

RWC 2019 DISCIPLINARY DECISION



Match	Georgia v Uruguay		
Player's Union	Uruguay	Competition	RWC 2019
Date of match	29 September 2019	Match venue	Kumagaya Rugby Stadium, Kumagaya
Rules to apply	Regulation 17 World Rugby and RWC 2019 Tournament Disciplinary Programme		

PARTICULARS OF OFFENCE

Player's surname	Gattas	Date of birth	2 July 1995
Forename(s)	Facundo		
Referee Name	Wayne Barnes	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 checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/>
Summary of Sanction	Three (3) weeks suspension		

HEARING DETAILS

Hearing date	1 October 2019	Hearing venue	RWC Disciplinary Hearing room, Atsumi & Sakai, Tokyo
Chairman/JO	Jean Noel Couraud (France)		
Other Members of Disciplinary Committee	Frank Hadden (Scotland; former International coach) Jose Luis Rolandi (Argentina; former International Referee)		
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)	Santiago Slinger, Uruguay team manager Guzman Barreiro, assistant coach Uruguay	Disciplinary Officer and/or other attendees	Yvonne Nolan, 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- Notice of the Disciplinary Hearing 2- Clips of the incident 3- TMO's Report (Marius Jonker) 4- Statement of Georgia 6 (Shalva Sutiashvili) 5- Referee's Report (Wayne Barnes) 6- World Rugby High Tackle Sanction Framework 7- Disciplinary Section RWC 2019 – Regulation 17 8- Match Summary – Team sheets 9- Written statements of the Player disciplinary record 10- Medical Report (Georgia team doctor) 11- Statement (2) of Georgia 6 (Shalva Sutiashvili) 		

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

The **Referee's Red Card Report** read as follows:

"In the 77th minute of the game, the TMO, Marius Jonker, asked me to review a potential act of foul play. From looking at the screen I saw the shoulder of Uruguay 16 make contact with the head of a Georgian player. The contact was significant and there was no reason in my view to mitigate the action and so I issued a red card"

The **TMO 's Report** states:

"In the 77th minute of the game N°16 Uruguay made contact with the head of an opponent with his shoulder. The contact was direct and significant and I brought this to the attention of Referee Wayne Barnes. No mitigating action/ factors could be identified and the red card was issued".

The **video clips** show the following:

The incident took place at 76:02 of the match, around 6 metres from the Uruguayan try line and around 17 metres from their right touchline.

The Uruguay 16 "the Player" is standing in a defensive line at a ruck around 4 metres from his home try line. The ball is passed from the ruck to Georgia 6 who heads for the space between the Player and Uruguay 5 at a normal ball carrying height in this type of situation.

Uruguay 5 makes first contact with the right shoulder of Georgia 6, attempting to wrap up the ball.

This impact slows the attacker and causes his head to rise fractionally but not significantly.

The Player has meanwhile moved forward a couple of metres, set his feet in a strong wide stance and bent his knees.

When Georgia 6 reaches him, the Player holds his right arm out and drives his left shoulder forwards and upwards, making a contact with the left side of the face of Georgia 6.

Georgia 6 falls to the ground holding his face and remains there for around 20 seconds before slowly getting to his feet.

In the 76:57 of the match the TMO asks the Referee to review the action for a potential act of foul play. There is a clear video and audio footage of the exchanges between the Referee and the TMO before the Referee issues a red card.

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

Georgia 6, Shalva Sutiashvili, states as follows:

"I am not thinking that something was dangerous for my health, I fill contact on head" (29 September 2019)

"With this email, I would like to inform you that during the game against Uruguay on 29th September on 77th minute I have been received the ball and was moving forward when I was tackled, but do not exactly remember area of tackle. After contact I had head pain." (30 September 2019)

The Georgia team Doctor states:

"After the impact event, Shalva Sutiashvili was immediately removed from the field of play because of a suspected concussion. HIA 1 results were unclear, follow-up HIA 2 and HIA 3 was normal. Yesterdays and today's neurological assessment reveals no signs and symptoms. No concussion diagnosis."

SUMMARY OF PLAYER'S EVIDENCE

In response to the pre-hearing directions, the Player stated and submitted:

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- a. *whether he is the Player who was shown the red card;*
Yes, I am the player who received the red card
- b. *whether he will argue any preliminary matters, and if so what they are (in summary);*
No
- c. *whether he accepts that the Match Official Report(s) is/are (a) true and accurate account(s) of the incident that resulted in the showing of the red card and the facts surrounding the incident;*
The report corresponds to the red card and the situation that occurred in the 77th minute of the game, but with respect I want to say that the decision the referee made was very tough.
- d. *whether he will try to show that the referee's decision to show the Player a red card was wrong;*
If I am going to try to justify that the referee's decision was excessive, I believe that the red card does not correspond. I never received a red card and I have never been sanctioned so far
- e. *if so, why he says the referee's decision was wrong (in summary), and what evidence (and/or authorities) he will rely on to support his position (any written evidence and/or authorities must be attached to the written statement when sent by the Player, and the names of any witnesses to be called must be set out in the statement); and*
I acknowledge that I had made contact with my left shoulder to the head of number 6 of Georgia. In my point of view the degree of danger in the contact is low, I am not dominant in the contact, I am standing still and receiving the impact from the Georgia Player. There is an involuntary, casual, accidental collision with Georgia player number 6, caused involuntarily by the action number 5 of Uruguay that tries to tackle the player number 6 of Georgia and produces a deviation in his career line and height. The tackle of player number 5 is an external influence that produces an unexpected result, the contact with the head would not have happened.(...) “

In a mail sent before the hearing it was submitted for the Player:

“(.) I confirm that I received this new statement from The Georgia player and earlier also the report from the Georgia doctor. Earlier by mail I also received the written statement from the Player. I have the following comments to make:

1. *The handwritten player's report caught my attention earlier today and I really didn't want to comment, however, with today's new statement from the player and the Physician, I want to say it. Yesterday' declaration of the handwritten player is at the beginning with a black pen and then in the final part of statement it is with a pen in blue, besides that my point of view they look like different letters. With a blue pen the player says at the end that he felt the contact in the head. The player signed in black.*
2. *The Georgia Medical Report today says that HIA 1 proved unclear, but HIA 2 and HIA 3, perfect.*

The new report made by Georgia player I received tonight reads as follows: I received the ball and was moving forward when I was tackled, but do not exactly remember area of tackle. After contact I had head pain (but not mention contact). The player yesterday declared that he felt a contact over his head but in today's statement he says he does not remember the tackle area and did not write about contact on head. I think it is not relevant, but I think the statements can be confusing. Facundo Gattas today in your preliminary declaration accepted that he had made contact with your left (his) left shoulder to the head of number 6 of Georgia.”

At the hearing Mr Slinger for the Player submitted that he was surprised that the TMO did not share with the Referee others video angles and particularly the “15 reverse SSM” camera angle.

He said that if the TMO had shared this video angle, maybe the Referee would have taken another decision. For him this video angle shows that the act was an accidental collision.

He described the action as follows (video angles 15 reverse SSM and 12 HIGH)

- Uruguay 5 is tackling Georgia 6 and this tackle has an influence on the direction and the advancement of the Georgia 6.
- Uruguay 5 look at the position he’s in, the distance between him and Georgia 6 and also the distance between the Player (Uruguay 16) and Georgia 6.
- The tackle of Uruguay 5 produces a reaction from Georgia 6 to make him lift the head, and hit with his shoulder the Player in a quite impactful way.
- The right arm of the Player is on the back of Georgia 6 and the Player is trying to tackle him in a legal way but the previous tackle makes that the height and the direction of Georgia 6 change before the head contact.

The Player submitted that:

- He did not expect to have to make a tackle;
- His tackle was a passive one without high degree of danger and not a dominant tackle;
- The head contact was caused by the influence of the previous tackle and was accidental. It was for him an accidental collision.

The Player admitted that he was in an open space and has a clear line of sight before the contact but he said that the previous tackle had an influence on the height and direction of Georgia 6.

FINDINGS OF FACT

The Judicial Panel is not satisfied that the contact with the ball carrier’s head was an accidental collision caused involuntarily by the action of Uruguay 5.

The video clips clearly show the Player holds his right arm out and drives his left shoulder forwards and upwards, making a contact with the left side of the face of Georgia 6.

The Judicial Panel did not accept that it was a passive tackle.

For the Judicial Panel, the action was more akin to a dominant tackle with a high degree of danger. There was no evidence that there is a significant change of direction from the ball carrier’s running line until after the contact.

The Judicial Panel is satisfied, in the context of High Tackle Sanction Framework “HTSF”, that:

- The Player had initiated a contact with his left shoulder. It was a direct contact to the head of the ball carrier;
- It was not a passive tackle. The offending was more akin to a dominant tackle;
- The impact of the head contact was with force;
- There was consecutively a high degree of danger;
- The factors to consider against mitigation were present. The Player and the ball carrier were in an open space and the Player had a clear line of sight.
- There are no clear and obvious mitigating factors.

Therefore, The Judicial Panel is not satisfied, on the balance of probabilities, that the Referee’s decision to order the Player off was wrong. The red card 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 Judicial Panel is satisfied that the offending was not intentional and/or deliberate , but the Player knew (or should have known) there was a risk of committing an act of foul play.
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)
It was a direct contact to the head with a high degree of danger.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
High tackle with a direct contact of the Player’s left shoulder to the ball carrier’s head.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
NA
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
NA
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
NA
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
No injury or concussion
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
No effect on match
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Direct contact to the head
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
The Player participated fully in the high tackle. It was not premeditated.
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
Conduct completed
Other features of player’s conduct – R 17.19.2(m) (or equivalent Tournament rule)
None

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

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)
NA
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
NA
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
NA

Number of additional weeks: 0

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)
	Clean disciplinary record
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 24 years old and has 31 caps.	Good
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)

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
The clean disciplinary record, youth, and the conduct prior and at the hearing.

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 The Player may not play the Game (or any form thereof) or be involved in any on-field match day activities anywhere from the time he was Ordered Off, until his suspension expires – R 17.19.11(c)	Sending off sufficient <input type="checkbox"/>
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Sanction commences	Immediately
Sanction concludes	See below
Matches/tournaments included in sanction	1- RWC 2019 game between Uruguay and Australia on 5 October 2019; 2- RWC 2019 game between Uruguay and Wales on 13 October 2019; 3- RWC 2019 quarter final on 19 or 20 October 2019, or should Uruguay not qualify for the quarter final, the third game of the Player's suspension shall be the match Hindu Club c/ Tucuman on 19 October 2019. In which case the Player is free to play again on 21 October 2019.

Costs	NA
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Signature (JO or Chairman)	Jean Noel Couraud	Date	2 October 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)