

RUGBY WORLD CUP FRANCE 2007
INTERNATIONAL RUGBY BOARD
IN THE MATTER OF RAPHAËL IBANEZ

Judicial Officer: J Lubbe SC

Player: Raphaël Ibanez

Representative: Mr O Keraudran, Legal Director French Rugby Union
Mr Jo Maso, Manager

Interpreter: Ms J Farmer

IRB: Mr D Bailey, assisted by Mr P Beheshti

Place: Clifford Chance, 9 place Veldome, Paris

Date: 21 October 2007

Introduction:

Raphaël Ibanez [the Player] was cited by Mr D Hunter, the Citing Commissioner, for an alleged breach of Law 10.4(b) for stamping/trampling on the Argentina No 4 player during the match between France and Argentina in Parc des Princes on 19 October 2007. The referee, Mr Paul Honiss, did not see the incident according to a report filed by him. The Touch Judge, Mr N Owens filed a report in which he stated as follows: *“As the ball was emerging from a ruck, an Argentinian player illegally killed the ball, the French no 2 then illegally stamped on the body of the above player. I called this to the attention of the referee and recommended that the French player be yellow carded for illegal use of the boot.”* The referee accepted the recommendation from the Touch Judge and issued yellow cards to the Player and No 4 of Argentina.

The Citing Commissioner stated in his citing report the following: *“Following the tackle by A4 on F5 in Argentina’s 22, A4 ends up on the French side as a number of players go to ground. F2 stamps on A4, first with his left foot on the left side/lower back, then secondly, with his right foot on the chest of A4 who is prone on the ground. The actions of F2 do not appear to me to be consistent with playing the ball. A4 requires treatment but resumes play.”*

The Hearing:

At the hearing the Player, through an interpreter, confirmed his identity and admitted that he contravened Law 10.4(b) on the basis set out in the report by the Citing Commissioner. He also confirmed that he was properly prepared for the hearing and understood the procedure. I was further provided with the report by the Citing

Commissioner, the reports filed by the referee and two touch judges and a video clip of the incident. The incident was viewed without sound in normal and slow motion and, in addition, evidence was heard from the Player and the touch judge Mr Owens. As the Player admitted the offence, the only remaining question is what the appropriate sanction should be.

Sanction:

In terms of the Tournament Disciplinary Programme I can only make a finding contrary to a referee's decision if I am satisfied, on a balance of probabilities, that his reasons for the decision were wrong. I was urged on behalf of the Player that I should not interfere with the referee's decision and that the yellow card was an appropriate sanction for the offence. After serious and careful consideration of the available evidence and submissions I have no difficulty to find that the referee's reasons for his decision, based on the report to him by the Touch Judge, were wrong. I accordingly uphold the citing complaint.

Pursuant to the Tournament Disciplinary Programme I am required to make an assessment of the seriousness of the Player's conduct to determine whether it constituted a breach at the lower end, middle range or top end of the scope of seriousness for the particular offence with reference to a number of features in relation to the incident as set out in the said Programme.

After careful consideration of the facts and submissions made on behalf of the Player, I determined that the appropriate entry level should be the lower end. The Player testified that he had no intention of injuring the Argentinian player and that his action was more the result of frustration than pre-meditated and/or deliberate. I accept in the Player's favour that his action was not deliberate but reckless. The Argentinian player was clearly at the wrong place at the wrong time and was yellow carded with the Player. An unsuccessful attempt was made to obtain information from the Argentinian team regarding injury to the No 4 player. As the player was able to continue play in the second half I accept that he suffered no serious injury as a result of the incident.

The next step in the process is for me to consider any aggravating and mitigating factors to arrive at a balanced and just penalty for this particular incident. I could find no aggravating circumstances in this particular matter.

There are several mitigating factors in my view. These are the excellent disciplinary record and character of the Player, his immediate acknowledging of culpability and the genuine remorse shown. The Player further mentioned that it was a humiliating experience for him, as the captain of France, to be yellow carded in the Bronze Final before his home crowd and to appear before a disciplinary body for the first time in his illustrious career.

The Player is presently contracted to an English club and his next game for the club will be next weekend.

After careful consideration of all the evidence and submissions on behalf of the Player I have determined that a one week suspension would be an appropriate sanction. This will effectively result in a suspension for one club match.

The Player is suspended from all rugby for a period of one week from 19 October 2007 to and including 28 October 2007.

The Player was informed of his right to appeal.

J Lubbe SC
21 October 2007.