



Tribunal Arbitral du Sport  
Court of Arbitration for Sport

**CAS 2017/A/5175 IAAF v. ADAK, AK & BENJAMIN NGANDU NDEGWA**

## **PARTIAL ARBITRAL AWARD**

**delivered by the**

## **COURT OF ARBITRATION FOR SPORT**

**sitting in the following composition:**

President: Mr. Jeffrey Benz, attorney-at-law in Los Angeles, USA  
Arbitrators: Mr. Lars Hilliger, attorney-at-law in Copenhagen, Denmark  
Ms. Blondel Thompson, Barrister in Birmingham, United Kingdom

**in the arbitration between**

**International Association of Athletics Federations (IAAF), Monaco**

Represented by Mr Ross Wenzel and Mr Nicolas Zbinden, attorneys-at-law with Kellerhals Carrard, Lausanne, Switzerland

**Appellant**

**and**

**Anti-Doping Agency of Kenya (ADAK), Nairobi, Kenya**

Represented by Mr Erik Gekonde Omariba, attorney-at-law in Nairobi, Kenya and Ms Damaris Ogama Alukwe, Anti-Doping Agency of Kenya, Nairobi, Kenya

**First Respondent**

**Athletics Kenya (AK), Nairobi, Kenya**

Represented by Mr Elias Masika, attorney-at-law with Tripleoklaw LLP Advocates, Nairobi, Kenya

**Second Respondent**

**Benjamin Ngandu Ndegwa, Kenya**

Represented by Mr Allan Odongo, attorney-at-law with Waithaka & Associates Advocates,  
Nairobi, Kenya

**Third Respondent**

## ON THESE GROUNDS

### The Court of Arbitration for Sport rules that:

1. The appeal filed by the International Association of Athletics Federations on 2 June 2017 is upheld.
2. The Decision rendered by the Sports Dispute Tribunal of the Republic of Kenya on 13 April 2017 is set aside.
3. Mr Benjamin Ngandu Ndegwa is sanctioned with a four-year period of ineligibility starting on the date of this Partial Award.
4. All competitive results obtained by Mr Benjamin Ngandu Ndegwa from and including 6 June 2015 to the date of this Partial Award are disqualified with all resulting consequences, including forfeiture of any medals, points and prizes.
5. The costs of the arbitration, the parties' legal and other costs incurred in connection with the present proceedings shall be determined in a further Award.

Seat of arbitration: Lausanne, Switzerland  
Date: 17 November 2017

## THE COURT OF ARBITRATION FOR SPORT



Jeffrey Benz  
President of the Panel