



Decision of the Independent Judicial Officer

Hearing held at the offices of Clifford Chance, 10 Upper Bank Street, Canary Wharf, London on October 7, 2015 commencing at 3.00 pm

In respect of

Augustin Ormaechea of Uruguay (“**the Player**”)

And

An Ordering Off for receiving two temporary suspensions (“Yellow Card(s)”) issued by **J.P. Doyle** in the Match between **Fiji v Uruguay** on **October 6, 2015** at **Stadium MK**

Judicial Officer appointed to hear the case:

Roger Morris, Wales (“**the Judicial Officer**”)

Decision of the Judicial Officer:

- (i) The Judicial Officer found that the acts of foul play alleged did not warrant any sanction in addition to that imposed by the Player’s ordering off.
- (ii) The Player is immediately free to play the game.

1 Introduction

- 1.1 The Judicial Officer was appointed to consider matters arising from the ordering off of the Player in the match played between Fiji and Uruguay on 6th October 2015 at MK Stadium in the Rugby World Cup 2015 ("Tournament").
- 1.2 JP Doyle, RFU, was appointed as referee to this match and ordered off the Player as a consequence of him having issued two yellow cards to the Player in the match. The first yellow card ("YC1") was issued for an alleged breach of law 10.4(e) (an illegal tackle) and the second yellow card ("YC2") was issued for the Player's alleged breach of law 10.4(f) (playing an opponent without the ball).
- 1.3 In addition to the Judicial Officer the following persons were present at the hearing:
- The Player who was accompanied by Santiago Slinger (Uruguay team manager) and Rodrigo Nahum (interpreter).
 - Yvonne Nolan, designated Disciplinary Official, Rugby World Cup Limited accompanied by Patrick Lloyd.

2. Summary of allegation

- 2.1 In respect of YC1, the referee's report was as follows:

"Illegal tackle by Uruguay 9, failed to use left arm in tackle, leading with shoulder".

This incident occurred after three minutes of the first half of the game.

- 2.2 In respect of YC2, the referee's report read as follows:

"After the try had been scored by Fiji – U9 came running in and pushed the F1 player, this incident in turn started another scuffle between several more players.

The U9 and the F1 had been warned about their continued conduct moments before (61 minutes) and told to stay away from each other.

Added to this, just two minutes before there had been a very similar incident between the two sides when Fiji had marked their previous try. Once again a flair up and scuffle broke out.

Both players and both teams had been told to watch their future conduct. U9 had received a yellow card for an illegal tackle to prevent a try in the third minute of the first half and was shown a second YC for the above incident."

The alleged incident happened after 25 minutes of the second half.

- 2.3 The assistant referee's report in relation to YC2 read as follows:

"After the try had been scored Uruguay 9 pushed Fiji 1 to the ground. When Fiji 1 stood up, Uruguay 9 struck Fiji 1."

- 2.4 Both the referee and the assistant referee (despite what the assistant referee called a strike) classified the offending in relation to YC2 as an offence contrary to law 10.4(f).

3 Circumstances of Yellow Card 1

3.1 The incident had been filmed from a variety of different angles and all were watched and considered. The video showed that the following had occurred:

- Fiji in possession of the ball were attacking deep inside the Uruguay half and towards the left hand touchline from the Fijian perspective.
- The ball was passed to F12 who ran towards the left corner in an attempt to score a try.
- The Player running across the field parallel with the try line threw himself into the path of F12 such that his left shoulder and upper back made contact with F12 just above F12's knees so causing F12, running at pace, to fall over the Player and land on the ground with heavy impact.

3.2 The Player, asked to comment, made the following points:

- The incident had occurred at the beginning of the game when he was fired up with adrenalin flowing.
- His sole purpose was to prevent a try being scored.
- He thought at the time that he had made an effort to tackle leading with his arms but accepted that in fact what he had done was dived into the path of the other player.
- He accepted his action had been reckless but he had not intended to injure the other player but merely to stop him scoring a try.
- He accepted that the yellow card issued by the referee was an appropriate sanction for his reckless act.

4 Circumstances of Yellow Card 2

4.1 Again there was an abundance of video evidence available with the relevant incident viewed from a variety of angles.

4.2 The video showed:

- Fiji was attacking the Uruguayan line on the left hand side from Fiji's perspective and scored a try midway between the touchline and the goalposts.
- The try scorer and some Uruguayans ended up on the ground where they were joined by some other celebrating Fijian players including F1.
- As F1 was raising himself from the ground, the Player confronted him and pushed him in the chest.
- The strength of the push combined with another player lying prone on the ground behind F1 caused F1 to tumble backwards.
- F1 raised himself from the ground and confronted the Player by which time other players from both teams were involved in a short episode of pushing and holding.

4.3 The Player made the following observations in relation to the incident:

- Immediately prior to the try being scored, he had been running towards his own line.

- As the try was scored he was a few metres short of the line and was passed by F1 who gave him a clip to the back of the head and shouted something loud as he did so.
- The actions of F1 provoked the reaction from the Player that caused him to follow F1, take hold of him and push him backwards.
- Having done that, F1 confronted the Player by which time the Player, realising what he had done was wrong, was trying to cool things down.
- He considered that the earlier incident referred to by the referee had not involved him and that the referee had been mistaken in singling him out.
- He did not think that what he had done deserved a yellow card

5. Assessment and Finding as to Sanction

- 5.1 The Judicial Officer noted the contents of the Memorandum issued by World Rugby dated the 21st January 2015 that he is required to assess the persistent nature of a player's offending and to consider sanction in relation to that and not in respect of the substantive offending itself.
- 5.2 The Judicial Officer also noted the circumstances set out in paragraph 7 of the memorandum that might lead him to conclude that the ordering off of the Player was sufficient sanction in itself.
- 5.3 Whilst the offending alleged for YC1 could hardly be described as "minor" the offending in YC2 was such that taken in isolation in a different context the referee would not have issued a yellow card. The yellow card in the YC2 incident was properly issued in the context of the referee's game management strategy but the substantive offending was "minor" in terms of paragraph 7(b) of the Memorandum cited above.
- 5.4 Accordingly the Judicial Officer determined that the ordering off of the Player was sufficient sanction and that no further sanction would be imposed. The Player is therefore immediately free to play the game.

6. Right of Appeal

- 6.1 The Player has a right of appeal from the decision in accordance with the Tournament Disciplinary programme.

Roger Morris
Judicial Officer

9 October 2015