

DECISION FORM



Particulars of offence	
Player's Name: Giorgi KERVALISHVILI	
Player's number: 6	
Player's union: Black Lion	
Competition: Super Cup	
Host Team (T1): Black Lion	Visiting Team (T2): Tel-Aviv Heat
Venue: Avchala Stadium, Tbilisi	
Date of match: 22/12/2023	
Rules to apply: Regulation 17 World Rugby Handbook	
Referee Name: Andrew Cole	
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: Gert-Mark Smelt	
Other Members of the Disciplinary Panel: - Dany Roelands - Andrei Zamfirescu	
Hearing date: 4/1/24	
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): V. Abashidze, N. Kurtanidze	
Other attendees: n/a	
List of documents/ materials considered by the Panel: 1. Game Sheet 2. Referee's red card report 3. Assistant referee's red card report 4. Three video clips of the incident 5. Disciplinary statement, also containing Player's playing schedule and disciplinary record 6. Statement/medical statement from opposing Player TAH20	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>The AR reports that "the Player entered the ruck and contacted the red player on the head with his head." The Referee was alerted through the communication system. The Referee reports as much and continues that he told the AR that he had seen the Player enter the ruck, but had not seen the entry point. The AR confirmed it was head to head contact, after which the Player was sent off.</p> <p>The footage shows TAH20 in a ruck, initially still with his shoulders lower than his hips. After coming up and at about the moment the line of his shoulders and hips is parallel to the ground, the Player – after squaring up – enters the ruck and makes contact with TAH20. The view of the head of TAH20 is obstructed by the Player's body.</p>	

It also shows that, at the same time, BLA3, who went in an instant before the Player, has his arm across the back of TAH20, just below the jersey number. In the moment of (the most far-reaching) contact, the head of the Player reaches/touches that arm of the team mate. The Player's left hand is halfway his Opponent's side, his shoulder/chest above the shoulder blade of TAH20. After that initial movement the Player slides back, along the back of TAH20. TAH20 raises his upper body and the Player moves downwards via the Opponent's right shoulder and arm. Play continues.

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

TAH20 in his statement – which was requested by the Chair at the request of the Player's Union –: “just as I started to pull out from the ruck, I felt the force hit me on the back of the head and slide up to the back of my neck.”

He received on nor off field medical attention.

Summary of player's evidence

The Player contests the reported contact and foul play. He states that he hit the Opponent with his right shoulder to the Opponent's right shoulder. He denies having had head contact.

Findings of fact

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

After extensive review of the footage and with the full benefit of slow motion and freezing that footage the Panel finds that the Player, contrary to what he claims, did not hit the Opponent shoulder to shoulder. His head touching his teammates arm, halfway the back of his Opponent and his body placement at that moment (see insertion) go against that statement. They however also go against the reported head-to-head contact. That leads to the conclusion that it is more likely than not that the head-to-head contact did not occur. The Panel finds that, on the balance of probabilities, the decision of the referee was wrong in so far.



The finding does not rule out the possibility that the right side of the Player's body (or his right arm) made contact with the head of TAH20. However, the view of the head and that not-inconceivable contact is obstructed by the Player's body. Apart from TAH20's statement that he felt the force of an impact hitting his head there is no indication of an infringement of Law 9.20b, the charge in question. That statement by itself is not enough to substantiate such an infringement.

In conclusion the Panel finds that the foul play the Player was charged with is not proven.

Decision

Proven Not proven Other disposal (please state)

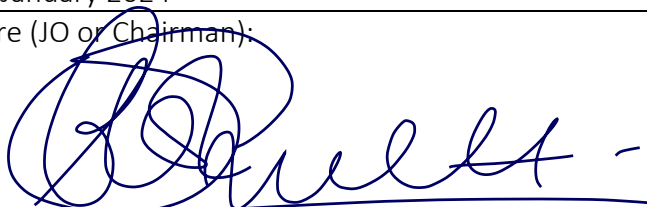
The Panel shall expunge the red card from the Player's disciplinary record.

Signature

Name of the JO or Chairman: Gert-Mark Smelt

Date: 4 January 2024

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)