

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Akaki Tabutsadze	
Player's number: 14	
Player's union: Georgia	
Competition: Rugby Europe Men's Championship	
Host Team (T1): Georgia	Visiting Team (T2): Portugal
Venue: Stade Jean -Bouin	
Date of match: 17/03/2024	
Rules to apply: Rugby Europe Disciplinary Regulations, World Rugby Regulation 17	
Referee Name: Paulo Duarte (POR)	
Plea: <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted	
Offence: <input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <i>If "Other" selected, please specify:</i>	
Hearing details	
Chairperson / JO: Jennifer Donovan	
Other Members of the Disciplinary Panel: - Richard McGhee - Mirian Tavzarashvili	
Hearing date: 26/03/24	
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): Vasil Abashidze (Team Manager), Natalie Kurtanidze (Deputy Manager for International Relations), Richard Cockerill (Head Coach)	
Other attendees: Alizé Millet, Rugby Europe	
List of documents/ materials considered by the Panel: 1. Notice of hearing. 2. CC report 3. Medical report from Portuguese doctor 4. Statement from the victim ("POR 22") 5. Video clip of the incident 6. Player submissions	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>The player was cited for offences contrary to Laws 9.11 and 9.12. The Citing Commissioner described POR 22 having been tackled into touch by two Georgian players immediately prior to the incident. The report then outlined that whilst the ball was dead and the group of players were outside of the playing area, the player struck the head of POR22 with his shoulder in a direct hit with force. The player was therefore cited for reckless or dangerous behaviour (Law 9.11) and for physical abuse consisting of a strike with the shoulder (Law 9.12)</p> <p>The incident can be seen on the match footage. POR 22 was in a sitting position on the ground having been tackled into touch. He was facing away from the player. POR 22 and the player were several feet outside of the playing area. The assistant referee was close by, with his flag raised. The player was on his feet but then</p>	

crouched over towards POR22, going down on one knee as he struck the head of POR22 with his upper part of his right arm and his right shoulder. POR22 can be seen to react immediately by jumping to his feet and grabbing the legs of the player.

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

POR22 made the following statement:

“During an action, I was taken out of the playing area by 2 Georgian players, so the throw-in was whistled and the Georgian Number 14, who was not involved in the tackle action, came to put a shoulder in my face while I was on the ground and the throw-in was whistled. After that, I get up and go to the player asking him for an explanation for his gesture, and he pushes/punches me in the face as we can see on the video. No sanction (penalty, card, etc.) has been taken against the player even though the referee is 1 meter away from the action”.

It was confirmed by the Portuguese Chief Medical Officer that POR22 received no medical treatment during or after the match.

Summary of player's evidence

The Chair indicated to the player at the outset that the committee intend to proceed not with both charges but with 9.12 only. The player had no objection to that course of action.

An email was submitted on behalf of the player prior to the hearing indicating that the Report of the Citing Commissioner was accepted and would not be contested. At the hearing however and following some discussion, it was indicated that the player accepted that he had committed an act of foul play but did not accept that it met the red card threshold and the citing was therefore contested. It was explained to the player that the burden of proof rested with him to show that the decision to cite was incorrect.

The player said that he would describe the action as a “hazard” rather than a strike with the shoulder. He said that he did not realise that he and the other players were over the touch line. He did not realise that play had stopped. He did not hear the whistle as he was wearing head gear. He said that he thought that POR22 had the ball and that he wanted to prevent an offload.

Mr. Cockerill submitted that, whilst it was accepted that there was foul play and head contact, the contact was between the head of POR22 and the bicep of the player and not the shoulder. It was submitted that the level of force was not enough to warrant a red card. Mr. Cockerill said that the player was not in control of his behaviour and that his behaviour was not what his team would expect but suggested that the appropriate sanction ought to have been a yellow card. He said that both players were stationary and that the action had not been carried out at speed. He submitted that the behaviour was out of character for the player and that the player was not a volatile person.

Findings of fact

It was found that the player had committed an act of foul play contrary to Law 9.12. The player admitted having committed the act of foul play.

It was submitted on behalf of the player that that the decision to cite was incorrect. It was suggested that the level of force involved was not sufficient to meet the red card threshold and that the citing should be dismissed on that basis.

The Committee was mindful of World Rugby Regulation 17.16.1 which provides that *the Disciplinary Committee or Judicial Officer shall not make a finding contrary to the decision of the referee or Citing Commissioner unless they are satisfied, on the balance of probabilities that the decision of the referee or Citing Commissioner was wrong. In a case where a Player has been cited, the Disciplinary Committee or Judicial Officer may take account of any action taken during the Match in respect of the alleged Foul Play by the Match Officials and may review the referee's decision and the circumstances surrounding it and may make a finding contrary to the referee's decision.*

It was found that the player had not shown, on the balance of probabilities, that the decision of the citing Commissioner was wrong and so the citing was upheld.

It was found that contact with the head of POR22 was made by the player with the uppermost part of his arm and his shoulder and that contact was sufficiently forceful to warrant a red card.

The committee did not accept the evidence of the player in respect of his lack of awareness of his positioning outside of the playing area and his lack of awareness that play had stopped. The committee did not accept the players contention that he believed that he was carryout of a lawful tackle in order to prevent POR 22 from off loading the ball. It was found that the offending was intentional.

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:
As outlined above, the Committee did not accept the player's evidence in respect of recklessness and found the offending to be intentional.
Nature of actions
Contact between the upper arm / shoulder of the player and the head of POR 22
Existence of provocation:
N/a
Whether player retaliated:
N/a
Self-defence:
N/a
Effect on victim:
POR 22 did not sustain any injury
Effect on match:
Nil.
Vulnerability of victim:
POR 22 was in a sitting position, facing away from the player, outside of the playing area. He was therefore in a vulnerable position and would not have been anticipating contact.
Level of participation / premeditation:
Full participation. No evidence of premeditation.
Conduct completed / attempted:
Conduct completed.
Other features of player's conduct:
Na.

Entry point					
Low-end <input type="checkbox"/>	Weeks [XX]	Mid-range <input checked="" type="checkbox"/>	Weeks 6	Top end <input type="checkbox"/>	Weeks [XX]
Reasons for selecting entry point:					
The player accepted that head contact had occurred. The Committee did not consider the matter to warrant a top end entry point and therefore applied the mandatory minimum entry point of mid-range.					

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 he had committed an act of foul play at the outset.	The player has a clean disciplinary record.

Youth and inexperience of player:	Conduct prior to and at hearing:
The player is not inexperienced having played professionally for 8 years and for the national team for 5 years.	Acceptable.
Remorse and timing of Remorse	Other off-field mitigation:
The player did not apologise to POR 22. It was indicated that he could not find the right moment to do so. The player indicated during the hearing that he did not intend to cause injury but he did not express remorse for the offending.	N/a

Number of weeks deducted: 2
Summary of reason for number of weeks deducted:
The committee found that the player was entitled to a 2 week reduction in sanction for the reasons outlined above.

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:
N/a
Need for deterrence:
N/a
Any other off-field aggravating factors:
N/a

Number of additional weeks: 0
Summary of reason for number of weeks added:

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: 4 weeks	<input type="checkbox"/> Sending off sufficient
Sanction commences: 17/03/2024	
Sanction concludes: To be confirmed on receipt of the players finalised playing schedule	
Matches/ tournaments included in sanction: 23/03/2024 R.C. Academia v R.C. Lelo (Championship of Georgia) 13/04/2024 R.C. Lelo v R.C. Aia (Championship of Georgia) 20 or 21 st April, 2024 Championship of Georgia Roud 2 Playoff. Date and opposition to be confirmed. The fourth match to which the sanction applies will be confirmed once the player submits a confirmed and accurate playing Schedule.	
Costs: Nil	

Signature
Name of the JO or Chairman: Jennifer Donovan
Date: 27/03/2024
Signature (JO or Chairman): Jennifer Donovan

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)