

RUGBY WORLD CUP 2007

Decision of Judicial Officer

In respect of Hearing held at the offices of Clifford Chance, Paris

Monday, 15th October 2007

IN RESPECT OF:-

Sébastien Chabal (“the Player”);

AND

The Citing of the Player by Dennis Wheelahan, Citing Commissioner, Australia, asserting contravention of Law 10.4(e) namely Dangerous Tackling after the elapse of 1.26 minutes of the second half of the match between France and England at Stade de France, Paris on 13th October 2007.

THE JUDICIAL OFFICER:

Professor Lorne D Crerar (“the Judicial Officer”)

DECISION OF THE JUDICIAL OFFICER:

The Judicial Officer determined to dismiss the Citing Complaint upon the basis that on the balance of probabilities the Player had not committed the act of illegal and/ or foul play that is the subject of the Citing Complaint.

INTRODUCTION

The Citing Complaint alleged that the Player had infringed Law 10.4(e) Dangerous Tackling by lifting the Opposition Player (“the Opposition Player”) England number 4 by the leg and driving him to the Player’s left while the Opposition Player’s hips were above the Player’s head. It was further alleged in the Citing Complaint that the tackle was dangerous and therefore in breach of Law 10.4(e).

The Referee detected the alleged act of illegal and/or foul play who stated in his letter to the Tournament Designated Disciplinary Official that *"I saw the tackle in the 41st minute of the game made initially by France 2 and then 18 and deemed it to be ok"*.

Present at the Hearing on 11th September 2007 in addition to the Judicial Officer and Player were:-

Darren Bailey ("Tournament Designated Disciplinary Official"),
Olivier Keraudran, Counsel FFR and the Player's Legal Representative ("the Player's Representative"),
Jo Maso, French Team Manager ("Representative of the Participating Union"), and
David Ellis, French Team Defensive Coach and Translator.

HEARING

Preliminaries

At the commencement of the Hearing, the Judicial Officer confirmed the identities of all present and established that the Player was before the Judicial Officer to answer a Citing Complaint. The Judicial Officer received confirmation from the Player's Representative that the Player had been provided with and had sufficient opportunity to consider the information and reports of the alleged act of illegal and/ or foul play (Disciplinary Programme Regulations (DPR) 10.3).

The Judicial Officer established with the Player's Representative the documentary and other materials that were available to the Judicial Officer and the Player, namely:-

1. The Citing Commissioner's Report Form dated 14 October 2007.
2. An email statement of Jonathan Kaplan, Referee confirming he had viewed the incident dated 14 October 2007.
3. An email statement of Paul Honiss, Touch Judge confirming he had not seen the incident dated 14 October 2007.
4. An email statement of Marius Jonker, Touch Judge confirming he had not seen the incident dated 14 October 2007.
5. A copy of email statement from the England Team Management confirming no injury had been sustained by the Opposition Player dated 15 October 2007.
6. The DVD clips supplied by the Tournament Designated Disciplinary Official.

7. A DVD of Match Broadcast.
8. Miscellaneous communications.

Procedure to be followed

The Judicial Officer outlined the procedure he proposed to follow and asked the Player's Representative if he had any preliminary issues. The Player's Representative confirmed that he had none. The Judicial Officer read the Citing Complaint and then asked the Player and the Player's Representative whether or not the Player admitted that he had committed an act of illegal and/or foul play. The Player confirmed that he denied that he had committed an alleged act of illegal and/or foul play as laid out in the Citing Commissioner's report.

Evidence as to whether or not the actings of the Player amounted to illegal and/or foul play

The Judicial Officer explained that he had had the opportunity to view the IRB DVD clips prior to the hearing and invited the Player's Representative to address him to the key issues of the dynamics of the tackle and actings of the Player. The Player's Representative invited David Ellis, to make these submissions, which he did. Mr. Ellis drew the Judicial Officer's attention to the actions of France number 2 (Ibanez) and his primary role in the tackle. It was submitted that it was the positioning of France number 2 and the Opposition Player in seeking to pass the ball that led to the Opposition Player being off his feet and in a forward and downwards direction. The Player confirmed that his right arm and the rearranging movement of that arm was to stabilise him (the Player) in the tackle and he did not exert downward force on the Opposition Player once he had gripped him. The Player explained that he was conscious of the safety of the Opposition Player and if he had continued holding the Opposition Player the situation would have been more dangerous as the Player would have had to follow the Opposition Player to the ground (i.e., with more weight and pressure). On questioning of the Player by the Judicial Officer the Player denied that he had exerted downward force in the momentum of the tackle. The Player further asserted that the dynamics of the tackle involving the Opposition Player and Mr. Ibanez were such that he (the Player) could do little to affect the dynamics of the tackle.

Findings

The Judicial Officer is required to determine whether or not on the balance of probabilities the Player had committed the act of illegal and/or foul play that are the subject of the Citing Complaint. The Judicial Officer in that regard found:

1. The Player had not committed the alleged act of illegal and/or foul play. Accordingly the Citing Complaint is not upheld.
2. In explanation of (1) above, the Judicial Officer found it a difficult task to establish whether or not an act of illegal and/or foul play had been committed by the Player because of the role of France number 2 (Mr. Ibanez), who played the primary role in the tackle by his body stance and movement that resulted in the Opposition Player being upturned in the tackle. Further the Judicial Officer found the explanation of David Ellis and the Player convincing in relation to the dynamics of the tackle and the actions of the Player. The Judicial Officer concluded that the actions of the Player could not be construed as an act of illegal and/or foul play. The Judicial Officer further concluded that it was difficult to envisage, in a consideration of the momentum of the tackle what else the Player could have done to assist the safety of the Opposition Player. The Judicial Officer accepted that the Player had not exerted force in a downwards direction as the Opposition Player moved towards the ground.



Professor Lorne D Crerar

16 October 2007