

WORLD RUGBY

U 20 TROPHY 2015

DECISION OF THE INDEPENDENT JUDICIAL OFFICER

Held at the Sana Reno Hotel, Avenida Duque De Avila, Lisbon
On Wednesday 13th May 2015

In respect of:

Diego Ardao (“The player”)

And

A Citing Complaint by Maurizio Vancini (FIR,Italy) in respect of an alleged act of foul play contrary to Law 10.4 (a) of the Laws of the Game namely striking another Player with a hand, arm or fist in the U 20 Trophy match between Uruguay and Georgia played at Jamor Stadium, Lisbon on 12 May 2015 (“the Citing Complaint”).

Judicial Officer appointed to hear the case:

Jean Noel Couraud (France) (“The Judicial Officer”)

Decision of the Judicial Officer:

(i) The Player having accepted that he committed the act of foul play (law 10.4(a))(striking another Player with a hand, arm or fist) for which he had been cited, the Judicial Officer upheld the Citing Complaint against the Player.

(ii) The Player is suspended from taking part in the game of rugby up to and including Sunday 24 May 2015. The Player is free to resume playing rugby on Monday 25 May 2015. This represents three matches of suspension.

(iii) The Judicial Officer made no award for the costs.

Introduction.

The Judicial Officer was appointed by Mr Tim GRESSON the Chairman of the World Rugby's independent Disciplinary Panel pursuant to the Disciplinary Programme ("TOP") contained in the World Rugby U 20 Trophy 2015 (The "Tournament") Terms of Participation.

The Judicial Officer was appointed to consider the Citing Complaint against the Player arising from the U 20 Trophy match between Uruguay and Georgia played at Jamor Stadium, Lisbon on 12 May 2015.

In addition to the Judicial Officer, the following persons were present at the hearing:

- The Player
- Mr Juan Manuel Garcia, Team Manager Uruguay
- Mr Gustavo Zerbino, Head of Delegation Uruguay
- Mr Juan Baldomir, Coach Uruguay
- Mr Ben Rutherford, Disciplinary Officer, World Rugby
- Mr Patrick Lloyd, World Rugby

Preliminary matters and procedure.

At the commencement of the hearing the Judicial Officer confirmed the identities of all present.

The Player confirmed that he had received the relevant papers and the footage of the incident.

The Judicial Officer outlined the procedure to be followed to determine the matter. The Player and all present agreed to proceed on that basis.

The Judicial Officer established that there were no preliminary issues to be argued by any of the parties.

The Player advised that he admits an act of foul play contrary to Law 10.4 (a).

The Judicial Officer explained that as the Player had admitted an act of foul play, he would now hear the case and to what sanction, if any, should be imposed.

The Citing Complaint

The narrative of the citing report read as follows:

"After a forward pass in proximity of touch line / Uruguay team bench, there's a brawl where several players are involved.n°6 U take a run- up and punches to the face n°1 Geo. That he will remain on the ground for medical attention about 2 min before resuming play".

Evidence supporting the Citing Complaint

The video footage showed:

- U 6 runs to the technical zone where there is a fight and he punches G 1.

Medical report stated that G 1 was injured but the Judicial Officer is satisfied that this injury is not the result of U 6 punch.

Player's defense

The Player said that he was extremely sorry for what that occurred and that he was remorseful.

Sanction

The Judicial Officer thereafter invited the Player and the Disciplinary Officer to make submissions as to sanction.

The Judicial Officer noted that the offence of 10.4(a) was listed within the World Rugby recommended sanctions for offences within the playing enclosure (found at Appendix 3 of the TOP) as follows:

- Low End, 2 weeks.
- Mid Range, 5 weeks.
- Top End, 8+ weeks.
- Maximum sanction, 52 weeks..

Applying his findings to the criteria under TOP 11.10.2, The Judicial Officer determined that:

- *The offending was intentional and deliberate;*
- *The Player's action was grave;*
- *The Player struck a punch with some force;*
- *There was no provocation;*
- *The Player didn't act in retaliation;*
- *There was no element of self-defence;*
- *There was no effect upon G1;*
- *G1 was not vulnerable;*
- *The offending was premeditated and complete.*

In these circumstances, this offending can be assessed as at the mid range of the scale of seriousness.

The entry point for mid range offending under law 10.4(a) is 5 weeks. The Judicial Officer then considered the "off field" issues and in doing so looked at whether there were any aggravating or mitigating factors.

In assessing aggravating factors as required by TOP 11.10.4, the Judicial Officer considered that there were no aggravating factors.

With reference to TOP 11.10.5, the Judicial Officer considered that the following were mitigating circumstances to take into account in determining the appropriate period of suspension.

The Player admitted he had committed an act of foul play.

The Player has a clean disciplinary record.

The Player is young and inexperienced.

The Player's conduct at the hearing was very good.

The Player demonstrated remorse

In those circumstances, the Judicial Officer felt that he was entitled to reduce the sanction by a period of two weeks.

The Judicial Officer determined that the appropriate sanction was the imposition of a period of suspension of three weeks.

TOP 11.10.14 recognises that in some tournaments, when determining the appropriate periods of suspension, the Judicial Officer should take cognisance of the fact that during the tournament a Player may miss more than one match as a result of being made subject to a week's suspension and may impose a suspension based on a number of tournament matches.

The Player is expected to play three matches after the Citing Complaint

For that reason the decision by the Judicial Officer is to suspend a Player based upon a number of matches rather than weeks. Accordingly in this case, the Player is suspended from taking part in the game of rugby up to and including Sunday 24 May 2015.

The Player is free to resume playing rugby on Monday 25 May 2015. This represents three matches of suspension.

Appeal

The player and the Disciplinary Officer are reminded that TOP 11.13 provides a right of appeal against this decision.

Costs

The Judicial Officer made no award for the costs.

Dated 14th May 2015

Jean Noel COURAUD
Judicial Officer