

DECISION

Request No.: 13

Event: DSMC Marine Sports Inter Clubs International Sailing Championship Race Number: 10
Hearing Schedule: 2024-02-17 15:00

PARTIES AND WITNESSES

Request No.: 13: RS Zest - MAS 10 - Muhammad Farhan Hamid

RS Zest - KAZ 3 - Karina Jangazova

Witnesses: RS Zest PAK 7 Mohamed Ali Hamza, RS Zest DMSC 9 Ursula Cucic

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

1. The panel of the International Jury was composed in accordance with RRS N1.4(b).
2. Protest is lodged by Boat 10 under 60.1(a) for an incident Boat 10 witnessed between boat KAZ 3 and boat DMSC 9
3. MAS 10 is represented by Muhamad Farhan Hamid
4. KAZ 3 is represented by Karina Jangazova
5. DMSC 9 is represented by Ursula Cucic.
6. A video was shown by the Coach of DMSC 9, James Dawson together with a video from the Jury on water was shown to all parties and confirmed to have recorded the incident.
7. David Cucic attended the hearing as an observer.

FACTS FOUND

1. In Race 10 the wind was 8 knots and the sea slightly choppy.
2. One minute after the start KAZ 3 and DMSC 9 were on starboard tack with KAZ 3 leeward of DMSC 9.
3. DMSC 9, a novice sailor who normally sails recreationally, lost control, bore down and then made contact with KAZ 3
4. MAS 10 who was a boat length ahead saw the contact between KAZ 3 and DMSC 9 and saw no boat take any penalty then hailed "protest" at KAZ 3 and DMSC 9.
5. DMSC 9 after the contact went head to wind and stopped while boats MAS 10 and KAZ 3 continued to race forward.
6. When KAZ 3 saw DMSC 9 stop she assumed DMSC 9 was going to take a penalty and did not pay further attention to DMSC 9 and continued racing.
7. There was no damage or injury.
8. No boats took any appropriate penalty.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules:

1. From the facts found, the jury learned that the witness, DMSC 9, to windward failed to keep clear of KAZ 3 to leeward, and broke RRS 11.
2. DMSC 9 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for KAZ 3, the right-of-way boat to avoid contact with DMSC 9 when it was clear that

DMSC 9 was not keeping clear. KAZ 3 did not break RRS 14.

4. KAZ 3 saw DMSC 9 stop and did not pay further attention as to whether DMSC 9 carried out her penalty turns
5. There is no rule to mandate a hail of "protest." The jury is satisfied that Rule 2 was not broken by KAZ 3.

DECISION

Date & Time: 2024-02-17 15:30 +03

1. Protest by MAS 10 against KAZ 3 is dismissed.
2. The jury will protest DMSC 9 with facts arising from this case under 60.3(a)(2)

PROTEST COMMITTEE

Committee Type: Protest Committee

Chaired By: Qu Chun (CHN)

Committee Members: Leonard S Chin (MAS), Alberto Predieri (ITA)

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