



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