



Case Number:	Petition 17 of 2015
Date Delivered:	01 Mar 2016
Case Class:	Civil
Court:	Sports Disputes Tribunal
Case Action:	Decision
Judge:	John M Ohaga (Chairperson), Elynah Shiveka (Vice Chairperson), Gabriel Ouko, GMT Otieno, Peter Ochieng' & Maria Kimani (Members)
Citation:	Robinson Owiti v Kenya Golf Union [2016] eKLR
Advocates:	Mr. Mbeche for the Petitioner Mr. Mutua for the Respondent
Case Summary:	-
Court Division:	Tribunal
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	petition allowed
History County:	-
Representation By Advocates:	Both Parties Represented
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

OFFICE OF THE SPORTS DISPUTES TRIBUNAL

PETITION NO. 17 OF 2015

ROBINSON OWITI

VERSUS

KENYA GOLF UNION

DECISION

Hearing 16th February, 2016

Panel: Mr. John M Ohaga Chairperson

Mrs. Elynah Shiveka Vice Chairperson

Mr. Gabriel Ouko Member

Mr. GMT Otieno Member

Mr. Peter Ochieng' Member

Ms. Maria Kimani Member

Appearances: Mr. Mbeche for the Petitioner;

Mr. Mutua for the Respondent

Opening

1. The Appellant, Mr. Robinson Owiti (hereafter '**Mr. Owiti**'), is an adult male of sound mind. He is an avid golfer and a member of the Vet Lab Golf Club; the Respondent is the Kenya Golf Union, (hereafter '**the Union**') which is the national sports organization in charge of the game of golf in Kenya. It has exclusive control over the selection of National Teams to represent Kenya in regional and international amateur golf competitions.

2. The Petition was commenced on 16th November, 2015 and the Union filed its primary response on 1st December, 2015.

3. The genesis of Mr. Owiti's grievance is that on 28th October, 2015 the Union via a letter of the same date informed him that its Executive Council had decided to:

i. Suspend him from participating in the Kenya Golf Union Golfer of the Year Event (GOTY) for a period of one year effective 27th October, 2015 and ending on 27th November, 2016;

ii. Suspend him from the Kenya National Team; and

iii. Strike off his name from the GOTY Ranking Table.

4. The reason for the suspension was that Mr. Owiti had on 16th October, 2015 confronted the Chairman of the Union at the Limuru Country Club and after that proceeded to social media to *'use language that amounted to threats and lack of respect on the office of the Chairman.'*

5. Via the letter dated 28th October, 2015 the Appellant was informed that his suspension would take effect on 27th October, 2015 and last for one year. The letter went on to state as follows:

'By a copy of this letter you are required to show cause why this should not be upheld.'

6. Mr. Owiti therefore lodged this Appeal before the Tribunal challenging the decision of the Union. His Memorandum of Appeal or Petition was accompanied by a bundle of documents evidencing the basis of grievance; he further swore an additional affidavit on 2nd February, 2016.

7. Simultaneously with the filing of the appeal, the Mr. Owiti approached the Tribunal under a certificate of urgency seeking an order to stop the Union from excluding him from the Kenya Team that was scheduled to travel to Kigali, Rwanda to participate in a regional tournament being the East African Golf Challenge, 2015. The application was heard by the Chairman of the Tribunal who declined to grant the orders sought on the basis of the likely inconvenience to the Kenya team which was scheduled to depart for Kigali the following day. The Chairman, however, directed that service upon the Union be effected immediately.

8. Unfortunately, the appeal could not be prosecuted as quickly as the Tribunal had envisaged as Mr. Owiti sought the Tribunal's assistance in obtaining certain information from the Department of Immigration which information was not immediately forthcoming. As Mr. Owiti was of the considered view that this information was crucial to the conduct of his case, the Tribunal allowed him time and accorded him such assistance as was necessary to obtain the required information.

9. The Union filed its Statement of Defence on 1st December, 2015 and filed a further affidavit sworn by Jesse Mungai on 16th February, 2016.

10. Charles Farrah who described himself as a former coach of the Kenya National Golf Team appeared before the Tribunal on the 16th February, 2016 as an interested party. The Tribunal appreciates his appearance and contribution.

11. The Tribunal heard oral arguments for counsel for both Mr. Owiti and the Union on 16th February, 2016.

The Dispute

12. Mr. Owiti's case is that, at the request and on behalf of 22 fellow golfers, he wrote a letter dated 25th May, 2015 addressed to the Union raising various grievances over the Union's management and governance.

13. The particular grievance put forward in the said letter related to the selection criteria used to select golfers to represent the country in various tournaments.

14. It is not in dispute that Mr. Owiti had been nominated to represent the country at the East African Golf Challenge, 2015 to be held at Kigali Golf Club which was scheduled to take place from the 25th August, 2015 to the 29th August, 2015.

15. Due to circumstances beyond the organizers control, the event was postponed to 17th November, 2015.

16. On 14th October, 2015, Mr. Owiti called Jesse Mungai an administrator of the Union seeking to confirm whether all the players seeking to represent the country in Kigali are Kenyans and to also seek an answer to his letter dated 25th May, 2015 wherein he had questioned the points system used by the Union in respect of golfers.

17. The Appellant claims that on visiting the golf offices on 15th October, 2015 he was directed to address his concerns to the Chairman of the Union, Mr. Anthony Muhoro. He claims he addressed the Chairman on his concerns in a calm manner but on his way out, he was escorted by security guards.

18. The Union in the Suspension letter dated 28th October, 2015 indicates that the altercation between the Appellant and its Chairman happened on 13th October, 2015 at the Limuru Country Club.

19. Mr. Owiti claims that on 28th October, 2015 he received a call from Jesse Mungai informing him to come to the offices of the Union to pick his suspension letter. He claims that this act on its own constituted a violation of the Constitution of Kenya and the Union's Constitution. Through the same call, he was also informed not to participate in the Manchester Salver competition which he had traveled to Eldoret for. The competition had been scheduled for the 29th - 30th October, 2015.

20. Following the suspension, Mr. Owiti was naturally unable to participate in the Rwanda tournament. He now seeks the following orders from the Tribunal:

i. That an interim order do issue stopping the team picked by the Respondent to represent the country in the Golf Tournament scheduled at Kigali, Rwanda for the 17th November, 2015 till the hearing and determination of this application;

ii. That pending the hearing and determination of this suit the court do order the Respondent do waive the suspension given to the applicant and that the appellant together with the best nine players as per the union ranking do proceed to represent the country in Kigali, Rwanda from 17/11/2015 of in the alternative the Tribunal do issue an order to stop the team from travelling on the 17th November, 2015 until hearing and determination of this appeal;

iii. That points awarded to the applicant at Kenya Amateur STROK play at Thika Greens be included in the awarding records as supposed to be; and

iv. Costs be provided for."

Appellant's Arguments

21. Mr. Mbeche counsel for the Appellant submitted that the Appellant was listed in the Golfer of the Year 2015 points table and had qualified through nominations and points. He further demonstrated that on 31st July, 2015, the Union's issued him with a congratulatory letter nominating him to participate in the prestigious Rwanda tournament.

22. The Appellant also submitted that the event which was to take place in the Kigali Golf Club from the 25th -29th August, 2015 which the Appellant had qualified for was postponed and not cancelled. Their argument was that no further qualification rounds were needed since a competent team had been selected.

23. Despite the postponement of the event, the Appellant nevertheless continued to participate in local events and practice sessions. For example, on 22nd-24th October, 2015, he participated in the Kenya Armature STROK play championships but no points were awarded to him.

24. In regards to the suspension, it was the Appellant's argument that the Union's Executive Committee did not follow the rules of natural justice. The Appellant's contended that the suspension whose effect is to last for the duration between 27th October, 2015 to 27th October, 2016 was arrived at without the Appellant exercising his right to be heard. Thus, he claims the decision went against the rules of natural justice, infringed on his constitutional right to be heard and it was against the Union's procedure and the GOTY Rules.

25. The Appellant averred that the primary objective of the Union is to advance and promote the game of golf in Kenya. Pursuant to Section 2 of the Union's Constitution (Objects Clause), the Appellant averred that the Union is required to do lawful acts which are conducive to the advancement of the objectives of the Kenyan Constitution as well as its own Constitution.

26. The Appellant further raised issue with the manner in which the Defendant conducted the disciplinary process. Guiding the Tribunal to the Union's By-laws, in particular Section 3.2, 3.4 as read with 3.5, it was their submission that the same indicates that the Appellant's home club (Vet Lab) should have been involved in his disciplinary process and that the Union ought to have referred the matter to the said club to look at the issues and request them to make a decision.

27. The Appellant therefore concluded that the Union usurped the jurisdiction of the home club in regards to disciplining the Appellant.

28. It was further submitted that the Union failed to give Mr. Owiti an opportunity to show cause. The suspension letter issued was contradictory because as it communicated the decision to suspend it also asked him to show cause as to why he should not be suspended.

29. Mr. Owiti has pleaded that on 12th November, 2015 there was a meeting wherein the Union's Chairman, Mr. Muhuro and the Union's Treasurer as well as a representative of his lawyer attended. He claims that the said meeting was not fruitful.

30. In regards to the golfers ranking, Mr. Mbeche submitted before this Tribunal that to qualify for selection, one must be a Kenyan citizen and must have played a minimum of 12 games.

31. The Appellant produced documentation before this Tribunal to demonstrate that some of the team members selected by the KGU were not Kenyans.

32. The Appellant requested the Tribunal to inquire into the nationality of a one Mr. J Singh Sandhu. Having obtained information from the Immigration Department, the Appellant submitted that he was not a Kenyan national prior to 2013 yet he represented Kenya in several international competitions.

Union's Arguments

33. Mr. Mutua, counsel for the Union inferred that the Tribunal's jurisdiction could only be triggered upon the consent of the parties involved in the dispute. The Tribunal, reaffirming its jurisdiction over the matter, opined that selection to a national team does not require an agreement between parties and as such the Tribunal would exercise its jurisdiction automatically.

34. Mr. Mutua cautioned on the potential danger of looking at the merits of the decision. He instead directed the Tribunal to examine if the process arriving at the decision was fair or not. The Union also pleaded that if the Appellant's contentions were to be heard and determined the Tribunal would be assuming the disciplinary mandate of the Union.

35. The Union pleaded that disciplinary action against the Appellant was necessary and in accordance with its Constitution and By-laws. The Union claims that the Appellant made a public and outrageous confrontation against the Chairman in the presence of visitors from other countries participating in the Africa Amateur Golf Team Championship Event. The said conduct was deemed as the Union as being prejudicial to its interest and the game of golf and was likely to bring its name and the game of golf into disrepute.

36. Thus the said conduct necessitated a meeting of the Union's Executive Council on 27th October, 2015 and its decision was communicated to the Appellant via the letter of 28th October, 2015 with a copy to his club, Vet Lab.

37. The Union averred that the Appellant misunderstood the letter dated 28th October, 2015. They submitted that the sanctions proposed in the letter did not amount to a final decision but merely a recommendation '*which was however subject to confirmation as a final decision upon hearing and considering the Appellant's representations upon his showing cause as requested in the said letter.*' They further submitted that the Union at the Union level also bears the right to discipline its members.

38. The Union was also of the considered view that the Appellant was afforded an opportunity to show cause but he elected not to attend the said forum. They therefore denied the allegations that they had breached the rules of natural justice. Further, the Union critiqued the Appellant's decision to approach this Tribunal and termed it as a process intended to sidestep the disciplinary process that its letter of 28th October, 2015 had set in motion.

39. In regards to the Kigali tournament, they considered the issue moot since it had been overtaken by events and they felt it was immaterial to address the same before this Tribunal.

40. In respect of the Appellant's allegations that he was not awarded points following his participation in the Kenya Amateur Stroke Play Championship 2015, the Union submitted that this was false as the Appellant was not among the first 16 players who under the Championship Rules were eligible to be awarded the points he claims. The Union awarded him 0.5 points for participation and the final results of the said championship confirmed that he was position number 21 on the scoreboard.

41. The Union sought that the matter to be dismissed with costs.

Issues for Determination

42. Having read the pleadings filed and listened to the elaborate submissions by advocates for the parties herein, the Tribunal finds the following as issues for determination:-

- i. Whether the suspension was procedurally fair;
- ii. The mode of selection of the Kenyan team to international events.

Whether the suspension was procedurally fair

43. The Tribunal notes that the Union's Code of Conduct stipulates as follows:

...1. A team member shall at all times, both on and off the golf course, conduct himself in a manner which reflects favorably on the game of golf, upon the KGU and upon fellow team members. Failure to do so shall render the member liable to disciplinary action.

2. A team member shall not verbally abuse, assault or intimidate another player, a KGU or any other golf official. A player will not speak to any other player or official in a manner which offends, insults, humiliates, disparages or vilifies others on the grounds of differences in race, religion, color descent, national, ethnic origin and social status.

44. Section 3 of the Union's By-laws provides a well laid down procedure for the suspension and loss of handicap. It provides that the Union being the body that has the sole authority to regulate the game of golf in Kenya has the power to discipline golfers who are members of clubs affiliated to the Union. This position is well appreciated by the Tribunal.

45. It is not disputed that Vet Lab is a club associated with the Union and it therefore naturally follows that based on the By-laws that regulated and guide both the clubs and the Union, the Union can effectively discipline golfers from the said club.

46. Nonetheless, the Tribunal takes note that the same by-laws also indicate at Section 3.0 that the Union will allow in the first instance a home club to deal with disciplinary actions against the member but that the Union may take disciplinary action against a Golfer who is handicapped if it becomes necessary in the interest of the game of golf. Thus there are two disciplinary organs in the game of golf, being the Union and the Golfer's Home Club.

47. The Tribunal continues to encourage the use of internal dispute resolution mechanism across all sports organizations. In advancing sports and more specifically the interests of sportspersons, the Tribunal encourages that sports organizations should afford their sportspersons maximum opportunities to address their concerns and grievances especially before approaching the

Tribunal.

48. That notwithstanding, the Tribunal also finds it extremely difficult to grapple with the manner in which Mr. Owiti's suspension was effected by a sport organization which prides itself on being a gentleman's sport.

49. The Union has the authority to suspend the handicap of a player if in its opinion he has:

a. Constantly or blatantly failed to comply with the obligations and responsibilities imposed by the Union or his home club;

b. Conducted himself in a manner prejudicial to the interest of the Union, the home club or the game of golf;

c. Acted in a manner that bring the name of the Union, home club or the game of golf into disrepute; or

d. Failed to abide by the directions issued by the Union in discharge of its mandate.

50. The process of how a golfer should be disciplined is clearly elucidated in the By-laws.

51. At Clause 3.1 thereof, in the event that a player conducts himself in a manner that calls for disciplinary action as elucidated at paragraph 52 *'the union shall through the Honorary Secretary, issue a notice of seven days to the golfer requiring him to show cause why his handicap should not be withdrawn'*.

52. Upon being served with the notice, the golfer shall explain in writing to the secretary why disciplinary action should not be taken against him.

53. The response given by the golfer determines whether or not the Executive Committee is to sit in respect of a disciplinary hearing. Where the Union receives a satisfactory explanation as to why the disciplinary action should not be taken against the golfer, it advises the golfer through his club of its decision not to commence the disciplinary procedure against him.

54. At section 3.5 the By-laws stipulate that if it does not receive an explanation or if upon receipt of unsatisfactory explanation from the golfer, the Union shall require the golfer to appear before the Executive Committee for a disciplinary hearing. Pending the hearing, the Union has the discretion to suspend the golfer.

55. It is upon hearing the golfer that the Executive Committee makes a decision on either to reprimand or suspend the golfer, or any other disciplinary action it deems fit.

56. The By-laws stipulate that the decision of the Union on the withdrawal or suspension of the golfer is final. Thus the implications of such a decision are very dire on the sportsperson and that is why though the Tribunal does not involve itself in the internal affairs of voluntary sport clubs and associations, in instances such as this where the legitimacy of a hearing is put to test, the Tribunal must intervene.

57. The Tribunal takes note that the Appellant was neither given a notice to show cause of seven days nor was he afforded the opportunity to defend himself at the disciplinary hearing. The Tribunal also deeply notes that the suspension letter was issued on 28th October, 2015 but the effect of the suspension begun running from 27th October, 2015- 27th October, 2016. Further, the Executive Committee was convened for a disciplinary hearing and reached its determination without seeking the position/explanation of the Appellant.

58. The Respondent's Advocate submitted that the Respondent did not breach the rules of natural justice. In this regard, reference was made to **Herring vs Templeman & Others** [1973] 3 All ER 561 where the Court held that there had been no breach of the rules of natural justice as the academic board was under no implied obligation to accord a hearing to a student before recommending his expulsion.

59. In **Herring v Templeman** [1973] 2 All ER 581 a student teacher who had been requested to withdraw from a teacher-training college on academic grounds commenced an action against the governors for a declaration that the resolution of the governing body dismissing him was ultra vires null and void he alleged breach of the internal regulations of the college and a breach of natural justice. The case is of interest because the plaintiff conceded that his matters of complaint fell within the jurisdiction of the visitor but submitted that in so far as the allegations were of a breach of natural justice the court retained a concurrent jurisdiction. Brightman J rejected this submission and struck out the statement of claim. He said (at 591):

'In the action with which I am concerned, the plaintiff's case is that he did not have a hearing before the academic board, that he did not have a fair hearing before the governing body and that the procedure of his dismissal was defective. In my judgment, these are essentially matters which touch the internal affairs or government of the college and are therefore matters confined by law to the exclusive province of the visitor.'

It should be noted that during the hearing of this case in the Court of Appeal, it emerged for the first time that the plaintiff was not a member of the college, which had been the basis of his case at first instance. The Court of Appeal allowed the plaintiff to amend his statement of claim and affirmed the judgment of Brightman J on other grounds which are not material to the present matter (see [1973] 3 All ER 569).

60. It is instructive, however, that in **Herring** the college followed the laid down procedure in respect of expelling the student. Further, before the student was expelled the governing body invited him to the hearing wherein he gave his reasons as to why he should not be dismissed. The rules provided that he could give his reasons in writing or appear in person before the governing body. Having heard him the governing body resolved unanimously to accept the recommendation from the academic board. The student had challenged the procedure used by the academic board in recommending his dismissal. He claimed that he ought to have been accorded a hearing and the opportunity to put forward his defence. The Court noted that there was no breach of the rules of natural justice and that the academic board was not expressly or impliedly mandated by the rules of the college to accord a hearing to the student before it made a recommendation for his dismissal.

61. In the case before us, the Tribunal notes that there was a departure from the elementary rules of natural justice and most importantly from the Union's own body of rules.

62. Additionally, the Tribunal appreciates the gravity and the prejudicial effect of the decision on Mr. Owiti as a sportsperson and the game of golf in its entirety. Disciplinary decisions should not be lightly reached at as they affect not only the social standing of the sportsperson but also his livelihood.

63. It appears that the Union had no intention to follow its own laid out Constitution and by-laws and that Mr. Owiti's fate was already predetermined.

64. In **Constantinides v Jockey Club of SA** 1954 (3) SA 35 (C) at 44B, the Court recognized that:

The constitution of a voluntary association is a contract, resulting in a contractual relationship between the association and its members. This means that the applicant is bound to exhaust all internal remedies provided to it in terms of the constitution, rules and regulations of South Africa Football Association, before it can approach this court for the relief it seeks.

65. In respect of the above decision it must also be noted that the sport organization must avail to the sportspersons the avenues for dispute resolution. Further, the disciplinary process must comply with the rules of the sport organization and disciplinary rules cannot be formulated as the dispute escalates or is resolved.

66. The Union could have very easily constituted a disciplinary committee and issued a notice to the Appellant to show cause as to why disciplinary action should not be taken against him. The Union should have also clearly laid out the charges against the Appellant and if need be issue temporary suspension pending the hearing. This was not done and the Union did not demonstrate sufficient reasons as to why the same was not complied with.

67. The Tribunal appreciates that the right to be heard must be considered on a case by case basis. Nonetheless in disciplining the Appellant herein, the Union neither requested for a written explanation from him as is stipulated in its Union Rules nor did it

demand the physical presence of the Appellant during the disciplinary hearing.

68. The Union failed to adhere to its own disciplinary processes. In the case of **USA Shooting & Q vs. UIT** (CAS 94/129) CAS, the Court stated that:

The fight against doping is arduous, and it may require strict rules. But the rule-makers and the rule-appliers must begin by being strict with themselves...

69. In the above stated case, CAS rejected the argument on the part of the respondent that this deviation was minor and incapable of invalidating the results. CAS stated that in order to assess the consequence of the Federation's breach of its own rules, it had to examine the importance of the provision. The error in this case called into question the entire testing procedure leading to the inadmissibility of the whole sample tested.

70. In the case before us, the Tribunal notes that there was a departure from the elementary rules of natural justice as well as the Respondent's body of rules. Additionally, the Tribunal appreciates the gravity and the prejudicial effect of the decision on the Mr. Owiti as a sportsperson and the game of golf in its entirety. Disciplinary decisions should not be lightly reached at as they affect not only the social standing of the sportsperson but also his livelihood.

71. The Tribunal would further seek reference to the Overriding Objectives found at both sections 1A and 1B of the Civil Procedure Act, and sections 3A and 3B of the Appellate Jurisdiction Act. In the case of **Safaricom Ltd -vs- Ocean View Beach Hotel Ltd & 2 others** [2010] eKLR, Nyamu, J.A. stated that:

"The Court has the duty to interpret the Acts and exercise the powers under the Acts and the rules made pursuant to the Acts so as to attain the overriding objective. Both provisions are aimed at inter alia, making case management principles the central tool in attaining and furthering the overriding objective. It must be remembered that the core business of the courts is to do justice and the principle aim of the overriding objective is to enable the courts to act justly." "The court in exercising its jurisdiction, shall facilitate the just, expeditious, proportionate and affordable resolution of all cases."

72. This means that the Tribunal in addressing disputes before it must strive to do justice.

73. For the foregoing, the Tribunal finds that the suspension was procedurally flawed, unlawful and it violated the Mr. Owiti's right to a fair hearing and the rules of natural justice.

The mode of selection of the Kenyan team to international events

74. The Tribunal reiterates its earlier sentiments that this is not a group action. There is one appellant in this matter and the Tribunal will restrict itself to the issues raised in the Appeal in respect of the Mr. Owiti only.

75. The Tribunal appreciates this fact and does not take lightly the concerns of disgruntled sportsmen but in the same breath also realizes that the same 22 people have no locus before the Tribunal today.

76. The Tribunal must however caution the Union and takes judicial note that the morale of players has been deeply affected by the manner in which the Union conducts the selection of golfers to international tournaments.

77. In regards to Mr. Jaydeep Singh Sandhu, the Tribunal considered this as a secondary issue. It became very apparent during the hearing that he was not a Kenyan national prior to 2013 yet he represented the country in several international tournaments.

78. The Union did not adequately address this issue to the Tribunal on the potentially risky scouting it has obviously sanctioned and engaged in. The Tribunal is deeply concerned that the Union failed to delete Mr. Sandhu's name from the GOTY ranking upon realizing his non- Kenyan status.

79. Nevertheless, The Tribunal declines to make a determination on the issue being cognizance that the Mr. Owiti did not demonstrate how Mr. Sandhu's selection in the team prejudiced him. The Tribunal also appreciates that dual citizenship is recognized in Kenya and that neither party was able to point out when Mr. Sandhu obtained Kenyan citizenship or whether the same was revoked.

80. The Tribunal further finds issue with the awarding of points to individuals who do not participate in tournaments in order to aid them get better ranking in the Golf Table. The Tribunal affirms that the Union's procedure which is available in all clubs and the GOTY points system should be the parameters in which golfers are awarded points.

81. The Tribunal finds that there have been instances of defective selection of the Kenyan team and urges the Union to leave up to its mantra of promoting the interests of the game of Golf in Kenya for the benefit of sportspersons.

82. In this respect, the Tribunal makes reference to the Union's Team Selection Policy and Procedure Manual which stipulates that the Union shall provide a credible yardstick to measure and rank the performance of competitors in golf events as well as include the best available players in competitions and offer them to be considered during the selection of the national team so as to ensure that Kenya is competitive in international golf. The Tribunal urges the Union to live up to this mandate and seek to inspire confidence in its members.

83. Additionally, it is imperative that the internal dispute resolution mechanisms put in place by the Union's By-laws are adhered to so that confidence in the management of the sports as well as integrity of the sportspersons and managers is upheld.

Orders

84. Consequently, the Tribunal finds that:

- i. The process of suspending the Mr. Owiti was flawed;
- ii. The Kenya Golf Union's decision of 28th October, 2015 suspending the Mr. Owiti is hereby quashed;
- iii. A proper disciplinary process be initiated by the Union within 14 days of this decision with a view to carrying out proper investigations into the alleged conduct of the Mr. Owiti and reaching a just determination;
- iv. The determination of the Union be forwarded to the Tribunal within fourteen (14) days thereof; and
- v. The matter shall be mentioned before the Tribunal on 5th April 2016 to receive a report in respect of (iii) and (iv) above;
- vi. The costs of this action shall be borne by the Union in any event.

The Tribunal commends Counsels appearing and parties herein for their cooperation in facilitating the timely hearing and determination of this appeal and for their helpful submissions.

DATED at NAIROBI this 1st day of March ,2016

Signed:

John M. Ohaga

Chairman, Sports Disputes Tribunal

Delivered in the presence of:

1. _____

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