

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	Kimobo Altitude RFC vs. Shamberere Nat Poly RFC		
Player's Club	Kimobo	Competition	Nationwide Western
Date of match	23 November 2024	Match Venue	Kapsokwany Boys High School, Kapsokwany
Rules to apply	REGULATION 17 WORLD RUGBY HANDBOOK & KENYA RUGBY UNION'S DISCIPLINARY CODE & RUGBY XV's COMPETITION MANUAL		

PARTICULARS OF OFFENCE			
Player's surname	Naibei	D.o.B / Age	04Jan2005 / 19yr.
Forename(s)	Victor		
Referee Name	Tony Lusweti	Plea	Admitted <input checked="" type="checkbox"/> Not admitted <input type="checkbox"/>
Offence	9.18 A player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground.	SELECT: Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other <input checked="" type="checkbox"/> If "Other" selected, please specify: Two YELLOW CARDS leading to automatic RED CARD <input checked="" type="checkbox"/>	
Summary of Sanction	The Judicial Officer categorised the RED CARD (as defined in the KRU Rugby XV's Competition Manual – Appendix Rules 20/21/22) as low-end on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a four (4) week/match suspension. In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 23 November 2024. No award was made as to costs.		

HEARING DETAILS			
Hearing date	03 Dec 2024, 10:30 hr.	Hearing venue	On-line Meeting
Chairman/JO	Aggrey Chabeda		
Other Members of Disciplinary Committee			
Appearance Player	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	1. McCann Evans – TM, Kimobo 2.	Disciplinary Officer and/or other attendees	1. Alfred Okwemba: - KRRA 2. Kevin Wambura: KRU – League Fixtures & Competitions
List of documents/materials provided to Player in advance of hearing	1. 241203 Notice of Disciplinary Hearing – Victor Naibei 2. 241203 Notice of Disciplinary Hearing - Victor Naibei - email 3. 241203 JKUAT Kimobo vs. Shamberere - Victor Naibei - Send-off & Match Sheet		

KENYA RUGBY UNION - DISCIPLINARY DECISION

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/DVD FOOTAGE

Referee's Report on Ordering-off

Refer to detailed "Referee's Report on Ordering Off" as attached.

1. In the 25th minute of the match, Shamberere National Polytechnic ball-carrier (not identified) was in a potential scoring position when he was tackled above the shoulder line by Kimobo Altitude player No.7, Victor Naibei.
2. A penalty try was awarded (see match sheet) and a YELLOW Card issued to Kimobo Player No.7 who was temporarily suspended.
3. The tackled player was assessed and he passed to resume play.
4. In the 78th minute of the match during an open play, Kimobo Player No. 7 tackled an opponent driving him to the ground with his shoulder.
5. This led to a second YELLOW Card issued to Kimobo Player No. 7 and a temporary suspension automatically upgraded to an ordering-off by upgrading the card to a RED.

Disciplinary Designated Officer / Citing Commissioner's Report

1. Not Applicable

Match Sheet

Match Sheet, attached, confirms:

1. Team A (Kimobo) Player No. 7 Kimobo Player Victor Naibei received two YELLOW CARDS, in the 25th minute and again in the 78th minute of a Nationwide Western League match between Kimobo and Shamberere, resulting in a temporary suspension and ordering-off of the player.

DVD Footage

1. No DVD footage was presented.

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

Medical

1. No medical report was presented – the Referees report indicated the Shamberere player was able to resume play immediately.

SUMMARY OF PLAYER'S EVIDENCE

The player: Victor Naibei

1. Not present

Player Representative - McCann Evans - Team Manager, Kimobo:

1. Confirmed that he had authority to represent the player.
2. Admitted the charge on behalf of the player
3. Promised that he would ensure that the offence would never happen again
4. Player apologised to the tackled player after the match

KENYA RUGBY UNION - DISCIPLINARY DECISION

FINDINGS OF FACT

KRRS Representative - Alfred Okwemba

- 1. No Comment

Match Officials

- 1. Not present

KRU Official – Kevin Wambura

- 1. No comment

JO’s Comments

- 1. Match Sheet:
 - a. All necessary information and key moments save for **substitutions** are captured.
 - b. Highly commended
- 2. Referee’s Report:
 - a. All information necessary is well captured.
 - b. The Referees summary of the incident is detailed and clear.
 - c. Excellent report.

JO’s Decision

The Judicial Officer categorised the RED CARD (as defined in the KRU Rugby XVs Competition Manual – Appendix Rules 20/21/22) as **low-end** on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a four (4) week/match suspension.

In accordance with the R.17.19.10 and in line with the player’s schedule, he will serve suspension from 23 November 2024.

No award was made as to costs.

DECISION

Breach admitted	Proven	Not proven	Other disposal (please state)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

KENYA RUGBY UNION - DISCIPLINARY DECISION

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.18.1(a & b) (or equivalent Tournament rule)	
Intentional/deliberate <input type="checkbox"/>	Reckless <input type="checkbox"/>
State Reasons	
The tackler had no realistic chance of gathering the ball in the air.	
Gravity of player’s actions - R 17.18.1(b) (or equivalent Tournament rule)	
Potential serious injury to opponent	
Nature of actions - R 17.18.1(c) (or equivalent Tournament rule)	
Existence of provocation - R 17.18.1(d) (or equivalent Tournament rule)	
None	
Whether player retaliated - R 17.18.1(e) (or equivalent Tournament rule)	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
The tackled player was assessed and he passed to resume play	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
A penalty try was awarded to the opponents in the first incident	
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)	
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)	
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)	
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)	
Reportedly apologised to the tackled player after the match	

KENYA RUGBY UNION - DISCIPLINARY DECISION

ASSESSMENT OF SERIOUSNESS CONTINUED					
KINDLY REFER TO ATTACHED DOCUMENTS – PLAYER SANCTIONS (LAST PAGE)					
9.18 A player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground.					
<u>Low end</u>	<u>Weeks / Matches</u>	<u>Mid-range</u>	<u>Weeks / Matches</u>	<u>Top-end*</u>	<u>Weeks /</u>
<input checked="" type="checkbox"/>	6 (Four)	<input type="checkbox"/>	10 (Ten)	<u>Matches</u>	<input type="checkbox"/> 14 (Fourteen) to 52(Fifty Two) Max

Notes

1. *If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.
2. Appendix 2 - WORLD RUGBY SANCTIONS FOR FOUL PLAY (REGULATION 17): Any act of foul play which results in contact with the head shall result in at least a mid-range entry point sanction.
3. In making this assessment, the JO/Committee should consider World Rugby Regulations 17.18.1(a), 17.18.1(g), and 17.18.1(h) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
Not Applicable

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS
Player’s status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
1. First offender
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
1. Yes
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
1. None

Number of additional weeks:

One (1)

KENYA RUGBY UNION - DISCIPLINARY DECISION

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record/good character – R 17.19.1(b) (or equivalent Tournament rule)
1. Admitted the breach immediately	1. First offender
Youth and inexperience of player – R 17.19.1(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.1(d) (or equivalent Tournament rule)
1. Inexperienced	1.
Remorse and timing of remorse – R 17.19.1(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.1(f) (or equivalent Tournament rule)
1. Player expressed remorse.	

Number of weeks deducted:

Weeks Three (3) – See Regulation 17.19.2 below for maximum

17.19.2 Subject to Regulations 17.19.3 and 17.21.1, for acts of Foul Play the Disciplinary Committee or Judicial Officer cannot apply a greater reduction than 50% of the relevant entry point suspension (prior to any increase for aggravating factors). In assessing the percentage reduction applicable for mitigating factors, the Disciplinary Committee or Judicial Officer shall start at 0% reduction and apply the amount, if any, to be allowed as mitigation up to the maximum 50% reduction.
The total sanction below replaces the automatic one-match ban for a RED CARD sending-off.

SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	Entry point = 6 weeks Mitigating factors = 3 week Aggravating factors = 1 week Total after aggravating & mitigating = 6 - 3 + 1 = 4 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	23 November 2024	
Sanction concludes	KRU sanctioned Match weekends in which sanctioned player’s Team participates (as per Kenya Rugby Union Disciplinary Code & Tournament Participation Rules for 15s tournaments.	
Matches/tournaments included in sanction	Nationwide Western League.	

Costs	None
-------	------

Signature (JO or Chairman)	 Aggrey Chabeda	Date	03 December 2024
----------------------------	---	------	------------------

NOTE: YOU HAVE **7 (SEVEN) DAYS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE KRU COMPETITIONS DEPARTMENT – R 17.22.2(a) (or equivalent Tournament rule)



Referee's Report on a Temporary Suspension

OFFICIATING

Player's Union	Kimobo Altitude			Player Number	7	
Full Name of Player	Victor Naibei					
Venue	Kapsokwony High school			Date of Incident	23 Nov 2024	
Match Result	Kimobo Altitude	03	pts	Shamberere National Poly	53	pts

Nature of Offence: (Please indicate appropriate offence)

Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>	Law	<input checked="" type="checkbox"/>
3.7		9.7 (d)		9.12		9.17		9.20 (c)		9.25	
4.7		9.8		9.13	<input checked="" type="checkbox"/>	9.18		9.21		9.26	
9.7 (a)		9.9		9.14		9.19		9.22		9.27	
9.7 (b)		9.10		9.15		9.20 (a)		9.23		9.28	
9.7 (c)		9.11		9.16		9.20 (b)		9.24			

Please give a short description of the Law

A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders.

Period (of game when incident occurred):	1 st Half	<input checked="" type="checkbox"/>	2 nd Half		Extra time		Elapsed time in half			
Proximity of Official(s) to incident	4						metres			
Score at that time	Kimobo Altitude			00	pts	Shamberere National Poly		07	pts	
Had any cautions been issued to	a) Individual	Yes		No	<input checked="" type="checkbox"/>	b) General	Yes		No	<input checked="" type="checkbox"/>
Was the Player ordered off further to the report of an Assistant Referee? (If yes, a separate form may need to be completed and submitted by the assistant referee)	Yes						No	<input checked="" type="checkbox"/>		

Referee's Name	Tony Lusweti			Union	WWRS	
----------------	--------------	--	--	-------	------	--

Please give a detailed report below (PLEASE WRITE CLEARLY)

The attacking player was about to score in open play when the opponent, No. 7, tackled him above the shoulder line. I immediately stopped the game and issued No. 7 a temporary suspension. The tackle was assessed and he resumed to play.

Signed	T.L			Date	23 Nov 2024	
--------	-----	--	--	------	-------------	--

THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH

NOTE TO PLAYER: You may challenge this Temporary Suspension within **48 hours (15s) / 12 hours (7s)** of its notification to you by giving notice to the Designated Disciplinary Official and, ordinarily, specifying reasons



Referee's Report on a Temporary Suspension

OFFICIATING

Player's Union	Kimobo Altitude			Player Number	7		
Full Name of Player	Victor Naibei						
Venue	Kapsokwony High school			Date of Incident	23 Nov 2024		
Match Result	Kimobo Altitude	03	pts	Shamberere National Poly	53	pts	

Nature of Offence: (Please indicate appropriate offence)

Law	✓	Law	✓	Law	✓	Law	✓	Law	✓	Law	✓
3.7		9.7 (d)		9.12		9.17		9.20 (c)		9.25	
4.7		9.8		9.13		9.18	X	9.21		9.26	
9.7 (a)		9.9		9.14		9.19		9.22		9.27	
9.7 (b)		9.10		9.15		9.20 (a)		9.23		9.28	
9.7 (c)		9.11		9.16		9.20 (b)		9.24			

Please give a short description of the Law

A player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground.

Period (of game when incident occurred):	1 st Half		2 nd Half	X	Extra time		Elapsed time in half		
Proximity of Official(s) to incident	5						metres		
Score at that time	Kimobo Altitude			03	pts	Shamberere National Poly		53	pts
Had any cautions been issued to	a) Individual	Yes	X	No	b) General	Yes	X	No	
Was the Player ordered off further to the report of an Assistant Referee? (If yes, a separate form may need to be completed and submitted by the assistant referee)	Yes						No	X	

Referee's Name	Tonny Lusweti			Union	WWRS		
----------------	---------------	--	--	-------	------	--	--

Please give a detailed report below (PLEASE WRITE CLEARLY)

During an open play, Player No. 7 tackled an opponent, driving him to the ground with his shoulder. This led to the match being stopped as I issued a temporary suspension to the player, having previously warned him for similar foul play.

Signed	T.L			Date	23 Nov 2024		
--------	-----	--	--	------	-------------	--	--

THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH

NOTE TO PLAYER: You may challenge this Temporary Suspension within **48 hours (15s) / 12 hours (7s)** of its notification to you by giving notice to the Designated Disciplinary Official and, ordinarily, specifying reasons

KENYA RUGBY UNION
MATCH SHEET

30001

Match	Team A: <u>Kimbo Altitude</u>	Team B: <u>Shamboro N. Poly</u>	Tournament: <u>National wide</u>	Venue: <u>Kapitiwari High</u>										
	Full Time: A <u>03</u> v B <u>52</u>	Half Time: A <u>00</u> v B <u>21</u>	Date: <u>23/11/2024</u>	Kick-off Time: <u>3:20PM</u>										
Referee:	Name: <u>Felix Lusweti</u> Country: <u>Kenya</u>	AR1 Name: _____ Country: _____	AR2 Name: _____ Country: _____	Match Commissioner: _____										
Team A Name, Surname	Team B Name, Surname	Score sequence. Please indicate shirt number, time, score and event												
		FIRST HALF:				SECOND HALF:								
		No.	Team	Time	Event	Score		No.	Team	Time	Event	Score		
						A	B					A	B	
Collins Kibel	1. Philip Oloyo													
Jevica Kiplimo	2. Ely Makotsi													
Tan Moturu	3. Godwin Juma	7	B	25	P.T	00	07		B	46	T	00	05	
Harrison Kilonjo	4. Lewis Kipruto		A	25	T	00	00		B	46	C	00	02	
Kean Kimani	5. John Oluoch		B	31	T	00	05		A	55	P	03	00	
Ricky Chemel	6. Joseph Jimbay		B	32	C	00	02		B	58	T	00	05	
Victor Harber	7. Irwin Lusweti		B	39	T	00	05		B	72	T	00	05	
Stephen Briand	8. Brian Kikaya		B		C	00	02		B	75	T	00	05	
Talheh Kasani	9. Timothy Wajida								B		C	00	02	
Sumaria Othman	10. Kevin Kipkor								B	78	T	00	05	
Samson Pwang	11. John Friedrich								B		C	00	02	
Collins Ngunjiri	12. Othman Edwin								7	A	78	T	00	00
Moses Kavin	13. Baraka Jam													
Wesley Kibel	14. Alwin Simotwo													
Robert Njoroge	15. Peter Wanjau													
Brian Kimani	16. Olo Othman													
Kesth Kibonyo	17. Benson Mwangi													
Wesley King	18. Robert Mutahi													
Joseph Ndlovu	19. Rishid Juma													
Collins Mwangi	20. Victor Mwangi													
Jeremiah Arora	21. Lawrence Wangala													
	22. Job Wangala													
	23. Andrew Bwana													
Signed TM:	Signed TM:	Match Commissioner Comments:		Weather:		Pitch Condition:								
		Other Comments:												
		Signed:												

00-21

03-31

TO BE COMPLETED BY MATCH COMMISSIONER AND SENT TO KRU SECRETARIAT WITHIN 48 HOURS AFTER THE MATCH

NOTICE OF DISCIPLINARY HEARING - VICTOR NAIBEI (KIMOBO ALTITUDE TEAM) - 3RD DECEMBER 2024, 1030HRS

KRU Competitions

Mon 2 Dec, 20:22 (2 days ago)

to evans, Daniel, Duncan, george, Willy, me, Kennedykipsisei@gmail.com, Kimoboaltitude23@gmail.com, Thomas, alfred.okwemba@kenyareferees.co.ke, victor.oduor@kenyareferees.co.ke, Kevin

Greetings Evans and the entire Kimobo Altitude Team Rugby family,

Subject matter refers.

We are in receipt of a sending off report for the above-named player, Victor Naibei from the Western A Nationwide league match between Kimobo Altitude Team and The Shamberere Nat'l Poly on the 23rd November, 2024 at Kapsokwony High School Grounds.

Guided by the KRU Regulations 19.6 all the way to 19.10, a virtual disciplinary hearing has therefore been slated for the 3rd December 2024 at 10.30am.

Find attached the notice of disciplinary hearing, the match sheet and the sending off reports. The link to the hearing is also attached:

G.M Ndemi is inviting you to a scheduled Zoom meeting.

Topic: KRU DISCIPLINARY HEARINGS

Time: Dec 3, 2024 09:00 AM Nairobi

Join Zoom Meeting

<https://us02web.zoom.us/j/85096297818?pwd=W6r62vcoFHdyKbabH5ofF0qWN2lxgQ.1>

Meeting ID: 850 9629 7818

Passcode: 507025

Find your local number: <https://us02web.zoom.us/j/85096297818?pwd=W6r62vcoFHdyKbabH5ofF0qWN2lxgQ.1>

Kind Regards,

Competitions Department, Kenya Rugby Union
Tel: +254724 256 179 /733 256 179 | www.kru.co.ke
RFUEA Grounds Ngong Road

NOTICE OF DISCIPLINARY HEARING



Position: Victor Naibei
Club: Kimobo Altitude Team
Date Time: 3rd December 2024, 10.30am
Place of hearing: Virtual (Zoom Hearing)
Reason: DISCIPLINARY HEARING
Match: Kimobo Altitude Team vs Shamberere Nat'l Poly (23rd November 2024)

Notes:

- The player/official shall attend the hearing in person.
- If the player/official is unable to attend the hearing, he should advise the **Competitions Administrator at competitions@kru.co.ke** immediately.
- The Player/Official is entitled to adduce evidence and make submissions, be represented by his Club and/or a legal advisor and may bring witnesses to the hearing.
- The Official is not eligible to play/manage rugby activities pending the final resolution of the case.
- During the hearing, the Judicial Officer will review the evidence and receive the official submissions and evidence, including hearing from any witnesses.
- In advance of the hearing, the Player/official and/or his advisors/Club should review the incident on the Union's/Host clubs copy of the DVD (per the time marker indicated on the report) if available. The Player/official should also review the regulations of the world rugby.
- The Player/official should be prepared with any arguments he may wish to present, including for the purposes of sanctioning, with respect to off-field mitigating factors (on-field mitigating factors are considered in setting the entry point in regulations) and/or the absence of any aggravating factors.
- The official should bring with him a copy of his disciplinary record in all rugby (Fifteens and Sevens at all levels, including, for the avoidance of doubt, international, junior and Club) and other sports if relevant. If a copy is not available, the Player shall inform the Judicial Officer orally of his disciplinary record when requested. The Player should be careful not to make any inaccurate or misleading statements in this regard.

Competitions Administrator - competitions@kru.co.ke

Attached documents: Team Sheet, Match Officials' Reports