



MEDIA RELEASE

ATHLETICS

THE COURT OF ARBITRATION FOR SPORT (CAS) PARTIALLY UPHOLDS THE APPEAL OF BLAKE LEEPER

Lausanne, 26 October 2020 - The Court of Arbitration for Sport (CAS) has issued its decision in the arbitration procedure between the US bilateral transtibial amputee sprinter Blake Leeper and World Athletics (formerly the International Association of Athletics Federations (IAAF)) concerning the decision taken by World Athletics (WA) on 18 February 2020 denying Blake Leeper's application to wear the prostheses he currently used in competition in pursuit of his qualification for the 2020 Olympic Games under IAAF Rule 144.3(d) (the Challenged Decision).

On 27 February 2020, Blake Leeper filed an appeal at the CAS requesting that the CAS Panel reverse the Challenged Decision and determine that the Rule was invalid and unenforceable as applied to him; and that he was therefore eligible to qualify for and compete using his current prostheses, with his results treated no differently to those of able-bodied athletes, in all WA-sanctioned 400m events, including WA Series competitions and the Olympic Games.

The CAS Panel partially upheld the appeal, determining that Rule 6.3.4 of the WA Technical Rules (former IAAF Competition Rule 144.3(d)) (the Rule) is unlawful and invalid to the extent that it places the burden of proof upon an athlete desiring to use a mechanical aid to establish that the use of such mechanical aid will not provide the athlete with an overall competitive advantage over an athlete not using such an aid.

However, having considered the significant evidence put forward by the parties during the hearing and in their written submissions, the CAS Panel concluded that WA had a legitimate objective in pursuing the Rule, in the sense that the Rule was intended to (a) permit disabled athletes to compete against able-bodied athletes while using mechanical aids that compensate for the effect of their disability, but (b) to prevent disabled athletes from competing against able-bodied athletes with mechanical aids that do more than compensate for the effect of their disability.

Following this conclusion, the Panel determined that WA bore the burden under the Rule to establish on a balance of probabilities that Blake Leeper derived an overall competitive advantage from the use of the particular running-specific prostheses. In this regard, the Panel considered the extensive evidence put forward by the parties' experts and concluded that the running-specific prostheses used by Blake Leeper indeed gave him an overall competitive advantage in the 400m event over an athlete not using such a mechanical aid since they enabled him to run at a height that was several inches taller than his maximum possible height if he had intact biological legs. Accordingly, the Panel ruled that Blake Leeper may not use his particular running-specific prostheses WA-sanctioned 400m events, including WA Series competitions and the Olympic Games.



The parties had initially agreed to expedite the proceedings in order for the Panel to issue its decision by 1 May 2020. Following the postponement of the 2020 Olympic Games, the parties agreed that an expedited procedure was no longer necessary or appropriate.

The arbitration was conducted by a panel of CAS arbitrators composed of James Drake QC (UK), President, Klaus Reichert SC (UK) and Murray Rosen QC (UK) who held a hearing by videoconference with the parties and their experts, witnesses and legal representatives on 13 and 15 July 2020.

The final award with grounds will be published on the CAS website on or before 28 October 2020.