the argument that the Respondent was not given a Warning or a Yellow Card at the Event irrelevant, since this is neither a requirement nor a pre-requisite for disciplinary proceedings. In this respect, the Tribunal notes that the risk to and danger for the horses caused by the unruly crowd was confirmed by an unidentified person (either team member or crew) who was in tears about how this was affecting his horse.
- 9.21 Moreover, the Tribunal takes note of the Respondent's argument that he was singled out by the FEI. The Tribunal finds that, although picking on one violator amongst many is not a valid defence in principle, the Tribunal in the instant case is satisfied that the argument shall be in any event rejected based on the answer by the FEI Counsel's statement and the Secretary General's testimony during the hearing that the FEI will be initiating disciplinary proceedings against other persons also.
- 9.22 Having decided that the Respondent breached Article 169.6.3 of the GRs, the Tribunal has to decide on the appropriate sanctions in a further step. According to the same provision the sanctions shall be as follows: "*a fine of CHF 200.- to 10,000.- and/or a Suspension of a minimum of three (3) months up to a maximum of twelve (12) months*".
- 9.23 Given that the Respondent has engaged in multiple violations (four (4) in total) of Article 169.6.3 of the GRs, the Tribunal finds the maximum suspension provided in this provision, and a fine of 2,000 CHF as proportionate in the present case. The Tribunal has also taken into account that the Respondent is a first-time offender, as well as the circumstances at the Event. In addition, the Tribunal has also considered that the Respondent has – thus far – not apologised or attempted to apologise to – in the Tribunal's view most obvious persons - the FEI Officials who were at the receiving end of his actions.
- 9.24 All other claims and arguments are rejected.

10. Decision

10.1 In accordance with Articles 169.6.3 and 169.5.1 of the GRs the Tribunal imposes the following sanctions on the Respondent:

1) The Respondent shall be suspended for a period of **twelve (12) months** from acting as an FEI Official or having any involvement in FEI activities at a national or international level, starting from the date of the present Decision. Therefore, the Respondent shall be suspended **through 24 February 2020**.

2) The Respondent shall be fined **two thousand Swiss Francs (CHF 2,000)**.

3) The Respondent shall contribute **three thousand Swiss Francs (CHF 3,000)** towards the costs of this procedure.

10.2 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.

10.3 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 21 days of the present notification.

V. DECISION TO BE FORWARDED TO:

a. **The Parties: Yes**

b. **Any other: No**

FOR THE PANEL



Dr. Armand Leone, FEI Tribunal Panel Chair