

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Armin Zadic	
Player's number: 9	
Player's union: Bosnia and Herzegovina	
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 checked="" type="checkbox"/> Admitted <input 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): Mr Almedin Buljubasic Mr Mirza Oruč	
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. Player's future schedule	
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> <p>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</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.

The Committee informed the player that they would make an amendment to the Law/Regulation concerning the offence for which the player was red carded, as the video images justify it, and the tackle incident may be contrary to the Law 9.18, that states that a player must not lift an opponent off the ground and drop or drive that player so that their head and/or upper body make contact with the ground (usually referred to as «spear tackle»).

Referee's Report

The referee, Mr Vadims GALAJEVS, from Latvia, had ordered off the Player in the 10th minute of the Match for punching or striking with hand, contrary to Law 9.12, for late or dangerous tackle, contrary to Law 9.13, and also for retaliation contrary to law 9.21.

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

«At that moment I was near the try line and did not see the situation. After the conversion with AR2 (Adian Zecevic) I showed to H and B player red card for late tackle and direct hit to the opposite player's face. All information received from the AR.

The narrative description of the incident in the Assistant Referee's (AR1 – Zoltan Tompai) report stated as follows:

«Bosnian H player number 9 made a late tackle against Hungarian n.6. That's why he instantly received a punch to the face with the closed fist and instantly made a hit back to Hungarian n.6 with closed fist direct to the head. Then we discussed with the main referee and I pointed to n.9»

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. Hung. 6 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 points to the referee that something is happening.
6. When the video returns 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 BIH was on the floor and when he got up, he goes in the direction of a Hungarian player and throws a punch in his head.
8. After the incidents, BIH9 and Hung6 are shown red cards.

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

NO

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 didn't accept that the referee's report was correct, and in consequence wanted to challenge it.

After the video was shown to the player, and he was asked to explain his actions, he stated that he believed that the tackle was correct, not late and not dangerous.

He also said that he didn't throw any punch into any Hungarian player.

The committee then asked Mr. Baird-Smith to show the video again, first in the tackle part, in slow motion, and asked the player if he could see that the Hung6 passed the ball 3 or 4 steps before the contact was made, then asked the player if he could see him lifting Hung6 off the ground, lifting his legs far above his waist, and then driving the player to the ground, where Hung6 made contact first with his head and shoulder, and falling on top of him.

The player accepted that the description was correct, and in consequence that the tackle was after all worth of a red card, as described in law 9.18.

The Committee then asked the player if regarding the other offence, still wanted to challenge it.

The player reinstated that he didn't throw any punch.

The committee then asked Mr. Baird-Smith to show the video images, after the try from Hungary, where it is possible to see that BIH9 was in the floor, and that after he gets up, he goes in the direction of a Hungarian player and throw a punch in his face/head.

After seeing that, the player said that he only said that he didn't throw a punch after the tackle, and that he accepted that in that case he had thrown a punch in retaliation for being attacked by 3 Hungarian players.

He also stated that in consequence he would accept the red card for that incident also.

As the player accepted that both the incidents were worth of a red card, the Committee then passed to the sanction part of the hearing and asked the player and his Union if they wanted to address the seriousness of his offences and also if they had anything to say regarding mitigation or aggravating factors.

The player accepted that his actions were deliberated, that in consequence of the dangerous tackle many players from both teams got involved in a brawl.

That the Hungarian player tackled by him was lucky that he didn't get injured in the incident, because of the way he was driven to the floor.

The player refereed that he was not provoked by Hung6.

That regarding the punch it was consequence of the provocation and punches that the Hungarian players thrown to him.

He also stated that he is 36 years old, plays rugby for 23 years and never received a red card before.

Findings of fact

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 BIH was on the floor and when he got up, he goes in the direction of a hungarian player and throws a punch in his head.

6. Upon seeing the video images of the incident, the player accepted that both his actions were foul play and worth of a red card.

The Committees' findings as to the seriousness of the foul play by reference to the Rugby Europe Disciplinary Regulations were that :

1. The Player had committed an act («Spear» tackle) contrary to Law 9.19 (the Player admitted this).
2. The «Spear» tackle was deliberate.
3. The degree of danger in the incident was high.
4. This was not a passive tackle.
5. The Hung6 was not expecting to be tackled.
6. BIH9 lifted Hung6 legs very high and drove him to the floor with power.
7. Hung6 made contact with the floor primarily with his head and shoulder.
8. As a consequence of BIH9 act, there was a fight involving many players from both teams.
9. The Player had committed an act (punch to the face) contrary to Law 9.19 (the Player admitted this)
10. The punch was deliberate.
11. The punch made contact with the head/face of a Hungarian player.
12. BIH9 and HUNG6 receive red card.

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 Committee concluded the Player's act of foul play was intentional, as the tackle was late, the player did not have the ball in his hands, and BIH9 had a clear view of the player and that he didn't have the ball before he started the tackle.
Nature of actions
The actions are described above but this was a spear tackle and also a punch to the face.
Existence of provocation:
None
Whether player retaliated:
BIH stated that his punch was in retaliation of the aggressions that he received from some Hungarian players.
Self-defence:
No
Effect on victim:
The player fell on his head and shoulder and is seen in the end of the fight in the floor with his hands on the head.
Effect on match:
AS a consequence of the spear tackle there was a fight between many players from both teams, and 2 players were sent off.
Vulnerability of victim:
Hung6 was vulnerable when he was tackled as he didn't have the ball and in consequence was not expecting to be tackled. Also the way he fell to the floor was very dangerous and he was lucky not to be seriously injured.
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"/> [10]	<input type="checkbox"/>	<input checked="" type="checkbox"/> [X]
Reasons for selecting entry point:					
The spear tackle was late, the player was not expecting to be tackled, he was dropped with force to the floor, there was a fight between many players in consequence of the act, the player made contact to the floor with his head, and the act was deliberate.					

Relevant off-field mitigating factors

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

Acknowledgement of guilt and timing:	Player's disciplinary record / good character:
The player didn't accept the red card, and only after being shown by the Committee that the video images clearly show his actions, accepted that it was worth of a red card.	No previous disciplinary record.
Youth and inexperience of player:	Conduct prior to and at hearing:
NA	The player had some bad words with the referee after he was shown the red card, and also with some people and players from the opposing team. During the hearing his behaviour was ok.
Remorse and timing of Remorse	Other off-field mitigation:
Never show any remorse	None

Number of weeks deducted: [2]

Summary of reason for number of weeks deducted:

Due to his previous disciplinary record.

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:

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: 8 weeks/games	<input type="checkbox"/> Sending off sufficient
Sanction commences: At the conclusion of the hearing	
Sanction concludes: As the player and his union did not have the schedule for next season, they could not inform what are the next 8 matches of the player. Therefore, the last match of the sanction will be dependent of the impending information regarding the player's schedule, evidencing his playing commitments for the remainder of season or next, information to be provided by the BIH Federation as soon as possible.	
Matches/ tournaments included in sanction: dependent of the impending information regarding the player's schedule, evidencing his playing commitments for the remainder of season or next, information to be provided by the BIH Federation as soon as possible.	
Costs: NA	

Signature
Name of the JO or Chairman: Marcello d'Orey
Date: 23-04-2024
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)