



**KENYAN PREMIER LEAGUE**

*For the good of our sport and nation*

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**REPUBLIC OF KENYA**

**IN THE INDEPENDENT DISCIPLINARY AND COMPLAINTS COMMITTEE**

**CASE NO.06 OF 2016**

**IN THE MATTER OF TOP 8 KNOCKOUT MUHORONI YOUTH FC VS SOFAPAKA  
FC**

**KENYAN PREMIER LEAGUE LIMITED..... COMPLAINANT**

**VERSUS**

**MOSES ARITA .....RESPONDENT**

**JUDGEMENT**

**HEARING ON 13<sup>TH</sup> JUNE ,2016**

1. NJERI ONYANGO - member
2. PENINAH WAHOME- member
3. BILL ODENY - member
4. ELIJAH GITONGA- member

**KENYAN PREMIER LEAGUE**

MICHAEL KIRWA

**RESPONDENT**

MOSES ARITA –in person

## **THE CHARGE**

1. By a letter dated 9<sup>th</sup> May 2016, The Kenya premier League (hereinafter KPL) brought a charge against Moses Arita (player jersey No.20) a player with Muhoroni Youth FC.(hereafter Arita) as follows:

“That on Monday May 2, 2016 during Top 8 Knockout Match between Muhoroni Youth FC and Sofapaka FC played at the Nyayo National Stadium, you (player No.20) elbowed Eric Omonge (player No.3) contrary to Rule 6.1 Fair play Code (i) No indiscipline”.

2. Arita was by the said letter required to appear before the IDCC on 12/5/2016 to answer to the charge. He did not attend. The IDCC issued an order for Arita to be served afresh to appear at the next meeting of the IDCC.
3. On 13<sup>th</sup> June, 2016 Arita appeared before the IDCC. The IDCC was informed that service had been effected by e-mail to his club with a subsequent telephone call in which he was asked to ensure attendance. The IDCC first asked Arita to explain his absence at the hearing on 12/5/2016. On his part he stated that he had no notice of the charge against him, nor the requirement to attend before the IDCC on 12<sup>th</sup> May. He had not received any notice until he got the notice to appear on 13/5/2016, which was through his club.
4. Mr. Kirwa for KPL stated that the player Arita had been served through his club and no personal service was made. He could not confirm to the committee that service was indeed effected. Upon review the committee elected to give Arita the benefit of doubt and to excuse the non-attendance on 12/5/2016 on grounds of lack of service of the notice to attend
5. In regard to the charge the committee advised Mr. Arita of his right to representation by counsel, or to appear with any other person of his choice either a friend or his club officials. He confirmed that he was able to represent himself.
6. As regards the language, Arita stated he would be more comfortable to have the proceedings in Kiswahili Language. Consequently the charge was read and interpreted to him in Kiswahili.
7. Mr. Kirwa for KPL presented the charge and fully relied on the video clip of the Match. The Top 8 match between Muhoroni Youth and Sofapaka FC was televised and thus a video clip was available. The clip was played severally. KPL noted that the player was cautioned and handed a yellow card during the match,

but that the offence was serious; thus KPL urged the committee to take action to discourage similar conduct.

8. Mr. Arita upon review of the Video Clip conceded the offence as set out in the charge and stated that he regretted the action. It was an error of judgment on his part and he pleaded for leniency. He stated that he had not had issues of disciplinary conduct in his game and the yellow card in this game has come after a long time since his last caution. He undertook to avoid similar incidents in future.

### **DECISION**

9. The Committee took note of the fact that the player conceded the charge and was apologetic/ remorseful. He stated that Eric Omonge whom he elbowed was his friend and he would not wish him ill. The committee also reviewed Arita's Caution record which was provided by KPL.
10. The committee took note of the action complained of and the need to instill safe conduct of players towards other players. The committee has previously warned that it will take action order to stem violent conduct of players on each other.( See the decision on Eugene Ambulwa AFC Leopards player)
11. The charge having been admitted the committee finds that the player Moses Arita is guilty of breach of Rule 6.1 Fair play code as charged.
12. Having considered the offence, the committee orders that Muhoroni Youth player jersey No.20 Moses Arita shall serve a one match Suspension at the next KPL organized match involving his team. He is however cautioned that any repeat of a similar offence within this season shall attract a stiff penalty from this committee.

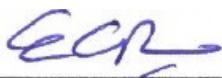
**DATED THE.....17th..... DAY OF.....June.....2016**

Ms. Njeri Onyango  
Chairing



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Dr. Elijah Gitonga  
Member



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Ms. Peninah Wahome  
Member



Mr. William Odeny  
Member

