

DECISION FORM



Particulars of offence	
Player's Name: Goran Novaković	
Player's number: 1	
Player's union: Montenegro	
Competition: Conference	
Host Team (T1): Kosovo	Visiting Team (T2): Montenegro
Venue: Demush Mavraj Stadium, Istog	
Date of match: 29/09/2024	
Rules to apply: Regulation 17 World Rugby Handbook	
Referee Name: Galajevs (AR's Taljaard (KOS) and Kovacevic (MNE))	
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: Gert-Mark Smelt (NED)	
Other Members of the Disciplinary Panel: - Dany Roelands (BEL) - Brendan Flanagan (IRL)	
Hearing date: 3/10/2024	
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): Milan Kovacevic	
Other attendees: David Baird-Smith, Rugby Europe	
List of documents/ materials considered by the Panel: 1. Game sheet 2. Red card reports from Referee and Central Referee 3. Video clip of the incident 4. Statement from the player	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>The referee reports a fight in two places, not far from each other. He sent off the Player after discussion with the Kosovar AR for a punch to the face with a closed fist. The Kosovar AR reports a scuffling of many players and clearly seeing a player of the Montenegrin team hitting an opposite player in the face.</p> <p>The video footage shows the most noteworthy one on the touchline. The Player can be seen arriving later during the skirmish. He punches an opposite player.</p>	
Essential elements of other evidence (e.g. medical reports)	
N/a	

Summary of player's evidence

The pre-hearing submission stated the player did not contest the decision. At the hearing he admitted his action was an act of foul play, warranting a red card.

At the hearing he also stated that he hit the body of the player of the opposite team. In so far he contests head contact having occurred.

In his written submission and at the hearing he states that he reacted to his team mate being attacked and punched in the face by players of the opposing team. His first instinct was to protect him.

Findings of fact

The Panel finds that the Player punched an opposite player.

When contesting the head contact it is up to player to prove that it is more likely than not that the head contact for which he was sent off did not occur.

Having reviewed the video footage the Panel finds that it substantiates the report of the AR (see insert, the Player being the person with his right arm stretched out).



Although the other AR reports a punch to the body, that is, given the other evidence, not enough for the Player to meet his burden of proof. The sending off report, with the findings of the other AR as an integral part of it, stands.

In conclusion the Panel finds that it was an act of foul play, warranting a red card, and constitutes physical abuse, with head contact (Law 9.12).

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 intent:
The action is by its nature intentional.
Nature of actions
Punch to the head face.
Existence of provocation:
No direct provocation of the Player himself.
Whether player retaliated:
The Player says to have reacted to a physical attack on his team mate.
Self-defence:
N/a
Effect on victim:
N/a
Effect on match:
The Player ran into and then contributed to an altercation that disrupted the match.
Vulnerability of victim:
The head is a vulnerable part of the body.
Level of participation / premeditation:
N/a
Conduct completed / attempted:
Completed
Other features of player's conduct:
N/a

Entry point					
Low-end	Weeks	Mid-range	Weeks	Top end	Weeks
<input type="checkbox"/>		<input checked="" type="checkbox"/>	6	<input type="checkbox"/>	
Reasons for selecting entry point:					
Contact to the head or neck carries a mandatory mid range entry point. The Panel finds no reason to apply a top end entry point.					

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 admitted the foul play before and at the hearing.	The Player has no disciplinary record. Mr Kovacevic attested that this was out of character for the Player.
Youth and inexperience of player:	Conduct prior to and at hearing:

N/a - although he hasn't played for many years yet, he has been following his brothers rugby career for years now.	Good.
Remorse and timing of Remorse	Other off-field mitigation:
The player showed remorse in writing and at the hearing, notwithstanding the justification he thinks to find in another player's actions.	N/a

Number of weeks deducted: 3
Summary of reason for number of weeks deducted:
The combined factors merit full mitigation.


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: None
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: 3 weeks	<input type="checkbox"/> Sending off sufficient
Sanction commences: with the sending off (provisional suspension)	
Sanction concludes: 27 October 2024	
Matches/ tournaments included in sanction: 5 October – Montenegro – Bosnia; 15 October – club match, national level; 22 October – club match, national level.	
Costs: N/a	

Signature
Name of the Chairman: Gert-Mark Smelt
Date: 7 October 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)