

SPORTS INTEGRITY IN FKF 2013 SEASON AND 2014 SEASON

SPORTS INTEGRITY

- A key FIFA *and* FKF objective is "to prevent all methods or practices which might jeopardise the integrity of matches or competitions or give rise to abuse of Association Football" (Article 2 (e) in the FIFA Statutes *and* Article 2(f) in the FKF Constitution).
- A key FIFA principle is "a club's entitlement to take part in a domestic league championship shall depend principally on sporting merit" (FIFA Circular 1132 on *Principles of Promotion/Relegation*).
- The FIFA Code of Ethics requires all members to "act with complete credibility and integrity" and "not abuse their position in any way, especially to take advantage of their position for private aims or gains" (Article 13), to "disclose any personal interests that could be linked with their prospective activities" (Article 19) and to "refrain from any activity or behaviour that might give rise to the appearance or suspicion of improper conduct" (Article 21).
- FIFA is a full member of SportAccord, the union of international sports federations, which defines "sports integrity" as the duty "to preserve the fundamental character of sporting competition as an honest test of skill and ability and to act on *and off the field* in ways consistent with preserving the social and economic value of sport."
- The FKF National Super League (NSL) rules state "If in *three months* following every match of this National League, FKF is informed, no matter what the source may be, that a fraud infringing sporting morality was committed by one of the teams, an enquiry shall be conducted immediately."
- Article 18 on "Duty of disclosure, cooperation and reporting" in the FIFA Code of Ethics states that "Persons bound by this Code shall immediately report any potential breach of this Code to the secretariat of the investigatory chamber of the Ethics Committee."

FOUR KEY ISSUES OF SPORTS INTEGRITY IN FKF

1. Relegation/Promotion of Shabana after the 2013 Season

In late 2013, Shabana FC ended 10th in one of the four First Division leagues and was relegated. For 2014, FKF said top 5 in each of the four leagues + 2 relegated KPL teams will be in the new NSL. On January 21, 2014, Shabana FC elected the FKF President as their club Patron. On the same day, Shabana FC was reportedly "picked from the community" to join the 2014 NSL.

2. Promotion of Shabana to KPL in 2014

On June 6, the FKF/LCC* met and cleared all pending cases during the first leg of the NSL. On September 3, the FKF/LCC awarded **5 points** to Shabana for matches on May 17 and May 25. On October 8, FKF/LCC awarded **6 points** to Shabana for matches on Match 23 and September 20. On November 3, the FKF SG docked **3 points** from Shabana's rival, Zoo, for a match on May 10. In Sep-Nov, **4 of the 5 cases** should have been time-barred under FKF's 3-month rule on filing cases. On November 10, FKF congratulated Shabana on its promotion despite three pending appeal cases. On December 31, the appeals by Agro Chemical, Homeboyz and Zoo Kericho were still not decided.

3. Failure to apply rules to Shabana in 2014

On September 27, Shabana players attacked the referee and abandoned a match with Zoo Kericho. On October 8, the FKF/LCC suspended 2 Shabana players from the league for attacking the referee. In October/November, Shabana still fielded suspended players and won their final three matches. On October 29, FKF ignored a St Joseph protest on the fielding of suspended players by Shabana.

4. Late-season changes on promotion in 2014

On November 9, the FKF/LCC Chair stated *only* the Zone A and B winners will be promoted to KPL. On November 10, FKF announced the last KPL team will be relegated and 3 NSL teams promoted. On November 10, FKF declared Homeboyz and Nakumatt will play for the 3rd NSL promotion slot. On November 18, FKF postponed the Nakumatt vs Homeboyz playoff set for November 22 in Kisumu. On November 24, FKF announced the additional promotion of both Homeboyz and Nakumatt to KPL.

* The FKF/LCC is the Leagues and Competitions Committee of the Football Kenya Federation (FKF). In the FKF Constitution, the FKF/LCC is *not* listed as a judicial body or even as a Standing Committee. Five of the six FKF/LCC members are FKF officials. None of the members are lawyers.

KEY QUESTIONS ON SPORTS INTEGRITY IN FKF IN THE 2013 SEASON AND 2014 SEASON

1. Relegation/Promotion of Shabana after the 2013 Season

- 1.1 What criteria did FKF use to promote a relegated team, Shabana, back into the 2014 FKF NSL?
- 1.2 Which FKF body made that decision? Is there an official record of that meeting?
- 1.3 As the Patron of Shabana, did the FKF President recuse himself at that meeting?

2. Promotion of Shabana to KPL in 2014

- 2.1 On September 3, what evidence did the FKF/LCC use to award **5 points** to Shabana?
- 2.2 On October 8, what evidence did the FKF/LCC use to award **6 points** to Shabana?¹
- 2.3 On November 3, what evidence did the FKF SG use to take **3 points** from Shabana's rival?²
- 2.4 On November 3, why was that case not submitted to the FKF/LCC for review and a ruling?
- 2.5 Why were **4 of the above 5 cases** not time-barred under FKF's 3-month rule on filing cases?³
- 2.6 On November 10, why did FKF announce Shabana's promotion despite the pending appeals?
- 2.7 On December 31, why had the pending appeals still not been decided?

3. Failure to apply rules to Shabana in 2014

- 3.1 Why did FKF allow Shabana to field suspended players in the final three matches with impunity?
- 3.2 Why did FKF ignore St Joseph's protest on fielding of the suspended players on October 29?

4. Late-season changes on promotion format in 2014

- 4.1 On November 10, why did FKF change the format announced by the FKF/LCC Chair on Nov 9?⁴
- 4.2 Which FKF body made that decision? Is there an official record of that meeting?
- 4.3 Why did FKF ignore previous agreements with FIFA and unilaterally promote 2 extra teams?⁵
- 4.4 On November 24, why did FKF again change the format announced on November 10?³
- 4.5 Which FKF body made that decision? Is there an official record of that meeting?
- 4.6 Why did FKF agree on and then ignore the joint FKF/KPL task force created on November 17?⁶
- 4.7 On December 30, why did FKF ignore a FIFA agreement and brag about an "expanded" KPL?⁷

5. Match-fixing

- 5.1 What action did FKF take on the match-fixing evidence sent by St Joseph in early October?

Footnotes

¹ Conflicting claims were made by two senior FKF officials on the three points awarded to Shabana at the expense of Agro Chemical. In a news report on October 10th, the FKF/LCC Chair claimed Agro Chemical failed to produce the Master Card at their 2nd leg match on August 10th. However, the report issued by the FKF Secretary General on October 10th claimed the alleged offense occurred at their 1st leg match on March 23rd. The FKF/LCC Chair also claimed the case was decided by her committee on October 8th yet the initial record of that meeting issued on October 10th did *not* include a ruling on *either* of the above two matches. Later on October 10th, the FKF Secretary General issued a second "revised" report on the FKF/LCC meeting which then included a FKF/LCC ruling on the match on March 23rd. Moreover, Agro Chemical later produced their Master Card with entries made and signed by the referees in *both* of the above matches.

² The FKF/LCC Chair and FKF Secretary General again differed over the deduction of points from Zoo Kericho on November 3rd as the case had not been submitted to the FKF/LCC for a ruling.

³ The FKF National Super League (NSL) rules state "If in *three months* following every match of this National League, FKF is informed, no matter what the source may be, that a fraud infringing sporting morality was committed by one of the teams, an enquiry shall be conducted immediately."

⁴ On November 9th, the FKF/LCC Chair announced *only* the Zone A and B winners would be promoted to KPL. However, the next day the FKF announced that the last KPL team will be relegated and three NSL teams promoted and that Homeboyz and Nakumatt would have a playoff for the third NSL promotion slot. However, on November 18th FKF postponed the Nakumatt vs Homeboyz playoff and on November 24th announced the direct promotion of both Homeboyz and Nakumatt to KPL.

⁵ Since 2004 there was a series of agreements involving FIFA, KFF and KPL to reduce the size of the league to an agreed "optimum" of 16 teams. That optimum of 16 teams was finally achieved in 2008.

⁶ The FKF/KPL Joint Executive Committee met and agreed on November 17th to set up a joint task force to review and make recommendations on the advantages and disadvantages of having 16 or 18 KPL teams. However, before the joint FKF/KPL task force even met, FKF declared publicly on November 25th that its decision on expanding KPL to 18 teams was "final and irreversible".

⁷ A joint FIFA/FKF/KPL meeting was held on December 19th and agreed FIFA will make available a consultant who "will look into the pros and cons of having an expanded league or otherwise, the submissions of the federation and league administrators, contractual obligations and financial implications thereof. The recommendations will then be made available to FKF and KPL for implementation. The process should be concluded before the designated start of the 2015 season." However, on December 30, FKF pre-empted the agreed FIFA process by issuing a press release stating that "in 2015 the federation has lined up ... an expanded Premier League".

CHRONOLOGY
FKF DECISIONS ON BOARDROOM POINTS AND
PROMOTION FAVOURABLE FOR SHABANA FC
IN THE 2013 SEASON AND 2014 SEASON

*The chronology focuses on FKF decisions on late-season boardroom points and changes on promotion favourable for Shabana FC. Key decisions and events are highlighted in **bold** text.*

Chronology

- 130615 Shabana lost 1-4 to Nzoia United at home in Gusii Stadium
- 130630 Shabana lost 0-2 to West Kenya Sugar at home in Gusii Stadium
- 130818 Shabana registered their first “win” with a walkover against Kisero
- 130830 Shabana awarded six points from Nzoia and West Kenya Sugar matches**
- 130918 FKF/LCC* accused of favouring Shabana while ignoring same offences against other clubs
- 131104 Shabana ended in 10th place in FKF/NSL Zone B/Group 1 and was relegated**
- 131106 West Kenya Sugar protested about boardroom points awarded to Nakuru All Stars
- 131230 FKF announced 2014 NSL will have 22 teams in two groups of 11 teams each
For 2014, the 22 teams to be the 5 top teams in each group + 2 relegated KPL teams
- 140101 Western Branch threatened to breakaway due to favouritism in 2013 FKF/NSL
FKF criticized for new NSL with two groups of 11 teams with both winners promoted
- 140121 Shabana elected the FKF President as their club Patron**
Shabana and MOYAS “picked from the community” to join the 2014 FKF/NSL
- 140314 Shabana inclusion in the 2014 FKF/NSL criticized by stakeholders and fans
- 140315 FKF NSL kicked off with Shabana among the 12 teams in NSL Zone B**
- 140331 Shabana inclusion in the 2014 FKF/NSL challenged by Admiral FC
- 140608 FKF/LCC met and cleared all previous pending cases in the FKF/NSL Zone B**
- FKF/LCC met on September 3rd and took up two “new” cases from May 17th and 25th
 - FKF/LCC met on October 8th and took up another “new” case from March 23rd
 - FKF Secretary General decided on November 3rd on another “new” case from May 10th
 - All four cases should have been time-barred under the FKF 3-month rule on filing cases
- 140724 FKF/LCC Chair confirmed the promotion criteria from the NSL to KPL had yet to be agreed
- 140903 FKF/LCC met on pending cases:
Shabana got two points against Busia United who allegedly fielded “foreign players”
Shabana got three points against St. Joseph who allegedly fielded “foreign players”
- Shabana had a 0-0 draw in their away match with Busia United on May 17th
 - Shabana had lost their home match against St. Joseph by 2-1 on May 25th
 - Both cases should have been time-barred under the FKF 3-month rule on filing cases
- 140905 Busia United Coach complained their alleged “foreign” players all had Kenyan ID cards
Other NSL teams complained they should also have been awarded points like Shabana
- 140906 Busia United Chairman revealed two of their “foreign” players had since joined Shabana
- 140922 West Kenya official complained of “foul play” and favouritism in FKF/NSL Zone B
- 140924 Posta Rangers Coach asked FKF to clarify NSL promotion criteria
- 140927 Shabana players attacked referee and abandoned their away match with Zoo Kericho**
- Shabana abandoned match in the 74th minute when Zoo Kericho was leading by 2-0
- 141005 Shabana vs Busia United referee changed at the last minute and Shabana won by 3-0
- 141008 FKF/LCC met on pending cases:
Shabana got three points deducted from Homeboyz for “using a suspended coach”
- Shabana had lost their home match against Homeboyz by 2-0 on September 20th
- Shabana got three points deducted from Agro Chemical for “lacking a Master Card”**
- Shabana had lost their away match against Agro Chemical by 1-0 on March 23rd
 - Agro sent their Master Card showing the match referee booked two players and signed it
 - The Agro case should have been time-barred under the FKF 3-month rule on filing cases

- 141008 Zoo Kericho awarded three points for match abandoned by Shabana on September 27th
FKF/LCC suspended two Shabana players for attacking the referee in that match
- *Shabana fielded the suspended players and won their last three matches of the season*
 - *FKF ignored St Joseph complaint on fielding of the players in the match on October 29th*
 - *Shabana should have forfeited all three matches and been **deducted nine points***
- 141009 Shabana award of six boardroom points lifted the team to first place in FKF/NSL Zone B
- 141010 Agro appealed against irregular award by FKF of their March 23rd match to Shabana
 Homeboyz appealed against FKF/LCC award of their September 20th match to Shabana
 St. Joseph claimed several players bribed in their 2-0 loss to Homeboyz on September 7th
- 141011 FKF Western Branch Chairman claims Shabana being favoured with boardroom points
 NSL Coach complained about lack of promotion criteria from NSL to KPL
- 141013 Shabana players complained about free boardroom points awarded to their team
- 141014 Shabana Chairman “rubbished suggestions FKF is favouring them in NSL Zone B race”
- 141023 Homeboyz Chairman confirmed their appeal to IDAC on the September 20th match
- 141029 St Joseph complained to FKF on fielding by Shabana of suspended players in their match
- 141103 Zoo Kericho lost three points for “fielding a suspended player” on May 10th**
- *Zoo Kericho had won that away match against Agro Chemical by 2-0 on May 10th*
 - *The new ruling was **not** made by the FKF/LCC but solely by the FKF Secretary General*
 - *The case should have been time-barred under the FKF 3-month rule on filing cases*
- 141104 Shabana rose to first in NSL Zone B after three points taken away from Zoo Kericho**
 Zoo Kericho appealed to IDAC against FKF/LCC award of points to Agro Chemical
 Agro Chemical denied appealing to FKF against Zoo Kericho on the May 10th match
 Zoo Kericho Master Card showed the suspended player did *not* have three yellow cards
 Referee of previous Shabana vs Zoo match on May 3rd accused of altering his report
FKF/LCC Chair supported Zoo and blamed FKF SG for docking points in her absence
- 141105 FKF/LCC Chair blamed FKF SG for not informing Shabana on 2 suspended players**
 FKF announced it “will *not* reverse decision to dock Zoo Kericho points”
- 141106 Fans marched in Kericho against FKF favouring of Shabana due to links with FKF “boss”
 FKF/NEC met and “unanimously endorsed” decision to dock Zoo Kericho points
- 141107 Homeboyz complained about delay by FKF in handling their appeal on October 10th
 Respected journalist reported “Tough luck if you don’t have godfathers where it counts”
- 141109 FKF/NSL Zone B played their 11th and final round of matches**
- *Zoo ended in 1st place (50 points), Shabana 2nd (49 pts) and Homeboyz 3rd (48 pts)*
 - *The winner depended on pending IDAC rulings on Agro, Homeboyz and Zoo appeals*
- FKF/LCC Chair announced only the winners of Zone A and B will be promoted to KPL
- 141110 FKF congratulated Shabana on their promotion to KPL despite still pending appeals**
FKF unilaterally announced that KPL would be increased from 16 to 18 teams in 2015
FKF unilaterally announced only last KPL team relegated and 3 NSL teams promoted
 FKF announced Homeboyz and Nakumatt will have a playoff for the 3rd promotion slot
- 141118 FKF postponed the Nakumatt vs Homeboyz playoff set for November 22nd in Kisumu
- 141124 FKF unilaterally announced the promotion of both Homeboyz and Nakumatt to KPL**
- 141127 Nzoia Chairman advised that despite the rules “there is room for making abrupt changes”
- 141205 Zoo Kericho announced it was still waiting for IDAC ruling on its appeal on October 10th
- 141220 FKF criticized for the “back door promotion of Shabana at the expense of Zoo Kericho”
- 141231 Appeals to IDAC by Agro Chemical, Homeboyz and Zoo Kericho still not decided**

Abbreviations

FKF	Football Kenya Federation
IDAC	Independent Disciplinary and Appeals Committee
KPL	Kenyan Premier League
LCC*	FKF Leagues and Competitions Committee
NEC	FKF National Executive Committee
NSL	FKF National Super League

* The FKF/LCC is the Leagues and Competitions Committee of the Football Kenya Federation (FKF). In the FKF Constitution, the FKF/LCC is *not* listed as a judicial body or even as a Standing Committee. Five of the six FKF/LCC members are FKF officials. None of the members are lawyers.

**NEWS REPORTS ON
FKF DECISIONS ON BOARDROOM POINTS
AND PROMOTION FAVOURABLE FOR SHABANA FC
IN THE 2013 SEASON AND 2014 SEASON**

*Attached is a compendium of 60 news reports from a range of different sources on FKF decisions on late-season boardroom points and promotion favourable for Shabana FC. Key news reports are highlighted in **bold text**.*

News Reports

- 130818 Shabana register first "win" - Futaa
130830 Two Division One sides docked points - Futaa
130918 FKF Leagues and Competition decisions questioned - Futaa
131104 FKF Division 1/Zone B League Standings
131106 West Kenya protest as All Stars awarded playoff berth - Nation
- 131230 FKF confirms 22 teams to take part in 2014 second tier - Futaa**
140101 FKF Western branch issues breakaway threat - Nation
FKF second tier format faulted - Futaa
- 140121 Sam Nyamweya lands Shabana role - Futaa**
Shabana, MOYAS handed Super League slot - Futaa
- 140314 Shabana ready for the NSL as stakeholders cry foul - Futaa**
140331 FKF challenged to explain Super League inclusions - Futaa
- 140724 NSL resumption date set, promotion criteria to be decided - Futaa**
- 140903 FKF awards points to Shabana, Agro - Futaa**
140905 Agro, Shabana gain free points - People
Mulimi at loss over FKF move to award Shabana, Agro points - Futaa
NSL clubs now call on uniformity in awarding points - Futaa
140906 Musumba calls for Petra's resignation - Futaa
- 140922 West Kenya sensing foul play in KPL promotion race - Futaa
140924 Posta Rangers coach ready for promotion battle - Futaa
140927 Walloped Shabana attack referee and stage walkout - Futaa
- 141005 Busia cry foul over last minute change in referee - Futaa
- 141009 FKF, teams take on Shabana's 'awarded points' - Futaa**
Shabana awarded six points to move top of log - Goal
- 141010 Confirmed: Shabana and Zoo Kericho awarded points - Futaa¹**
FKF NEC set to meet over KPL promotion criteria - Futaa
Homeboyz decry FKF bias toward Shabana - Capital FM
Homeboyz seeks redress over docked points - Futaa
St. Joseph hand match-fixing findings to FKF - Futaa²
- 141011 Amukowa aims a barb at FKF on award of points - Futaa
Anxiety rises over KPL promotion criteria - Futaa
- 141013 Shabana players fault officials for free points - Futaa**
141014 Shabana hit back over favouritism claims - Standard
- 141023 Homeboyz awaits IDAC ruling - Futaa
- 141103 Shabana go top after FKF docks Zoo points - Futaa**
- 141104 Agro gets points, accuses FKF of double standards - Futaa
Agro now deny appealing against Zoo - Futaa
Docking points records show Zoo player wasn't suspended - Futaa
Petra leaps to Zoo's defence, blames Esakwa - Futaa³

- 141105 Advantage Shabana after Zoo lose points - People
Esakwa blamed for sparing the rod on Shabana - Futaa⁴
FKF says decision to dock Zoo points final - Goal
- 141106 Fans in protest over Zoo's slashed points - People
FKF NEC endorses decision to dock Zoo Kericho points - Goal
Move on Shabana stirs huge storm after FKF forensic audit - Standard
Zoo cry foul - Star
- 141107 Homeboyz laments over delayed justice - Futaa⁵
Tough luck if you don't have godfathers where it counts - Star
- 141109 KPL promotion criteria confirmed - Futaa**
FKF/NSL Zone B League Standings - Futaa
Zoo Kericho now awaits IDAC say - Futaa⁵
- 141110 FKF congratulates Shabana and Posta despite pending case - Futaa⁵**
KPL 2015 to have 18 teams as City Stars survive the axe - Futaa
- 141111 Controversy hit lower league as Shabana get nod to KPL - Star⁵**
Zoo Kericho will contest Shabana climb to top league - Standard
- 141113 How Shabana got boardroom points to seal slot - Nation⁵**
- 141118 Playoff, Nakumatt vs Homeboyz tie postponed - Futaa**
- 141124 FKF deals a major blow to City Stars hopes - Futaa**
FKF promotes Homeboyz and Nakumatt to KPL - Futaa
- 141127 "Promoted" Kakamega Homeboyz lauded - Futaa**
- 141205 Zoo Kericho still waiting for verdict on appeal - Futaa⁵
- 141220 Change of name, format meant to elevate status of NSL - People**

Abbreviations

Agro	Agro Chemical FC
FKF	Football Kenya Federation
IDAC	Independent Disciplinary and Appeals Committee
KPL	Kenyan Premier League
LCC	FKF Leagues and Competitions Committee ⁶
NEC	FKF National Executive Committee
NSL	FKF National Super League
Zoo	Zoo Kericho FC

Footnotes

¹ Conflicting claims were made by two senior FKF officials on the three points awarded to Shabana at the expense of Agro Chemical. In this news report, the FKF/LCC Chair claimed Agro Chemical failed to produce the Master Card at their 2nd leg match on August 10th. However, the report issued by the FKF Secretary General on October 10th claimed the alleged offense occurred at their 1st leg match on March 23rd. The FKF/LCC Chair also claimed the case was decided by her committee on October 8th yet the initial record of that meeting issued on October 10th did *not* include a ruling on *either* of the above two matches. Moreover, Agro Chemical later produced their Master Card with entries made and signed by the referees in *both* of the above matches.

² FKF has either not acted or not announced publicly the action taken on the evidence of match-fixing by Kakamega Homeboyz submitted to FKF by St. Joseph in early October.

³ The FKF/LCC Chair and FKF Secretary General again differed over the deduction of points from Zoo Kericho on November 3rd as the case had not been submitted to the FKF/LCC.

⁴ FKF has either not acted or not announced publicly the action taken against Shabana for ignoring the suspension of two of their players by the FKF/LCC on October 8th and continuing to field the suspended players in the final three matches which Shabana won, including the away match against St. Joseph on October 29th on which St. Joseph submitted an official protest.

⁵ The pending appeal cases were still not decided and announced publicly by the end of the year.

⁶ In the FKF Constitution, the FKF Leagues and Competitions Committee (LCC) is *not* listed as a judicial body or even as a Standing Committee. Five of the six FKF/LCC members are FKF officials. None of the members are lawyers.