

DECISION FORM



Particulars of offence	
Player's Name: Mart GERRITSE	
Player's number: 2	
Player's union: Netherlands	
Competition: U18 Championship	
Host Team (T1): Spain	Visiting Team (T2): Netherlands
Venue: Marketa Rugby Stadium, Prague	
Date of match: 18/11/23	
Rules to apply: Regulation 17 World Rugby Handbook	
Referee Name: Ben CONNOR – Wales	
Plea: <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted	
Offence: <input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other <i>If "Other" selected, please specify:</i>	
Hearing details	
Chairperson / JO: Gert-Mark Smelt	
Other Members of the Disciplinary Panel: - Palemia Field - Bogdan Zebega	
Hearing date: 30/11/23	
Hearing venue: On remote	
Appearance Player: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appearance Union: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Player's Representative(s): Mr. K. Vanhout, technical director Rugby Nederland	
Other attendees: n/a	
List of documents/ materials considered by the Panel: 1. Red card report 2. Game Sheet 3. Video clip of the incident 4. E-mail containing disciplinary statement and playing schedule. 5. Statement from the doctor of the Spanish U18 Team	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>The incident was reported to the referee by one of the assistant referees, after which the player was sent off. The AR states in his written report that a Spanish player held the Player. As a reaction, the Player hit the Opponent with the elbow to the neck/head area.</p> <p>The footage shows the Player trying to clear a ruck. After the Spanish scrum half recycles the ball, the player is held by a Spanish player (Opponent). The Opponent is bent forward towards the Player. The Player has a hold of the Opponent's jersey at about shoulder height/top back of the shoulder, with his left hand. He then moves his bent right arm down towards the Opponent, elbow first with a closed fist. He repeats the action one more time. The players let go of each other. Play continues.</p>	

It also shows that at the time of the incident the AR is at the touch line, in line with the incident. The incident takes place at the 15 meter line. The AR starts using his communication set right after the incident and uses his flag to indicate potential foul play when the Spanish team scores a try shortly after the incident.

The footage also contains images from behind the dead-ball line, but the view of the incident is obstructed by the goal posts and is unsighted.

Essential elements of other evidence (e.g. medical reports)

From the statement of the Spanish doctor, the Opponent wasn't injured or affected in any way.

Summary of player's evidence

The Player does not contest hitting the Opponent. He does deny hitting him in the neck or head area.

In the written reaction he emphasizes it was more about the Opponent letting him go than about intentionally hurting him on the shoulder.

Findings of fact

Under Regulation 17 the burden of proof is on the Player. The Disciplinary Committee shall not make a finding contrary to the decision of the referee unless they are satisfied, on the balance of probabilities that the decision of the referee was wrong.

The report of the AR is concise and concrete. At the moment of the incident he was in a credible position to see it. His reaction without delay leaves little room for assuming doubt on his part.

The footage doesn't show where the fist hit the Opponent. It is clear though, that it didn't make contact with the opponent on a lower part of the back than the left hand was (shoulder/top back of the shoulder).

The footage does show the upper arm making contact with the opponent's head. (See insertion. The black form above the shoulder line of the Opponent and direct beneath the Players upper arm cannot be anything else but the Opponent's head.)



Where the available evidence supports the AR's finding, there is no substantiation of the Player's contention that he didn't hit the Opponent in the head/neck area – and in that the contention that the AR's report to the referee, leading to the referee's decision, was wrong.

The Panel concludes that the Player has not met the burden of proof.

The Panel finds that the Player struck the Opponent in the head/neck area with his arm/elbow. That is foul play (law 9.12) and warrants a red card.

Decision

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

Assessment of seriousness

As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby

Assessment of intent:

Intentional/deliberate Reckless

Reasons for finding as to intent:

Hitting an opponent twice in succession, with first contact with elbow/upper arm, cannot be considered anything but deliberate. The Panels considers it not unlikely that the player did not consciously aim for the head or neck. Although the act itself is deliberate, the eventual target was possibly hit by recklessness.

Nature of actions

The actions are in themselves aggressive acts. Since the Player tried to get loose they were intended to have an effect on the Opponent.

Existence of provocation:

The Player was held by the Opponent without justification by the game at that moment. (The ball had already left the ruck.)

Whether player retaliated:

The Player reacted to the illegal holding.

Self-defence:

N/a

Effect on victim:

None.

Effect on match:

None.

Vulnerability of victim:

The head and neck are vulnerable parts of the body.

Level of participation / premeditation:

The Player acted on his own. No premeditation.

Conduct completed / attempted:

Completed.

Other features of player's conduct:

N/a

Entry point					
Low-end	Weeks	Mid-range	Weeks	Top end	Weeks
<input type="checkbox"/>		<input checked="" type="checkbox"/>	4	<input type="checkbox"/>	
Reasons for selecting entry point:					
Contact to the head or neck carries a mandatory mid range entry point. There is no reason to apply a top end entry point. The U16-U18 sanction table is used to determine the entry point sanction.					

Relevant off-field mitigating factors	
<i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>	
Acknowledgement of guilt and timing:	Player's disciplinary record / good character:
Although the Player admitted foul play, he did not admit the foul play he was charged with, being hitting in the head/neck area. The acknowledgment does not weigh in his favour.	The player has a clean disciplinary record. He is of good character, applying himself in helping out with training underage players at his club. He also tries to raise funds for good causes like the Bibian Mentel Foundation.
Youth and inexperience of player:	Conduct prior to and at hearing:
Although U18 the Player is not inexperienced, having played for different Dutch clubs and in France. Apart from that, being (in)experienced is not relevant for this particular offence.	The Player was polite throughout the hearing – even having to deal with the board room of his club not being available to him for this meeting and did his best to answer questions as good as he could.
Remorse and timing of Remorse	Other off-field mitigation:
The Player spoke to his Opponent afterwards and apologised. He reiterated that remorse at the hearing. Being questioned it was clear that not only letting his team down was something he regretted but also the action towards his Opponent itself.	N/a

Number of weeks deducted: 2
Summary of reason for number of weeks deducted:
The Panel finds grounds for a 30% reduction. That leads – rounding off in the player's favor – to a two week deduction.

Additional relevant off-field aggravating factors

As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby

Player's status as an offender of the Laws of the Game:

N/a

Need for deterrence:

N/a

Any other off-field aggravating factors:

N/a

Number of additional weeks: none

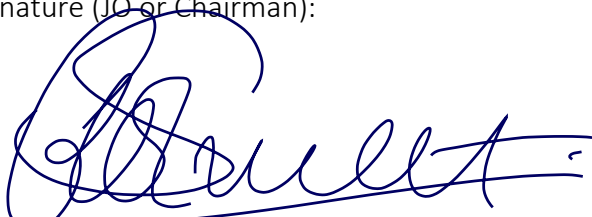
Summary of reason for number of weeks added:

N/a

SANCTION

NOTE: Players ordered off or cited by a citing commissioner are provisionally suspended pending the hearing of their case, such suspension should be taken into consideration when sanctioning – RE Discipline Regulations 4.1.4 / 4.4 (or equivalent Tournament rule)

Total sanction: 2 weeks	<input type="checkbox"/> Sending off sufficient
Sanction commences: with the sending off (provisional suspension)	
Sanction concludes: 4 December 2023	
Matches/ tournaments included in sanction: <ul style="list-style-type: none">- 25 November 2023: The Dukes - Eemland- 2 December 2023: Rotterdam - The Dukes	
Costs: n/a	

Signature
Name of the JO or Chairman: Gert-Mark Smelt
Date: 30-11-2023
Signature (JO or Chairman): 

NOTE: You have 48 hours from notification of the decision of the chairman/jo to lodge an appeal with the tournament director – RE Discipline Regulations 4.6.2 (or equivalent Tournament rule)