

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Bendeguz Gulyas	
Player's number: 6	
Player's union: Hungary	
Competition: Men's Conference	
Host Team (T1): Bosnia and Herzegovina	Visiting Team (T2): Hungary
Venue: Atletski Stadion Kamberovica polje, Zenica	
Date of match: 20/04/2024	
Rules to apply: Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other	
Referee Name: Vadims GALAJEVS (LAT)	
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: Marcello d'Orey (POR)	
Other Members of the Disciplinary Panel: - Palemia Field (FIN) - Piergiorgio Della Porta Rodiani (ITA)	
Hearing date: 23/04/2024	
Hearing venue: Remote via MS Teams	
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): Regan Phillips, team manager	
Other attendees: David Baird-Smith, Rugby Europe	
List of documents/ materials considered by the Panel: 1. Game sheet 2. Red card report from Referee 3. Red card report from Assistant Referee 4. Video clip of the incident 5. Disciplinary statement 6. Disciplinary record	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>Pursuant to the Rules, at a disciplinary hearing following the ordering off of a player, a hearing is convened before a disciplinary committee to consider the matter. At that hearing, the function of the committee is to review the case and to determine what sanction (if any) should be imposed upon a player for the act of foul play.</p> <p>A player is, however, entitled to seek to persuade a judicial committee, on the balance of probabilities, that the referee was in error in issuing a red card. Pursuant to Regulation 17.15.3, the burden of demonstrating the referee was in error rests with the player.</p> <p>In accordance with the Rules, all factual determinations made by disciplinary committees are to be made on the balance of probabilities.</p>	

2024. It is not intended to be an exhaustive record of all the evidence at the hearing and the absence of a reference to some evidence or submission is not to suggest that such evidence or submission was not taken into account by the Committee at the hearing.

The Hearing

At the commencement of the hearing, the chairman of the Committee identified himself and his fellow panel members and all of the participants present at the hearing. He reminded the parties that the hearing would be conducted in accordance with the Rules and outlined the procedure to be followed.

This written judgment is the unanimous decision of the Committee following consideration of all of the evidence it had seen and heard and following oral submissions by the Player's representative at a hearing on 23th April

Referee's Report

The referee, Mr Vadims GALAJEVS, from Latvia, had ordered off the Player in the 10th minute of the Match for physically or verbally abuse, including hits/punches/etc... contrary to Law 9.12.

The narrative description of the incident in the referee's report stated as follows:

«At that moment i was near the try line and situation conducted behind (blind side). I had discussion with AR2 (Adian) as a consequence Hungarian player 6 was red carded. From AR words «He made a punch to the face with closed fist»

The narrative description of the incident in the Assistant referee's (Adian Zecevic) report stated as follows:

«After a late tackle by Bosnian number 9, this player violated law 9.12 by punching Bosnian number 9 with 2 closed fists direct to the head. Then we had a discussion with the referee and i pointed that Hungarian n.º 6 did an act of foul play.»

The Disciplinary Committee noted that the video clips showed the following:

1. Hung7 breaks the BIH defence line in the middle of the pitch.
2. He passed the ball to Hung6 at the 10m offensive line field.
3. Hung6 run for 5m and pass the ball to Hung9.
4. BIH9 tackles Hung6, without the ball, very late, lifting Hung6 off the ground and driving that player so that their head and/or upper body make contact to the ground.
5. The video then continues with the ball and after the try is scored the player point to the referee that something is happening.
6. When the video return to the incident, there were many players from each team grabbing and holding each other, 15 metres from the place where the late tackle was made.
7. It is visible that HUNG6 was on the floor and he stays there holding his head, 15 metres from the place he was tackled.

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

None

Summary of player's evidence

No preliminary points arose.

The Player accepted that she was the Player involved in the alleged foul play.

The player and the Union Representatives started by saying that they accept that there may have occurred foul play, but that they don't think it was worth of a red card, because they believe that the player never punched anybody, his actions were purely self-defence.

The player stated that after he was tackled, BIH9 started to attack him and that he just defended himself. He doesn't think that he had punched anybody, that his only actions were to defend himself with his arms and hands. He didn't remember hitting anybody with his closed hands or fists.

After being asked by the Committee why was he so far from the place that he was tackled, and that it does not seem possible that in the few seconds that the camera is away from the incident, he would be able to defend himself and then go to the place where he was when the camera start filming again, the player stated that he went there to try to hold some of his teammates that were involved in a brawl with the BIH players, and that he was attacked there.

HE could not prove that he didn't punch anybody, but he stated that if he did something it was on self-defence. He didn't remember everything from the incident, as he recollect that after the tackle, he was a little bit off. He said that he was sorry for the whole incident, that he was never shown a red card before.

HE also said that he plays for the national team for the last years.

HE also stated that although he didn't think he throw any punches, he accepted the red card decision from the referee and left the field immediately.

Findings of fact

No preliminary points arose.

The video of the incident was seen at the hearing, but it didn't show the moment where the incident may have occurred.

The Committee's findings of fact were as follows:

1. In the 10th minute of the Match, following a "line break» made by Hung7, the ball is passed to Hung6, 5 meters after the half way line.
2. Hung6 runs 5 meters and passes the ball to Hung9, who then passes to Hung 18, who scores a try.
3. After passing the ball, Hung6 does 3 steps and while he is looking to Hung9, BIH9 tackles Hung6, without the ball, very late, lifting Hung6 off the ground and driving that player so that their head and shoulder make contact to the ground.
4. After the try is scored, there was a brawl between many players from both teams.
5. It is visible that Hung6 was on the floor was on the floor and he stays there holding his head, 15 metres from the place he was tackled.

The Player accepted that he was the Player involved in the red card report and that there was a foul play.

The standard of proof for all matters under this Regulation is on the balance of probabilities.

When the Player does not accept that the act(s) of Foul Play which is the subject of the disciplinary hearing warranted the Player being Ordered Off or cited, the burden of proof rests on the Player to show that the referee/citing commissioner was wrong.

The Player tried to justify his actions but his first comments where that he was attacked after he was tackled, and was just trying to defend himself, and that although there was foul play it was not worth a red card, later when asked why he appears 15 meters from the place he was tackled, just a few seconds later, he changed his version and said that he went there to stop some of his teammates, and that he was attacked there.

At the end, the player accepted that there was a foul play, that it was reckless, but he thinks it was not worth a red card, but that he could not prove that.

The Judicial Officer found, on the balance of probabilities, that Hung6 did punch twice the head of BIH9.

The Disciplinary Committee was satisfied, on the balance of probabilities, that the act of foul play was committed by Hung6, and in consequence that he did warrant a red card and so did uphold the red card complaint.

Decision

Proven Not proven Other disposal (please state)

SANCTIONING PROCESS

Assessment of seriousness
<i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>
Assessment of intent:
<input checked="" type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless
Reasons for finding as to intend:
The Assistant referee report is clear and the player could not prove that it was wrong or false.
Nature of actions
The actions are described above but this was a spear tackle and also a punch to the face.
Existence of provocation:
The player was subject to a spear tackle
Whether player retaliated:
YEs
Self-defence:
No
Effect on victim:
None
Effect on match:
There was a fight and 2 players were sent off.
Vulnerability of victim:
NA
Level of participation / premeditation:
The Player had participated in the offence but there had been no premeditation
Conduct completed / attempted:
Conduct completed
Other features of player's conduct:
None

Entry point					
Low-end	Weeks	Mid-range	Weeks	Top end	Weeks
<input type="checkbox"/>	<input checked="" type="checkbox"/> [X]	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> [6]	<input type="checkbox"/>	<input checked="" type="checkbox"/> [X]
Reasons for selecting entry point:					
Any act of foul play where the person committing the act of foul play makes contact with the opponent's head, and that contact with the head warrants a red card, shall result in at least a mid-range 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:
The player accepted that there was foul play, and also accepted the referee's decision and left the field immediately.	No previous record.
Youth and inexperience of player:	Conduct prior to and at hearing:

No	Very good
Remorse and timing of Remorse	Other off-field mitigation:
The player showed remorse	None

Number of weeks deducted: [3]
Summary of reason for number of weeks deducted:
The player had no previous disciplinary record, he accepted that there was foul play, although thinking that it was not worth of a red card, very good behaviour in the hearing and the remorse shown.

Additional relevant off-field aggravating factors <i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>
Player's status as an offender of the Laws of the Game:
NA
Need for deterrence:
NA
Any other off-field aggravating factors:
NA

Number of additional weeks: NA
Summary of reason for number of weeks added:
NA

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: 3 weeks/games	<input type="checkbox"/> Sending off sufficient
Sanction commences: At the conclusion of the hearing	
Sanction concludes: 12-05-2024	
Matches/ tournaments included in sanction: 27/04/2024 - FW Gorillas in Szeged 04/05/2024 - Apródok in Esztergom 11/05/2024 - Vitézek in Esztergom	
Costs: NA	

Signature
Name of the JO or Chairman: Marcello d'Orey
Date: 23-04-2023
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)