

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:

Felipe Etcheverry (“The player”)

And

Ordering-off for striking another Player with a hand, arm or fist in contravention of Law 10.4 (a) in the U 20 Trophy match between Uruguay and Georgia played at the Jamor Stadium, Lisbon on 12 May 2015.

Judicial Officer appointed to hear the case:

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

Decision of the Judicial Officer:

(i) The Judicial Officer determined that the Player’s challenge to the Referee’s decision to order him off should not be upheld;

(ii) As the Player’s challenge was dismissed, the Player is suspended from taking part in the game of rugby up to and including Saturday 16 May 2015. The Player is free to resume playing rugby on Sunday 17 May 2015. This represents one match 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 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 Ordering Off of the Player in the match played between Uruguay and Georgia on the 12 May 2015 in the Tournament at the Jamor Stadium, Lisbon.

Paulo Duarte was appointed as Referee to this match and had ordered the Player off for striking another Player with a hand, arm or fist in contravention of Law 10.4 (a).

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
- The Referee, just for an oral statement
- Mr Alain Rolland, World Rugby, just during the Referee's oral statement

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 did not accept that he should have been Ordered Off. He submitted that the referee's decision for issuing the Red Card was therefore wrong. In those circumstances the burden will be on the Player to prove, on the balance of probabilities, that the Referee's decision to show him a red card (including where that was the result of consultation with one or both Assistant Referees) was wrong. The procedure to be followed is stated at TOP 11.8.3.

Evidence supporting the Ordering Off

The Referee's report on the ordering off stated:

“ Following on from the punch in the face by Georgia n°2, Uruguay n°10 retaliates by punching Georgia n°2 by punching Georgia n°2, in the face – RC”.

The report on red card from the Assistant Referee stated:

“ I confirmed to the referee that n°2 Georgia punched n°10 Uruguay in the face”.

The Referee in his oral statement at the hearing corrected the terms of his report and has been questioned by the Player’s representative.

The G2 stated *“during the ruck, which can be seen on the video, a Uruguay player struck towards my head with his arms and secondly wrapped his arms around my neck”.*

The video footage showed:

- G 14 tackles U 18;
- G 14 and U 18 go on the ground;
- A ruck is formed
- The ball is gone;
- U 10 strikes G 2 with his left arm;
- He tries to put his arm above the shoulder of G 2;
- U 10 strikes with his right arm and his right hand to put his right arm around the G2 neck;
- He tries to return the G 2 by strangling with his arms;
- G 2 clears and strikes U 10 with his right hand.
- Then he strikes U 10 with his left hand on the neck and on the chin of U 10.

Player’s challenge

The Player said that:

- The act did not warrant a red card;
- The Referee’s report is factually incorrect,
- He didn’t punch the G 2;

Findings

The Judicial Officer retired to deliberate in private.

In determining the true facts of the incident, in particular whether an act of foul play took place, the Judicial Officer having taken into account a detailed consideration of the video footage and the statement of G 2.

The video footage demonstrated that the infringement was an act of foul play, attested by the Victim Player in his statement. The strikes had been with arms.

Therefore the Judicial Officer is satisfied that the Player committed an act of Foul Play that warranted a red card. In those circumstances the Judicial Officer is not satisfied that the Referee’s decision for ordering the Player off was wrong. He is satisfied that the Player was properly shown a red card.

This act of Foul Play is an offence contrary to Law 10.4(a) of the Laws of the Game namely striking another player with a hand, arm or fist.

Decision as to disposal

Having advised the Player of his findings, 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 reckless;*
- *It was not intentional or deliberate;*
- *There was no provocation;*
- *There was no element of self-defence;*
- *There was no effect upon G 2. There was no injury to G 2;*
- *G2 was not vulnerable;*
- *The offending was not premeditated but complete.*

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

The entry point for low end offending under law 10.4(a) is 2 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 has a clean disciplinary record.

The Player is young and inexperienced.

The Player's conduct at the hearing was good.

The Player demonstrated remorse

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

The Judicial Officer determined that the appropriate sanction was the imposition of a period of suspension of one week.

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 ordering off.

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 Saturday 16th May 2015.

The Player is free to resume playing rugby on Sunday 17th May 2015. This represents one match 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