

KENYA RUGBY UNION - DISCIPLINARY DECISION



Match	Kabras vs KCB. -		
Player's Club	KCB Lions	Competition	ENTERPRISE CUP
Date of Match	8 JUNE 2024	Match Venue	RFUEA
Rules to apply	<ul style="list-style-type: none"> • LAWS OF RUGBY, • KENYA RUGBY UNION REGULATIONS, • KENYA RUGBY UNION KENYA CUP COMPETITION MANUAL. • WORLD RUGBY REGULATION 17. 		

PARTICULARS OF OFFENCE			
Player's surname	Namusasi	Date of Birth	(Age 27 years)
Forename(s)	Elvine		
Referee Name	Victor Oduor	Plea	Admitted <input type="checkbox"/> Not admitted <input checked="" type="checkbox"/> <input checked="" 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 type="checkbox"/> Citing Other <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> If "Other" selected, please specify:	
Summary of Sanction	<p>The Judicial Panel categorised the act as a mid-range offence on the scale of seriousness and, having considered aggravating and mitigating circumstances, imposed upon the player a five (5) week suspension by R.17.21.3 and in line with the player's schedule.</p> <p>No award was made as to costs.</p> <p>Player to note the right to appeal the decision.</p>		



HEARING DETAILS			
Hearing Date	20 June 2024.	Hearing venue	Virtual – via Zoom.
Chairman/JO	George Mbaye		
Other Members of Disciplinary Committee	N/A		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union / Club	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(S)	Phillip Wamae – Team Manager.	Disciplinary Officer and/or other Attendees	<ul style="list-style-type: none">• Kevin Wambura – KRU Competitions Administrator.• Alfred Okwemba – Kenya Rugby Referees Association.
List of documents/materials provided to the Player in advance of the hearing	<ol style="list-style-type: none">1. Email & Memo – Notice of Disciplinary Hearing – 19 June 2024.2. Referees Report on Ordering Off of Elvis Namusasi – 18 May 2024.3. Footage / Clip of the Incident in real-time and slow motion.		



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

Referee's Report on an Ordering-off:

Cited Law **9.11** Players must not do anything reckless or dangerous to others including leading with the

DVD Footage:

- Footage of the incident was presented. A review of the two clips confirms the offence as described in the various reports.

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

Offence was admitted.

SUMMARY OF PLAYER'S EVIDENCE

On behalf of the Player

:

1. Confirmed receipt of the email and memo – Notice of Disciplinary Hearing dated 18 March 2024.

Included in the e-mail was:

Email & Memo – Notice of Disciplinary Hearing – 19 June 2024.

Referees Report on Ordering Off of Elvis Namusasi – 18 May 2024.

Footage / Clip of the Incident in real-time and slow motion.

2. Stated that they understood the reasons for the Disciplinary Hearing and, having examined the documents, are ready to proceed.

Reviewed the video of the incident and agreed the action happened and was reckless

FINDINGS OF FACT

1. The panel noted the pleadings of the Players Representative and the position of the regulations with

regards to:

- The standard of proof for all matters is on the balance of probabilities as outlined in R.17.15.1.
- The integrity of Law 6.5(a) of the Laws of the Game and the referee's position as the ultimate judge of fact and law during the Match is unassailable as outlined in R.17.15.2 and the purpose of subsequent review of an incident that occurred during a Match.

DECISION

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

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 checked="" type="checkbox"/>
State Reasons	
Incident clips were examined, and the Referee indicated the incident was not intentional/deliberate but was out of recklessness.	
Gravity of player's actions - R 17.18.1(c) (or equivalent Tournament rule)	
<input type="checkbox"/> Offending could have caused grave injury to the victim.	
Nature of actions - R 17.18.1(c) (or equivalent Tournament rule)	
Open foot in opponent's chest.	
Existence of provocation - R 17.18.1(d) (or equivalent Tournament rule)	
No provocation.	
Whether player retaliated - R 17.18.1(e) (or equivalent Tournament rule)	
Not an act of retaliation.	
Self-defence – R 17.18.1(f) (or equivalent Tournament rule)	
Not an act of Self Defence.	
Effect on victim – R 17.18.1(g) (or equivalent Tournament rule)	
Victim was treated and continued to play.	
Effect on match – R 17.18.1(h) (or equivalent Tournament rule)	
Match was stopped for victim to be treated.	
Vulnerability of victim – R 17.18.1(i) (or equivalent Tournament rule)	



Vulnerable.
Level of participation/premeditation – R 17.18.1(j) (or equivalent Tournament rule)
Act was not premeditated.
Conduct completed/attempted – R 17.18.1(k) (or equivalent Tournament rule)
completed.
Other features of player’s conduct – R 17.18.1(l) (or equivalent Tournament rule)
Not applicable.

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point: 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>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"/>		<input checked="" type="checkbox"/>	Ten (6)	<input type="checkbox"/>	

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.

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
Open the Boot around the neck and head area.

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of commission of foul play – R 17.19.1(a) (or equivalent Tournament rule)	Player’s disciplinary record – R 17.19.1(b) (or equivalent Tournament rule)
Player acknowledged the offence.	It was indicated the player had a good disciplinary record and no information to the contrary was provided.
Youth and/or 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)
He has played for the U-20s but has not played any representative rugby.	The player had conducted himself appropriately both before and during the 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)
It was indicated that the player contacted the victim to check on him after the game.	

Number of weeks deducted:

3

Summary of reason for number of weeks/matches deducted:
– Disciplinary record of the player offence. Players In-experienced
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ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 17.20.1(a) (or equivalent Tournament rule)

It was indicated the player had an excellent disciplinary record, and no information to the contrary was provided.

Need for deterrence – R 17.20.1(b) (or equivalent Tournament rule)

A deterrent is needed to combat dangerous tackles, including lifting an opponent off the ground and dropping or driving that player so that their head and/or upper body contact the ground.

Any other off-field aggravating factors – R 17.20.1(c) (or equivalent Tournament rule)

1. Recklessness
2. Experienced player

Number of additional weeks:


2

SANCTION

NOTE: PLAYERS ORDERED OFF OR CITED BY A CITING COMMISSIONER ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.12.5(f) / 17.13.7 (or equivalent Tournament rule)

Total sanction	4 matches per playing schedule as per R.17.21.3 (d) and (e).	Sending off sufficient N/A
Sanction commences.	20 June 2024.	
Sanction concludes	As per R.17.21.3 (d) and (e).	
Matches/tournaments included in the sanction	National Sevens Circuit.	

Costs	None
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Signature (JO or Chairman)	 George Mbaye	Date	20 June 2024.
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NOTE: YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.24.2(a) (or equivalent Tournament rule).