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Athleten
Deutschland e.v.

International Paralympic Committee (IPC)

Mr. Andrew Parsons, President

Dr Mike Peters, CEO

- by e-mail -

August 24, 2020

Open Letter: Reinstatement of all Wheelchair Basketball Athletes for the 2020 Tokyo Games

Dear Mr. Parsons,
dear Dr Peters,

Athlete Groups have taken note of the International Paralympic Committee's (IPC's) [public statement](#) dated 31 January 2020. According to this statement, the International Wheelchair Basketball Federation (IWBF) should have reassessed the eligibility of wheelchair basketball players with sport classes 4.0 and 4.5 by May 2020. The COVID-19 pandemic has since led to a postponement of the 2020 Tokyo Games. The reassessment process has been extended to all athletes before the games with a final conclusion of this process yet to be confirmed. We understand that based on such reassessment, the IPC reserves its rights to exclude individual athletes from participation at the 2020 Tokyo Games. We also understand that wheelchair basketball has for now been removed from the 2024 Paris Games pending compliance of the IWBF with the IPC's requests.

Athletes and athlete groups have submitted numerous requests for interim athlete representation and consideration of the athletes' interests. These requests remained unanswered. To date, wheelchair basketball athletes have not been party to any discussions between the IPC and the IWBF regarding eligibility for the 2020 Tokyo Games. These athletes have sacrificed and worked tirelessly for years to qualify for the 2020 Tokyo Games. They had been assessed by the IWBF and found to be eligible for participation in IWBF competitions. Based on the IWBF's eligibility decisions, they have qualified with their respective teams for the 2020 Tokyo Games. The IWBF had reassured them repeatedly through December 2019 that all athletes who qualified for Tokyo will be eligible to play.

We understand that the IPC and the IWBF have opposing views with respect to the implementation of the IPC's Classification Code by the IWBF. However, the IPC Classification Code applicable for the 2020 Tokyo Games became effective on 1 January 2017, while compliance with such Classification Code by the federations was required by 1 January 2018. Prior to the 6 July 2020 [IPC statement](#), we were without background knowledge regarding the actions taken to ensure



IWBF's compliance. Rather, it appears that the IPC remained inactive for two years and threatened the IWBF months ahead of the originally scheduled 2020 Tokyo Games.

The IPC Athlete Classification Code provides that "*the IPC will take appropriate action to ensure compliance with the Code and International Standards by its Members, including by withholding some or all funding of International Federations and National Paralympic Committees in case of non-compliance*" (12.2 and 12.2.3). Only as a last resort and next option, it allows to "*suspend [...] membership and rights to participate in the Paralympic Games of organizations that are not in compliance with the Code*" (12.2.4). As demanded in the "Third consultation round 2015", which was part of the establishment of the IPC Athlete Classification Code, the IPC membership desires specific rules to ensure eligibility and code changes are only possible immediately after a Paralympic Games. Thus, the exclusion of individual athletes after the completion of the qualification for the 2020 Tokyo Games is illegal and violates the athlete's fundamental rights.

The IPC is not legally permitted to exclude individual athletes who have qualified for the 2020 Tokyo Games and whose eligibility under the IWBF's classification rules has not been formally contested. Further, the IPC is not legally permitted to exclude Wheelchair Basketball from the Tokyo Paralympic Games in its entirety so shortly before the beginning of the event. In addition, the IPC has not exercised the option to suspend the IWBF and manage the sport on an interim basis and has thus not exercised its discretion in a reasonable and justifiable manner. The fact that this option has not been presented to athletes illustrates the urgent need for independent athlete representation.

A broad consensus exists among athletes and legal advisors internationally that the belated reassessment of certain players is unlawful and grossly violates the athletes' rights. Thus, not only need the IPC's attempts to be vigorously opposed from an ethical, but also a legal perspective. The issue must be resolved expeditiously. The athletes will oppose any attempts by the IPC to exclude athletes who have rightfully qualified, and who have been declared eligible by the IWBF for the 2020 Tokyo Games. The IPC does not have any right to instrumentalize the athletes for its dispute with the IWBF as it was – if at all – solely the IWBF's failing to comply while athletes had no representation model and thus ability to be involved or informed.

On behalf of the athletes, we, the signatories, urge the IPC to agree to a transitional period ahead of Tokyo 2020 and find a solution to the matter with credible and effective athlete representation. In this respect, we request a meeting and kindly invite the IPC to reply to this letter, including possible suggestions for an amicable settlement, by no later than September 7, 2020.

Signed,

AthletesCAN

United States Olympic and Paralympic Committee Athletes' Advisory Council

Global Athlete

NOC*NSF Athletes Committee

Athleten Deutschland e.V.