

**European Rugby Challenge Cup**  
**Decision of Disciplinary Committee**  
**Held at the Sheraton Hotel, Charles De Gaulle Airport, Paris,**  
**On Wednesday the 5<sup>th</sup> of April 2017**

**In Respect of:**

Josaia Raisuqe (the Player)

And

The citing of the Player by Alberto Recaldini asserting contravention of Law 10.4(b) of the Laws of the game, namely a stamp on an opponent after the elapse of 18 minutes and 35 seconds in the first half of the match between Ospreys and Stade Français Paris played at the Principality Stadium, Cardiff on the 2<sup>nd</sup> of April 2017 and the issue of a red card by the Referee to the Player in the same match consequent upon the Player receiving two yellow cards in the 19<sup>th</sup> minute of the first half and the 52<sup>nd</sup> minute of the second half of the game.

**Members of the Disciplinary Committee (the Committee)**

David Martin (Ireland) Chairman

Jean-Phillippe Lachaume (France)

John Carroll (Ireland)

**Decision of the Committee**

1. The Committee found that the Player had committed an act of foul play [namely a stamp to an opponent] and that it warranted a red card.
2. The Committee in upholding the citing complaint namely an act of foul play contrary to Law 10.4(b) categorise the act of foul play as a top end offence of the scale of seriousness imposed upon the Player a ten week suspension from the 2<sup>nd</sup> of April 2017 up to and including midnight of the 6<sup>th</sup> of August 2017.
3. As the citing was in respect of the yellow card received by the Player in the 18<sup>th</sup> minute of the match and this was one of the two yellow cards received by the Player during the course of the match, the Committee considered that it was not necessary to deal further with the red card received by the Player in the 52<sup>nd</sup> minute of the match.
4. There being no application for costs the Committee determined that each party should bear their own costs.

## **Introduction**

The citing complaint alleges that the Player had infringed Law 10.4(b) namely a stamp upon an opponent, Ospreys number 14 (Keelan Giles) (the Opposition Player).

Present at the hearing in addition to the Committee and the Player were:-

Liam McTiernan, Disciplinary Officer European Professional Club Rugby (the Disciplinary Officer)

Danny Rumble, European Professional Club Rugby, Regulations and Compliance Executive

Camille Perritaz, Player Representative

François Fauteux, Interpreter

## **Preliminaries**

1. There was no objection to the Committee.
2. The Chairman confirmed the identities of all present and established that the Player was before the Committee to answer the citing complaint and that the Player had received in advance all the documents to be relied on at the hearing.

The Chairman in conjunction with the Disciplinary Officer established the documentary and other materials that were available to the Committee and the Player, namely:-

1. The Citing Commissioners Report dated the 3<sup>rd</sup> of April 2017.
2. The letter of complaint from Professor Lorne Crerar dated the 4<sup>th</sup> of April 2017 to the Player and to the Disciplinary Officer.
3. The Referee Report dated the 2<sup>nd</sup> of April 2017.
4. The Assistant Referee, Peter Allan, Report dated the 4<sup>th</sup> of April 2017.
5. The Assistant Referee Report, Tim Wigglesworth, dated the 4<sup>th</sup> of April 2017.
6. The Statement of the Opposition Player dated the 3<sup>rd</sup> of April 2017.
7. Photograph of the alleged injury to the Opposition Player.
8. The Report dated the 4<sup>th</sup> of April 2017 from Dr Tony Crane, Ospreys Medical Officer.

9. The Statement of the Player.
10. The Statement of Gonzalo Quesada, Head Coach, Stade Francais Paris.
11. CCTV footage of the incident.
12. Letter from Liam McTiernan dated the 4<sup>th</sup> of April 2017 setting out the Player's responses to the standing directions of the Disciplinary Rules as set out in Clause 7.5.5 of the Disciplinary Rules.

### **The Responses to Directions**

The Player through his representatives confirmed as follows:-

- i. The Player was the player named on the citing complaint;
- ii. The Player would not argue any preliminary matters;
- iii. The Player accepted the citing complaint as an accurate account of the incident;
- iv. The Player did not accept that the alleged act or acts of foul play warranted a red card;

### **Hearing**

As the Player did not accept that the act of foul play warranted a red card, the Disciplinary Officer accepted that the burden of proof fell upon The Disciplinary Officer. It was agreed that as there were two matters before the Committee, namely the citing complaint and the red card received by the Player as a result of receiving two yellow cards in the match, that the citing complaint should be heard in the first instance in view of the fact that the citing complaint arose from the first yellow card received by the Player in the match.

The Disciplinary Officer narrated the Citing Commissioners Report which stated

*"After a tackle the Player of Stade Francais number 11 (Josaia Raisuqe) stamped the tackler (the player number 14 of Ospreys Keelan Giles) still on the ground on his chest and on the right part of the face (under his right eye/cheekbone).*

*TMO signalled the foul play at the Referee, and after they reviewed the action, they decided for a yellow card. After the match I told them that, in my opinion, it was a red card, but the Referee and TMO confirmed that for them a yellow card was enough.*

*Medical staff helped the Player on the field with a wet sponge for about 50 seconds. Ospreys wing played the rest of the match".*

The Disciplinary Officer stated that although the Player required treatment he was not unduly injured.

The Match Official Report from the Referee Matthew Carley was completed following the issue of a red card stated as follows:-

*"First yellow at 19 minutes first half. Stade had the ball in their own 22 metre area and passed the ball to the left. Number 11 of Stade was tackled by Osprey's 14 and he offloaded the ball. He was subsequently held. He tried twice to release his leg and then kicked backwards onto the chest of the Osprey's 14. The incident was reviewed by the TMO and on the evidence available he decided on a y.c.*

*Second yellow at 52 minutes second half leading to red.*

*Ospreys attacking the Stade goal line following a line break and five metres from the Stade line. Stade 11 was then clearly off side at the breakdown tackling the Ospreys number 9 and killing the attacking opportunity. For me this was a cynical offence from the line break with good scoring opportunity and following a short confirmation with AR I gave Josaia Raisuqe a second yellow, meaning a red."*

The report of the Assistant Referee Tim Wigglesworth stated:-

*"I didn't see the incident in real time and only became aware of anything untoward when Sean came in as TMO. I joined Matt on the pitch to review the footage available and agreed that there was a degree of mitigation given that the Osprey's player had held the Stade player's leg. I also agreed that the footage was unclear as to where the Stade player's boot had made contact with the Osprey's player."*

Peter Allan, the Second Assistant Referee reported:

*"Unfortunately I was on the far side from the incident so was not aware of any action until Sean came in to advise Matt to stop the game. I saw the same pictures on the big screen as Matt but was not included in the conversation as I was trying to keep some of the Osprey's players out of the immediate vicinity to allow Matt to review.*

*It was extremely difficult to get a clear view of where the contact was made and at no time was it obvious that contact had been made with the face from the images I saw."*

The statement from Keelan Giles, the Opposition Player was read to the Committee. This stated:-

*"The ball got passed to my opposite winger and I attempted to tackle, I was around his ankle and I held onto his ankle while his other was free. I held onto it for about a second or two then I felt a strike to the face by a boot, I let go and held my face. Then the physios came to treat me, they checked my neck and asked a few questions and I told them what had happened and that I had been stood in the face."*

The Osprey's Team Doctor Tony Crane's report included a statement from the Osprey's Physio as follows:-

*"I attended an injury on Keelan Giles during the game with Stade Français. I have read the statement below from our Head Physio, Chris Towers, who attended the injury on the field with myself. I completely support and agree with the statement to be a true and accurate account of how the Player was assessed and managed.... match day medics, CT and TC attended to KG on the field following incident where the opposition player made contact with KG's face with his boot.*

*KG initially stayed down following the impact to his face, on the field we established he was alert and orientated and were able to eliminate a possible neck injury. The footage was reviewed by an Osprey's medic and confirmed there was no suspicion of concussion. Having excluded concussion and neck injury the resulting blood from the contact was cleaned from his nose and the right side of his face as the bleeding was not uncontrolled we deemed it acceptable for KG to continue"*

The Disciplinary Officer then showed to the Committee a number of clips of the incident. The first clip was from the right hand side of the pitch at full speed which included commentary. There was no objection on the part of the Player to the inclusion of the commentary as the Disciplinary Officer advised that the commentary was not relevant to the incident. A further clip of the incident was shown from the left hand side of the pitch and one from behind the goal line without commentary. The clip from behind the goal line and from the left hand side showed the Opposition Player tackling the Player and following the tackle failing to release the Player's left leg. The Player is seen making attempts to extract himself from the hold of the Opposition Player without success. He is then seen to bring his right foot down initially onto the right side of the Opposition Player's chest with his right foot. The Player was not looking at the Opposition Player when he brought his foot down in a stamping movement on the Opposition Player who at this stage was behind the Player. Following upon contact with the Opposition Player's chest the Player's boot is seen to move upwards in a direction away from the Opposition Player but in doing so contact is made with the right side of the Player's face.

The Player through his representative stated that:-

I just wanted to free my ankle as I was held from my foot. I made two movements to free this and after this I touched the chest of the player. I was provoked to this action as the player was not releasing my ankle and I just wanted to get back into the game. My actions did not have an effect on the game and the Referee said that there was

no contact with the head. There was no premeditation on my part to make contact with the Player's head and I apologised afterwards."

In answer to a question from the Committee the Player stated that the stamp was first to the chest and that the contact made by the foot to the player's head occurred as the opposing player moved away from the player. The Player stated he thought it was an accident and did not intend to hit the player's head. He however did accept that the opposition player's face was injured.

This concluded the Player's evidence.

The Disciplinary Officer in response stated that the action met the red card test as there had been contact with the body of the player and to his head.

Further the action met the red card test from the admitted facts of a deliberate and reckless act. There was contact to the body of the player and to the head. If there is contact to the head the Committee has no discretion on the sanction entry point.

The Committee then adjourned to deliberate in private.

### **Decision**

The Player accepted committing the act of foul play for which he was cited namely stamping an opponent. The important factual issue for the Committee to resolve was whether it was a stamp to the face and whether it was deliberate.

On an analysis of the footage the Committee accepted that the player's foot was grabbed and held by the Opposition Player and that the Player stamped on the Opposition Player's chest in an effort to free himself. The Committee considered that the stamp was deliberate but were not persuaded that there was intention to stamp on the Opposition Player's face or head. He had intentionally or deliberately stamped backwards onto the Opposition Player's body but did not do so intentionally aiming for the Opposition Player's face or head. In considering whether to sanction a player for an act of foul play an assessment of the Player's intent at the time of the offending must be considered. If the act is entirely accidental then no offence has been committed and there should be no sanction.

If however the act was not accidental then the Committee must consider whether it was deliberate or reckless. The Player by his own admission accepted that there was an intent on his part to make contact with the player's body in an effort to free himself. He maintains that contact with the head was an accident and that there was no intent on his part to make contact with the Opposition Player's head.

The Player should have known that his actions were reckless in this instance and therefore that there was a risk that he would make contact with the Opposition Player's head. In the circumstances the Committee were satisfied that the act of foul play warranted a red card.

The Disciplinary Officer was asked whether he wished to make submissions as to sanction. He briefly did so, noting that it was mandatory for the Committee to find the entry point at top end in view of the fact that there had been contact to the Opposition Player's head.

In applying the factual finding and in assessing the act of foul play the Committee found:-

- (a) That there was a deliberate intention to stamp the Opposition Player whilst an effort to free himself from being held by the Opposition Player;
- (b) The act in respect of contact with the head was reckless as the Player was not looking at what he was doing and did not know where his foot would land;
- (c) There was a heavy contact to the Player's chest but a glancing blow to the head. The Player received a yellow card on the pitch for the incident;
- (d) The Player's foot made contact with the Opposition Player's body and to the side of his face. The marks as shown on the photographs supplied by the Opposition Player as evidence of the injury to his face were consistent with light contact but was serious enough to leave a mark;
- (e) There was provocation by the Opposition Player in holding onto the Player's leg/ankle after the tackle was completed;
- (f)/ (g) There was no retaliation on the part of the Player and he was not acting in self-defence;

- (h) The Player's actions did not have an effect on the match. There was no reaction from the players and the Opposition Player was able to complete the match following receipt of some treatment immediately after the incident;
- (j) The Opposition Player was in vulnerable position but put himself there by holding onto the Player;
- (k) There was premeditation on the Player's part in the Player's intention to stamp in an effort to free himself from the Opposition Player;
- (l) The Player's action were completed;
- (m) There were no other features in relation to the Player's offending who left the field without argument upon receipt of the yellow card.

Based on the assessment of the Player's conduct the Committee did not consider that it was necessary to go above the entry point of twelve weeks for this offence.

The Committee were advised that the Player had previously received a red card and suspension in January 2016 for an act of foul play contrary to Law 10.4(m) for which he received a suspension of fifteen weeks.

The Committee determined that this was an aggravating factor for which a further one week should be added to the Player's suspension.

In considering mitigation the Committee noted that the Player acknowledged that he was guilty of an act of foul play, but had contested the act merited a red card. The Player does not have an exemplary disciplinary record as he received a red card twelve months prior to the incident, the subject matter of this hearing. Otherwise the Player is of good character. He is 23 years of age and currently is a member of the Stade Francais Academy. He has played approximately 20 matches for the first team and is relatively inexperienced.

He conducted himself in an exemplary manner at the hearing and complied fully with all pre-hearing directions. He demonstrated remorse for his conduct to the victim player and had apologised for the incident and apologised further to the Committee for this conduct.

The Committee decided that the Player's sanction should be mitigated by a period of three weeks leaving a suspension of ten weeks.



As a period of suspension of weeks is deemed to represent suspension from playing matches, the Player's playing schedule had shown that he would play a maximum of 7 matches up to the end of the season but this was subject to his team advancing further in this competition.

The Player's representative was unable to give the Committee the schedule of the Player at the start of next season due to certain uncertainties surrounding fixtures for Stade Francais at the start of next season.

In the circumstances the Committee suspended the Player up to the 27<sup>th</sup> of May 2017 and for a further period of three weeks from the commencement of the French season up to midnight 27<sup>th</sup> of August 2017. In doing so it was understood by the Committee that the Player's season would start on the 6<sup>th</sup> of August during which time there would be meaningful matches.

The Player accepted that if there was a variation of the Player's schedule during this period of time in that his team does not advance further in this competition that the period of suspension can be reviewed by the Committee. There being no order request for costs no order as to costs was made.

The Player was advised of his right of appeal.



David Martin  
Chairman  
10 April 2017