

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	Kenya Harlequins RFC vs. Nondescripts RFC		
Player's Club	Kenya Harlequins RFC	Competition	Kenya Cup
Date of match	16 March 2024	Match Venue	RFUEA Grounds, Ngong Road, Nairobi
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	Marrow	D.o.B / Age	06Aug1998 / 25yr.
Forename(s)	Zeden		
Referee Name	Innocent Kimathi	Plea	Admitted <input checked="" type="checkbox"/> Not admitted <input type="checkbox"/>
Offence	9.13: 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.	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, with the benefit of reviewing video footage availed, adjudged that there was Foul Play but it did not merit a RED CARD (as defined in the KRU Rugby XV's Competition Manual – Appendix Rules 20/21/22). The RED CARD was rescinded and the player is free to play immediately . No award was made as to costs.		

HEARING DETAILS			
Hearing date	20 March 2024, 11:30 hr.	Hearing venue	On-line Meeting
Chairman/JO	Aggrey Chabeda		
Other Members of Disciplinary Committee			
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	1. Maggie Nyabila – TM, Kenya Harlequins 2. Wayne Mung'ei – Asst. TM, Kenya Harlequins	Disciplinary Officer and/or other attendees	1. Alfred Okwemba: Pres., KRRA 2. Brian Onyiego: KRU – League Fixtures & Competitions Admin
List of documents/materials provided to Player in advance of hearing	1. 240316 Match Sheet – Kenya Harlequins vs. Nondescripts 2. 240316 Referee's Report – Zeden Marrow – Kenya Harlequins 3. 240316 Video Clip - Zeden Marrow - Kenya Harlequins.mp4 https://drive.google.com/file/d/1UGjmmhYLgqketHNTaPn1LYWFRSvsQe/view?usp=drive_link 4. 240318 Notice of Hearing - Zeden Marrow – Kenya Harlequins 5. 240318 Notice of Hearing (Email) - Zeden Marrow – Kenya Harlequins		

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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. The RED card was shown Kenya Harlequins Player No.11 Zeden Marrow in the 27th minute of the match.
2. Kenya Harlequins Player No.11 tackled unidentified Nondescripts player no.6 Brian Amaita above the line of the shoulders.
3. The Match Referee referred to WR Sanction "9:12: A player must not physically abuse anyone. Physical abuse includes, but is not limited to stamping or kicking":

Disciplinary Designated Officer / Citing Commissioner's Report

1. Not Applicable

Match Sheet

Match Sheet, attached, confirms:

1. Team A (Kenya Harlequins) Player No.11 Zeden Marrow received a RED CARD in the 27th minute of a Kenya Cup match between Kenya Harlequins and Nondescripts.

DVD Footage

1. DVD footage was presented. - https://drive.google.com/file/d/1UGjmmhyLgiqketHNTaPn1LYWFRSvsQe/view?usp=drive_link

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:

Stated that:

1. He apologised for the incident
2. He had no intention of hitting the opponent on the head
3. The ball-carrier slipped as he was moving forward at speed, resulting in a very low body position at the point of impact.

Player Representative – Wayne Mung'ei – Asst. Team Manager, Kenya Harlequins:

1. The tackle was accidental and apologised for the incident.

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FINDINGS OF FACT

KRRS Representative - Alfred Okwemba

Following review of video footage, he stated that:

1. As Player No.11, Zeden Marrow of Kenya Harlequins committed himself to tackle Player No.6 of Nondescripts, the latter was accelerating forward and slipped, resulting in a tackle above the line of the shoulders.
2. In his opinion, the tackle above the line of the shoulders could not have been avoided, and therefore, while a foul was committed, the RED CARD threshold was not met.

Match Officials

1. Not present

JO's Comments

1. Match Sheet:
 - a. All necessary information and key moments and timing, including **substitutions** have been captured. Highly commended!
2. Referee's Report:
 - a. Players' teams were identified by their shirt colours – this should be avoided and the teams named .
 - b. The Referees Report did not indicate whether the incident affected the match in any way, for example – was the player treated, did he resume play?

JO's Decision

The Judicial Officer, with the benefit of reviewing video footage availed, adjudged that **there was Foul Play but it did not merit a RED CARD** (as defined in the KRU Rugby XVs Competition Manual – Appendix Rules 20/21/22). The RED CARD was rescinded and **the player is free to play immediately**.

No award was made as to costs.

DECISION

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

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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	
Accidental due low position of victim as a result of a slip	
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)	

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ASSESSMENT OF SERIOUSNESS CONTINUED					
KINDLY REFER TO ATTACHED DOCUMENTS – PLAYER SANCTIONS (LAST PAGE)					
9.12: 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.					
<u>Low end</u>	<u>Weeks / Matches</u>	<u>Mid-range</u>	<u>Weeks / Matches</u>	<u>Top-end*</u>	<u>Weeks /</u>
<input type="checkbox"/>	2 (Two)	<input type="checkbox"/>	6(Six)	<u>Matches</u>	<input type="checkbox"/> 10+ (Ten) 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.
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
1.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
1.

Number of additional weeks:

Nil (0)

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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.
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. Respectful at hearing
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 (0) – 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 = 0 weeks Aggravating factors = 0 week Mitigating factors = 0 week Total after aggravating & mitigating = 0 + 0 - 0 = 0 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	16 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	None – player free to play	

Costs	None
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Signature (JO or Chairman)	 Aggrey Chabeda	Date	20 March 2024
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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

1552

Match	Team A: Kenya Harlequins V. Team B: Handerscribb	Tournament: Kenya Cup	Venue: RFMEA
	Full Time: A 20 v B: 26.	Half Time: A 13 v B: 07	Date: 16/02/2024
Referee:	Name: Innocent Kimathi Country:	ARI Name: Kevin Klambugu Country:	AR2 Name: Enoch Amadi Country:
Team A: First Name, Surname	Team B: First Name, Surname	Match Commissioner: Xilik'i Ombiri	

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
1. Mohammed Khaidor	1. Collins Odiam'												
2. Adam Mugo	2. Bonface Odhiambo	15	B	3:34	T	-	05		B	0:0:00	S 1/17	-	-
3. Meshack Tunnech (18)	3. Bonface Amimo	14	B	4:34	C	-	07	03	A	03:42	T	18	-
4. Michael Ongaroto	4. Hillary Barasa	10	A	20:52	P	03	07	10	A	4:40	C	20	-
5. Charlton Mokus	5. Ryan Odwa	6		26:05	r 20	-	-		A	6:35	S 9/21	-	-
6. Albert Atela	6. Brian Amaitira	11		26:25	R	-	-	13	A	7:40	Y	-	-
7. Laban Kipsurs	7. Fred Churia	10	A	34:38	P	06	-	19	B	10:55	T	-	12
8. Sheldon Kahi	8. Steve Odhiambo	9	B	37:24	Y	-	-	07	B	16:00	T	-	17
9. Lucky Deboi Dewald	9. Alex Derreux	13	B A	40:14	T	11	-	14	B	16:52	C	-	19
10. Evin Arong	10. Bruce Odhiambo	10	A	40:56	C	13	-		A	17:42	S 15/22	-	-
11. Zedan Mlambo	11. Sankara Wapula								A	17:42	S 6/20	-	-
12. Paul Murtani	12. Benjamin Mwachal								A	17:42	S 4/19	-	-
13. Rickel Kiangila	13. Charles Odhiambo								A	17:42	S 2/16	-	-
14. Charles Kinyanjui	14. Maseti Nyonyia								A	21:47	S 3/17	-	-
15. Bradley Kwama	15. Dominic Arino								A	21:47	S 1/18	-	-
16. Jeff Kiragu	16. Oliver Tambo								A	25:10	S 5/23	-	-
17. Elerts Koronya	17. Eric Shimoli								B	25:10	S 7/20	-	-
18. Abel Matanda	18. Stefan Othno								B	25:10	S 12/23	-	-
19. Frank Atela	19. Charles Omondi								B	25:10	S 9/21	-	-
20. Brighton Klambugu	20. Donnis Mupala (24)								B	26:31	S 2/16	-	-
21. Patrick Njirani	21. Tom Mwa (Stefan Othno)								B	42:02	T	-	24
22. Jan Kenko	22. Icm Klumbwani					13	07	16	B	42:18	C	-	20
23. William Aganya	23. Rogi Klau												

Signed TM:	Signed TM:	Match Commissioner Comments:	
		Weather: Good	Pitch Condition: Good
		Other Comments: Good	
		Signed:	

- T = Try
- C = Conversion
- DG = Drop Goal
- P = Penalty
- S = Substitution
- Y = Yellow Card
- R = Red Card



Referee's Report on an Ordering Off

OFFICIATING

Player's Union	KRU	Player Number	11
Full Name of Player	Zeden Marrow	Date of Incident	16/3/2024
Venue	RFUEA	Match Result	Quins 20 pts vs Nondies 26 pts

Nature of Offence: (Please indicate appropriate offence)											
Law	✓	Law	✓	Law	✓	Law	✓	Law	✓	Law	✓
3.7		9.7 (d)		9.12		9.16		9.20		9.24	
4.7		9.8		9.13	✓	9.17		9.21		9.25	
9.7 (a)		9.9		9.14		9.18		9.22		9.26	
9.7 (b)		9.10		9.15		9.19		9.23		9.27	
9.7 (c)		9.11		Please give a short description of the Law							
A player must not tackle an opponent early late or dangerously.											
Period (of game when incident occurred):		1 st Half	✓	2 nd Half		Extra time		Elapsed time in half		26	
Proximity of Official(s) to incident		6		metres							
Score at that time		Quins 3		pts		Nondies 26		pts		F	
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	Innocent Kimathi	Union	KRU
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Please give a detailed report below (PLEASE WRITE CLEARLY)

No. 11 Coloured tackled No. 6 white dangerously. He went straight to the neck/head with his shoulder. 11 white tackled 6 white above the line of the shoulders. 11 white at open play near 10 metres from the 50 metre line, when attempting to tackle 6 white went in with force, shoulder to the head of 6 white. No 6 white remained on the ground for few minutes to receive treatment. There was no mitigating factors from the tackler hence the red card.

Signed		Date	16/3/2024
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THIS REPORT MUST BE COMPLETED AND PROVIDED TO A DESIGNATED DISCIPLINARY OFFICIAL IMMEDIATELY AFTER THE COMPLETION OF THE MATCH

NOTICE OF DISCIPLINARY HEARING - ZEDEN MARROW (KENYA HARLEQUINS), 20TH MARCH 2024, 11.30AM VIA ZOOM

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KRU Competitions

18 Mar 2024, 15:26 (2 days ago)

to Margaret, Rosemary, Victor, Daniel, george, Willy, Duncan, me, Thomas, Leslie, secretary@ken

Greetings Maggie and the entire Kenya Harlequins Rugby family,

Subject matter refers.

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

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 11.30am.

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 JUDICIAL DISCIPLINARY HEARING - ZEDEN MARROW

Time: Mar 20, 2024 11:30 AM Nairobi

Join Zoom Meeting

<https://us02web.zoom.us/j/86841089497?pwd=S3hNOUJBVkpXOW9JemQ5OGJ0bkZjUT09>

Meeting ID: 868 4108 9497

Passcode: 780260

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: Zeden Marrow (Player)
Club: KENYA HARLEQUINS RFC
Date Time: 20th March 2024 (11.30am)
Place of hearing: Virtual (ZOOM)
Reason: DISCIPLINARY
Match: Kenya Harlequins vs Nondies RFC (16th 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