

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	Western Bulls RFC vs. Daystar Falcons RFC		
Player's Club	Daystar Falcons RFC	Competition	Championship
Date of match	09 March 2024	Match Venue	ASK Grounds, Kakamega
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	Amukwachi	D.o.B / Age	14 March 2001 / 23 yr.
Forename(s)	Clinton		
Referee Name	Alumasa Bonfotra	Plea	Admitted <input checked="" type="checkbox"/> Not admitted <input type="checkbox"/>
Offence	9.12: A player must not physically abuse anyone. Physical abuse includes, but is not limited to: punching or striking with hand, arm, elbow or shoulder	SELECT: Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify: Two YELLOW CARDS leading to automatic RED CARD	
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 mid-range on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a six (6) week/match suspension . In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 09 March 2024. No award was made as to costs.		

HEARING DETAILS			
Hearing date	20 March 2024, 10:00 hr.	Hearing venue	On-line Meeting
Chairman/JO	Aggrey Chabeda		
Other Members of Disciplinary Committee			
Appearance Player	YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	1. Caleb Bosire – Coach, Daystar Falcons 2. John Yidah – Sports & Recreation Assistant, Daystar	Disciplinary Officer and/or other attendees	1. Alfred Okwemba: Pres., KRRRA 2. Brian Onyiego: KRU – League Fixtures & Competitions Admin
List of documents/materials provided to Player in advance of hearing	1. 240309 Match Sheet – Western Bulls vs. Daystar Falcons 2. 240309 Referee's Report – Clinton Amukwachi – Daystar Falcons 3. 240318 Notice of Hearing - Clinton Amukwachi – Daystar Falcons 4. 240318 Notice of Hearing (Email) - Clinton Amukwachi – Daystar Falcons		

KENYA RUGBY UNION - DISCIPLINARY DECISION

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

Referee's Report on Temporary Suspension & Sending-off

Refer to detailed "Referee's Report on Temporary Suspension" as attached.

1. The YELLOW card was shown to Daystar Player No.7 Clinton Amukwachi in the second half of the match.
2. Daystar Player No.7 bit an unidentified Western Bulls player on the shoulder that had successfully tackled No.7 Daystar and brought him to ground. The incident happened as the tackler was rolling away.
3. The Match Referee quoted "9.27: A player must not do anything that is against the spirit of good sportsmanship including but not limited to":

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

4. Daystar Player No.7 punched an unidentified Western Bulls player on the chest following a ruck.
5. A second YELLOW card was shown to Daystar Player No.7 and upgraded to a RED card.

Disciplinary Designated Officer / Citing Commissioner's Report

1. Not Applicable

Match Sheet

1. Match Sheet, attached, confirms Team B (Daystar Player No7), Clinton Amukwachi received TWO YELLOW CARDS at 13:14hr and 13:37hr respectively during the second-half of a Championship match between Western Bulls and Daystar Falcons. The second Card resulted in a RED CARD Ordering-off.
2. The Match kicked-off at 12:00hr.

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 is silent on any action relating to treatment or condition of the victim.

SUMMARY OF PLAYER'S EVIDENCE

The player:

1. Admitted the charge immediately
2. Expressed remorse

Player Representative – Caleb Bosire – Coach:

1. Was sorry for what had happened.
2. Apologised on behalf of Daystar Falcons
3. Endeavoured to ensure that the player understood the gravity of his actions and would not repeat such conduct in the future.

Daystar University Representative – John Yidah – Sports & Recreation Assistant, Daystar:

1. Was sorry for what had happened.
2. Apologised on behalf of Daystar University
3. Assured JO that the University took such matters seriously
4. Had talked to the player and warned him about the repercussions in the event of such conduct in the future.
5. Explained that the player risked losing his scholarship with Daystar and asked for leniency.

KENYA RUGBY UNION - DISCIPLINARY DECISION

FINDINGS OF FACT

KRRS Representative - Alfred Okwemba

1. No comment

Match Officials

1. Not present

JO's Comments

1. YELLOW CARD No.1 was serious foul play, biting an opponent, and warranted a RED CARD. However, it was only brought to attention of the JO to enable him to assess the full picture as a second YELLOW CARD was issued to the same player resulting in a RED CARD ordering off of the Player. In the absence of citation of the player, the JO decided he would disregard the potential punishment for the player's act of foul play but take into account that he had received a YELLOW CARD in the same match.
2. The presence of a University official and his comments regarding the risk of the player losing his scholarship were taken into account – it resulted in an extra 1 week deduction from his sanction as mitigation.
3. Match Sheet:
 - a. Times and incident for all key moments. I commend the quality of information on the Match Sheet.
 - b. AR1 & AR2 not named
4. Referee's Report:
 - a. Players aggrieved were not identified in both YELLOW CARD incidents.
 - b. It was not indicated whether the two incidents affected the match in any way, for example – was the player treated, did he resume play? The omissions should be addressed by KRRU.

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 **mid-range** on the scale of seriousness and having considered aggravating and mitigating circumstances imposed upon the player a **six (6) week/match suspension**.

In accordance with the R.17.19.10 and in line with the player's schedule, he will serve suspension from 09 March 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 checked="" type="checkbox"/>	Reckless <input type="checkbox"/>
State Reasons	
Gravity of player’s actions - R 17.18.1(b) (or equivalent Tournament rule)	
Potential injury to opponent’s head	
Nature of actions - R 17.18.1(c) (or equivalent Tournament rule)	
Existence of provocation - R 17.18.1(d) (or equivalent Tournament rule)	
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)	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
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)	

KENYA RUGBY UNION - DISCIPLINARY DECISION

ASSESSMENT OF SERIOUSNESS CONTINUED					
KINDLY REFER TO ATTACHED DOCUMENTS – PLAYER SANCTIONS (LAST PAGE)					
9.12: A player must not physically abuse anyone. Physical abuse includes, but is not limited to: punching or striking with hand, arm, elbow or shoulder					
<u>Top end*</u>	<u>Weeks / Matches</u>	<u>Mid-range</u>	<u>Weeks / Matches</u>	<u>Low-end</u>	<u>Weeks / Matches</u>
<input type="checkbox"/>	6+ (Six)	4 (Four)		<input checked="" type="checkbox"/>	2+ (Two)

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.
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
1. Yes – the player demonstrated a repetitive pattern, having committed an act of foul play earlier that resulted in him getting a YELLOW CARD but which, if Cited, would have been upgraded to a RED CARD with even tougher sanctions.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
1.

Number of additional weeks:

Two (2)

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. Good disciplinary record
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.	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.	The risk of the player losing his scholarship – mitigated by a University official

Number of weeks deducted:

Two (2) – See Regulation 17.19.2 below for maximum mitigation

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 Aggravating factors = 2 week Mitigating factors = - 2 week Total after aggravating & mitigating = 6 + 2 - 2 = 6 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	09 March 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 7s tournaments).	
Matches/tournaments included in sanction	As per KRU Calendar Kenya Cup, Enterprise Cup	

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

Signature (JO or Chairman)	 Aggrey Chabeda	Date	20 March 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)

KENYA RUGBY UNION
MATCH SHEET

30001

Match		Team A: WESTERN BULLS	Team B: DRYSTAR FALCONS	Tournament: CHAMPIONSHIP	Venue: ASK GAROUNDS			
Referee:	Name: ALUMASA BOHSTRÖM	Country: KENYA	Half Time: 0 A 5 B	Date: 9/03/2024	Kick-off Time: 12:00 PM			
Team A: BULLS	Team B: DANSTAR	First Name, Surname	ARI Name: A	ARI2 Name: B	Match Commissioner:			
1. BRIAN MUKANIKA	1. Collins Ngumbo		Score sequence. Please indicate shirt number, time, score and event					
2. BRETTY KAMANI	2. Mike Oduoy		FIRST HALF:					
3. KEVIN MUNDRESSEH	3. Mwikite Oduetu		No.	Team	Time	Event	Score	
4. ELVIS WAKA	4. Geshonda Njaisani		8	B	12:26	T	00	05
5. BRIAN OKUTE	5. Nathan Tsindidi							
6. SAIDI OJIEKO	6. Fredius Orendi							
7. SAMUEL WREDELA	7. Clinton Amukwago							
8. JOHN BARAKA	8. Trevor Kijoko							
9. ERASTUS WANYAMR	9. Clinton Kijoko							
10. ALLAN KRISTI	10. Sos-Peter Ndumir							
11. EMANUEL EDEBHA	11. Arnold Ayenda							
12. REINHARD ASHOYA	12. Augustine David							
13. BAN KIBET	13. Eric Sande							
14. MESHACK OKARI	14. Samuel Aduaruu							
15. GASCOIGNE MUGANI	15. Eddu Nambiyu							
16. MIKE OMONI	16. Geshonda Njaisani							
17. ERIC LOGEDI	17. Geyford Njaisi							
18. ALAN INGEOSI	18. Peter Oduoy							
19. SAMMY OUYANG'EL	19. Gagar lebet							
20. VICTOR MURITHI	20. Mestack Ochieng							
21. DERRICK MURILLI	21. John Oliele							
22. KELVIN MANKUKU	22. Anthony Okayo							
23. JACKSON MANKUKU	23. James Masava							
Signed TM:	Signed TM:		Match Commissioner Comments:	Pitch Condition:	GOOD			
TO BE COMPLETED BY MATCH COMMISSIONER AND SENT TO KRU-SECRETARIAT WITHIN 48 HOURS AFTER THE MATCH		Weather: Sunny						
Other Comments:		Score: 19 08						

P O BOX 48322, 00100, Nairobi, Kenya. Mobile: +254 733 256179 / 735 256179 / 724 256179 / 714 256179. Email: info@kru.co.ke / kenyarugbyunion@gmail.com

DISTRIBUTION: WHITE - REFEREE, PINK - HOME TEAM, YELLOW - AWAY TEAM



Referee's Report on a Temporary Suspension

OFFICIATING

Player's Union	KRU	Player Number	7
Full Name of Player	CLINTON AMUKWADHI		
Venue	KALAMEGA STADIUM	Date of Incident	9/03/24
Match Result	W. BULLS	19 pts	DANSTAR 08 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 (c)		9.10		9.14		9.19		9.24	
4.7		9.7 (d)		9.11		9.15		9.20		9.25	
9.7 (a)		9.8		9.12	<input checked="" type="checkbox"/>	9.16		9.21		9.26	
9.7 (b)		9.9		9.13		9.17		9.22		9.27	<input checked="" type="checkbox"/>
Please give a short description of the Law						9.18		9.23		9.28	

A player must not do anything that is against the spirit of good sportsmanship.

Period (of game when incident occurred):	1 st Half	<input checked="" type="checkbox"/>	2 nd Half	<input type="checkbox"/>	Extra time	<input type="checkbox"/>	Elapsed time in half	
Proximity of Official(s) to incident	7 metres							
Score at that time	W. BULLS	00 pts	DANSTAR	05 pts				
Had any cautions been issued to	a) Individual	Yes	No	<input checked="" type="checkbox"/>	b) General	Yes	No	<input type="checkbox"/>
Was the Player ordered off further to the report of an assistant referee? <i>(If yes, a separate form may need to be completed and submitted by the assistant referee)</i>	Yes						No	<input checked="" type="checkbox"/>

Referee's Name	AKUMASA BORTFORA	Union	KRU
----------------	------------------	-------	-----

Please give a detailed report below (PLEASE WRITE CLEARLY)

Player number 7 of Danstar bit an opponent Western Bulls player on the shoulder. This incident happened in the middle of the pitch on the centre line five metres from the touch line. Bulls player had tackled number 7 and in the process of rolling away and getting up he was bitten. This was a misconduct and player number 7 was shown a yellow card.

Signed		Date	10/03/24
--------	--	------	----------

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 receipt by giving notice to the Designated Disciplinary Official and, ordinarily, specifying reasons



Referee's Report on an Ordering Off

OFFICIATING

Player's Union	KRU	Player Number	7
Full Name of Player	CLINTON AMUKWADHI		
Venue	KAVAMEGA STADIUM	Date of Incident	9/03/24
Match Result	W. BULLS	19 pts	DAYSTAR 08 pts

Nature of Offence. (Please indicate appropriate offence)

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

A Player must not physically or verbally abuse anyone.

Period (of game when incident occurred):	1 st Half	2 nd Half	✓	Extra time	Elapsed time in half	
Proximity of Official(s) to incident	5 metres					
Score at that time	W. BULLS	12 pts	DAYSTAR	08 pts		
Had any cautions been issued to	a) Individual	Yes	No	b) General	Yes	No
Was the Player ordered off further to the report of an assistant referee? <small>(If yes, a separate form may need to be completed and submitted by the assistant referee)</small>	Yes	✓	No			

Referee's Name	ALUMASA BOTFOTRA	Union	KRU
----------------	------------------	-------	-----

Please give a detailed report below (PLEASE WRITE CLEARLY)

Player number 7 of Daystar punched an opponent Western Bulls player 5 metres to the goal line. This happened from a ruck, that had formed 5 metres to the goal line and 15 metres from the touchline. The punch landed on the player's chest. The player Clinton Amukwadhi had returned from the sin bin after a previous offence. He was shown a second yellow card and a red card.

Signed		Date	10/03/24
--------	--	------	----------

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

NOTICE OF DISCIPLINARY HEARING - CLINTON AMUKWACHI (DAYSTAR FALCONS), 10AM - 20TH MARCH 2024 VIA ZOOM

Inbox

Search for all messages with label Inbox

Remove label Inbox from this conversation

K

KRU Competitions

18 Mar 2024, 15:01 (17 hours ago)

to daystarfalconsrugby@gmail.com, Bosire, daystarfalconswomenrugby@gmail.com, george, Duncan, Daniel, Willy, me, secretary@kenyareferees.co.ke, Thomas, Leslie

Greetings Bosire and the entire Daystar Falcons Rugby family,

Subject matter refers.

We are in receipt of a sending off report for the above-named player, Clinton Amukwachi.

Guided by the KRU Regulations 19.6 all the way to 19.10, a disciplinary hearing has therefore been slated for 20th March 2024 at 10am.

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 JUDICIAL DISCIPLINARY HEARING

Time: Mar 20, 2024 10:00 AM Nairobi

Join Zoom Meeting

<https://us02web.zoom.us/j/86347664587?pwd=SFdsQUdVbkxhZU12dENlV3pQL3lnZz09>

Meeting ID: 863 4766 4587

Passcode: 709270

Kindly purpose to attend the hearing without fail.

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: Clinton Amukwachi (Player)
Club: DAYSTAR FALCONS
Date Time: 20th March 2024 (10am)
Place of hearing: Virtual (ZOOM)
Reason: DISCIPLINARY
Match: Western Bulls vs Daystar Falcons (9th March 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 player/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's 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