



March 15, 2023

Namibia Rugby Union
Lichtenstein Street, Windhoek
9000 Namibia
Attn: President Bradley Basson
theogrunewald@hotmail.com

President Basson:

I write on behalf of the Tel Aviv Heat, our client at the Louis D. Brandeis Center for Human Rights under Law. As you may know, the World Rugby Union ("WRU") is investigating the Heat's discriminatory exclusion from the Mzansi Challenge by the South African Rugby Union ("SARU").¹ Discriminating against competitors based on their nationality or country violates the WRU Bye-Laws.

We write because we understand that a team from your Union, the Windhoek Draught Welwitschias, is intending to compete in the Challenge. We trust that you are aware that WRU regulations provide that Unions could be subject to sanction for participating in tournaments that violate WRU Bye-Laws. We, therefore, appeal to your sense of justice to respectfully ask you to use your voice to oppose the discriminatory exclusion of the Heat.

As you are undoubtedly aware, WRU member unions undertake to abide by WRU Bye-laws.¹ When joining WRU, a member union agrees to "Provide a declaration of opposition to any discrimination on the grounds of race, national or social origin, sex, politics, religion or creed" before being accepted as an Associate Member,² and again before being accepted as a Full Member.³

¹ World Rugby Union, Bye-laws, Bye-law 4(a).

² World Rugby Union, World Rugby Membership Pathway and Criteria, Art. 1.2.

³ World Rugby Union, World Rugby Membership Pathway and Criteria, Art. 2.3.

Bradley Basson
March 15, 2023
Page 2 of 3

According to the WRU By-laws, Unions may be sanctioned for Misconduct, including:

acts or statements that are, or **conduct that is, discriminatory by reason of** religion, race, sex, sexual orientation, disability, colour or **national or ethnic origin**[.]⁴

Similarly, member unions are bound by the WRU Code of Conduct, which again prohibits national origin discrimination, banning:

[...] anything which is likely to intimidate, offend, insult, humiliate or **discriminate against any other Person on the ground of their** religion, race, sex, sexual orientation, colour or **national or ethnic origin**.⁵

Finally, member unions may not take actions which “adversely affect[]” another WRU member union.⁶ Excluding a team from a member union from competition because of its nationality would undoubtedly have a significant negative impact.

As you are also likely aware, a WRU “Match, Series of Matches, tour or tournament” that violates the Bye-Laws is considered unofficial, and the Unions of participating rugby teams may be “liable to sanction.”⁷

In this case, discrimination against the Heat is also harming Namibian rugby. Two members of the Namibian national team, Prince Gaoseb and Max Katjijeko, play for the Heat and are being victimized by SARU’s decision. We further note Namibia’s Constitutional prohibition on discrimination.⁸

We, therefore, respectfully request that you uphold the anti-discrimination provisions of the World Rugby Union by denouncing the discriminatory exclusion of the Tel Aviv Heat from this Mzansi Challenge and strongly reaffirming your commitment to the principle of universal, equal competition to SARU.

⁴ World Rugby Union, Regulations, Regulation 18.4(c) (emphasis added).

⁵ WRU Code of Conduct, Article 1.12 (emphasis added).

⁶ WRU Code of Conduct, Article 1.13.

⁷ WRU Regulations, Article 16.2.8.

⁸ Constitution of the Republic of Namibia, Article 10.

Bradley Basson
March 15, 2023
Page 3 of 3

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Traldi', with a stylized flourish at the end.

Arthur Traldi
Senior Counsel