

RWC 2019 DISCIPLINARY DECISION



Match	Russia v Samoa		
Player's Union	Samoa	Competition	Rugby World Cup, Japan 2019
Date of match	24 September 2019	Match venue	Kumagaya Stadium
Rules to apply	Regulation 17 World Rugby and RWC 2019 Tournament Disciplinary Programme		

PARTICULARS OF OFFENCE

Player's surname	Matu'u	Date of birth	30 April 1987
Forename(s)	Motu		
Referee Name	Romain Poite	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	Law 9.13 A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes but is not limited to tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders	SELECT: Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:	
Summary of Sanction	Mid-Range Entry Point (6 weeks) reduced to 3 weeks in mitigation (translated to 3 games)		

HEARING DETAILS

Hearing date	26 September 2019	Hearing venue	Atsumi & Sakai Uchisaiwaicho, Chiyoda-ku Tokyo
Chairman/JO	Wang Shao-Ing		
Other Members of Disciplinary Committee	John Langford (former Australia International) Olly Kohn (former Wales International)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Aaron Lloyd, Player's Counsel Alistair Rogers, Samoa Assistant Coach Aloi Alesana, Samoa Team Manager	Disciplinary Officer and/or other attendees	Ben Rutherford, DDO Alistair Maclean, General Counsel, World Rugby
List of documents/materials provided to Player in advance of hearing	<ol style="list-style-type: none"> 1. Citing Commissioner's Report by John Montgomery dated 25 September 2019 2. Referee's Report on a Temporary Suspension on Samoa 2 3. Russian 15 Written Statement dated 25 September 2019 4. Assistant Referee's Written Statements by Garces Jerome & Brendon Pickerill dated 25 September 2019 5. Video clip titled "9_RUS_SAM_2. MATU'U_CITING" 6. A photograph titled "IMG_5471.jpg Image of injury arising from Matu'u tackle" 7. Medical Reports by the Russian Rugby Medical Department on Russia 15 8. Directions issued by Disciplinary Committee and responses from Player & DDO 9. Match Summary Sheet (including team sheet) 10. Camera Layout Kumagaya Stadium 11. Tournament Disciplinary Program 12. High Tackle Sanction Framework 		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE

1. The hearing was convened pursuant to RWC 2019 Disciplinary Programme.
2. In the 29th minute of the 1st half of the Pool A match between Russia and Samoa, the Player received a Temporary Suspension for a High Tackle under Law 9.13:
3. The Referee's Report stated:

"SAMOAN #2 IN ATTEMPTING TO TACKLE RUSSIAN BALL CARRIER HAS MADE DANGEROUS AND HIGH CONTACT AND THEREFORE SHOWN THE YELLOW CARD WITH MITIGATING FACTOR OF BALL CARRIER FALLING INTO CONTACT."

4. After the match, the Player was cited by the Citing Commissioner, John Montgomery, for Foul Play under Law 9.13. The Citing Commissioner's report dated 25 September 2019 read:

"Russia 9 catches a high kick on the half-way line and runs towards the touchline. As he is tackled, he passes inside to Russia 15. Samoa 2 (Motu Matu'u), who has a clear line of sight of Russia 15, runs forward at pace and tackles Russia 15 high whereby he strikes the head of Russia 15 with his left shoulder. Both players falls to the ground where a ruck is formed with Russia still in possession. Before any further play, the referee stops the game as Samoa 2 had obviously received a head injury as a consequence of the tackle, whereby his head made contact with the shoulder of Russia 15. He receives on-field medical assistance and was subsequently removed for a Head Injury Assessment. He did not return to the game.

Following a review of the tackle by the referee and TMO, the on-field decision was a yellow card as they considered there was mitigating circumstances in that Russia 15 dropped his body as the tackle was made.

Taking into consideration the Decision Making Framework for High Tackles, Samoa 2 committed an illegal high tackle causing clear contact with his shoulder to the head of Russia 15 with a high degree of danger.

I arranged for the Citing Commissioner Liaison Officer (Simon Kibble) to obtain a statement from Russia 15 (Vasily Artemiev).

As a consequence of the tackle Russia 15 indicated that he had sustained a bruise to the right side of his neck. This injury was photographed.

Although the match officials had issued a yellow card for this incident, having carefully considered all of the available video angles I deem that this action breaches the red card threshold and cite Motu Matu'u for a contravention of Law 9.13 as I considered that the tackled player did not suddenly drop sufficiently to mitigate the actions of Samoa 2."

5. A video clip of the incident from several angles of the incident at different speeds titled "9_RUS_SAM_2.MATU'U_CITING" was submitted by the Citing Commissioner ("CC's footage").

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

6. The Assistant Referee, Mr Jérôme Garces did not have a clear view of the incident live. In his written statement, the other Assistant Referee, Mr Brendon Pickerill stated:

"I saw this tackle live and suspected that there was head contact to the Russian player and so I asked the TMO to check the tackle. I also saw that Samoa 2 had become unconscious from hitting his head against the shoulder of the Russian player and brought this to the attention of Romain to stop the game. Initially, I believed that I had seen that Samoa 2 was bent at the hips, trying to make a legal tackle and that the head contact to the Russian player was contributed to by the fact that the Russian player was ducking as the tackle was made. Talking with Romain during the review, I agreed that that using the high tackle framework, it was a red card but that mitigation applied to bring it to a yellow card."

7. The written statement of Russia 15, Vasily Artemiev, obtained by the Citing Commissioner Liaison Officer, Simon Kibble, read:

"I played No. 15 in the match as full back.

I was coming to support our 9 after a half break. I called for an off load and as I caught the ball a hard hit came in from my blind side.

It hit me to the back of the head hard but it didn't cause any sings of concussion so I got up pretty quickly.

I do have a big and painful lump on the back of my head after that collision."

8. A photograph of the back of Russia 15's head showing some bruising to the left base of this head. A medical report of the Russian Medical Team was also provided in the late evening of 25 September 2019. It stated that as a result of the high tackle, Russia 15 suffered muscular tenderness around the lower part of his left skull. As a result, he does not have full range of motion in his neck. He was advised not to participate in contact training until pain free. Another medical update was given on the day of the hearing which was similar in prognosis.

SUMMARY OF PLAYER'S EVIDENCE

The Player's Submissions

9. In response to the directions of the Committee, the Player's position, was that:

"The Player accepts that he committed a high tackle in breach of Law 9.13 against Russia15. He accepts that when he tackled Russia15, his head and shoulders was at or above the shoulder line of Russia15, and that he made contact with Russia15's head with his own head, and glancing contact above Russia15's shoulders with his own shoulder area. However, he says that the Referee was right to issue a penalty and Yellow Card only due to the presence of mitigating factors.

Principally, the mitigating feature that was correctly applied by the Referee was the change in height of the tackled player, Russia 15. Between the time at which the Player commenced his

tackle, and the time of impact, Russia15 drops his body height in a significant way, thereby contributing to the collision between the Player and Russia15 being high.

We also note that this is a slightly unusual tackle in that the Player's own head collided with the Russian player's head as a result of the Russian player's drop in height. As a result the Player was stunned, and effectively continued on to the ground after the initial impact in an involuntary manner. This is significant because even if there was doubt over the mitigating factor of the ball carrier's drop in height (which we say there clearly should not be given the significant drop in height as evidenced by the alternate camera angle) the reality is that this was a clash of heads, which then led onto high contact as a result of both the drop in height and the head collision.

We say that with respect, had the Citing Commissioner closely assessed the alternative camera angle he would have seen a significant, almost maximum possible, drop in height by Russia15, which in real time could not have been responded too. He would also have seen that the initial head clash rendered the Player a passenger for the remaining moments of the tackle. IN such circumstances we say it is clear that the Red Card threshold is not met. "

10. Written submissions & screen captures of the CC's footage supporting the above statements were also provided in advance of the hearing.
11. The Committee sought clarification through further directions on the which "alternative camera angle" the Player referenced in the last paragraph of his submissions and the Player's Counsel pointed the Committee to 1:42 on the CC's footage (which was subsequently reviewed in the hearing and will be dealt with below).

The Player's Oral Evidence

12. The Player's memory of the incident was as follows:
 - a. The ball was turned over by Samoa and Samoa 9 kicked the ball over;
 - b. The Player knew he was not as fast at the winger and he had to try and catch up to chase the kick;
 - c. Russia 9 who caught the high ball was tackled by the winger managed to get a pass away;
 - d. as Russia 9 was getting the pass away, the Player said "I knew I had to just try and shut the ball down. And by shutting that ball down, I had to make a tackle and wrap the fullback off the ball."
 - e. as the Player was approaching Russia 15, he said "I was dipping into the tackle, I don't actually know, like, how quickly -- he kind of braced, and that was it. That's all I can remember.
 - f. "So all I can remember was trying to make my decision off on our winger, making a tackle, then missing a tackle, then me having to -- I don't know -- race up even faster on our defensive line and try to wrap the ball, slow the ball down, because if he had got that pass off, that would have been us done. They would have scored in the corner because obviously our forwards are all still stuck in that ruck that they kicked the ball over."
13. The Player was asked by his Counsel what body position he was getting himself into to execute the tackle and the Player replied:

" well, obviously, I had to -- as I've been practicing in and I have been training is just duck really low and try to aim for, like, the belly button region and just try to -- I don't know -- just get below his chest and try to -- where -- to where the ball was coming. But I can remember getting there,

but just I don't know -- just really quickly how it happened, that's how quickly he went down. Because he must have known that I was just coming on the side of him. So just him dropping down was kind of what popped me off. I mean, that's all I can remember.

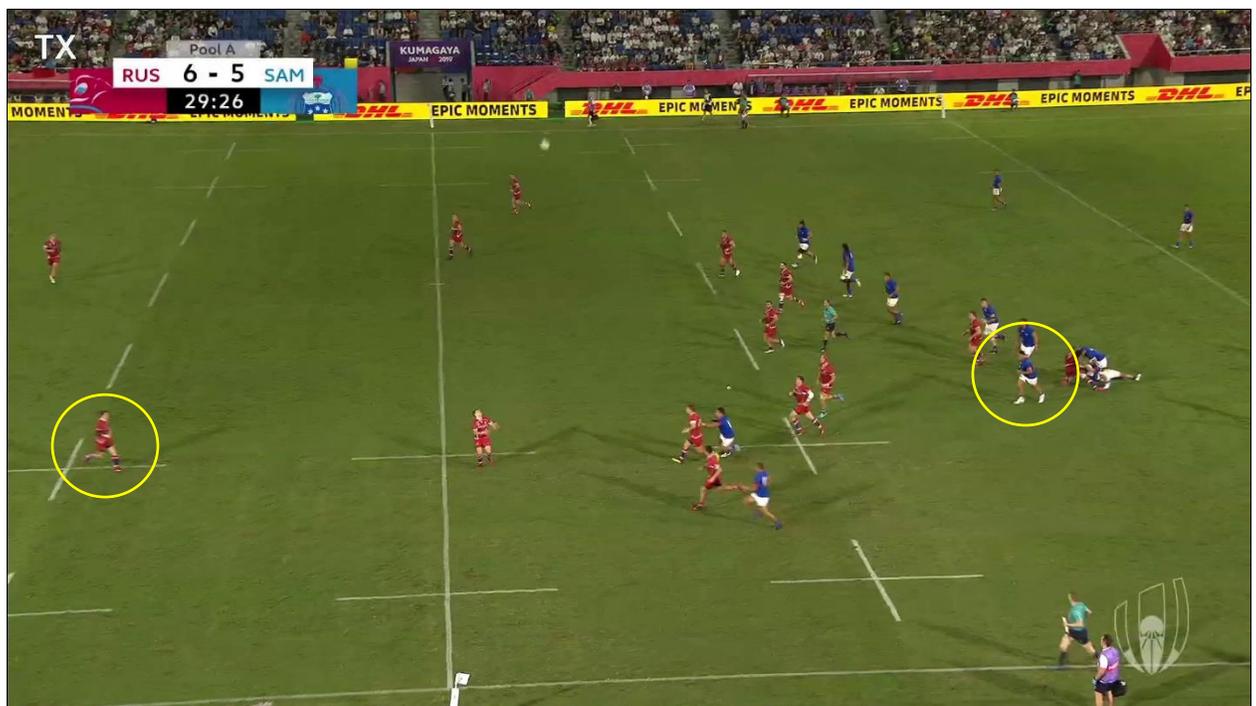
14. The Player was unable to recall much more from the incident. The Player's Counsel submitted that the Player was not being evasive but due to the head collision (he had also failed his Head Injury Assessment), the Player would not be of much assistance with regard the moments and split seconds before and after the tackle.

FINDINGS OF FACT

15. The Player has been cited for a breach for Law 9. 13 of the Laws of the Game which reads:

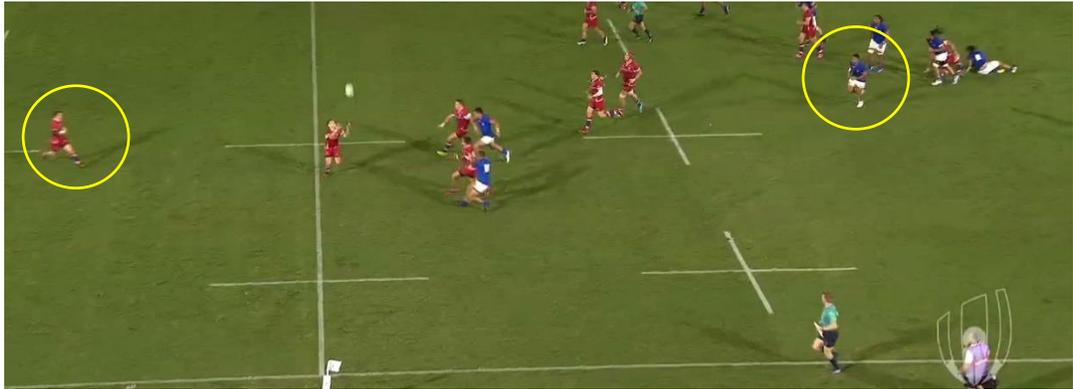
"Law 9.13 A player must not tackle an opponent early, late or dangerously. Dangerous tackling includes but is not limited to tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders"

16. Based on the CC's footage:
- a. At approximately 29:26 in the game, Samoa kicks the ball, the Player chases the kick. Russia 9 is the player under the high ball and Russia 15 runs to support Russia 9;

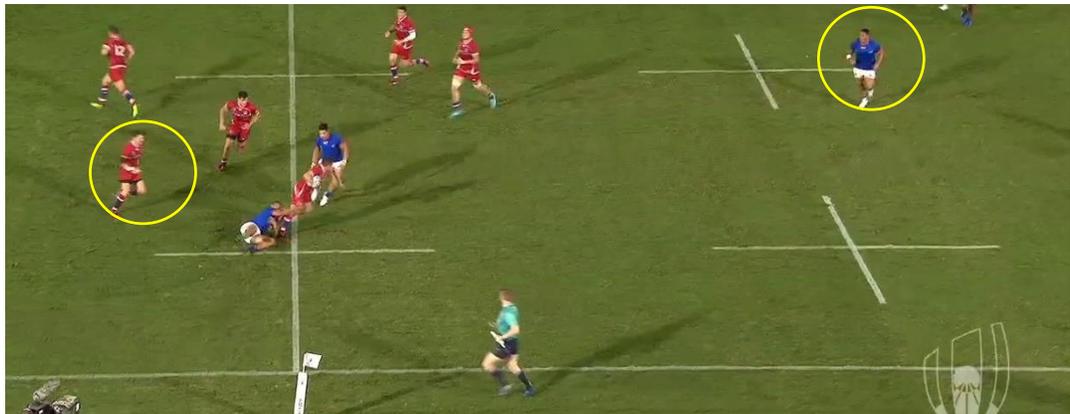


(Camera Angle – TX)

- b. As Russia 9 catches the ball, he evades the 1st Samoan defender and takes on the 2nd Samoan defender on the outside. Russia 15 continues his support line, inside of Russia 9 and the Player continues to advance forward;

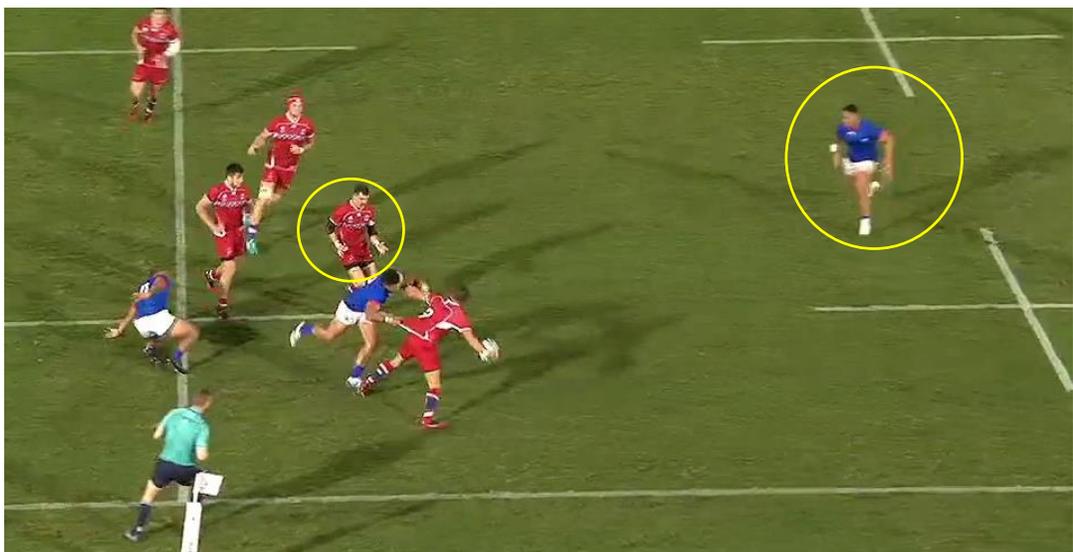


(Camera Angle – TX)



(Camera Angle – TX)

- c. As Russia 9 tries to get the pass to Russia 15, the Player moves forward and by his admission, moves to “shut the ball down”;



(Camera Angle – TX)

- d. From 29:30 – 29:31, as the ball arrives to Russia 15, he catches the ball as he shifts from his right to his left foot, and simultaneously lowers his body to brace for impact. The Player starts to lower his upper body as he approaches Russia 15;



(Camera Angle – TX)



(Camera Angle – TX)



(Camera Angle – TX)

- e. At 29:31, Russia 15's weight is on his left, he steps wide to his right and his height is lowered further. At this point, the Player's weight is over his right foot;



(Camera Angle – TX)

- f. as the Player's upper body moves further forward, Russia 15's right foot pushes into the ground;



(Camera Angle - 3 Tighter SSM)

- g. Contact is made between the left side of the Player's head and his shoulder and the left side of Russia 15's head;



(Camera Angle – 3 Tighter SSM)

- h. the impact of the contact is with considerable force, and the Player goes limp and falls around the outside of Russia 15;



(Camera Angle – TX)



(Camera Angle – TX)

Majority Decision on Citing

17. In terms of World Rugby's [Decision Making Framework for high tackles](#) ("DMF") the majority of the Disciplinary Committee determined:
- the Player had made a **high tackle** - Arguments were made by the Player's Counsel that it was no more than a head clash which sometimes happens in the Game and that the Committee may even come to the conclusion that it was accidental. Majority of the Committee were of the view that the Player had initiated contact with his left shoulder to tackle Russia 15. The Player may have injured himself in the process but it was nonetheless a high tackle under the 9.13 of Laws of the Game – which is *tackling or attempting to tackle an opponent above the line of the shoulders*;
 - a **high degree of danger was present** – in that the Player was attempting an active or dominant tackle;
 - the **factors against mitigation** were also present – both the Player and ball carrier were in open space and the Player had clear line of sight.
18. Based on the DMF, at this point, the Red Card threshold had been met.

19. The crux of the Player's case was that Russia 15's drop in height was sudden and significant, and this should have mitigated the Red Card to Yellow under the DMF (as determined by the on-field Match Officials). To illustrate the change in height, the Player's Counsel had relied, in the written submissions and at the hearing, on the camera angle (15 reverse SSM starting 1:42).



Screen captures taken from Player's written submissions on starting point of Russia 15, and Russia 15 at the point of impact

20. The Player's case, was that when Russian 15 received the ball, he was "at relatively full height" compared to the point of impact, where Russia 15 was in "a squat". The Player's Counsel highlighted the change in height in Russia 15s the position vis-a-vis the billboard signage in the background. At the hearing, the Player's Counsel, suggested that Russia 15 had dropped so much that the only way he could have dropped more "would be if he fell to the ground".
21. On the suddenness of Russia 15's change in height, the Player's Counsel highlighted that:
- a. *"It is important the tackle is viewed on the video in wider angle and at full pace as whilst the still photos suggest this happens with time for the player to react, the reality is quite the opposite. This happens exceedingly quickly";*
 - b. *"there has not been enough time for the Player to react and adjust his tackle and that at the Player's body position is bent at the hips and with his arms forward preparing for engagement in an orthodox and controlled fashion".*
22. After taking into consideration the evidence and submissions by the Player's Counsel, the majority of the Committee determined that the application of the mitigation from Red Card to Yellow Card under the DMF was not warranted and that the Player committed a high tackle which passed the Red Card threshold for the following reasons:
- a. the Player as the tackler, had full control of the terms of the contact (approach and tackle technique). He was in open space and chasing the kick to close out the attacking threat. He picks up pace approximately 7m out from Russia 15 (Paragraph 16 screenshots) and has clear line of sight of Russia 15s circumstances. Russia 15, on the other hand, was in the process of receiving the ball, his focus and movement was limited by the flight path of the ball;

- b. in bracing for contact with the Player, Russia 15's timing and change in height was not unreasonable or outside the Player's estimation given the dynamic of the situation referred to in subparagraph a. above;
- c. however, due to the speed and approach of the Player, he had left himself a very small margin of error to control the terms of his engagement with Russia 15:
 - i. as he approaches Russia 15, the Player is bent at the hip, but he then plants his right foot and launches his body across to the left and upwards slightly to contact Russia 15. The Player loses control of the terms of the contact with Russia 15 because he has lost his feet (his centre of gravity is well past his right foot (See below);



(Camera Angle – 15 FR Corner UMS)



(Camera Angle – 9 NR Corner SSM)



(Camera Angle – 15 Reverse SSM)

- ii. at the hearing, the Player acknowledged that his left foot would have been the closer foot and that he would have ideally planted his foot there to get his left shoulder on. The Assistant Coach opined that it looked like the Player was trying to get his left foot down but because the Player had suffered a concussion, he was unable to. The majority of the Committee, with respect, disagrees. The Player’s foot pattern in the approach to the tackle was wide (as opposed to narrow) and at speed. He was not able to adjust to Russia 15’s movement, not because Russia 15 was exceptionally nimble or evasive, but because the Player had lost control by launching himself in the manner he did. The Player may have lined Russia 15 up for a dominant hit, but that does not absolve him of his duty of care to the Russia 15’s head;
- d. the Player’s tackle was recklessly executed without regard for the safety of himself or Russia 15. This is dangerous, both to the Player and Russia 15;
- e. the severity of the contact is reflected in the injury to the Player who was dazed and was removed from the field of play. Russia 15 was also in discomfort from the impact;



(Camera Angle – 13 Corner UMS)



(Camera Angle – 13 Corner UMS)

- f. Rugby Union is a contact sport. Inherent in the Game are collisions between bodies with high impact and with velocity. The contest for possession is part of the appeal for players and fans. However, the terms of engagement between players are set out in the Laws of the Game, which regulate what is dangerous contact between players. To this end, the head is regarded as sacrosanct. As such, the Player had a duty of care to ensure he engaged with Russia 15 in a safe manner. He did not.
23. In view of the above, Committee, by majority, was not satisfied that the Player had shown on the balance of probabilities that the Citing Commissioner’s decision was wrong to cite the Player. Consequently, the citing was upheld.

DECISION

Breach admitted <input type="checkbox"/>	Proven <input checked="" type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)	
Intentional/deliberate <input type="checkbox"/>	Reckless <input checked="" type="checkbox"/>
State Reasons	
The Player did not act intentionally to make a high tackle on Russia 15 but he knew or should have known that by his approach to the tackle that there was risk he would make contact with Russia 15's head.	
Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)	
The Player's head & shoulder made contact with Russia 15's head directly and with force. As there is contact with the head, the mandatory entry point under the Sanctions table in Regulation 17 is Mid Range.	
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)	
See above.	
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)	
Not applicable.	
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)	
Not applicable.	
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)	
Not applicable.	
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)	
Russia 15 was able to continue participation in the match. He sustained a contusion and reported loss of range of motion in his head/neck and as at the date of the hearing has not been able to participate in contact training.	
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)	
The Player received a temporary suspension and was removed from the field of play for the rest of the game due to his injury.	
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)	
Russia 15 had limited time to react to the Player who was coming on at pace as he was in the process of receiving a pass from Russia 9.	
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)	
The Player participated fully in the high tackle. The Committee accepted that it was not pre-meditated.	
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)	
The high tackle was executed (there was no follow through past the point of impact because the impact was so great the Player suffered a concussion)	
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)	
Not applicable.	

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>	6	<input type="checkbox"/>	

*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End
Not applicable.

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
Not applicable.
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Not applicable.
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
Not applicable.

Number of additional weeks:

6

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)	Player's disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)
The Player admitted to making high contact with Russia 15	The Player has not been previously cited or received any red cards.
Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)	Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)
The Player is 32 years of age. He has played professional rugby for 12 to 14 years and is playing in trade at London Irish.	The Player was respectful, polite and candid at the hearing.
Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)	Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)
NA – the Player suffered an injury and was attended to on the field, and removed from the field of play	NA

Number of weeks deducted:

3

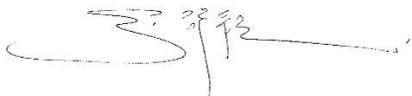
Summary of reason for number of weeks deducted: maximum deduction allowed under Reg 17
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SANCTION

NOTE: PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	3 weeks (translated to 3 games)	Sending off sufficient <input type="checkbox"/>
Sanction commences	Immediately	
Sanction concludes	See below	
Matches/tournaments included in sanction	<ol style="list-style-type: none"> 1. RWC game between Samoa and Japan on 5 October 2019; 2. RWC game between Samoa and Ireland on 12 October 2019; and 3. should Samoa qualify for the RWC quarterfinals on 19 October or 20 October 2019 (depending on their ranking in Pool A), the Player will be free to play on the day after the quarterfinal match (that is to say either 20 October 2019 or 21 October 2019). In the event Samoa does not qualify for the playoffs, the 3rd game of his suspension shall be the Gallagher Premiership Rugby game between London Irish against Sale Sharks on 26 October 2019, in which case, the Player is free to play on 27 October 2019 	

Costs	Not applicable.
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Signature (JO or Chairman)		Date	28 September 2019
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NOTE: YOU HAVE **48 HOURS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule)