

To the CSAPH and the signatories to
the CSAPH letter of 16 January 2012

Bonn, 24 January 2012
XG/IPC

Dear Paralympians, Para-athletes and CSAPH Representatives,

Thank you for your letter of 16 January and the athlete letters of support that were sent along with it. The IPC appreciates the information and the arguments that you have put forward.

The IPC position as outlined in my letter of 12 January has been arrived at after very careful thought. The IPC Legal and Ethics Committee has spent 100s of hours over many years considering the issues and in particular the effect of the various Court judgments that have been pronounced. These Court judgments provide a clear and reliable account of the events that have taken place with regard to the CPC/CSOPD dispute since the end of 2004.

In the process of this litigation the Judges at various levels of the Czech Civil Court system have heaped significant blame on the management of the CPC and the former President of the CSOPD. Of course none of the athletes are implicated in the dispute or blamed for causing such damage to the Paralympic Movement in the Czech Republic. We fully recognize that athletes are suffering as a consequence of a failure of leadership. It cannot be ignored that CSAPH is part of the leadership of the CPC by virtue of its membership of the CPC Executive Committee.

Therefore the management of CSAPH must also take some degree of responsibility for the current situation. In order to fully appreciate the background and the difficulties faced by the IPC, the athletes who have signed your letter need to realize that CSAPH is not an entirely innocent

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party and the CSAPH involvement in the decision to expel CSOPD in May 2010 is a specific and particularly regrettable event.

There seems to be a misunderstanding arising from my previous letter. The IPC is not insisting on the immediate removal of CSAPH from membership of the CPC. IPC only wishes to point out that as a matter of theory if we were to place the CSOPD back into the position it should have been in for the past years (based on the Court's analysis and ruling) then there would be no place for the CSAPH in the membership of the CPC. I accept that we have to seek a pragmatic solution that takes account of the reality of the situation in 2012, not how things were in 2004/2005. The IPC would be satisfied with a solution whereby both CSOPD and CSAPH continue in membership for a transitional period. We do not see it as the permanent answer, but it can be part of a temporary solution.

The key requirement is that CSOPD is admitted back into membership of the CPC in a real way. CSOPD must not be discriminated against; this practice must end. CSOPD must have equal votes with the other members. We do not approve the current situation where CSOPD and CSAPH hold one vote each with the other members holding two. CSOPD must be able to access funding on an equitable basis. And there must be a real level of engagement with the management of CSOPD so that their democratic voice is heard.

Until these matters are achieved I am afraid the IPC will continue the suspension of the CPC from its membership of the IPC with the consequences for Paralympic Games participation outlined in my previous letter. The IPC has in fact made great efforts over the years to avoid this situation where the participation of Czech athletes at the Paralympic Games is seriously threatened. We do not see the same level of commitment from the respective responsible sport bodies within the Czech Republic.

The CSAPH was established to replace the CSOPD according to the findings of the District Court for Prague 6 in their Judgement of 12 May 2011, and that would seem to be everybody's understanding. Therefore it is inevitable that there will be some consequence for the CSAPH if, as has now happened, the Courts rule that CSOPD should never have been excluded from membership in the first place. In this sense CSAPH cannot remain neutral but must now feature in any agreed solution.

The IPC cannot accept your statement that CSAPH has acted '*as [a] non-conflict, neutral sports body and that its officials so far had watched the conflict among the CPC and the CSOPD from the position of passive observers.*' That statement is clearly not true in that it cannot be reconciled with your active participation in the meeting of the Executive Committee of the CPC that took place at the offices of CSTV on the 19 May 2010. At

that meeting you were represented by Mr Victor Zapletal. Mr Zapletal voted, with all the other members, to expel CSOPD for non-payment of membership fees, fees that had only been asked for three days before and which on any basis should never have been demanded. This action was taken after the CSOPD had won many Court cases and had been temporarily reinstated as a member of the CPC as a consequence. This decision to expel CSOPD has subsequently been overturned by the Prague District Court on 12 May 2011 and was described by the Judge as plainly illegal and unfair (as there are many interested parties copied to this letter I attach the relevant Judgement because a reading of it provides clear evidence of the mala fides of the parties that passed the expulsion motion on 19 May 2010). The 2010 resolution to expel CSOPD was clearly an act of aggression designed to continue the fight; it had nothing to do with finding a solution. It had the effect of continuing the litigation process for a further 12 months and delaying the possibility of a solution for almost two years.

Mr Zapletal is a signatory to your recent letter. He is described as the Head Coach of the CSAPH cycling team, according to your website he is a CSAPH Vice-Chairman. As such Mr Zapletal should have the interests of the athletes at heart, yet on the 19 May 2010 he participated in an action designed to discriminate against the CSOPD when he must have known that it would lead to more litigation, more fighting, more expense, and the risk that the IPC would be forced to conclude that the CPC was not in good standing.

The IPC asked that this May 2010 resolution be rescinded at the time, a request that was totally ignored in favour of more litigation. This was one of the most regrettable episodes in the whole history of the dispute and the CSAPH was as responsible as any other party. It was not 'neutral' and 'passive' as you now suggest.

The fact that CPC voted to expel CSOPD in May 2010 has created a huge workload for the IPC. It meant that we had to engage resources that could have been used more positively for the Paralympic Movement. Against this factual background it is wrong for you to criticize the IPC for not sufficiently recognizing the interests of the Czech athletes, the first people with responsibility for the interests and welfare of the Czech athletes are the sport bodies within the Czech Republic that purport to represent these athletes.

In your letter you suggested that it may seem to the IPC as though the CSAPH was a non-functioning body, artificially established by the CPC to which the athletes were forced to join so that they may get financial support and nomination to major events. That has indeed been part of the perception and it finds some support in the Court Judgement of 12 May

2011. We are prepared to accept that CSAPH has a different character and is genuinely the representative body for a significant number of athletes, who wish to continue in membership of the CSAPH. In this context we note the impressive list of athletes that have placed their faith in the CSAPH.

The CPC has deliberately excluded one of its members and the CSAPH has been an active party to at least one illegal and undemocratic decision in this context. In so doing the rights of the CSOPD have been violated and the democratic principles that are a requirement of membership of the IPC have been ignored in favour of a form of political self-interest. The CPC has adopted different tactics to achieve an illegitimate end, and they are apparently unrepentant even now. However unfair it is on the Czech athletes the IPC cannot recognize such an organization as a participating member until it can demonstrate that it has completely changed its ways.

We note that the CPC will hold an Executive Committee meeting this Wednesday (25 January) and I hope that following this meeting the CPC, CSOPD and CSAPH can jointly propose a solution. The IPC cannot solve your problems; it is time for the CPC and its members to come up with a permanent and acceptable solution that recognizes the primacy of your Civil Courts and the rights of the CSOPD as a member of the CPC.

We expect all parties to act reasonably and it would be wrong for the CSOPD, or any other party, to hold the process hostage by unreasonably withholding their consent. However any solution needs to protect the CSOPD from further and continued discrimination, and it needs to be reasonably satisfactory to them.

It appears that there is an opportunity this week to solve this situation if CPC, CSOPD and CSAPH can together reach an agreement that satisfies IPC's requirements. It is your joint responsibility to do this; it is your collective failure over all these years that threatens the interests of the Czech Paralympic athletes, not the decision of the IPC to suspend the CPC.

A copy of this letter will be sent to the CPC and the CSOPD so that they are aware of its contents. Deputy Minister Kocourek and Dr Anna Putnova, Chair of the Science, Education, Culture, Youth and Sport Committee of the Czech Parliament are also copied.

Yours sincerely,



Xavier Gonzalez
Chief Executive Officer
International Paralympic Committee