

DECISION FORM



| Particulars of offence | |
|--|-----------------------------|
| Player's Name: Marti CASALS MOLINE | |
| Player's number: 5 | |
| Player's union: Andorra | |
| Competition: Rugby Europe Conference (XV) | |
| Host Team (T1): Cyprus | Visiting Team (T2): Andorra |
| Venue: Tsirio Stadium, Limassol, Cyprus | |
| Date of match: 05/04/2025 | |
| Rules to apply: Regulation 17 World Rugby Handbook; Rugby Europe Disciplinary Regulations (DR) | |
| Referee Name: Dominik Jastrzebski (POL) | |
| Plea: <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted | |
| Offence: <input type="checkbox"/> Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other | |
| If "Other" selected, please specify: Citing after citing complaint to Disciplinary Committee | |
| Hearing details | |
| Chairperson: Gert-Mark Smelt (NED) | |
| Other Members of the Disciplinary Panel: | |
| - Palemia Field (FIN) | |
| - Mirian Tavzarashvili (GEO) | |
| Hearing date: April 23 rd , 2025 | |
| 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): | |
| Albert Calvó Requena, Vice-President Federació Andorrana de Rugbi | |
| Other attendees: L. Cunill Rodriguez, Manager of the Union, teammate, also translating | |
| List of documents/ materials considered by the Panel: | |
| <ul style="list-style-type: none"> • Citing report • Complaint from Cyprus • Game sheet • Video clip of the incident • Statement 'Description of symptoms experienced on the pitch by the player' • Statement 'Lucy Wood, Chartered Physiotherapist' • Preliminary statement from Andorra • Statement from Andorra + its appendix ("Document 1") • Statement from Marti Casals ("the Player" - Andorra) • Video clip 1 provided by Andorra • Video clip 2 provided by Andorra | |

Inadmissibility of Complaint or Citing.

The Union, on behalf of the Player, requested to formally dismiss the case, arguing that the threshold for opening proceedings had not been met. It pointed to Article 4.1.4 of the Rugby Europe Disciplinary Regulations (DR) and stated there was no evidentiary basis for starting disciplinary proceedings. Specifically, they argued 'non-compliance with the requirements of procedurality, especially the extemporaneous presentation of the evidence'; the documentary and videographic evidence were sent to Rugby Europe on April 14, 2025, while the formal complaint was filed on April 7, 2025, thus the Union.

The Panel found in this argument no *prima facie* reason to dismiss the case beforehand.

In regard to a Citing Complaint by a Union article 4.1.4 DR reads:

To be valid, it shall be lodged within the appropriate timing and shall be supported by the following elements:

- a) The appropriate citing complaint form available in the appendixes of this document;*
- b) The date, venue and teams participating in the match;*
- c) Details of the alleged act(s) of Foul Play, including as accurately as possible, the point of time in the match, score at the time and position on the field when and where the incident is alleged to have occurred;*
- d) The identity of (or means of identifying) the Player(s) alleged to have committed the act(s);*
- e) Sufficient independent evidence to corroborate the citing;*
- f) A recording of the relevant incident. Failure to provide a recording (DVD/media file) at the same time as the written citing shall not invalidate the citing but the recording (DVD/media file) must be lodged with Rugby Europe Disciplinary Committee in time for the Player who has been cited to adequately consider and prepare for the Disciplinary Panel hearing.*

The Panel establishes that the issue is not the Complaint itself being done untimely, but that the evidence was presented too late.

The Panel notes that the Complaint contains a link to video footage of the match (<https://www.rugbyeurope.eu/competitions/re-men-s-conference-2024-25/cyprus-v-andorra?embedReplay=true>) and mentions time stamps, from 02.52 to 03.03.

A link to readily available video footage, specified with time stamps, suffices as a recording of the relevant incident, mentioned under f). It also is evidence mentioned under e).

The Panel notes that the sanction for not providing a recording immediately is (explicitly) not the invalidation of the citing. Apart from that, the Union has not been able to make clear in what part of his defence the Player was harmed or what, in any other way, the materiality of the alleged breach was.

The Panel calls to mind that the rationale for requirements of substantiation to a Complaint is to keep Unions from haphazardly taking a shot at complaining about opposite players – with a lot of unnecessary uncertainty as a result. None of that is the case here.

The Panel finds no breach of the requirements that apply to a Citing Complaint by a Union. The Citing is admissible.

Admissibility of statement of physiotherapist of the Cypriot Union and the opposite player.

Secondly the Union argued that the report of the physiotherapist and the opposite player, Cyprus 15, should be declared inadmissible. The Union states they have been submitted outside the legally established period and cannot be admitted as evidence. At the hearing the Union added that the provenance of the statements is unclear, because they are unsigned. The Union also questioned the basis in the Regulations for gathering the evidence by the Citing Commissioner.

Firstly, the Panel wishes to make clear that the rules of evidence for the disciplinary proceedings itself are not governed by article 4.1.4 DR. The scope of that article is limited to the procedure of Complaint and initiating the disciplinary procedure. Thus article 4.1.4 DR cannot be the basis for decisions on the evidence in the proceedings.

In this case the Complaint was followed by the appointment of a Citing Commissioner, who, on behalf of the Rugby Europe Disciplinary Committee, reviewed the evidence.

The Panel refers to World Rugby Regulation 17:

17.10.4 Citing Commissioners shall act independently of the Disciplinary Committee or Judicial Officer. The Citing Commissioner may make such enquiries as he or she sees fit in order to fulfil their duties, including making enquiries of and collaborating with the Match Officials of a Match or other Citing Commissioners, provided that the ultimate decision as to whether or not to cite the player is the Citing Commissioner's.

The Citing Commissioner was in his right to ask for or weigh statements from the Cypriot physiotherapist and about the opposite player's injury. It is important to bear in mind that no Citing authority is charged with making decisions in disciplinary proceedings. That is solely up to the appointed Disciplinary Panel.

At the legal heart of this issue is the question about the evidentiary rules for these disciplinary proceedings.

The evidentiary rules are formulated in article 3.4 DR:

3.4. Disciplinary Panels shall not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord weight of such evidence as they think appropriate in all the circumstances.

There are no grounds to exclude the two statements from evidence. They were provided to The Player and his Union, who have been able to challenge them and have done so.

The Panel concludes and emphasizes that, in weighing the evidence, it will give consideration to the Union's arguments about the provenance of the statements and their reliability. It will use them cautiously, if at all.

No other formal, procedural or preliminary issues remain.

Summary of essential elements of citing / Referee's report / Incident footage

The Citing Commissioner, on behalf of the Disciplinary Committee, reported:

Following a tackle situation in the Cyprus 22 Andorra and Cyprus 15 remain in contact after the ball has been played away and Cyprus 15 pushes Andorra 5 (02:58). At the subsequent breakdown Cyprus 15 emerges from the bottom the ruck (03:03) on the ground. Andorra 5 is looking directly at Cyprus 15, walks towards him and kicks him on the side of the head (03:04). Cyprus 15 remains on the ground holding his head for a short time (03:10). The physio can be seen speaking to/treating the player during the next stoppage in play at 04 :05. According to the statement from Cyprus15, 'I knew there no5 had booted me in the side of the head as when I looked up he said something to me in Spanish whilst making eye contact.'

This action seemed to be intentional and was always illegal. I do not believe that the movement of Andorra 5's foot was a natural movement.

Reports also submitted from Cyprus 15 and the Cyprus physio which includes details of injury/consequences.

The footage shows the Player and Cyprus 15 in contact at an earlier breakdown, about seven meters in field from the 15 meter line. The Player has a hold on Cyprus 15 with his left arm below the arm pit and his right arm above the shoulders of Cyprus 15. After the ball is away and at a new breakdown just inside the 15 meter line, both players are upright and in contact. Cyprus 15 then pushes the Player backwards. Another Cypriot player moves between them and Cyprus 15 moves towards play and tackles an Andorran player carrying the ball. The Player remains behind the Cypriot (defensive) line in an offside position.

Cyprus 15 goes to ground with the ball carrier. He emerges from the breakdown, free from his knees up, with his head in the direction of the touch line.

The Player has moved from the in field side of the breakdown to the other side at some speed, and before he reaches the position in the insert, with a large sideways step. He slows down, places his left foot next to the elbow of Cyprus 15 and moves his right foot back, his head bent towards Cyprus 15 (see insertions, with the difference in the position of the Player's right foot).



The foot moves towards the head of Cyprus 15. After a fraction of time, enough for a kick, the Player places the right foot at some distance from the head of Cyprus 15, he accelerates and moves around the situation, to his own side of play. Cyprus 15 lays his head in his hands and stays on the ground for a while.

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

The Panel was supplied with the statement that ends with “*Lucy Wood Chartered Physiotherapist PH116004*” as part of the evidence that the Citing Commissioner considered. This mentions a completed concussion screening on pitch. Player was not concussed at time of assessment and was fully alert and orientated to time and place, with no reported headache, dizziness or nausea. SCAT 5 assessment tool was reported as being used. It also mentions a cut to his upper lip and an injury to the nose, resulting in a nose bleed, which spontaneously resolved within minutes of the injury. No active treatment for any of those injuries was reported.

It further describes that Cyprus 15 had stated that he experienced some intermittent and mild headaches which began in the 24 hours following the injury. He also developed a haematoma to the back of his head, at the location of impact. He has stated this is approx. 3cm in diameter. *The Panel notes that no photographic evidence of that has been provided.*

He has been advised to follow the Graduated Return to Activity and Sport programme with his local physiotherapist to ensure safe return to play.

The statement ‘Description of symptoms experienced on the pitch by the player’ does not contain a name. It reads “*I was at the bottom of a ruck after completing a tackle. I was then laid in the ruck with my head & shoulders out the side of the ruck when I felt a thud on the side of my head. I knew there no5 had booted me in the side of the head as when I looked up he said something to me in Spanish whilst making eye contact. I did not feel any sort of concussion symptoms, it was more of a hard impact to the side of my head. I also saw blood on my which happened to be coming from the top of my lip.*” The rest is in line with the statement of Lucy Wood.

Summary of player’s evidence

The Player submitted a statement. In that he notes the prior altercation with Cyprus 15. He does not recall kicking the other player in the face, but if he did, he apologizes. He emphasizes that it has not been intentional. It is not in line with his values or principles as a rugby player. The Player is very aware that such actions can be dangerous for the other player. He also states he is aware that the video may appear to show him kicking the player, and if that is the perception, he apologizes, as he had no intention of injuring anyone, especially not in that manner. He finishes his statement, writing that he will of course accept the sanction imposed by the commission. The Player does however want to make it clear that this action was truly unintentional on his part.

During the hearing his statement changed from not remembering, bordering denial, and stating that he only sought the shortest way back to his own line, to having followed the other player after the altercation and purposely going towards him in the ruck to tell him off/swear at him.

Findings of fact

The standard of proof in all disciplinary cases is the balance of probabilities.

The Disciplinary Committee shall not make a finding contrary to the decision of the Citing Commissioner unless it is satisfied, on the balance of probabilities, that the decision of the Citing Commissioner was wrong.

The burden of proof is on the Player.

In this case the footage, in itself, does not provide a basis for the finding that the Citing Commissioner was wrong.

The part of the statement of the Player that goes to the Citing Commissioner being wrong amounts to, at most, a denial. The submissions by his Union on his behalf aim to cast doubt on the credibility of the statements and contest aggressive behaviour and intent to cause harm on the part of the Player. They do not provide other factual information about the occurrence of the kick to the head.

Casting doubt *'on the motivation and foundation of the accusation, which seems to be an attempt to destabilize the career of a player with an international projection. Competitions (GSSE and European Sevens Conference) in which Cyprus will also participate.'* is no more than speculative and negates the basis of these proceedings, being the report of an independent Citing Commissioner, based on the information available to him.

The Player's statement that he followed the other player after the altercation and went to him purposely is in line with the action that ensued, as reported by the Citing Commissioner.

Balancing the probabilities, with the only weighting in his favour is his denial, the panel finds that the Player did not provide sufficient evidence to justify that the Citing Commissioner was wrong.

The panel therefore finds that the Player kicked Cyprus 15 on the side of the head. That is foul play, constituting a violation of Law 9.12 and reaching the red card threshold, thus warranting the citing.

Decision

☒ Proven ☐ Not proven ☐ Other disposal (please state)

SANCTIONING PROCESS

Assessment of seriousness

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

Assessment of intent:

☒ Intentional/deliberate ☐ Reckless

State reasons:

Although the Player and the Union emphasized that the action was not intentional the facts of the case leave no room for that. The Player, by his own admission, went to the other player because of the earlier altercation, wanting to tell him off. His movement slowed when he reached Cyprus 15, not continuing with the wide steps just before that. At the moment of the kick, he was in full control of his stance, ruling out tripping or accidental contact.

Apart from that, the footage supports the inference of the Citing Commissioner that the movement of the foot of the Player was not a natural one.

Nature of actions

The Player placed his foot next to the other player, who was on the ground, at about shoulder height and kicked that player on the side of the head with a swift move of his other foot.

Existence of provocation:

N/a – there was no relevant provocation. If the push the Player got can be considered some sort of provocation (and had not in turn been provoked by an action of the Player himself) it was not severe enough to still be a provocation two phases later.

Whether player retaliated:

The Player retaliated because of the push.

Self-defence:

N/a

Effect on victim:

The Player was attended to by a physiotherapist shortly after the kick, which can be seen on the footage. It is also sufficiently clear to the Panel that the contested statements are from the team physiotherapist and Cyprus 15 himself.

Calling into doubt the way the concussion assessment was done does not lead to any finding that favours the Player. The result of the performed assessment was no concussion. Any other outcome would have weighed against the Player.

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| Effect on match: |
| N/a |
| Vulnerability of victim: |
| The head is a particularly vulnerable part of the body. The other player was on the ground, emerging from the break down. He could not see the kick coming. Position and lack of foreseeability left him no room to avoid or brace for the kick, which made him even more vulnerable. |
| Level of participation / premeditation: |
| The Player followed Cyprus 15, seeking him out. He went from the in field side of the break down to the other side of it. There was no reason of rugby play to go or be there. He had the time between two phases of play to consider his actions beforehand. Those factors by themselves as well combined go to premeditation. |
| Conduct completed / attempted: |
| Completed. |
| Other features of player's conduct: |
| N/a |

| Entry point | | | |
|---|-------|---------------------------------------|--|
| Low-end <input type="checkbox"/> | Weeks | Mid-range <input type="checkbox"/> | Weeks |
| | | | Top end <input checked="" type="checkbox"/> |
| | | | Weeks 12 |
| Reasons for selecting entry point: | | | |
| Contact to the head or neck carries a mandatory mid-range entry point. In this case the combination of intent, vulnerability of the victim, degree of danger and retaliation justifies a top end sanction, even more so since there was at least some level of premeditation. | | | |
| Because of the application of the top end entry point, in this case 12+ weeks, the Panel must identify a number of weeks as the specific entry point. In this case, is has to be between those top end 12 weeks, and the maximum sanction in Appendix 1 of 52 weeks. | | | |
| Since there is no evidence the kick was very powerful the Panel finds no reason for an entry point at a higher number of weeks than 12. | | | |

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: |
|--|---|
| N/a | No relevant disciplinary record. He is a trainer of the U14s at his club. |
| Youth and inexperience of player: | Conduct prior to and at hearing: |
| The Player is young of age but has been playing rugby for sixteen years and two years on international level. His youth is a somewhat mitigating factor. | Good. |
| Remorse and timing of Remorse | Other off-field mitigation: |
| Remorse was conditional on the findings of the Panel. It does not weigh fully in the Player's favour. | N/a. |

Number of weeks deducted: 4

Summary of reason for number of weeks deducted:

The combined mentioned factors and the weight of those factors in this specific case do not merit the maximum mitigation of 50 percent. The claim that the action was not intentional and no harm was meant, may be relevant for determining the entry point, but is not a mitigating factor.

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

Number of additional weeks: none


Summary of reason for number of weeks added:

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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 | <input type="checkbox"/> Sending off sufficient |
| Sanction commences: with the Notice of Disciplinary hearing (provisional suspension) | |
| Sanction concludes: The Player is directed to supply an accurate playing schedule – also substantiating the meaningfulness of the matches – to allow calculation of the matches of the suspension. | |
| The Panel finds reason to clarify that weeks of a suspension are those weeks in which there is a meaningful match, as defined in article 17.21.3 of World Rugby Regulation 17. | |
| Until this is supplied and the information provided is deemed sufficient by the Panel to base its decision upon, the Player is not eligible to participate in any on field activities worldwide. | |
| Matches/ tournaments included in sanction: To be decided. | |
| Costs: N/a | |

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| Signature |
| Name of the Chairman: Gert-Mark Smelt |
| Date: 30 April 2025 |
| Signature (JO or Chairman):  |

NOTE: You have 2 calendar days from notification of the decision of the Panel to lodge an appeal with the Disciplinary Committee – RE Discipline Regulations 4.7.2.