



KENYAN PREMIER LEAGUE

For the good of our sport and nation

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INDEPENDENT DISCIPLINARY AND COMPLAINTS COMMITTEE

COMPLAINT BY THE KENYAN PREMIER LEAGUE AGAINST AFC LEOPARDS SC CONCERNING MATCH NO. 77

Case No. IDCC/2016/02

Hearing Dates: 28th April 2016 and 12th May 2016

JUDGMENT

- 1) The Complainant the Kenya Premier League Limited (hereinafter KPL)has filed this Complaint against the 1st Respondent who are a club participating in the Premier League hereinafter AFC S.C and the 2nd Respondent a player of the 1st Respondent hereinafter "player"
- 2) The charges as set out in the letter dated 25th April 2016 are;
 - i) That, after the penalty kick was awarded in the 81st Minute the AFC Leopards SC steward confronted the Centre Referee in protest of the awarding of the penalty kick which led to spectators starting to throw stones, alcohol bottles and other objects to Ulinzi stars FC technical bench which is contrary to Rule 3.3 Conduct at matches, 3.4 (a) Members and Supporters, 3.5 (b) Security and safety and 3.5 (c) Protection of field.
 - ii) That, the AFC Leopards SC player No. 26 Ambulwa Eugene had an altercation with Ulinzi Stars FC player No. 2 Kokoyo Geoffrey contrary to rule 6.1 Fair play Code (a) No Indiscipline
 - iii) That, AFC Leopards SC caused the abandonment of the match as indicated in the Match Officials reports and in accordance with Rule 3.4 Responsibilities of clubs (b) Abandoned Matches the match is therefore awarded to Ulinzi Stars FC on a 2-0 basis in accordance to Rule 3.7 Abandoned Matches and 3.8 Forfeited Matches.
 - iv) That, the AFC Leopards SC failed to provide adequate security that lead to the loss of Match Commissioner's bag containing 500gb Transcend hard disk, training materials, flash disk, orange modem, fox forty whistle and car keys, Referees HP Laptop and bag containing referees materials and equipment and another Referees bag containing referees materials and equipment and the club is culpable, in accordance to Rule 3.4 (c) Financial Liability.
- 3) From the charges, it is clear that for the reasons set out, match No 77 was abandoned at the 81st Minute and the penalty awarded to Ulinzi F.C (hereinafter "ULINZI) could not be taken. Thereafter the match was awarded to Ulinzi in line with FKF and FIFA rules on abandoned matches.
This matter was heard on the 28th April 2016 and 12/5/2016. Both parties were duly represented.

THE COMPLAINANT'S SUBMISSIONS

- 4) The Complainant represented by Mr. Jack Oguda and Counsel Ms. Amimo presented before the committee various documents which will be considered including
 - a) Letters of 26/4/2016 and 20/5/2016 from Ulinzi F.C to the CEO KPL
 - b) Police abstract dated 26/4/2016
 - c) Email from George Nyamwanda of 26/4 2016
 - d) Various match official reports and documents in respect of match 77
 - e) The charge sheet
 - f) Video recording of the match

KPL relied on the said documents and the video recording. It was KPL's position that AFC SC being the home team in regard to this match was responsible for security and maintenance of order. However and contrary to rules 3.3, 3.4 and 3.5 (b) (c)

AFC failed to contain its supporters and a supporter gained access to the field of play and others threw stones, alcohol bottles and other objects at Ulinzi FC technical bench and also at the field of play leading to the abandonment of the match at the 81st Minute. The match was therefore awarded to Ulinzi

- 5) KPL also relied on reports of the match officials. The match commissioner George Ogola Nyamwanda prepared an elaborate report. He stated that the match was played well up to the 81st Minute when a penalty was awarded to Ulinzi following a bad tackle (tripping) within the penalty area committed by a player of AFC S.C. Player No. 5 of AFC (Ramadhan Yakubu) appeared to protest the decision and was duly cautioned for dissent.
- 6) The match commissioner's report then adds that after the foregoing incident, an AFC steward who was within the inner perimeter in a luminous top entered the field of play with the apparent intention of attacking the referee. As other stewards made effort to stop him, they all ended up in the field of play. Yet others among the stewards took advantage and confronted the match officials. This prompted the security officials to intervene as the match officials' safety was under threat.
- 7) That when calm was restored within the playing area, the referee and his assistant moved to restart the game and to have the penalty taken but it was not possible as the AFC fans pelted the match officials with stones and other objects from the stands behind the 2nd assistant referee. Fans behind the 1st Assistant referee also started throwing stones and objects aimed at the Ulinzi bench, forcing the entire Ulinzi bench to enter the field of play for their safety.
- 8) The AFC players and some officials made effort to calm their fans and moved to the terraces pleading for order to allow the game to proceed but in vain.
- 9) As efforts to calm the fans went on, Ulinzi player number 2 Geoffrey Kokoyo fell to the ground after a kick by AFC player No 26 Eugene Ambulwa- the act was during stoppage time and did not attract the appropriate sanction.
- 10) Ulinzi reserve players and officials were reluctant to go back to their bench fearing for their safety, security personnel beefed up security, after 30 minute of stoppage, the match was called off as hope to resume the same failed.
- 11) The committee also had an opportunity to hear from the match officials who appeared before it on 12/5/2016. They confirmed the above position and further that at least 3 attempts were made to restart the match by taking the penalty, all which were thwarted by AFC fans throwing stones and other objects into the field of play to prevent the taking of the penalty. This eventually led to abandonment of the match
- 12) The match officials were clear that the penalties awarded in the match (3) were all properly called for and were emphatic that they would make the same call under similar circumstances any other time. In deed the match referee denied allegations of bias against

AFC pegged on the fact that his brother is a Gor Mahia player. He said that AFC have in fact won in their game that he has officiated. There has never been a complaint against him by AFC and even on this day, there was no complaint in any way prior to the match or during the pre-match meetings. The teams were aware of the match officials selected at least 48 hours prior to the game and none had protested.

- 13) The committee also had an opportunity to review the recordings of the match. This was a live match and so was recorded, and the same played back during the hearing in the presence of all the parties.

AFC LEOPARDS RESPONSE

- 14) AFC made various submissions through its interim management officials
- i) Daniel Mule
 - ii) Suleiman Augulu
 - iii) Maurice Osundwa
- 15) Their position was that as a club, they Condemn violence and want to fight the vice. They are seeking to partner with others to do so. That they like their “mashemeji” Gor Mahia, attract a big fan base and there is need for policy guidelines, which they are working on.
- 16) It was denied that the person who ran into the field was an AFC Steward; that AFC did not know him and was making effort to have the person traced and a complaint had been filed against him. The OB record and would be supplied.
- 17) AFC had also committed to have meetings with its stewards and get them to execute a code of conduct. They will be required to 1st produce certificates of Good conduct from the Police. Such was evidenced by letters to the stewards. The incident of fan trouble was however admitted but AFC stated that their players and officials made effort to calm down their fans and had succeeded but Ulinzi declined to resume play.
- 18) AFC Complained about Ulinzi officials who aggravated the situation by drawing guns both in the field of play and outside which action infuriated AFC fans and caused the decent to escalate. The Ulinzi team officials were accused of not being willing to have the match resume and insisted on staying inside the field of play.
- 19) AFC stated that the abandonment of the match had various causes involving the teams, team officials' players and fans as well as the match officials.
- 20) They castigated the match Centre referee for being too liberal with use of cards for instance in a prior match with Ushuru he issued 7 yellow Cards to AFC. That during the pre-match meeting Noah Wanyama had raised concern regarding Juma being the Centre referee. That he had a conflict of interest as his brother played for Gor Mahia and it would not be proper for him to officiate an AFC match.
- 21) It was also sated by AFC that the 1st Penalty to Ulinzi was not deserved. It was raining heavily and thus sliding was rife.
- 22) According to AFC, Ulinzi is to blame for the abandonment, that AFC had made adequate security arrangements and there was no need for Ulinzi KDF officers to carry guns and to brandish them causing unnecessary tension. Indeed KPL rules do not allow such in the field of play, but allows players to seek safety in the field of play
- 23) Regarding the claims for lost items AFC stated that the same cannot be shown or proven to have been a consequence of the fan trouble. It was an act of Criminality and must be viewed as such. AFC had provided adequate security. Further this having been a live match with another preceding it, it would be unfair to attribute the loss to AFC as other team's fans were also present

- 24) Regarding the charge on AFC player No 26 Eugene Ambulwa, AFC stated that they were surprised of the after match red card, but they stated that the player had served a one match ban, the club had taken him through a disciplinary hearing and counseling and had also penalized him Kshs 10,000/= which was deducted from his earnings. AFC would produce the letter of surcharge and proof of the financial penalty in earnings.

ULINZI'S RESPONSE

- 25) Ulinzi was represented on 12th May 2016 by its CEO Joe Birgen and the Assistant team manager Christopher Ouma.
- 26) They stated that their team does not carry guns but that due to insecurity and especially terror threats, the team is provided with 2-armed escorts, one in uniform and the other in civilian.
- 27) That hostility started as soon as they got to the stadium. At the first entry gate the AFC steward was good and allowed them in without trouble. However the AFC steward manning the inner gate declined to open. Madam Pamela of Mumias had to order him to open and the key was confiscated by a sports officer from Mumias Sugar. Also their accompanying fans about 20, were harassed as they entered and their drum torn before some AFC fans intervened. So frustration started early.
- 28) The match proceeded well with 2 penalties being awarded, in the 1st half AFC scored their penalty, and Ulinzi got its 1st penalty in the 2nd half, which they scored.
- 29) Towards end of 1st half, there started a fracas out of the field near the Ulinzi bus, where some AFC stewards and bus driver were confronting and touting the Ulinzi armed escort. The driver was holding a big stone threatening Ulinzi reserve players and escort. It was caught on camera and photo produced to the committee.
- 30) After half time the game resumed well but outside the pitch all was not well. It was raining and some of the Ulinzi reserve players and officials on the bench sought shelter in the Ulinzi team bus. The stewards and driver followed them and were arguing with them. Other AFC stewards were taking (stealing) water from the Ulinzi bus. The Assistant team manager was among the Ulinzi officials trying to intervene.
- 31) After the 2nd Penalty was awarded in the 81st Minute all hell broke loose. Officials of Ulinzi entered the field of play to seek refuge and also to secure their player, as objects were being thrown at them.
- 32) At the Ulinzi bus, AFC stewards were struggling in an attempt to take the gun from the escort. The assistant Team Manager called Mr. Birgen on phone but failed to reach him. He then gestured at him to go join them to take command. He pointed out the culprit, at that point the senior officials gave orders necessary for action to protect the loss of a gun, which would have been a serious offence. That is when the escort cocked the gun in readiness for any attack.
- 33) Ulinzi denied that any of its members entered the field of play with a gun. Ulinzi players and officials later left the field and stadium under protection by the police security available.
- 34) Ulinzi denies causing or contributing to the abandonment. Their players and officials were ready to resume play but all efforts to do so were thwarted. Their bench was being pelted and they could not sit there. They had to stay in the field of play. The situation was not conducive to play. The match was abandoned after over 30 minutes.
- 35) According to Ulinzi, the officiating was not the problem. The match officials were capable and made proper calls. All the penalties were well called for.

ANALYSIS

- 36) The committee has considered the oral presentations made by the respective parties and as well as the photographs presented and the video recordings of the match. The events on the field of play cannot be disputed in view of the recording. It is evident that following an infringement, a penalty was awarded, which in the committees view was a correct call by the match officials and as noted by the center referee, it was an infringement for which a red card ought to have been issued. The ensuing fan trouble, if premised on this call was uncalled for. It is noted that upon this call a person donning a bright yellow top similar to those worn by AFC Stewards runs into the field of play and was followed by several Stewards. This is followed by mayhem that culminated in the abandonment of the match. AFC representatives have admitted the occurrence of the crowd trouble and that its players and officials made effort to calm the storm. To the committees mind this was not achieved.
- 37) AFC has claimed that various factors contributed to crowd trouble and eventual abandonment. This cannot be so. As stated by Ulinzi and confirmed by the photos and statements of match officials, there was an unnecessary and potentially life threatening confrontation between various AFC Stewards and the Team driver with Ulinzi reserve players and officials off the field of play near or at the Ulinzi bus. That alone was serious enough to call for admonition of AFC for a breach of its duty. As a home team AFC was obliged to provide security of the visiting team's players and officials.
- 38) The penalty award at the 81st Minute as observed from the match recording was appropriate, which even AFC officials concurred was well called out. In any event and in accordance to FKF and FIFA rules of the game, the referee's call on such is final. It therefore is the responsibility of the Team and its fans to guard against violent reaction to such a call. It can only be challenged in terms of Rule 7.6 of the FKF Rules.
- 39) It is clear that an AFC fan, if not a steward, violated the rules and ran into the field of play with the clear intention of assaulting the match official contrary to the applicable rules. It was stated that in fact he was let into the play area and out to evade arrest by AFC stewards whose duty was to protect the said area of play as additional security. Clearly this person, if not a steward was and is known to AFC. AFC stewards aided and abetted his violation of the field of play and evasion of his arrest. The club has not taken action on those stewards.
- 40) Further, other AFC stewards and the Team bus driver, confronted harassed and even took away water from the Ulinzi bus. This is yet another violation of the duty to provide safety to visiting teams, fans, players and officials. It is indeed commendable that the armed Ulinzi escort restrained himself.
- 41) It would appear that AFC has not taken action on its Stewards and the bus driver known to have acted as afore-stated. The committee notes AFC'S commitment to register its stewards and educate them as well as requiring the production of certificates of good conduct. This effort should be seen through and even enhanced as the role of stewards towards enhanced crowd/fan management cannot be over emphasized.
- 42) It is the committees finding from the foregoing that indeed, at the 81st minute, various breaches of conduct occurred which ultimately led to crowd/fan trouble, including invasion of the field of play, throwing of stones and other objects into the field of play at the bench of Ulinzi team which actions led to the eventual abandonment of the match.
- 43) The committee therefore finds that KPL has proved charge 1 and AFC is thus held to be guilty of the breaches of rule 3.3, 3.4 and 3.5 (b) and (c) of the FKF rules of the Game.
- 44) The Committee also finds that charge 3 regarding the abandonment of the match has been established and confirms the award of the match to Ulinzi FC on a 2-0 basis in terms of rules 3.7 and 3.8 of the FKF rules of the Game.

- 45) With regard to charge No.2, the committee on review of the video recording of the game and on the player's own admission, finds that AFC player No 26 Eugene Ambulwa violated the provisions of rule 6.1 of the Fair play code. The committee observes that KPL issued a one match ban which the player has served and also that AFC has deducted the player's income by Kshs 10,000/= as a fine. We are also informed that internal disciplinary process was put in place before the financial penalty. We urge the club to continue counseling the player. It is noted that all teams should warn their players to avoid taunting other players and to also continuously counsel the young against retaliatory action when provoked. They should be taught that such actions can be used by opposing team players to bait them into trouble and possible send offs.
- 46) Eugene Ambulwa is a young player, it is hoped that with this charge and the consequences that he has suffered thereafter, he has learnt a lesson. The committee thus considers that the punishment so far is sufficient to him and proportionate to the offence. However he is admonished and warned that in the event of a repeat, more severe action will be taken by this committee. It is also hoped that other players will take note that this committee views this nature of breach seriously and will mete out deterrent penalties for any future breaches brought before it.
- 47) In regard to Charge 4 relating to loss of items from the referee's room, the Committee was informed that there were 2 matches on that day. That the match officials of the 1st match used the room to change and left their bags in the room. The officials of the AFC VS ULINZI Match and the match Commissioner also used the said room. It is stated that the Key was given to one of the officials of the 1st match as the AFC VS Ulinzi match officials went to take charge of match No 77.
- 48) It is further stated that after match 77 was abandoned due to fan trouble as above set out, the match officials were escorted to the changing room by police. They then found the door broken and the items in there stolen. The key to the door was still with the other official of the previous match. The loss is blamed on AFC for the crowd trouble and failing to provide security.
- 49) A police Abstract produced shows that the matter was reported to the police. The value of property lost by Mr. George Nyamwanda the match commissar is shown as Kshs 55,000/=. The list of his lost items is set out in his e-mail to KPL of 26/4/2016. The committee has also seen a list of other items belonging to Mr. Gabriel Abidha, a referee, that were lost during this incident; all valued at Kshs 38,899/= excluding the referee's uniform.
- 50) AFC objected to the claims in this charge stating that in their view, the loss was a consequence of a criminal act, and not the fan trouble that occurred in the match.
- 51) The committee has agonized over this matter. It is clear that the referee's room was broken into and property of the values claimed lost. Mr. Nyamwanda had come from a training session at Nakuru. It is therefore reasonable to expect him to have had in his possession the nature of items listed as lost.
- 52) The committee observes that, there is no means of establishing the period or time of loss, whether during the match or indeed as a part of the crowd trouble leading to abandonment of the match. It was said the occurrence was only noted after the match officials were escorted to the room. In this case, it would be difficult to attribute the break in and theft to the crowd/ fan trouble. The nexus between the fan trouble and loss has not been established. It is thus highly possible and probable that the act occurred during the match period. This would only safely be attributed to acts of criminality by unknown persons. In the consequence and with much sympathy to the match officials, the committee is unable to place this loss at the door of AFC SC or its fans

DECISION

53) For the period from 2011 to the present, this committee has handled various complaints brought against AFC SC either by KPL or by opposing teams, relating to crowd/fan trouble, hooliganism, property destruction and even injury to persons. The committee has handed down decisions ranging from fines (some fairly high) and/ or orders to play with empty stadia. The following decisions come to mind:

- i) KPL match between Thika United and AFC Leopards of 8/5/2011 (Mumias Stadium) IDCC Case No 2011/03
- ii) KPL Match No 87 between AFC Leopards VS Gor Mahia F.C
- iii) Top 8 match AFC Leopards VS Chemelil Sugar F.C-April 17, 2013
- iv) IDCC Case No 6 2014 AFC Leopards Match VS Thika United on 11/5/2014
- v) Match No.78 Mathare United VS AFC Leopards of 23rd April 2014-Nyayo Stadium
- vi) Match No.88 Gor Mahia FC VS AFC Leopards of 23rd August 2015

54. The committee and the general Kenyan Public would wish to see a more orderly sport viewership and fan conduct that brings respect to the sport. This would increase both fan bases for the KPL clubs and hopefully better sponsorship. KPL Clubs and their fans must honor, respect and uphold the dignity of the sport, the rules governing the sport, the officials manning the matches, other clubs fans and property.

55. Fans of any clubs MUST understand that they do not assist their clubs/teams by causing chaos and disrupting matches causing abandonment, delays or loss and injury to other teams, their fans or the general public. This committee MUST act towards enforcing good conduct. Decisions of match official however annoying are by FKF and FIFA rules final and must be respected in line with rule 7.3 (b).

56. In view of the foregoing, and in order to stem the destructive and disruptive repeated fan trouble, the committee having found AFC SC culpable of the charges in respect of breaches to rules 3.4, (a) , (b) , 35 (b) makes the following orders:

- I. That the decision of KPL to award match No. 77 to Ulinzi Stars on a 2-0 basis is upheld, in line with Rule 3.8 of FKF Rules.
- II. That AFC S.C shall be deducted 3 points from their current points tally, being a penalty for the violations as above stated, in line with FKF Rules and FIFA Rules Article 67.
- III. AFC SC shall meet the costs of IDCC sittings and any witness expenses of 12/5/2016, exclusive of any Legal Fees, same to be paid within 14 days or in default be deducted from their KPL grant.

DATED at Nairobi this 26th day of May 2016

Prof Migai Akech
Chairman



Mr. William Odeny
Member



Dr. Elijah Gitonga
Member



Ms. Peninah Wahome
Member



Ms. Njeri Onyango
Member


