

**CAS 2025/A/12028 Rodrigó Szuhai Jr & Gyula Szuhai Jr v. Fédération Equestre Internationale (FEI)**

**ARBITRAL AWARD**

**delivered by the**

**COURT OF ARBITRATION FOR SPORT**

**sitting in the following composition:**

Sole Arbitrator: Dr Heiner Kahlert, Attorney-at-Law in Munich, Germany

**in the arbitration between**

**Rodrigó Szuhai Jr, Sajószentpéter, Hungary**

**First Appellant**

**&**

**Gyula Szuhai Jr, Sajószentpéter, Hungary**

**Second Appellant**

Both Represented by Dr Muszka Sándor, Attorney-at-Law in Budapest, Hungary

**and**

**Fédération Equestre Internationale, Lausanne, Switzerland**

Represented by Ms Belén Flores Trochet, Junior Legal Counsel, and Ms Lucy Trochet, Safeguarding Advisor, in Lausanne, Switzerland

**Respondent**

## **I. PARTIES**

1. Mr Rodrigo Szuhai Jr (the “First Appellant”) is an equestrian athlete from Hungary born on 13 December 2009. He competed in the discipline of jumping in FEI Youth categories until his provisional suspension on 6 August 2025.
2. His brother, Mr Gyula Szuhai Jr (the “Second Appellant”), is an equestrian athlete from Hungary born on 4 July 2007. He likewise competed in the discipline of jumping in FEI Youth categories until his provisional suspension on 6 August 2025.
3. The Fédération Equestre Internationale (the “FEI” or the “Respondent”) is the world governing body for eight equestrian disciplines, including jumping, and is recognized as such by the International Olympic Committee. The FEI is headquartered in Switzerland.
4. The First Appellant and the Second Appellant are hereinafter jointly referred to as the “Athletes” or the “Appellants”. The Appellants and the Respondent are hereinafter jointly referred to as the “Parties”.

## **II. FACTUAL BACKGROUND**

5. Below is a summary of the relevant facts based on the Parties’ submissions (this term including any evidence adduced). Additional facts may be set out, where relevant, in connection with the legal discussion that follows. While the Sole Arbitrator has considered all the facts transpiring from the Parties’ submissions in the present proceeding, he refers in his Award only to the facts he considers necessary to explain his reasoning.
6. In the evening of 26 July 2025, the Athletes attended a karaoke party organised by the organizing committee of an international jumping competition held in Samorin (the “CSI Samorin”), Slovakia, within the same complex at which the CSI Samorin took place. They were accompanied by their girlfriends, Ms [...] and Ms [...], as well as by the Athletes’ uncle, Mr [...].
7. Inside the party location, a physical altercation occurred between two groups of athletes of [...] and Hungarian nationality. At some point, the Athletes, their uncle and their girlfriends as well as some or all of the [...] athletes involved in the altercation left the building.
8. Outside the building, the First Appellant either pushed or hit a [...] athlete, A. Right thereafter, the Athletes ran to their car and drove away. Multiple witnesses have stated that A. fell to the ground as a result of the push/hit. Two of them further stated that he hit the concrete with his head. A. was eventually picked up by an ambulance and brought to a hospital, where he received stitches to a cut on his head, and a CT scan revealed minor brain bleeding. He remained hospitalized for four days.
9. On 6 August 2025, the FEI informed the Athletes that an apparent violation of the FEI Safeguarding Policy Against Harassment and Abuse (the “Policy”) by the Athletes in

the context of the above-mentioned incident had been reported to the FEI and that they were provisionally suspended with immediate effect (the “Provisional Suspensions”). In respect of the scope of the Provisional Suspensions, the notification stated as follows:

*“You [...] may not participate in or attend, in any capacity, including as a spectator, any Competition or Event that is authorised or organised by the FEI or any National Federation [...].”*

10. On 18 August 2025, the Athletes requested that the FEI Tribunal lift the Provisional Suspensions.
11. On 24 November 2025, further to multiple written exchanges between the Parties and after holding two hearings, the FEI Tribunal issued its decision (the “Appealed Decision”) rejecting the Athletes’ application to lift the Provisional Suspensions. The Appealed Decision was notified to the Appellants on the same day. Its operative part reads as follows:

*“1. The Tribunal decides as follows:*

- a. The applications to lift the Provisional Suspensions imposed by the FEI on Mr Gyula Szuhai Jr and Mr Rodrigo Szuhai Jr are rejected.*
- b. Each Party shall bear their own costs incurred relating to these proceedings. No fines are hereby levied. No Deposit shall be returned to the Appellant.*
- c. This Decision shall be notified to the Athletes, to their, Legal Representatives, their NF and to the FEI.*

*2. According to Article 165 of the FEI General Regulations, this Decision is effective from the date of its oral or written notification.”*

### **III. PROCEEDINGS BEFORE THE COURT OF ARBITRATION FOR SPORT**

12. On 14 December 2025, the Court of Arbitration for Sport (“CAS”) received, by e-mail, the Appellants’ Statement of Appeal within the meaning of Article R48 of the Code of Sports-related Arbitration (2025 edition) (the “CAS Code”). The Statement of Appeal contained a request for appointment of a sole arbitrator.
13. On 15 December 2025, the CAS Court Office requested the Appellants, in accordance with Article R48(1) of the CAS Code, to *inter alia* include the full name and address of the Respondent, within three days from receipt of the letter by courier.
14. On 15 December 2025, the CAS received the updated Statement of Appeal (including the full name and address of the Respondent) via the CAS e-Filing platform.

15. On 18 December 2025, the Appellants informed the CAS Court Office pursuant to Article R51 of the CAS Code, that the Statement of Appeal shall be considered as the Appeal Brief.
16. On 22 December 2025, the CAS Court Office notified the Statement of Appeal and Appeal Brief to the Respondent inviting it to submit its Answer within twenty days upon receipt of that letter by courier, and to indicate by 5 January 2026 whether it agreed to the appointment of a sole arbitrator.
17. On 5 January 2026, the Respondent objected to the appointment of a sole arbitrator, instead requesting that the appeal be submitted to a panel of three arbitrators.
18. On the same day, the CAS Court Office informed the Parties that, in view of the parties' disagreement, the President of the CAS Appeals Arbitration Division, or her Deputy, would decide on the number of arbitrators.
19. On 8 January 2026, the Respondent informed the CAS Court Office that its headquarters had been closed from 22 December 2025 to 5 January 2026 so that the CAS Court Office letter from 22 December 2025 had only been received on 5 January 2026 and the deadline for the submission of its Answer would expire on 26 January 2026.
20. On the same day, the CAS Court Office informed the Parties that the President of the CAS Appeals Arbitration Division had decided to submit the case to a sole arbitrator, who would be appointed pursuant to Article R54 of the CAS Code.
21. On 9 January 2026, the Appellants submitted annexed documentary evidence via email to the CAS Court Office and requested for their addition to the case file.
22. On 12 January 2026, the CAS Court Office invited the Respondent to comment by 19 January 2026 on the Appellants' request to include the documentary evidence in the case file. Furthermore, the CAS Court Office, on behalf of the Deputy President of the CAS Appeals Arbitration Division, informed the Parties that pursuant to Articles R33, R52, R53 and R54 of the CAS Code, the arbitral tribunal had been constituted as follows:  
  
Sole Arbitrator: Dr Heiner Kahlert, Attorney-at-Law in Munich, Germany.
23. On the same day, the Respondent agreed to the inclusion of the additional documentary evidence to the case file, and requested an extension until 30 January 2026 for the filing of its Answer.
24. Still on the same day, the CAS Court Office noted the Respondent's agreement to the inclusion of the new evidence in the case file and, on behalf of the CAS Director General and pursuant to Article R32(2) of the CAS Code, granted the requested extension.
25. On 30 January 2026, the Respondent filed its Answer.
26. On 3 February 2026, the CAS Court Office informed the Parties as follows:

*“The Sole Arbitrator has carefully reviewed the parties’ written submissions. To safeguard the parties’ right to be heard, he wishes to share the following preliminary observations with the parties:*

- *The Appellants do not seek any provisional or conservatory measures within the meaning of Article R37 of the Code. Instead, they request that CAS permanently set aside the decision appealed against. Accordingly, the Sole Arbitrator currently fails to see the basis on which the Appellants could be required to establish that the three substantive requirements mentioned in Article R37(5) of the Code are met.*
- *As it is the Respondent that has imposed a provisional suspension on the Appellants, the Sole Arbitrator currently considers that the Respondent bears the burden of proving that the requirements for such provisional suspension are met.*
- *The Sole Arbitrator acknowledges that Article 7 of the FEI Safeguarding Policy Against Harassment and Abuse (the “Policy”), which the Respondent has relied upon in its Answer as legal basis for the provisional suspension, does not mention any substantive requirements for imposing a provisional suspension. In the Sole Arbitrator’s preliminary view, this cannot, however, reasonably mean that no such requirements exist. In particular, it would seem to follow from the principle of proportionality that the Respondent will at least need to establish that the provisional suspension (i) pursues a legitimate goal, (ii) is necessary to achieve that goal (i.e., there are no less severe measures that would be equally suitable to attain that goal) and (iii) is proportionate when considering all interests at stake.*
- *In the framework of such analysis, the Sole Arbitrator is currently not persuaded by what appears to be the Respondent’s (and the Appealed Decision’s) position, namely that it is completely irrelevant for the legality of the imposition of a provisional suspension under the Policy whether there is sufficient evidence of any violation of the Policy by the Appellants. Even accepting arguendo the Respondent’s argument that a provisional suspension is “risk-based, not charge-based” (para. 5.3 of the Answer), the Respondent would still need to establish the existence of a concrete risk that is sufficiently grave and sufficiently likely to materialize so as to justify a provisional suspension. If that risk is said to derive solely from a violation of the Policy, it is difficult to see how the Respondent’s chances of proving such violation in disciplinary proceedings on the merits could be irrelevant to the legality of the imposition of a provisional suspension.*
- *As to the applicable standard of proof that the Respondent must satisfy, the Sole Arbitrator is not aware of any provision in the FEI’s regulatory framework that would expressly define the standard of proof for cases falling under the Policy, and has not yet formed any preliminary view on this point.*
- *The Sole Arbitrator is mandated to decide de novo (Article R57(1) of the Code). Accordingly, he will decide based on the submissions and evidence presented to him. In this regard, the Sole Arbitrator notes that while the Respondent’s Answer refers to statements by “the victim and several witnesses”, it has not*

*provided the Sole Arbitrator with any written witness statements and has not indicated its intention to call any witnesses for any potential hearing.*

*The Respondent is invited to comment on the above observations by **Tuesday, 17 February 2026**. The Respondent shall be free to amend its factual submissions, and to submit related evidence. Upon receipt of the Respondent's comments, the Appellants will have the opportunity to comment thereon.*“ (emphasis original)

27. On 17 February 2026, the Respondent submitted its comments.
28. On 23 February 2026, the Appellants submitted their observations on the Respondent's comments.
29. On 2 March 2026, the Parties were invited to submit their positions on the holding of a hearing, and of a Case Management Conference (“CMC”).
30. On 5 March 2026, both Parties informed the CAS that they did not request for a hearing to be held, and instead requested that a decision be taken based on the written record.
31. On 24 March 2026, the CAS Court Office informed the Parties that the Sole Arbitrator deemed himself sufficiently well-informed to decide this case based solely on the Parties' written submissions and invited the Parties to sign and return a copy of the Order of Procedure.
32. On 27 March 2026 and 30 March 2026, the Respondent and the Appellants respectively submitted signed copies of the Order of Procedure.
33. On 30 March 2026, the CAS Court Office informed the Parties, in response to a comment from the Appellants, that exhibits A-14 to A-20 had been duly admitted to the case file and that the evidentiary proceedings were closed.

#### **IV. SUBMISSIONS OF THE PARTIES**

34. The following summary of the Parties' positions is illustrative only and does not necessarily comprise every submission advanced by the Parties. The Sole Arbitrator confirms, however, that it has carefully considered all submissions made, regardless of whether there is any specific reference to them in this Award.

##### **A. Appellants' submissions and requests for relief**

35. The Appellants' submissions, in essence, may be summarised as follows:
  - CAS jurisdiction derives from Article R47 of the CAS Code *juncto* Article 162 of the FEI General Regulations (the “FEI GR”). In particular, the Appealed Decision constitutes a final adjudicative act within the FEI system.
  - With respect to the facts, the Appellants deny having initiated any confrontation. Instead, the [...] athletes, who were visibly intoxicated and behaving aggressively,

verbally and physically approached the Appellants in an intimidating and hostile manner. Feeling threatened, the much younger Appellants (aged 15 and 18 at the time) attempted to withdraw from the venue. However, the Appellants were pursued outside the venue by the [...] group. The pursuit occurred at night, in a dimly lit area of the showgrounds, amplifying the sense of danger perceived by the Appellants. While the Appellants fled towards the exit, the [...] riders continued the pursuit, shouting aggressively and closing the distance between them and the Appellants. When A. rapidly approached the Appellants, the First Appellant perceived imminent harm to himself and his brother and instinctively pushed A. away in a defensive and proportionate manner. This was the only physical action taken by the First Appellant.

- The foregoing was consistently confirmed by five eyewitnesses presented to the FEI Tribunal, none of which reported any punching, striking or intentional assault by either Appellant. Despite this consistency, the FEI Tribunal did not meaningfully address or analyse the witness statements.
- At the same time, the FEI Tribunal did not address the fact that apart from A.'s testimony, the FEI failed to produce any evidence at all. In particular, it did not provide any other witness statement, any video evidence, any medical reports or any contemporaneous notes supporting its allegations.
- A.'s statement to the FEI, in turn, contains multiple inconsistencies and omissions compared to his report to the Slovak police (the "Police Report"). In particular, A. claims to have been hit simultaneously "*from behind*" and "*on the chin*", which is both physically impossible and unsupported by any witness testimony. Moreover, A. omits in his statement to the FEI that he had consumed at least 1.5 litres of beer on the night of the incident. In addition, A. himself acknowledged having no memory of falling, waking up in hospital, or the precise sequence of events. These memory lapses significantly undermine the reliability of his testimony. Finally, the fact that A.'s complaint was filed only against the First Appellant, but not against the Second Appellant, undermines the credibility of the FEI's allegations.
- As to the law, the FEI Tribunal fundamentally misapplied the standard applicable to provisional measures. Well-established CAS jurisprudence requires the assessment of (i) irreparable harm, (ii) likelihood of success on the merits and (iii) balance of interests. As those requirements are cumulative, the FEI Tribunal departed from the CAS test. Moreover, given that the Appellants are a minor and a near-minor, the general principles of safeguarding and child protection require an especially careful assessment of irreparable harm and proportionality.
- As to the first criterion, long-term suspensions, whether final or provisional in nature, cannot be fully compensated by a subsequent monetary award and therefore typically constitutes irreparable harm. In particular, they entail the loss of rankings, competition and qualification opportunities as well as career-defining windows which, especially at a young age, irreversibly deprive young athletes of unique developmental opportunities, taking also into account the fact that youth-category competitions follow strict age limits. In addition, such suspensions disrupt athlete-

horse partnerships and inflict lasting reputational and psychological harm, even more so for young athletes such as the Athletes. None of this can be undone at a later stage. The irreparable harm suffered by the Athletes is also supported by statements provided by the Hungarian Equestrian Federation, their club, coaches, and horse owner / stable manager.

- Regarding the second criterion, a provisional suspension is only justified where the underlying evidence reaches at least a threshold of reasonable possibility of a rule violation. Had the FEI Tribunal carried out even a *prima facie* review, it would have been compelled to recognize that the Appellants enjoy a high likelihood of success. While the FEI invoked “*multiple confirmations*”, it merely produced A.’s witness statement, which is undermined by the Police Report. By contrast, the Appellants filed five consistent eyewitness statements which confirmed, in particular, that the First Appellant acted in defence of his brother, while the Second Appellant did not engage in any physical confrontation at all. In fact, even the Police Report was only filed against the First Appellant, not the Second Appellant. Accordingly, the Appellants have, at the very least, a plausible case and it was a clear legal error for the FEI Tribunal to explicitly decline to assess the likelihood of success.
- With respect to the third criterion, the FEI Tribunal again declined to engage in any assessment. Per CAS jurisprudence, one must weigh the potentially irreparable consequences for the athlete’s career and reputation against the regulatory body’s interest in enforcing its rules and safeguarding the integrity of sport. In doing so, one must consider whether less restrictive measures could achieve the same protective purpose. Here, the Appellants’ livelihoods, rankings, development and youth careers are at stake, and the grave professional and financial consequences of the Provisional Suspensions affect not only the Athletes themselves, but also their families, their family-run equestrian business, their club and their participation in the national team. By contrast, the FEI has not demonstrated any concrete and ongoing risk that would justify the continuation of the most restrictive safeguarding measure available. In particular, the FEI vaguely invoked the “*integrity of the sport*” but failed to explain how allowing the Appellants to compete would concretely endanger that integrity. In fact, while the incident in question occurred in connection with the CSI Samorin, it arose at a social gathering involving athletes after the sporting activities, in a mixed group including older, intoxicated adult riders. The off-field nature of the incident generally weighs in favour of more proportionate, targeted responses such as education, warning, or event-specific conditions, rather than broad and long-term competition bans, especially where there is no indication of a continuing risk to the integrity of competitions. There is no evidence that the Appellants have ever engage in any on-field misconduct, nor that they pose any threat to the safety or integrity of future events. Instead, the only physical act was a single defensive push in a one-off social situation in which the older [...] riders were the instigators and aggressors. In such circumstances, a months-long suspension of a minor and a near minor cannot be reconciled with the principle of proportionality and the requirement that safeguarding measures cause the least possible interference with a young athlete’s development and sporting opportunities.

- Moreover, the FEI suspended only the two youngest individuals involved in the incident, while the older [...] riders, who initiated the confrontation, consumed alcohol and pursued the Appellants, were not subject to any safeguarding measures. Such selective enforcement, which amounts to unequal and discriminatory treatment, is contrary to the Policy's stated purpose to protect minors and the promotion of a safe sport environment.
- Furthermore, to the Appellants' knowledge, the FEI has taken no discernible steps in the underlying disciplinary proceedings beyond the imposition of the Provisional Suspensions. In particular, the Appellants have not been informed of any formal charging decision, any evidence-gathering measures, or any concrete procedural timeline. In practice, this means that the most severe safeguarding measure available has been imposed indefinitely, thereby transforming what should be a temporary protective tool into an open-ended sanction in the absence of due process and without any realistic prospect of a timely final determination.
- The practical investigative steps of the FEI appear to have been directed predominantly towards A. The tone and content of the correspondence, including the consistent use of first-name terms and informal language, may create the perception of a particularly close and trusting relationship, and thus of an imbalance in the approach to fact-finding and risk-assessment. Similarly, the FEI's consistent reference to A. as a "*victim*", without establishing the causes and antecedents of that injury, creates the impression that the Appellants are being treated as offenders by default, which undermines the presumption of innocence. In the same vein, the FEI does not substantively engage with the witness testimony presented by the Appellants, instead relying heavily on an anonymised witness statement whose author cannot be tested for credibility and who acknowledges having been at a distance, in the dark, after drinking, and being unable to identify any of the individuals involved – such approach does not appear consistent with a balanced *prima facie* assessment of risk. Likewise, while the FEI emphasizes the need to "*protect*" A. and unnamed witnesses, it does not clearly explain from whom and from what they realistically need protection, nor why such protection could not be ensured through less intrusive, targeted measures instead of a total suspension of the Appellants. There is no allegation that the Appellants have attempted to contact, intimidate or otherwise interfere with A. or any witness since the incident. The Appellants also have never been involved in any prior disciplinary matter.
- The FEI's approach is particularly concerning in light of the Appellants' young age, also in view of Articles 3 and 31 of the Convention on the Rights of the Child, the IOC's safeguarding frameworks and the Council of Europe's and the EU's guidelines for the safeguarding of children in sport. Those instruments highlight the disproportionate nature of the Appealed Decision.
- This holds true even more in respect of the Second Appellant, who has never been accused of any concrete act of wrongdoing, yet has been subject to the same measure as his brother. This blanket suspension is an arbitrary interference with his right to participate in sport and to continue his development as a young athlete.

36. In their Appeal Brief, the Athletes requested that the Sole Arbitrator:

- “• *annul the [Appealed Decision].*
- *Lift with immediate effect the provisional suspensions imposed on the Appellants on 6 August 2025; and*
- *declare the Appellants immediately eligible to compete in FEI events, together with any further or other relief the Panel deems appropriate.*
- *Order the FEI to file formal disciplinary charges, if any, within a short and defined deadline (e.g., 15 days), failing which the matter should be considered closed.*
- *Order the FEI to pay all arbitration costs, including the CAS Court Office Fee, and make a contribution towards the Appellants’ legal fees and expenses.”*

**B. Respondent’s submissions and requests for relief**

37. The FEI’s submissions, in essence, may be summarised as follows:

- The Respondent accepts CAS jurisdiction, based on Article 165 of the FEI GR and Article R47 of the CAS Code. The Respondent also acknowledges that the appeal is admissible.
- The applicable regulations are the FEI GR (24<sup>th</sup> edition of 1 January 2020, with updates effective 1 January 2025), the FEI Statutes (25<sup>th</sup> edition of 21 November 2023) and the Internal Regulations of the FEI Tribunal (4<sup>th</sup> Edition of 1 February 2025) (the “FEI Tribunal Regulations”). Moreover, pursuant to Article 38.3 of the FEI Statutes, “[a]ll disputes shall be settled in accordance with Swiss law.”
- Regarding the facts, it is alleged that in the evening of 26 July 2025 at a karaoke party organized by the organizing committee of the CSI Samorin, the Appellants were involved in a fight that led to the infliction of serious injuries to A., who is likewise an FEI-registered athlete. Concretely, the Appellants had run after a person inside the restaurant at which the party took place and had initiated a group fight. Subsequently, a group of persons, including the Appellants, ran outside. A. tried to follow them in order to ask why they had started the fight. It was dark outside and he could not see them. At that moment, according to A. and multiple witnesses, A. was hit from behind, on the side of his head. It was by no means, as alleged by the Appellants, an act of self-defence.
- A. fell unconscious to the ground and the next thing he remembers was lying in hospital. He was bleeding heavily and remained unconscious for a while. He regained awareness only about two hours later when he was already in the hospital. Not only was the hit violent and A. was seriously injured, but the Appellants left immediately. In other words, they did not even provide any assistance to A., but left him unconscious on the ground, bleeding seriously from the head.

- An ambulance took A. to a hospital where he stayed for four days. He had stitches done on a cut on his head and the CT scan revealed brain haemorrhage. More than a month after the incident, A. was still unable to sit on a horse as he was undergoing home treatment and doctors were warning him that any premature effort could put his health at serious risk. In addition to the physical consequences, the psychological impact has also been significant on A.
- The FEI confirms that the above facts have been confirmed via e-mail by A. and several witnesses. Given the preliminary nature of the proceedings in front of the FEI Tribunal, the FEI was (and still is) trying to obtain the witnesses' permission to have their statements used. Some witnesses are afraid of retaliation.
- As to the law, the Appellants are FEI-registered jumping athletes and, as such, "*Covered Individuals*" for the purposes of the Policy.
- The allegation of physical abuse made against the Appellants gives rise to a legitimate concern that the Appellants pose a risk of harm to the equestrian community and that it would, therefore, not be appropriate to allow them to engage in any FEI activities, such as participation in FEI Events, training FEI horses or attending FEI Events, even as a spectator, pending the outcome of the disciplinary proceeding and/or the police investigation. Accordingly, the Provisional Suspensions find their legal basis in Article 7 of the Policy.
- It follows that the Provisional Suspensions are a protective measure mandated by the Policy, not a punitive measure as suggested by the Appellants. Its purpose is to ensure the safety of the equestrian community, including A. and the witnesses, while serious allegations of physical abuse are investigated. The FEI has not yet opened any disciplinary case against the Appellants and is still investigating the matter, as is the Slovak police. The complexity of cross-border evidence gathering and the parallel police investigation in Slovakia necessitate time. The FEI Tribunal has correctly noted that if the investigation drags on unreasonably, the Appellants may re-apply for relief, but at this stage, the timeline is proportionate to the severity of the alleged assault.
- In imposing the Provisional Suspension, the FEI acknowledged the Appellants' right to mount a full defence in any criminal or disciplinary proceedings and that, as a matter of law, the Appellants are innocent until proven guilty. Contrary to the Appellants' view, they have been afforded procedural fairness, as evidenced by the fact that they were granted a preliminary hearing before an independent body in the form of the FEI tribunal, that they had access to legal representation, and the right to appeal to CAS with a *de novo* review.
- That said, this appeal to CAS does not concern a final determination on the merits, but only the maintenance of the Provisional Suspensions. Consequently, this is not the appropriate procedural stage for a full evidentiary assessment or a comprehensive evaluation of the merits. Rather, despite the Sole Arbitrator's power to decide *de novo*, the analysis must necessarily remain limited and *prima facie* in nature, being restricted to the legality and proportionality of the Provisional

Suspensions. Accordingly, the Appellants are mistaken in their attempt to conduct a detailed factual analysis of the specific sequence of events, relying on witness statements attempting to undermine the victim's testimony, notwithstanding that those statements are themselves inconsistent and contradictory. The only fact that has been sufficiently established is that the Appellants were involved in a fight that resulted in the infliction of serious injuries on A. This is consistently confirmed by all witness statements.

- Relatedly, in respect of the standard of proof, the regulatory silence in the Policy is neither accidental nor unusual in sports law, and reflects the preventive and interim nature of provisional safeguarding measures. In cases concerning provisional suspensions in anti-doping and integrity matters, CAS panels have repeatedly held that the competent authority is not required to establish a violation to the standard of comfortable satisfaction, but rather must demonstrate that misconduct is reasonably possible or plausible, based on the information available at the time. CAS jurisprudence further recognises that provisional suspensions are often necessary “*precisely in situations where misconduct is reasonably possible, even probable, but is not yet proven*”, and that inferential reasoning may legitimately be relied upon at this stage (CAS 2017/A/4968, para. 229). This principle is particularly relevant in safeguarding cases, where waiting for a full evidentiary assessment may expose protected persons or the sporting community to unacceptable risk. Against this background, the FEI submits that the applicable standard of proof for a provisional safeguarding suspension under Article 7 of the FEI Safeguarding Policy should be understood as requiring (i) credible and consistent indicia pointing to conduct that may fall within the scope of the Policy, and (ii) the existence of a concrete risk that is sufficiently serious and sufficiently likely to materialise, should no provisional measure be imposed.
- In seeking to have the Provisional Suspensions lifted, the Appellants are effectively seeking preliminary relief from CAS. Therefore, the criteria provided for in Article R37 of the CAS Code are reasonable factors to be taken into consideration in the present case. Also, the jurisprudence of the CAS and the Swiss Federal Tribunal confirms that the review in this context is limited to a *prima facie* analysis of the facts, based on likelihood and without requiring strict evidence.
- The criteria identified in Article R37 of the CAS Code are cumulative. Hence, failure to establish any of them is sufficient to reject the request (CAS 2007/A/1403; CAS 2007/A/1397; CAS 2010/A/2071).
- The Appellants have failed to establish irreparable harm. The FEI does not deny that the Provisional Suspensions may impact their life and career. However, this is true for all persons who are provisionally suspended. Hence, such impact is the unavoidable consequence of a provisional suspension. If every provisional suspension were lifted simply because an athlete would miss competitions, the mechanism of provisional suspension would be rendered meaningless. Also, more recent CAS jurisprudence confirms that inability to compete is generally insufficient to establish irreparable harm (see CAS 2011/A/2479, order of 8 July 2011, para. 2; CAS 2014/A/3642, para. 25 et seq.). Moreover, contrary to the

Appellants' argument, their young age militates against rather than in favour of irreparable harm, given that they have potentially long careers ahead. In fact, the First Appellant still has several years remaining in the Junior age category (from 14 to 18), while the Second Appellant has been able to fully benefit from his participation in that category. For clarity, the Appellants' horses remain fully eligible to continue competing without restriction, and the scope of the Provisional Suspensions explicitly allows for daily training of the horses.

- As to likelihood of success, the Appellants must at least make a plausible case that the fact relied upon them and the rights they seek to enforce exist and that the material conditions for legal action are fulfilled (CAS 2008/A/1453; CAS 2008/A/1630; CAS 2009/A/1823). It is difficult at this point to assess the Appellants' chances of success in any disciplinary proceedings. The FEI potentially intends to await the outcome of the pending police investigation before proceeding to submit the case on the merits to the FEI Tribunal, in accordance with Article 5 of the FEI Safeguarding Policy. In any case, the allegations are very serious, as evidenced by the possible sanctions foreseen in Article 164 of the FEI GR (where both acts of violence and a breach of the Policy carry sanctions of up to lifetime suspensions). The FEI possesses witness statements and accounts from A. identifying the Appellants as being involved in the aggression. While the Appellants claim that video evidence clears them, the FEI Tribunal noted that the video does not in fact show the attack on A. There is also no discrimination against the Appellants as the FEI investigates based on the evidence available. In any case, safeguarding is not a comparative exercise; instead, the risk posed by the Appellants is assessed on its own merits, and the potential involvement of others does not negate the evidence regarding violent conduct of the Appellants. Finally, the Slovak police contacted the family of A. during the week of 19 January 2026, demonstrating the existence of reasonable grounds indicating the potential commission of any offence.
- The balance of interests heavily favours the FEI. The Appellants' "right to compete" cannot override the FEI's statutory obligation to provide a safe environment free from violence and harassment. As recognized by CAS in anti-doping and integrity-related cases, the balance of interest may favour the sporting association where the integrity of the sport and public confidence are at stake (CAS 2017/A/4968, para. 229). This applies to the case at hand by analogy. The fact that the Appellants consider there is no evidence of any on-field misconduct is irrelevant, as explicitly stated by the Policy, and as the absence of any on-field misconduct does not exclude the existence of a safeguarding risk. Moreover, the CAS should take into account that (i) the FEI has a "zero tolerance" policy towards violence, whereas in this case there are allegation of physical abuse resulting in hospitalization, (ii) there is a genuine risk that the presence of the Appellants at FEI events could intimidate the victim or witnesses, specifically those who are already afraid of retaliation, (iii) the incident occurred at a social event related to a jumping event, while the victim is a jumping athlete himself, evidencing the risk of harm in the context of participation in equestrian sport, (iv) the Appellants ignore, when invoking the UN Convention on the Rights of the Child, that this instrument

prioritizes the protection of children from violence, (v) allowing athletes accused of sending another participant to the hospital to return to competition undermines the very essence of safe sport and (vi) the Policy implements the IOC Consensus Statement on harassment and abuse (non-accidental violence) in sport.

- The Appellants' argument that the Provisional Suspension of the Second Appellant is arbitrary because the Police Report focusses on the First Appellant is misguided. Safeguarding measures are risk-based, not charge-based or sanction-driven. Article 2 of the Policy expressly covers conduct that poses a risk of harm, even absent criminal charges. The Second Appellant was involved in the incident forming the subject matter of the investigation. The FEI therefore acted neither arbitrarily nor discriminatorily.
- Regarding the Appellants' request that the CAS order the FEI to file formal disciplinary charges within a short deadline, the Appealed Decision has made clear that if the Appellants are prejudiced in the future by the excessive length of the Provisional Suspensions, they might be entitled to re-apply to the FEI Tribunal for a lifting of the Provisional Suspension, or apply to set a date for a charge to be filed. Neither has been requested by the Appellants before the FEI. Per Article R37 of the CAS Code, the CAS cannot take any decision in this regard before all internal remedies have been exhausted.
- Finally, viewed from the prism of the principle of proportionality, the overriding objective of protecting the equestrian community and safeguarding the integrity of the sport, which is central to the FEI's statutory mission and is expressly reflected in the Safeguarding Policy, qualifies as a legitimate goal. The Provisional Suspensions are necessary to attain this goal because, given the seriousness of the alleged physical abuse and the existence of an ongoing investigation, there are no less severe measure that would provide equivalent protection. Indeed, allowing unrestricted participation pending the outcome of the investigation would undermine both safeguarding objectives and public confidence in the FEI's regulatory framework. The Provisional Suspensions are also proportional *stricto sensu* because the professional and financial consequences suffered by the Appellants are outweighed by the public interest in safeguarding and integrity.

38. In its Answer, the FEI requests CAS to:

- *Dismiss the appeal in its entirety.*
- *Confirm the [Appealed Decision].*
- *Maintain the provisional suspensions imposed on Mr Gyula Szuhai and Mr Rodrigo Szuhai.*
- *Order the Appellants to bear the costs of the arbitration and to contribute to the FEI's legal fees.*

## V. JURISDICTION

39. Pursuant to Article R47 of the CAS Code:

*“An appeal against the decision of a federation, association or sports-related body may be filed with CAS if the statutes or regulations of the said body so provide or if the parties have concluded a specific arbitration agreement [...].”* (emphasis added)

40. Article 162(1) of the FEI GR expressly provides for CAS jurisdiction as follows:

*“An Appeal may be lodged by any person or body with a legitimate interest against any Decision made by any person or body authorised under the Statutes, GRs or Sport Rules, provided it is admissible (see Article 162.2 below):*

[...]

*(b) With the CAS against Decisions by the FEI Tribunal. The person or body lodging such Appeal shall inform the FEI Legal Department.”* (emphasis added)

41. In addition, the Respondent has expressly accepted CAS jurisdiction in its Answer.

42. On this basis, the Sole Arbitrator is satisfied that he has jurisdiction to hear the present appeal against the Appealed Decision.

## **VI. ADMISSIBILITY**

### **A. Timeliness of the appeal**

43. In respect of the applicable deadline to appeal, Article R49 of the CAS Code provides as follows:

*“In the absence of a time limit set in the statutes or regulations of the federation, association or sports-related body concerned, or in a previous agreement, the time limit for appeal shall be twenty-one days from the receipt of the decision appealed against.”*

44. Accordingly, Article R49 of the CAS Code accords priority to any deadline for appeal provided for in the regulations governing the body that issued the decision appealed against. In this regard, Article 162.7 of the FEI GR provides as follows:

*“Appeals to the CAS together with supporting documents must be dispatched to the CAS Secretariat pursuant to the Procedural Rules of the CAS Code of Sports-related Arbitration so as to reach the CAS within twenty-one (21) days of the date on which the notification of the FEI Tribunal Decision was sent to the National Federation of the Person Responsible.”*

45. The Appealed Decision is dated 24 November 2025. It is undisputed that it was received by the Appellants electronically on the same day. The Statement of Appeal was filed on 14 December 2025, i.e., 20 days after receipt of the Appealed Decision by the Appellants, and updated on the day thereafter. While there is no indication on record in respect of the point in time at which the Appealed Decision was sent to the Appellants’

National Federation (which is indicated on the last page of the Appealed Decision as a recipient), the Sole Arbitrator has no reason to believe that this could have been prior to the date stated on the decision, being also the date on which it was received by the Appellants themselves. Therefore, the 21-day time limit provided for in Article 162.7 of the FEI GR was triggered, at the earliest, on 24 November 2025. The filing of the Statement of Appeal was, thus, timely, even if one considers that the day of filing is 15 December 2025, when the Appellants submitted an updated version of their Statement of Appeal.

**B. Exhaustion of internal remedies**

46. Pursuant to Article R47(1) of the CAS Code *in fine*, before appealing to CAS, the Appellants must have “*exhausted the legal remedies available to [them] prior to the appeal, in accordance with the statutes or regulations of*” the federation that issued the decision appealed against.
47. With respect to their request that the Sole Arbitrator immediately lift the Provisional Suspensions (and declare the Athletes eligible to compete again), the Athletes have availed themselves of the only internal remedy available under the FEI’s regulations against the imposition of the Provisional Suspensions, namely by first requesting the FEI Tribunal to lift the Provisional Suspensions under Articles 23.1(i) and 26.2 of the FEI Tribunal Regulations. There is no internal remedy available against the decision of the FEI Tribunal dismissing the said request.
48. In particular, there was no need for the Athletes to go again to the FEI Tribunal and ask for re-consideration based on the Provisional Suspensions having become excessive in length. It may well be that the Athletes could do so, not least because the FEI Tribunal has expressly mentioned that possibility in the Appealed Decision. However, there is no legal basis for obliging them to do so. In the absence thereof, such possible request for re-consideration does not qualify as a remedy within the meaning of Article R47 of the CAS Code (see Swiss Federal Tribunal, decision of 20 June 2013, para. 4.4.3.2). Indeed, the Appellants could otherwise be prevented permanently from filing an appeal to CAS, given that they could always file yet another request to the FEI Tribunal for reconsideration. This is irreconcilable with effective legal protection. Accordingly, in relation to their request that the Provisional Suspensions be lifted and that the Athletes be declared eligible to compete, the requirement of Article R47 of the CAS Code that internal remedies must have been exhausted is met.
49. By contrast, the FEI has correctly noted that the Appellants have not requested before the FEI Tribunal that it set a deadline for the FEI Tribunal to bring charges. In fact, they do not even seem to have filed a request to the FEI itself that it bring charges within a certain deadline. Therefore, the Appellants have not exhausted internal legal remedies in this regard. Alternatively, such request is beyond the scope of the appeal, given that the subject matter decided upon by the FEI Tribunal did not include any request that the FEI bring charges within a certain deadline.

### **C. Legal interest in declaratory judgment**

50. The Athletes seek a declaration whereby they are immediately eligible to compete in FEI events (together with any further or other relief the Panel deems appropriate). Under Swiss arbitration law, a request for declaratory judgment is only admissible if the party requesting the declaration can show a legitimate interest in such declaration (CAS 2013/A/3272, para. 69; CAS 2011/A/2612, para. 52; CAS 2009/A/1870, para. 55). In particular, legal uncertainty that cannot otherwise be removed qualifies as legitimate interest in a declaration removing such uncertainty (CAS 2009/A/1870, para. 55).
51. In the present case, if the Provisional Suspensions are lifted as requested by the Athletes, there is no indication on record that the FEI would nonetheless consider the Athlete ineligible. Rather, they only reason they are currently ineligible are the Provisional Suspensions. Accordingly, the Sole Arbitrator considers that there is no legal interest in the declaration sought, meaning that the relevant request for relief is inadmissible.
52. In summary, the Sole Arbitrator finds that the appeal is admissible insofar as the Athletes request a lifting of the Provisional Suspensions. All other requests for relief (save those related to cost) are inadmissible.

### **VII. APPLICABLE LAW**

53. Article R58 of the CAS Code provides as follows:

*“The Panel shall decide the dispute according to the applicable regulations and, subsidiarily, to the rules of law chosen by the parties or, in the absence of such a choice, according to the law of the country in which the federation, association or sports-related body which has issued the challenged decision is domiciled or according to the rules of law that the Panel deems appropriate. In the latter case, the Panel shall give reasons for its decision.”*

54. The applicable regulations on the merits are the FEI’s regulations, specifically the Policy as Appendix I to the FEI GR. Moreover, Article 167.2 of the FEI GR provides as follows:

*“These FEI General Regulations and any dispute arising out of or in connection with them (including any dispute or claim relating to non-contractual obligations) shall be governed by and construed in accordance with Swiss law.”*

55. Accordingly, the Sole Arbitrator shall decide this case based on the FEI’s regulations and Swiss law.

### **VIII. MERITS**

56. The following analysis will first address the correct legal standard as well as the burden and standard of proof before examining whether the Provisional Suspensions must be lifted.

## 1. Applicable legal standard and burden and standard of proof

57. In paragraph 50 of the Appealed Decision, the FEI Tribunal considered that “[b]y requesting the lifting of the Provisional Suspensions, the Athletes are requesting a stay of an ongoing sanction. In the absence of concrete criteria in the [FEI Tribunal Regulations] to evaluate this type of situations, the Panel considers appropriate to fall back on the jurisprudence of the Court of Arbitration for Sport [reference omitted], which is based in Article R37 of the CAS Code.” As a consequence of this finding, the FEI Tribunal required the Appellants to establish, cumulatively, that (i) the stay allegedly requested was necessary to protect them from irreparable harm, (ii) they had reasonable chances to succeed on the merits, and (iii) that their interests outweighed those of the opposing party and third parties.
58. With the greatest respect, the Sole Arbitrator disagrees and finds that this is not the correct legal standard to determine the legality of the Provisional Suspensions. To avoid any surprise decision, he alerted the Parties to this issue and provided them with an opportunity to make submissions, see paragraph 26 above.
59. The criteria set out in Article R37 of the CAS Code apply whenever a party seeks provisional relief. In the context of an appeal against a decision issued by a sports federation, this refers to situations in which an appellant seeks interim protection from all or certain effects of the decision appealed against pending a final decision on the merits of the appeal. In the present case, however, the Appellants do not seek *interim* protection from the effects of the Provisional Suspensions until there is a final ruling on whether the Provisional Suspensions are lawful. Instead, the Appellants exclusively seek a ruling on the lawfulness of the Provisional Suspensions, seeking to lift them *permanently*. The fact that the objects of their appeal, i.e. the Provisional Suspensions, are themselves provisional in nature, does not render the Appellants’ appeal on the merits a request for provisional measures (cf. also CAS 2021/A/8417, para. 72, albeit on a slightly different aspect). Therefore, there is no legal basis for requiring the Appellants to fulfil the requirements of Article R37(5) of the CAS Code.
60. Indeed, if one were to apply the criteria of Article R37(5) of the CAS Code to the present appeal, this would entail (at least) three rather bizarre consequences as follows.
61. Firstly, the Appellants would be required to establish merely a certain likelihood of success of their appeal. This cannot sensibly be the legal standard for a case that *is itself* on the merits of the appeal.
62. Secondly, the three criteria listed in Article R37(5) of the CAS Code are cumulative requirements. Therefore, should the Appellants be unable to establish irreparable harm, the likelihood of success would be irrelevant (as was indeed found to be the case in the Appealed Decision). This, however, would mean that their appeal on the merits would need to be dismissed regardless of whether the FEI had any ground at all to impose the Provisional Suspensions. In particular, it would be irrelevant whether there is any allegation, let alone evidence, of any safeguarding risk emanating from the Appellants. This cannot possibly be the correct legal standard when determining definitely the legality of the Provisional Suspensions.

63. Thirdly, the approach adopted by the FEI Tribunal effectively placed the burden of proof on the Appellants. Regardless of whether the Provisional Suspensions are punitive in nature, there can be no doubt that they are measures significantly curtailing rights that the Appellants would otherwise enjoy – amongst them, most notably, their eligibility to compete in FEI competitions. The burden of proof to establish the legality of such measures is on the federation that imposed the relevant measures, not on the persons subjected to them, unless there is a lawful rule reversing that burden of proof (cf. also CAS 2008/A/1480, para. 38; CAS 2020/A/6807, paras. 359 and 362). No such rule exists here.
64. It follows from the above that it is for the FEI to establish that it was within its rights to impose the Provisional Suspensions. This requires, firstly, the existence of a sufficiently clear legal basis (regardless of whether the Provisional Suspensions are punitive in nature, see e.g. CAS 2019/A/6330, para. 88 for administrative decisions on eligibility). Secondly, the Provisional Suspensions must meet any legal requirements foreseen in that legal basis, and must not be otherwise incompatible with the applicable regulations and the applicable law.
65. In respect of the applicable standard of proof, the Sole Arbitrator notes that neither the Policy nor the FEI GR include any provision on the standard of proof. However, Article 30 of the FEI Tribunal Regulations provides as follows:

***“Burden and standard of proof***

*30.1 The FEI shall have the burden of proving that the Respondent committed the infringement(s) alleged in the Claim.*

*30.2 Unless otherwise stated in the relevant rules, the standard of proof on all questions to be determined by the Hearing Panel shall be by the comfortable satisfaction of the Hearing Panel.”*

66. Given its systematic context, one might argue that Article 30.2 does not apply to a request for the lifting of provisional suspensions. Firstly, the wording of Article 30.1 is limited to FEI Tribunal proceedings initiated by the FEI rather than by a party seeking a lifting of a provisional suspension imposed on it by the FEI. This may suggest the same scope of application of the directly ensuing Article 30.2. Secondly, Article 30.2 forms part of Part III.B. of the FEI Tribunal Regulations, which is styled “*Specific procedures in Claims proceedings*”. As clarified by Article 27.4, “[o]nly the FEI is entitled to initiate a Claim.”
67. However, in the absence of any other provision providing for any different standard of proof, the Sole Arbitrator finds it appropriate to apply the standard of comfortable satisfaction also to the Appellants’ request for the lifting of the Provisional Suspensions. In particular, the Sole Arbitrator notes that pursuant to Article 26.1 of the FEI Tribunal Regulations, the FEI Tribunal may impose provisional suspensions upon request by the FEI. This provision being included in Part III.A., styled “*General Procedures*”, there is no indication that the FEI could not make such request within the framework of a Claims proceeding. If, in that scenario, the standard of proof applicable to the imposition of a

provisional suspension is, pursuant to Article 30.2 of the FEI Tribunal Regulations, the standard of comfortable satisfaction, the Sole Arbitrator fails to see any convincing reason why the standard should be any different if the same measure is imposed by the FEI, and then challenged before the FEI Tribunal (and subsequently before CAS) by the person(s) concerned.

68. That said, the applicability of the same standard of proof as for the imposition of final disciplinary sanctions should not be confused with the question of whether the substantive requirements whose fulfilment must be established are the same for provisional suspensions as they are for final disciplinary sanctions. Indeed, the Sole Arbitrator finds that they are not the same, as will become clear below.

## **2. Application to the present case**

69. It is the FEI's case that the Provisional Suspensions were imposed on the basis of Article 7 of the Policy, which reads as follows:

*“7.1. The FEI may impose provisional measures, including a provisional suspension, on the Covered Individual. The FEI shall also be entitled to recognise and apply Provisional Suspensions and/or provisional measures imposed by other bodies, such as National Federations or Safeguarding authorities. Where a provisional measure is imposed or recognised and applied by the FEI, a Covered Individual shall be entitled to apply to the FEI Tribunal for relief against such provisional measures, including the lifting of a Provisional Suspension.*

*7.2. Where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.”*

70. The Sole Arbitrator notes that Article 7.1 of the Policy expressly provides for the FEI's power to impose provisional suspensions. The legal basis is, therefore, sufficiently clear as regards the type of measure imposed on the Appellants by way of the Provisional Suspensions. By contrast, Article 7.1 of the Policy does not mention any requirements, neither for the imposition of a provisional suspension (as per the first phrase of the provision) nor for its lifting (pursuant to the last phrase). In particular, Article 7.1 of the Policy does not even require, at least expressly, that there is any indication of any violation of the Policy, or of an imminent threat of such violation. Neither do the FEI Tribunal Regulations, which mention in Article 23.1(h) and (i) the FEI Tribunal's power to impose and lift provisional suspensions, shed any light on the substantive requirements for such imposition/lifting. This lack of clarity of the legal basis upon which the FEI relied for the imposition of the Provisional Suspensions raises concerns as it is difficult for those subject to the rules to foresee the circumstances under which such provisional suspension may be imposed on them.
71. However, even if one considered acceptable that Article 7.1 of the Policy does not contain any substantive requirements for the imposition of a provisional suspension, but instead appears to subject the decision solely to the discretion of the FEI (“*may impose*”, emphasis added), such discretion would not be unfettered under Swiss law. Instead, the legality of a provisional suspension would, at the very least, be subject to the principle

of proportionality, which is a fundamental legal principle – not only – under Swiss law, applicable also to restrictive measures that do not qualify as disciplinary sanctions (see CAS 2020/O/6698, paras. 700 and 721; CAS 2022/A/8856, paras. 134 and 155 *et seq.*). In any case, the Sole Arbitrator notes the FEI GR themselves explicitly label provisional suspensions as sanctions, namely in Article 159.2(f) and Article 163.3(c).

72. The principle of proportionality is a three-pronged test that requires, cumulatively, (i) suitability, i.e. that the measure imposed is suitable to pursue a legitimate goal, (ii) necessity, i.e. that there are no equally suitable measures that are less restrictive on the person concerned, and (iii) proportionality *stricto sensu* sense, i.e. that the consequences for the person concerned are not out of proportion to the attainment of the goal pursued (cf. CAS 2016/O/4684, para. 130; CAS 2022/A/8856, paras. 155 *et seq.* (with slightly different terminology); CAS 2005/C/976 & 986, paras. 138 *et seq.* with further references). The Sole Arbitrator will address each of those three cumulative requirements in turn below.
  - i. Suitability
73. The goals invoked by the FEI in this arbitration are (i) protecting the equestrian community and (ii) safeguarding the integrity of the sport. There can be no doubt that the first of those goals is legitimate. Regarding the second goal, the FEI has failed to specify what precisely it meant with integrity. There is no suggestion by the FEI, or any indication in the record, that the Athletes might pose a threat regarding the integrity of the sporting competition, in the sense that sporting results might be manipulated. Therefore, the Sole Arbitrator can only assume that the FEI referred rather to the consequences that it could have to the sport if the FEI failed to sufficiently protect the equestrian community, such as reputational damage, or other athletes' unwillingness to compete in FEI competition in which the Athletes are competing. However, in that case, the second goal would be limited to avoiding certain consequences that it would entail if the FEI failed to attain the first goal. This being so, the Sole Arbitrator finds it sufficient to focus in his analysis on the first goal, i.e. to protect the equestrian community.
74. The Sole Arbitrator considers that for the Provisional Suspensions to be suitable for protecting the equestrian community, they must be capable of at least mitigating (i.e., not necessarily eliminating) a risk for the wellbeing of the members of the equestrian community that emanates from the Athletes. Consequently, to be able to establish the suitability of the Provisional Suspensions, the FEI must establish that the Athletes pose such a risk.
75. The Provisional Suspensions were imposed in reaction to the incident at the CSI Samorin that resulted in the hospitalization of A. It is the FEI's case that the Athletes' alleged involvement in that incident creates a continuous risk to the welfare of the equestrian community.
76. However, at least on the level of suitability, the Sole Arbitrator accepts the FEI's argument that, in the framework of a provisional suspension, the FEI cannot reasonably be required to establish conclusively that the Athletes were in fact involved in the

incident as alleged, namely in a fashion that violated the Policy. This is because, by its very nature, a provisional suspension is meant to allow the FEI to protect the equestrian community for the period spanning from the point in time when the FEI becomes aware of a *potential* violation of the Policy that creates a safeguarding risk, until the time when a disciplinary sanction is imposed or a decision is taken not to impose any sanction. The collection of evidence necessarily takes place during that same period, or at least until the FEI brings a charge to the FEI Tribunal per Article 163.2 of the FEI GR (noting, however, that Article 29.2 of the FEI Tribunal Regulations appears to allow for the furnishing of further evidence in later submissions). The FEI cannot reasonably be required to possess, when imposing a provisional suspension before bringing a charge (as is the case here), the same level of evidence that it possesses once it brings a charge. Otherwise, the instrument of a provisional suspension would be mostly limited to the period from when a charge is brought to the point in time when the FEI Tribunal decides on whether to impose a disciplinary sanction. This, in turn, would be difficult to reconcile with the rationale of the Policy expressly laid down in its introductory paragraph, namely to safeguard the welfare of the equestrian community.

77. Therefore, on the level of suitability, the Sole Arbitrator considers it sufficient for the FEI to establish to the comfortable satisfaction of the Sole Arbitrator that, based on the evidence available, there is a plausible risk to the welfare of members of the equestrian community emanating from the Athletes. This does not require establishing (to the Sole Arbitrator's comfortable satisfaction) that the Appellants did in fact violate the Policy. While uncertainties regarding whether the Athletes did in fact violate the Policy may mean that the Sole Arbitrator is not comfortably satisfied that the Policy was violated, he may still be satisfied that precisely because of the uncertainty pending a final determination of whether the Athletes violated the Policy, there was at least a plausible risk that the equestrian community could suffer harm if the Athletes returned to that community. For the avoidance of doubt, the mentioned uncertainty only exists if there are sufficient indications hinting at a potential violation of the Policy.
78. The Sole Arbitrator recognizes that, at first sight, this approach might seem to open the door for abuse because, in circumstances where the FEI cannot prove a violation of the Policy and therefore cannot impose a suspension, it could instead impose a provisional suspension (provided it can at least establish a plausible risk emanating from the person concerned) and maintain such provisional suspension for as long as it would like to permanently suspend the person concerned. Indeed, the longer a provisional suspension is maintained, the more it effectively becomes a permanent suspension (cf. CAS 2021/A/8417, para. 107). However, the Sole Arbitrator finds that the length of a provisional suspension is more properly addressed on the level of proportionality *stricto sensu*, at least where there is no evidence that the provisional suspension was imposed in bad faith to circumvent the otherwise applicable requirements of a permanent suspension. The Sole Arbitrator does not consider that such bad faith has been established here.
79. Turning thus to the question of whether the FEI has established a plausible risk for the welfare of the equestrian community emanating from the Athletes, the Sole Arbitrator finds it appropriate to distinguish between the two Athletes.

(a) First Appellant

80. It is undisputed and was confirmed by multiple witnesses that the First Appellant at least pushed A. in the head. According to the Appealed Decision, which was not called into question by the Appellants in this regard, this was acknowledged by the First Appellant himself, and confirmed by multiple witnesses, including the Second Appellant and further witnesses called by the Appellants.
81. Moreover, multiple witnesses, including some called by the Appellants, have confirmed A.'s statement that he fell to the ground due to the physical contact initiated by the First Appellant. Moreover, the Appellants' uncle confirmed A.'s testimony that he hit the ground with his head. The anonymous witness statement goes in the same direction, even though that witness was unable to identify the persons involved.
82. The Appellants also did not specifically challenge A.'s statement that he was hospitalized for multiple days, required stitches on his head and had light bleeding in his brain.
83. Essentially, therefore, there are only three questions of fact that are in dispute: Firstly, the type of physical contact is contested, namely whether the First Appellant pushed A. with his palms from the front (as the First Appellant claims, supported by multiple witnesses), or rather hit him from behind (as A. claims, supported by the anonymous witness statement, albeit without identification of the persons involved). Secondly, it is disputed whether the physical contact initiated by the First Appellant was a defensive reaction to A. having hit the Second Appellant, or was rather an act of aggression. Thirdly, it is contested whether, when the First Appellant ran away and drove off, he was aware that A. was seriously hurt, and required help (the anonymous witness statement suggests he might have been aware; however, the Appellants and their girlfriends testified before the FEI Tribunal that they did not see A. fall as they ran away immediately after the push, and none of the non-anonymous witnesses was able to confirm that the Appellants had seen A. fall).
84. The Sole Arbitrator finds that he need not resolve these three open factual questions at this stage. Rather, he considers that the FEI has crossed the threshold of establishing a plausible risk to the equestrian community stemming from the First Appellant, because the undisputed facts and evidence available in this arbitration suggest that the First Appellant at least pushed A. in the head and that this resulted in A. falling, hitting his head on the concrete and suffering non-trivial injuries because of it. On this basis, it was not unreasonable for the FEI to assume that there was a risk to the welfare of the members of the equestrian community that required safeguarding measures, even if the precise nature and motivation of the First Appellant's physical act against A., and his awareness at the time of the physical consequences, needed to be further investigated to be able to decide whether to bring a charge.
85. Moreover, the Provisional Suspension imposed against the First Appellant was certainly capable of mitigating the risk that he may harm any other members of the equestrian community. Accordingly, the Sole Arbitrator finds that the Provisional Suspension of the First Appellant was suitable to attain a legitimate goal.

(b) Second Appellant

86. With respect to the Second Appellant, by contrast, the FEI has failed to make any concrete allegation of misconduct. Instead, the initial notification letter, with which the Provisional Suspensions were imposed, referred rather generically and in identical words for both Athletes to them having allegedly been “*involved in a fight*” at the karaoke party and that this resulted in the hospitalization of A. This allegation against the Second Appellant was not in any way particularized in this arbitration, and it does not seem to have been substantiated before the FEI Tribunal either, judging from the summary of the FEI’s position in the Appealed Decision.
87. The Sole Arbitrator also notes that A. filed a criminal complaint only against the First Appellant, not the Second Appellant. The only reference to potential misconduct by the Second Appellant in A.’s written witness statement and the Police Report is that the Second Appellant was allegedly involved in a “*conflict*” or “*fight*” within the venue of the karaoke party. However, A. clarified that “*there was no direct physical attack*” during that fight or conflict. While he stated that he saw a friend of his being pushed, he did not specify by whom. Moreover, none of the other witnesses have reported anything that could amount to a violation of Articles 2.2, 2.6 and 2.7 of the Policy.
88. In view of the foregoing, the FEI has failed to establish any plausible risk that the Second Appellant would pose to the equestrian community. As a result, the FEI has not succeeded in establishing that the Provisional Suspension of the Second Appellant was suitable to mitigate a safeguarding risk emanating from the Second Appellant. For this reason alone, the Provisional Suspension imposed on him must be immediately lifted.
- ii. Necessity
89. As mentioned above, the burden is on the FEI to establish that there were no measures it could have taken that would have been less restrictive on the Athletes but would have been equally suitable to mitigate the risk to the welfare of the members of the equestrian community. While this requires the proof of a negative fact, under the applicable Swiss law this does not result in a shifting of the burden of proof to the counterparty. Instead, according to the Swiss Federal Tribunal, the counterparty is under a certain duty of cooperation to avoid procedural unfairness (see CAS 2011/A/2386, paras. 102-106; CAS 2017/A/5045, paras. 106-109). Therefore, while the Appellants do not bear the burden of proving alternative measures that the FEI could have imposed, a paucity of sufficiently plausible alternatives presented to the Sole Arbitrator may assist the FEI in meeting its burden of proof (cf., albeit in a different context, CAS 2011/A/2386, para. 111; CAS 2019/A/6443 & 6593, para. 181; CAS 2024/A/10655, para. 103).
90. The FEI has argued that given the seriousness of the alleged physical abuse and the existence of an ongoing investigation, the FEI determined that no less severe measure would provide equivalent protection. The Athletes, in turn, have submitted that in light of the off-field nature of the incident, the FEI should have taken a more targeted response such as education, warnings, or event-specific conditions, rather than broad and long-term competition bans.

91. It is not entirely beyond doubt whether the FEI has established the necessity of an unrestricted ban, even as spectators, from any competition or event organized or authorised by the FEI or any of its national federations. It has remained undisputed that the Athletes have never been investigated, let alone charged or sanctioned, for any violation of the Policy, or of any other disciplinary rules, in relation to their participation in (or attendance as spectators of) any equestrian competition. There is likewise no suggestion that the Athletes ever tried to influence or threaten any persons that may act as witnesses in the FEI's current investigation. In those circumstances, it does not appear excluded that less far-reaching measures might have sufficed.
92. There is also a question mark regarding the scope of the Provisional Suspensions. Article 164.6 (b) of the FEI GR, which was appended to the notifications of the Provisional Suspensions to the Athletes, explicitly allows the FEI to bar persons from "*participating or attending, in any capacity, including as a spectator, any Competition or Event [...] that is authorised or organised by the FEI or any National Federations*". This is precisely the scope of the Provisional Suspensions as described in their notification to the Athlete. In fact, the relevant wording in the notifications to the Athletes is almost identical the above-quoted part from Article 164.6(b) of the FEI GR.
93. As is clear from Chapter I of the FEI GR, the term "*Competition or Event*" refers to various sporting competitions. However, Article 164.6(b) of the FEI GR additionally allows for a suspension from "*any activities related to*" such Competitions or Events. Such additional term would seem broad enough to cover a side-event such as the karaoke party at the CSI Samorin. It is unclear to the Sole Arbitrator why the Provisional Suspensions were limited to the participation/attendance of sporting competitions, i.e. occasions in relation to which the Athletes were never accused of any wrongdoing, whereas they were not imposed in relation to activities related to such competitions, i.e. precisely the type of occasion in relation to which the Athletes are now investigated.
94. That said, the Sole Arbitrator considers that the necessity (or not) of the Provisional Suspensions does not fall to be decided. Even if the Sole Arbitrator were to give the FEI the benefit of the doubt or accept a margin of appreciation on the FEI's part in this regard, the FEI would still need to show that the Provisional Suspensions were proportionate *stricto sensu*. For the reasons set out in the following section, the FEI has not succeeded in doing so.

iii. Proportionality *stricto sensu*

95. In the present case, there are essentially two competing interests at stake. On the one hand, the FEI invokes its interest in protecting the physical integrity and mental well-being of the equestrian community. The Sole Arbitrator does not hesitate to find that this is an interest of utmost importance, and that in view of its role as the governing body for the sport, the FEI can fully rely on this interest even though it concerns the protection of third parties.

96. On the other hand, the Athletes invoke their interest in being able to compete in their sport. Indeed, the right to practice sport is regarded as a fundamental right in both sports law instruments and human rights instruments (see, in particular, para. 4 of the Fundamental Principles of Olympism enshrined in the Olympic Charter and Article 1.1 of the International Charter of Physical Education, Physical Activity and Sport proclaimed by UNESCO). A suspension from sporting competitions is likely the harshest measure that could be imposed on any athlete (see CAS 2022/A/8856, para. 169). It follows that athletes have a legitimate interest not to be subjected to a suspension unless they have committed serious wrongdoing.
97. The FEI argues that given the importance of its interest in safeguarding the welfare of the equestrian community, this interest must necessarily override the Athletes' interest in being able to compete in equestrian competitions. The Sole Arbitrator finds that this argument misconceives the balancing exercise to be conducted in the framework of proportionality *stricto sensu*. This exercise is not limited to assessing, in the abstract, the importance of the interests at stake, and to give unconditional preference to the interest that is more important. Were this the case, one could justify *any* measure, for *any* period of time, as long as it can be shown that such measure pursues even in the slightest way the interest in safeguarding the welfare of the equestrian community. Quite obviously, this is not the case.
98. Instead, the balancing of interests must be specific to the facts of the individual case, taking into account all relevant circumstances. This may, depending on the circumstances, result in a specific measure being disproportionate even if the objective pursued by it is, in the abstract, more important than the interests adversely affected by the measure. This does not mean that the abstract importance of the interests at stake do not matter. To the contrary, precisely because of the utmost importance of safeguarding the equestrian community from physical and mental harm, the Sole Arbitrator finds that even relatively small risks may justify safeguarding measures, at least certain measures and at least for a certain while. However, for the following reasons, the Sole Arbitrator considers that, on balance, the Provisional Suspensions are disproportionate *stricto sensu*.
99. Firstly, the Sole Arbitrator finds that the more severe the safeguarding measure imposed is, the higher the safeguarding risk must be to justify the measure taken. As mentioned, the suspension from any and all sporting competition is arguably the most severe safeguarding measure that the FEI could have imposed. Accordingly, the FEI needs to show a correspondingly high risk that the Athletes may in fact cause harm to other members of the equestrian community.
100. It follows that the less compelling the evidence of such violation, the more difficult it is for the FEI to establish a high risk posed by the Athletes – at least in a case where, as here, the risk asserted by the FEI stems exclusively from an alleged past violation of the Policy.
101. In respect of the Second Appellant, the Sole Arbitrator has already ruled that he was not provided with any comprehensible basis for such risk. Accordingly, even if one considered that the Provisional Suspension was a suitable measure also regarding the

Second Appellant, the lack of any substantiated allegation of wrongdoing against the Second Appellant would, at the very least, provide a strong argument against proportionality *stricto sensu*.

102. Regarding the First Appellant, it is effectively undisputed that he resorted to physical violence and that this resulted in significant harm on the part of A. What is in dispute, however, is whether he acted in defence or was himself the aggressor. The Sole Arbitrator is very mindful of the fact that this question is to be ultimately decided on the merits of the case, not in the framework of the present appeal against the Provisional Suspensions. Nonetheless, for the purpose of determining whether the Provisional Suspension imposed on the First Appellant is proportionate *strictu sensu*, the strength of the evidence against him cannot be completely ignored. That said, it suffices for the Sole Arbitrator to note that, for the following two reasons, the evidence presented against the First Appellant in this arbitration is at least not straight-forward.
103. Firstly, there are six witnesses whose testimony (orally before the FEI Tribunal and/or in writing in this arbitration) supports the Athletes' argument that they were the ones under attack (by a larger group of older, aggressive and intoxicated [...] athletes) and that the First Appellant acted in defense of his brother, the Second Appellant. In relation to three of those witnesses, there are no apparent familial or other ties to the Appellants (Ms Tutkova, Mr Serakou and Mr Eren).
104. Secondly, while the FEI relies on the statement of A. and that of an anonymous witness, the Athletes have explicitly objected to the anonymity because it deprives them of the possibility to challenge the credibility of the witness. Also, the Athletes have (correctly) highlighted that the anonymous witness acknowledged that he was unable to identify any of the persons involved in the altercation, that it was very dark and that he was 25-20 metres away from the scene. With respect to A.'s testimony, the Athletes have emphasized that he himself acknowledged having drunk 1.5 litres of beer and that there are certain discrepancies between the Police Report and the statement that he gave to the FEI (even though mostly in the form of not all information being contained in both documents).
105. The Sole Arbitrator notes that the FEI has not materially engaged with those apparent weaknesses of their evidence, instead arguing mainly that A. was hit from behind and that, therefore, it could not have been an act of defence. However, as the First Appellant claims having defended his brother, a hit from behind would not necessarily seem to exclude a defensive nature of the hit.
106. All of the foregoing does not mean that First Appellant did not do what the FEI accuses him of having done, or that the evidence presented in this arbitration by the FEI is insufficient to prove its case on the merits (much less so because the FEI may present additional evidence in proceedings on the merits). As mentioned above, it is not the Sole Arbitrator's task to decide whether the First Appellant has violated the Policy, and the Sole Arbitrator has not formed any view in this regard. Instead, the foregoing observations merely go to show that the evidence presented in this arbitration is not straightforward and that, therefore, the risk of actual harm being inflicted by the First

Appellant on the equestrian community is lower than in cases where it is crystal-clear that the person concerned violated the Policy.

107. Secondly, the Sole Arbitrator accepts the FEI's argument that the alleged misconduct having occurred outside the field of play does not mean that this misconduct is any less severe, or even irrelevant. However, the Sole Arbitrator also accepts the Athletes' argument that the alleged misconduct happened in a rather specific situation that is unlikely to be reproduced during a competition: It was around midnight, people were partying, at least some of the persons involved were intoxicated, there had already been some type of altercation inside the building, and there was then another encounter in the dark outside. To be very clear, none of this could justify the wrongdoing that the First Appellant is accused of, if he has in fact committed such wrongdoing. It does, however, reduce the forcefulness of the assumption implicitly underlying the Provisional Suspensions, namely that an athlete who causes physical harm to another athlete in the above-described circumstances is likely to pose a threat to others also during the very occasions for which the Provisional Suspensions were imposed, namely sporting competitions. This is not to say that the alleged wrongdoing would not evidence an aggression potential that needs to be taken into account when deciding on the necessity of safeguarding measures. It is, however, not the same situation as if a person is banned from the same type of situation in which the alleged wrongdoing occurred.
108. Thirdly, the Athletes have already been subject to the very severe consequence of being banned from their sport for more than eight months at the time of writing of this award, and are still being investigated by the FEI for potential disciplinary infractions and, in the case of the First Appellant, by the Slovakian police for potential criminal behaviour. In the Sole Arbitrator's view, those consequences further reduce the likelihood of any misconduct pending the outcome of the FEI's investigations. This holds true even more as the Athletes' young age (15 and barely 18 at the time of the CSI Samorin) suggests that they are more easily impressed or influenced by such measures and investigations than older persons. This tends to be confirmed by the fact that, according to the Appealed Decision, the Athletes have apologized for what happened, stated that it would not happen again and that they would refrain from going to clubs/parties during competitions (albeit maintaining that the First Appellant merely pushed A. in defence of the Second Appellant and that they did not see A. fall or get hurt).
109. Fourthly, even if one assumes that the Provisional Suspensions were necessary for lack of any equally effective alternative measures, this does not render irrelevant, for the purposes of proportionality *stricto sensu*, the availability of alternative measures that would not have been as severe for the Athletes, but would have still significantly reduced the safeguarding risk determined by the FEI. For instance, the FEI could have considered provisionally banning the Athletes solely from activities related to the sporting competitions, but not the sporting competitions themselves, given that the risk of harm would seem to be higher in settings as the karaoke party organized in connection with the CSI Samorin. The FEI could also have ordered the Athletes to refrain from initiating any contact with other Athletes on the occasion of the sporting competitions and could have banned them from any parts of the competitions that go beyond the sporting activity as such (e.g. opening or medal ceremonies). The Sole Arbitrator fails to see why such, or other, more limited measures would not have been possible under

the broad wording of Article 7.1 of the Policy (“*provisional measures*”), still assuming *arguendo* that the lack of clarity as to the preconditions for imposing any provisional measures does not result in the lack of any sufficiently clear legal basis in any case (see para. 71 above).

110. Fifthly, even if one considered that a complete ban from all competitions was a proportionate response at the time the FEI was informed of the allegations against the Athletes, the Sole Arbitrator considers that the time element is particularly important in this case. The longer a provisional suspension is maintained, the more it affects the person(s) concerned, meaning that the onus of justifying such provisional measure becomes more stringent over time. Moreover, as alluded to above (para. 78), the instrument of a provisional suspension must be truly provisional in nature (CAS 2021/A/8417, para. 107), not least to avoid any undermining of the stricter requirements for a permanent suspension.
111. Especially because a provisional suspension is the most extreme provisional measure available against athletes, it is incumbent on the FEI to move fast with its investigation and to either bring a charge or decide not to bring a charge as soon as possible. The Sole Arbitrator is not unsympathetic to the FEI’s argument that a cross-border investigation is not easy for it to conduct. However, for an international sports federation, every investigation into misconduct that does not happen to have occurred in the country of its seat will be cross-border. Also, the fact that the FEI does not, of course, have the same investigatory powers as public law enforcement agencies, is true for any disciplinary case, and has been taken into account by some CAS tribunals in the assessment of the evidence (see, e.g., CAS 2009/A/1920, para. 85; CAS 2013/A/3256, para. 281). Of course, sports governing bodies are free to decide that they would like to wait for the outcome of any police investigation, or even any criminal proceeding, before taking any disciplinary action, as reflected also in Article 5(2) of the Policy. However, they are certainly not forced to do so. If they make that choice, they cannot use this choice as a justification for an excessive duration of a provisional suspension.
112. In the present case, as mentioned above, the Athletes have been provisionally suspended for more than eight months at the time of writing of this award. There is no indication that the FEI intends to lift this provisional suspension anytime soon. In particular, the FEI has indicated that it may want to wait for the conclusion of the police investigation in Slovakia, before even deciding whether to bring a charge. There is, however, no indication whatsoever when this may be the case. To the contrary, in his emails to the FEI, A. has indicated that he does not know what the status is, other than that he was scheduled to be interviewed (again) by the police on 23 February 2026 (for the avoidance of doubt, the Sole Arbitrator has not been provided with any update on the status of the investigation since). Moreover, the FEI has argued that it is still trying to convince other witnesses, who are allegedly afraid of retaliation, to agree to their witness statements being used in a disciplinary case against the Athletes. However, it is quite unclear whether those witnesses may still change their mind, if the FEI has not succeeded in convincing them in the last eight months.
113. In those circumstances, the Sole Arbitrator considers it disproportionate to maintain the Provisional Suspensions. He is mindful of the well-established CAS jurisprudence

whereby CAS panels should not ‘tinker’ with sanctions imposed by the previous instances, but should amend sanctions only if they are “*evidently and grossly disproportionate to the offence*” (see, *ex multis*, CAS 2009/A/1870, para. 125; CAS 2011/A/2645, para. 44; CAS 2015/A/3874, para. 202). However, apart from the fact that the applicability of this jurisprudence (which is not unanimous) is not straightforward in cases as the present one where the existence of any offence has not yet been established, the Sole Arbitrator considers that the lifting of the Provisional Suspensions is plainly not a case of tinkering with a sanction. Due to the circumstances described above, it would be evidently and grossly disproportionate to keep the Athletes provisionally suspended.

114. Finally, the Sole Arbitrator wishes to be very clear: The lifting of the Provisional Suspensions should not be interpreted as an indication that the Sole Arbitrator considers the alleged violation of the Policy not to have occurred or, if it can be established to have occurred, not to call for a suspension that may exceed (by far) the time that the Athletes have now been provisionally suspended. Instead, the present decision merely means that, based on the record before him, it is not proportionate to continue provisionally suspending the Athletes from all competitions. As a matter of course, it remains open to the FEI to bring charges and seek a permanent suspension. Equally, this award does not pass judgment on any less restrictive provisional measure that the FEI may impose, or on any new provisional suspension that may be imposed based on a material change in circumstances.

## **IX. COSTS**

(...)

## **ON THESE GROUNDS**

### **The Court of Arbitration for Sport rules that:**

1. The appeal filed by Rodrigo Szuhai Jr and Gyula Szuhai Jr against the decision rendered by the FEI Tribunal on 24 November 2025 is partially upheld.
2. The provisional suspensions imposed by the FEI on Rodrigo Szuhai Jr and Gyula Szuhai Jr on 6 August 2025 are lifted with immediate effect.
3. (...).
4. All other motions or prayers for relief are dismissed.

Seat of arbitration: Lausanne, Switzerland

Date: 11 May 2026

## **THE COURT OF ARBITRATION FOR SPORT**

Heiner Kahlert  
Sole Arbitrator