

A jumping competition turns into a crime scene after sabotage

In this issue of Horse International's Legal and Business Journal we would like to discuss a very interesting case that was recently ruled by the FEI Tribunal. This case illustrates that things like sabotaging are not only something typical for spy stories like Ian Fleming's James Bond novels in which he illustrated the dark psychological dramas of the Cold War era. Also in modern days this can happen. The case which we would like to discuss contains all these elements too and

proves the same schemes can apply in the sport, notwithstanding the sacred ideas of fair play. It concerns one European team in which one of the designated spare members of the team tries to sabotage two other members in order to take over their positions in the team and for his own advantage. Sabotage, just like doping, can be a form of enhancing one's performance.

Nothing new in the top sport

In many aspects this case resembles the famous case of Tonya Harding and Nancy

Kerrigan that was broadly headlined across the globe in the nineties with among others The New York Times later referring to it as "one of the biggest scandals in American sports history." Just to remind you of that story: Tonya Harding and Nancy Kerrigan were members of the US Figure Skating Team. Tonya Harding and Nancy Kerrigan were each other's direct competitors. In the heat of the battle for the place in the Olympic Games Harding, as it appeared later, together with her husband and a manager were the masterminds behind a physical assault on Kerrigan designed and planned to exclude the latter from competing in the Olympic Games in Lillehammer. As a

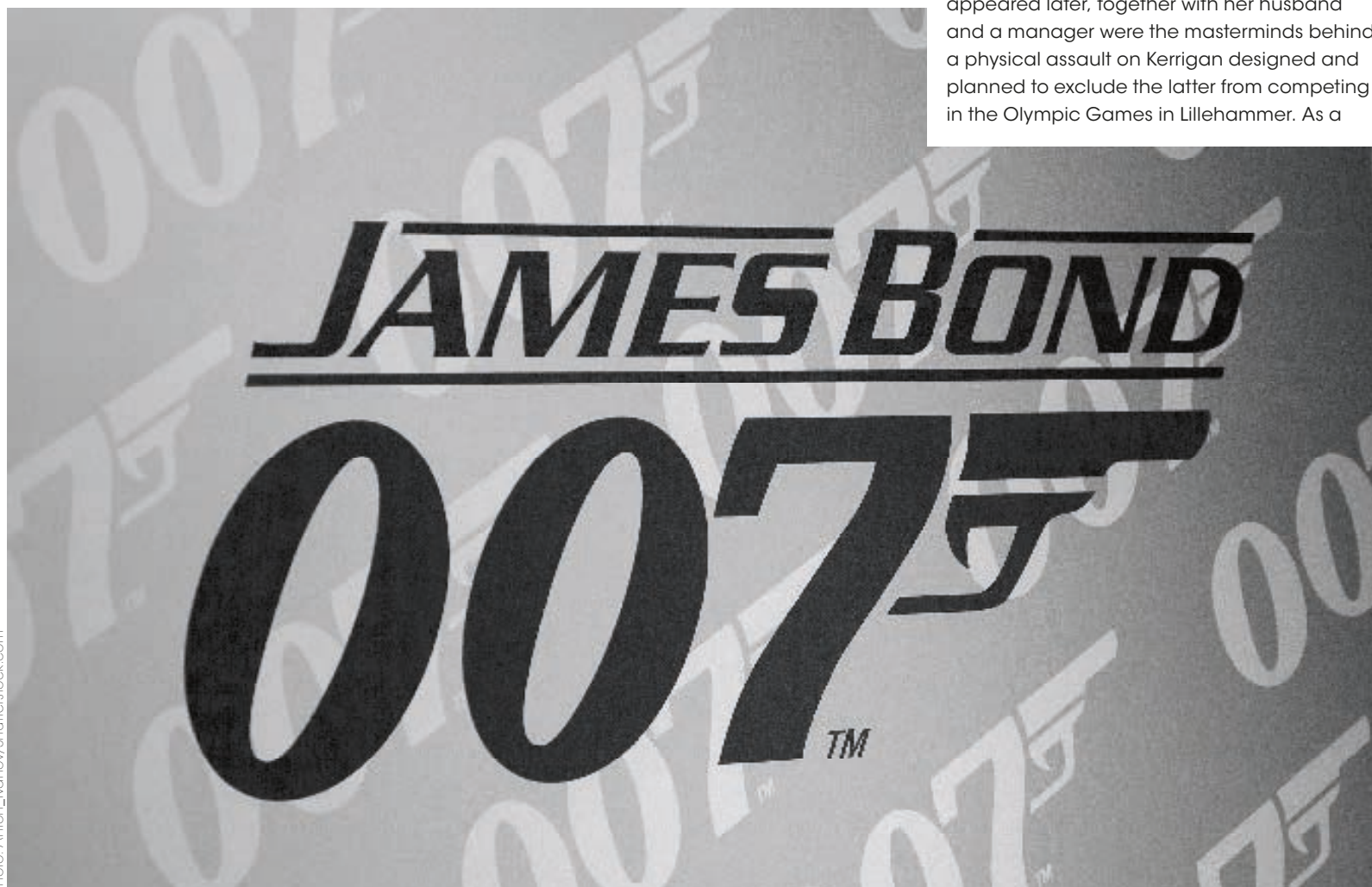


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Even in the equestrian sport sometimes things happen that are typical for spy stories like Ian Fleming's James Bond novels.



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result of this vicious plan Kerrigan was attacked after a practice session in 1994. The assailant, who as later appeared was hired by and/or on behalf of Tonya Harding was aiming to break Kerrigan’s right leg so that she would be unable to compete at the Olympic Games. Fortunate for Kerrigan the initial plan did not go that well and the assailant did not break the leg during the incident. Her leg was fortunately not broken, only bruised. Nevertheless she had to withdraw from the national championships which were won by Harding. Both Kerrigan and Harding competed for the US in the Olympic Games in Lillehammer in 1994. Kerrigan won the silver medal. The conspiracy was discovered shortly afterwards and Harding was persecuted. This case showed that sport has also its dark sides, like unfair competition.

The Hungarian case

The story behind the case that triggered this article involves members of the Hungarian jumping team and a competition in Bratislava, Slovakia, prior to the European Championship in Gothenburg (SWE). The FEI Tribunal’s decision recalling the gathered evidence, witnesses statements and established facts in that case reads like a thriller. The file refers to the competition that took place in August 2017. Persons Responsible in this case were Mariann Hugyecz and Gabor Szabo Jr. With regards to the events we learn the following from the FEI file: during the competition in Bratislava, out of the blue, their horses manifested unusual signs and behavior in the morning of 6 August 2017 prior to the sample collection. Obviously, the samples later turned positive. The drugs detected were acepromazine and its metabolic byproducts hydroxyethylpromazine/ hydroxyethylpromazine sulphoxide. The unusual behavior of the horses was reported by both riders immediately in the morning of the sample collection to the chief steward of the event. From the FEI Tribunal’s decision we learn, however, that on 5 August 2017 two witnesses noticed another member of the Hungarian team, Laszlo Toth Jr., leaving the box of Timpex Bolcsesz. Toth had no authorization to enter this box. He explained that he had entered because he wanted to calm the horses. Mariann Hugyecz and Gabor Szabo Jr. decided not to compete with the horses on 6 August. They based their decision on horse welfare. The Hungarian Equestrian Federation was of the view that the entrance of Laszlo Toth Jr. to the box of Timpex Bolcsesz

was highly likely to be in connection with the unwellness of the horses. The unusual behavior of the horses had been recorded on camera and was in connection with the positive test results of the samples collected from the horse. In the case of Chacco Boy, traces of injection use were found on the skin of the horse which had also been recorded and documented with clinical and ultrasonic examination. In addition, as already stated during the night of 5 August, Gabor Szabo Jr. immediately notified the stewards and the treating veterinarian about the incident and the behaviour of his horse.

Entered stall with apple and syringe

As it appears from the FEI Tribunal’s decision two witnesses declared that they had seen Laszlo Toth going towards one of the horseboxes with an apple and a syringe.

The motive?

One could ask why the Hungarian Federation could suspect Laszlo Toth Jr.? Well, the answer to this is as old as humankind. Already the ancient Romans used to ask in similar situations the question: cui bono? This Latin questions can be translated in other words ‘to whose benefit’ this could have been. The FEI stated that, based on the evidence, it is considered highly likely that Laszlo Toth, who was meant to be the spare member for the Hungarian team during the championships, sabotaged and injected the horses with the sedative drug. The apparent motive was to be put on the team, which would have been the case for him if one of the riders dropped out, or got suspended. The FEI has described the case as ‘truly exceptional’. The Hungarian Federation has suspended Toth and has also asked FEI to review if he has committed another breach of the horse’s health and sabotage against the sport. The Hungarian Federation put forward that they suspected that a crime had been committed by Laszlo Toth who from their point of view violated the rules of the FEI General Regulations (GR). Article 142 of the GR sets forth: “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.” The riders of the horses have been freed from accusation and the FEI has reserved the right to open a case against Toth as an additional

person responsible due to sabotage, and/or abuse of the horses. This is indeed a very exceptional and unusual case and it shall be interesting to see if the FEI will proceed with opening a case against the Hungarian team member, Laszlo Toth Jr.

Conclusion

The case of Laszlo Toth Jr. shows that like in the case of Harding and Kerrigan, everything is possible in the sport where personal ambitions are sometimes not entirely fulfilled. In a split of a second or with premeditation a sportsman or a sportswoman can turn into a villain who will use all means at his/her hand to eliminate their competitors for their personal advantage. Schelstraete Equine Lawyers have many years of experience with doping cases in the equestrian sport and invite you to contact us should you have any questions or issues you would like help with. <



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If you have any questions and/or comments after reading this article, we would be happy to hear from you. You can also contact us for all equine-law related questions or matters. Please contact us via info@europeanequinelawyers.com or by telephone +31-(0)135114420.

