



## DECISION FORM

PARTICULARS OF OFFENCE			
Player's Name	Giovanni D'Onofrio		
Player's Union	Italy Rugby Union		
Match	Italy v Georgia		
Competition	Rugby Europe 7s Men's Championship 2 - Moscow		
Date of match	27/06/2021		
Match Venue	Moscow		
Rules to apply	Regulation 17 World Rugby Handbook; Tournament Disciplinary Program; Rugby Europe Disciplinary Regulation 2021		
Referee Name	Ben Breakspear (Wales)	Plea	<input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted
Offence	9.20.a A player must not charge into a ruck or a maul. Charging includes any contact made without binding onto another player in the ruck or maul.	<input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	

HEARING DETAILS			
Hearing date	July 1 <sup>st</sup> 2021	Hearing venue	On remote (Microsoft Teams)
Chairperson/JO	Andrei Mircea Zamfirescu		
Other Members of the Disciplinary Panel	none		
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)	Marco Cordelli - Lawyer	Other attendees	Orazio Arancio – Team Manager
List of documents / materials provided to Player in advance of hearing	1. Video Clip of the incident (*1) 2. Screenshots of the incident (*7) 3. Referee's report on the ordering off		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p><i>"Head contact on the breakdown. Italy #2 entered the breakdown from a distance and at speed. He goes off his feet and dangerously makes head on head contact with the Georgian player."</i></p> <p>The referee report is very accurate in describing the incident. Additionally, on reviewing the footage, the following can be added:</p>



The player follows the ball and when the teammate is on the ground he throws himself to the White no. 10 with the right shoulder forward, the right arm being far behind. There is no attempt to bind. 10 White releases the tackled player on the ground and at that moment the contact takes place between the player's head and 10 White.

10 White player changes his position doing what was expected of him, namely he releases the player on the ground and gets up. It does not change position in the sense of a drop in height and is stationary. He holds his head and his chest after felt on his back, did not continue the match and was replaced immediately after this incident.

**ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)**

On 1<sup>st</sup> July 2021, the day of the hearing, Georgian Rugby Union provided the following feedback through email, concerning the health status of the Georgian no. 10. These reports were forwarded to the Player during the hearing.

- i. *“The no. 10 got hit on the head and was replaced immediately, was subjected to an HIA test and put under observation. The player's condition is satisfactory, he does not have any symptoms of concussion.”*
- ii. *“number 10 Revaz Kharazishvili who was injured during the Italy: Georgia game was tested by the local doctor right after the game, doctor told him that he has nothing serious and he could play more, our doctor also looked at him and was with him 2 more days after the tournament, also i spoke to this guy and he remembers everything and he feels great at the moment.”*

After the hearing and after communicating verbally sanction to the Player, other attendees and his representative through Team Meetings, the JO received the following medical report the next day, July 2<sup>nd</sup> 2021:

*“MEDICAL REPORT*

*Tournament: Rugby Europe Sevens Championship 2021*

*Moscow Leg*

*Match: Italy vs Georgia; June 26, 2021*

*Player concerned: no. 10, Revaz Kharazishvili*

*(date of birth: 28.03.1999; [REDACTED])*

*Circumstances: At 1'49'' into the game, Revaz Kharazishvili was trying to tackle Italy's no. 4, when Italy's no. 2 hit him on the head with his shoulder.*

*Treatment: When I approached the Revaz, he was conscious; he answered all the questions of HIA protocol correctly. Revaz got replaced immediately after the incident and did not continue the match. After the match, I subjected Revaz Kharazishvili to concussion test, which he passed in a satisfactory manner. The player was under observation for 3 days after the incident; as he showed no symptoms of concussion during this period, I can confirm he is fit to play.*

*Doctor: Irakli Berishvili”*

JO would like to mention that this evidence was not taken into account during the hearing or deliberation as it was not available.

JO deleted from it the player's passport number as it is not relevant for the case, and it is not appropriate for it to appear in a disciplinary decision that will be made public.

**SUMMARY OF PLAYER'S EVIDENCE**

There was no written submission provided by the Player prior of the hearing. It was provided the disciplinary record of the Player. However, The Player and his representative said that

they had the time to review the video footage, the screenshots and referee report prior to the hearing.

When asked if he accepts that his actions warrant a red card, the player did not admit that it was a foul play that deserved a red card and claimed that it was an accidental contact and he did not endanger 10 White.

He mentioned that he was moving at speed and he did not hit the victim with his shoulder but with his head because he arrived late in the ruck/tackle area, his intention being to push back in force 10 Withe.

In an attempt not to step on the colleague on the ground, he lost his steps and because he was late, he made contact with the 10 White player who was already tied to the ruck. At this moment the Georgian player got up and this is the reason why there was contact at the head level.

His intention was to push the 10 White on his back to release his colleague on the ground.

He considers that he did not endanger the 10 White and it was not a reckless or a deliberate act.

Mitigating circumstances were invoked by Player's representative in the sense that it is clear that it was an accidental act and committed without intent.

Player also believes that wet ground played a role, making it difficult to control the running on such terrain.

The Player was asked if in his opinion his actions are compliant with the following laws of the game:

i. 9.20. Dangerous play in a ruck or maul.

a. A player must not charge into a ruck or maul. Charging includes any contact made without binding onto another player in the ruck or maul.

ii. Where "binding", means (from Definitions):

Binding: Grasping another player's body firmly between the shoulders and the hips with the whole arm in contact from hand to shoulder.

iii. Law 15 Ruck - Joining a ruck:

15.7 A player must bind onto a team-mate or an opposition player. The bind must precede or be simultaneous with contact with any other part of the body.

The player maintained his opinion, in the sense that it was an accidental contact that was due to the fact that the Georgian player got up, releasing the tackled Blue player.

He does not accept the description of the facts as it results from the referee's report and still considers that the contact did not occur through his fault but was an accidental contact.

During the hearing the player behaviour was very good and respectful but did not accepted the responsibility for the incident or the fact that his actions created a high degree of danger for the victim player.

He also stated that after the match he apologized to the Georgian player. At the time of the hearing it was not clear for JO if the Georgian player continued to play. When asked if he could continue the match, both the Player and the team manager replied that he continued the match without any problems.

After consulting the game sheet, it was found that it was replaced in 2<sup>nd</sup> minute, after the incident and did not resumed the game.

The Player is experienced, has played professionally in recent years (Zebre, Pro 14) and is a member of the national teams of Italy U20 and 7s. His disciplinary record is good.

#### FINDINGS OF FACT

Based on Law 6.5(a) of the Laws of the Game, the referee is the ultimate judge of fact and law during the match. The referee's decisions on the field of play and their consequences shall not be altered or overturned by a ruling of a JO. The purpose of a subsequent review of an incident that occurred during a match by a JO is to determine whether there should be any disciplinary sanctions applied for an act of Foul Play as provided for in Law 9.

In the event the Player does not accept that the act of Foul Play which is the subject of the disciplinary hearing warranted the Player being ordered off, as is the case here, the burden of proof rests on the Player to show that the referee was wrong. (WR Regulation 17.15.1-17.15.3)

In view of the above, the player did not prove that the referee was wrong when he awarded the red card, none of his explanations being able to convince the JO that the collision was accidental.

The JO opinion is that the contact was deliberate at speed, illegal with a leading shoulder and involved a high danger for the following reason:

- While tracking his teammate, the Player have clear line of sight toward the ball carrier and 10 White.
- There is no control when the Player charged the ruck, his feet being partially off the ground due to the fact that he propelled his body forward when he reached the tackle area.
- The Player had high speed, was upright and dynamic.
- He used a leading shoulder when charged the tackle area.

Although for deliberate / highly reckless act of foul play there is no mitigation, since the Player alleged such situation, the JO will reason why there is no mitigation situation applicable:

- There is no sudden / significant drop in height of White 10; on the contrary he stands up releasing the blue ball carrier; there is no sudden change of direction on his part, being stationary.
- There is no other player in area which could have influenced the dynamics of the phase; the alleged care to avoid stepping on the teammate cannot be taken into consideration as his team mate is crouched on the ground, trying to release the ball between his legs and the white player is bent over it.
- There is no effort to bind or wrap and the Player charge with a leading shoulder.

Finally, no video sample or screenshot shows that the wet ground have made it difficult for the Player or a loss of control while running toward the tackle area.

In conclusion, based on the principle of balance of probabilities, the JO is convinced that the player committed an offense contrary to law 9.20a and the red card was deserved.

#### 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	
<b>Assessment of Intent</b>	
<input checked="" type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless	
<b>State Reasons</b>	
The player makes no effort to bind in a ruck or wrap. He is charging with a leading shoulder toward a player without the ball trying to “jackal” at the tackle area. He had the intention to hit the opponent at speed and the contact with head was a highly reckless consequence of his deliberate illegal charging action which result in head to head collision.	
<b>Gravity of player’s actions</b>	
According with Law 9.20.a WR, a player must not charge into a ruck. The Player was not in control and charged with a leading shoulder, without intention to wrap/bind. JO concluded that the Player’s actions were serious in that the charging into the tackle area was with considerable force, at high speed and resulted in a direct impact to the head of 10 White.	
<b>Nature of actions</b>	
The foul play involved the victim’s head as detailed in findings section.	
<b>Existence of provocation</b>	
Not applicable	
<b>Whether player retaliated</b>	
Not applicable	
<b>Self-defence</b>	
Not applicable	
<b>Effect on victim</b>	
The victim player could not continue the game and was replaced immediately, going through HIA process.	
<b>Effect on match</b>	
No. 10 White was replaced immediately.	
<b>Vulnerability of victim</b>	
10 White’s head/neck area were vulnerable position, trying to “jackal” the ball and he had no possibility to defend himself from the dangerous type of charge.	
<b>Level of participation/premeditation</b>	
There was a clear intention to charge the tackle area illegally, with a leading shoulder. There is no gesture to suggest the intention to bind into a ruck or charge/tackle legally, with intention to grab or wrap the opponent. If 10 white had not stand up releasing the ball carrier, the contact would probably have taken place with the Player's shoulder at the neck / head area of 10 White.	
<b>Conduct completed/attempted</b>	
Completed	
<b>Other features of player’s conduct</b>	
Player apologised for the foul play but he didn’t considered the sending off was warranted. After showing the footage and queried wether he complied with the laws of the game he was still convinced his actions were accidental.	
<b>Entry point</b>	

<input checked="" type="checkbox"/> Top end <b>10 Weeks</b>	<input type="checkbox"/> Mid-range <b>6 Weeks</b>	<input type="checkbox"/> Low-end <b>2 Weeks</b>
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\*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

<b>Reasons for selecting Entry Point above Top End</b>
N/A

<b>ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS</b> As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby
<b>Player's status as an offender of the Laws of the Game</b>
No
<b>Need for deterrence</b>
No
<b>Any other off-field aggravating factors</b>
None

Number of additional weeks: 0

<b>Summary of reason for number of weeks added:</b>
N/A

<b>RELEVANT OFF-FIELD MITIGATING FACTORS</b> As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby	
<b>Acknowledgement of guilt and timing</b>	<b>Player's disciplinary record/good character</b>
The player did not admitted that it was a foul play warrant a sending off but only an accidental contact. After reviewing the footage he continued to claim it was accidental contact.	Good disciplinary record
<b>Youth and inexperience of player</b>	<b>Conduct prior to and at hearing</b>
The player is an experienced professional and an International player.	The Player had shown good conduct throughout the disciplinary process and at the hearing.
<b>Remorse and timing of remorse</b>	<b>Other off-field mitigation</b>
Player apologised to the victim. JO considers that in the absence of an awareness on the part of the Player of the fact that his conduct had constituted foul play and had warranted a red card, the remorse is not complete. He did not fully accept that his actions were illegal and that he created a serious state of danger of 10 White welfare.	No such circumstance has been invoked by the Player or his representatives.

Number of weeks deducted: 2

<b>Summary of reason for number of weeks deducted:</b>
Among other purposes, sanctions are intended to educate players on the effects of their actions and provoke change in future on field decision-making.



At the same time, determining the number of weeks / matches deducted as a result of mitigating circumstances is not a simple matter of arithmetic, but a matter of deliberation to reach a fair sanction based on all relevant factors.

In this regard, the JO considered the jurisprudence of the appeal committee of World Rugby in similar cases, namely the 2019 Summer Internationals Decision in the matter of an appeal brought by Paul Gabrillagues against the Judicial Committee decision – 29<sup>th</sup> August 2019, paragraphs 72-75.

The good record of the player and his behaviour before and during the hearing were taken into account as mitigating circumstances.

Regarding the remorse and apologies offered to the Georgian player, these cannot be considered in full for the reasons shown above in "relevant off-field mitigating factors" section.

Therefore the Player is not entitled to full mitigation due to not accepting a guilty plea and given that the player did not accept that his actions created a considerable state of danger.

After careful consideration of all factors involved, the JO concluded a 20% reduction from the entry point was appropriate in the circumstances.

## 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)

<b>Total sanction</b>	8 weeks/matches	<input type="checkbox"/> Sending off sufficient
<b>Sanction commences</b>	1 <sup>st</sup> July 2021	
<b>Sanction concludes</b>	This is to be determined. No evidence was available at the hearing as to the Player's playing schedule. The Player is therefore suspended from all rugby and may not play the Game in any form or be involved in any on-field activities anywhere until such time as he provides evidence of his playing schedule (7s or XV) such that a determination by the Judicial Officer can be made as to the list of matches to be included in the period of suspension, and a conclusion date for the period of sanction can be determined.	
<b>Matches/tournaments included in sanction</b>	To be determined based on the schedule that will be provided.	

<b>Costs</b>	N/A
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<b>Date</b>	5 <sup>th</sup> July 2021
<b>Signature (JO or Chairman)</b>	Andrei Mircea Zamfirescu

**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)