



Tribunal Arbitral du Sport
Court of Arbitration for Sport

PRESS RELEASE

ATHLETICS – CASE OSCAR PISTORIUS V/ IAAF

THE APPEAL FILED BY OSCAR PISTORIUS UPHELD BY THE COURT OF ARBITRATION FOR SPORT

Lausanne, 16 May 2008 – The Court of Arbitration for Sport (CAS) has upheld the appeal filed by the South African athlete, Oscar Pistorius, against the decision rendered by the IAAF Council on 14 January 2008.

Accordingly, the IAAF Council's decision of 14 January 2008 is revoked with immediate effect and the athlete is eligible to compete in IAAF events whilst wearing the Össur Cheetah Flex-Foot prosthetics, as used in the scientific tests requested by the IAAF and presented as an exhibit at the CAS hearing.

Since a young age, Mr Pistorius has walked using prosthetic limbs and now uses 'cheetah' prosthetics in his athletics races. Mr Pistorius wishes to compete in IAAF events and also in the Beijing Olympic Games. However, in January 2008, following the results of a specially commissioned scientific study, the IAAF Council declared that his 'Cheetah' prosthetics constitute a 'technical device' pursuant to Rule 144.2 (e) of the IAAF Competition Rules that provides the user with an advantage over other athletes not using such a device. It considered therefore that Mr Pistorius did not comply with the conditions required to participate in competitions held under IAAF Rules.

In early February 2008, Mr Pistorius filed an appeal against this decision with the Court of Arbitration for Sport. A panel of CAS arbitrators was constituted to decide the matter and was composed of Professor Martin Hunter (President of the Panel) from London, England, Mr Jean-Philippe Rochat, Attorney-at-law in Lausanne, Switzerland and Mr David W. Rivkin, Attorney-at-law in New York, USA. A brief profile of each arbitrator can be found on the CAS website (www.tas-cas.org/arbitrators-genlist).

The CAS Panel has determined that the IAAF did not meet its burden of proof that Rule 144.2 (e) is contravened by Oscar Pistorius. On the basis of the evidence brought by the experts called by both parties, the Panel was not persuaded that there was sufficient evidence of any metabolic advantage in favour of a double-amputee using the Cheetah Flex-Foot. Furthermore, the CAS Panel has considered that the IAAF did not prove that the biomechanical effects of using this particular prosthetic device gives Oscar Pistorius an advantage over other athletes not using the device.

The CAS Panel has emphasised that the scope of application of this decision is limited to the eligibility of Oscar Pistorius only and, only, to his use of the specific prosthesis in issue in this appeal. It follows

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that this decision has no application to the eligibility of any other athletes or any other model of prosthetic limb.

Finally, the CAS Panel does not exclude the possibility that, with future advances in scientific knowledge, and a testing regime designed and carried out to the satisfaction of both Parties, the IAAF might in the future be in a position to prove that the existing *Cheetah Flex-Foot* model provides Oscar Pistorius with an advantage over other athletes.

The full award, with the grounds is published on the CAS website (www.tas-cas.org/recent-decision).

For further information related to the CAS activity and procedures in general, please contact Mr. Matthieu Reeb, Secretary General, tel : +41 21 613 50 00; fax : +41 21 613 50 01 or consult the CAS website : www.tas-cas.org.