

DECISION FORM



Particulars of offence	
Player's Name: Semi KUNATANI	
Player's number: 8	
Player's union: Rugby Israel	
Competition: Super Cup	
Host Team (T1): Tel-Aviv Heat	Visiting Team (T2): Black Lion
Venue: Tsirio stadium, Limassol (Cyprus)	
Date of match: 18/11/23	
Rules to apply: Regulation 17 World Rugby Handbook	
Referee Name: Luc Ramos	
Plea: <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted	
Offence: <input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <i>If "Other" selected, please specify:</i>	
Hearing details	
Chairperson / JO: Gert-Mark Smelt	
Other Members of the Disciplinary Panel: - Dany Roelands - Andrei Zamfirescu	
Hearing date: 21/11/23	
Hearing venue: On remote	
Appearance Player: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appearance Union: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Player's Representative(s): K. Musikhant, Tel Aviv Heat	
Other attendees: n/a	
List of documents/ materials considered by the Panel: 1. CC report 2. Game Sheet 3. Video clip of the incident 4. Disciplinary statement, also containing disciplinary record.	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>The citing commissioner reports: <i>During a ruck, Tel Aviv no. 8, KUNATANI Semi, strikes his opponent (BLA no. 10, Luka MATKAVA) with a direct hit to the head. The impact is with the right shoulder and upper right arm of TLV8 to the upper right head of BLA10, who was not in the position to defend himself.</i></p> <p>After applying the WR Head Contact Process (1. direct contact with the head, 2. foul play, 3. the degree of danger is high considering applied force and impact to the head of the opponent, 4. there are no mitigating factors) he concludes that the Player is in breach of law 9.12 and 9.20, reaching the red card threshold.</p> <p>The available footage shows a ruck, defended by BL players. The Player comes in low, left arm forward, right upper arm to the body, fore arm bent. The right arm, still bent, makes contact with the Opponent, BL10. The visible part of the Opponent, his head, moves backward simultaneous with the forward movement of the Player.</p>	

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

No information about injury or otherwise was received, although requested.

Summary of player's evidence

In the disciplinary statement the Player points out the video does not 100% conclusively show direct impact to the head. He denies having charged into the ruck; he propelled himself from a static position. He addresses the degree of danger and draws attention to the position of the Opponent in the ruck in the context of mitigating circumstances.

The Player told the Panel that he made contact with the shoulder of the Opponent. If he did make contact with the head, it was not intentionally.

Findings of fact

Under Regulation 17 the burden of proof is on the Player. The Disciplinary Committee shall not make a finding contrary to the decision of the referee unless they are satisfied, on the balance of probabilities that the citing was wrong.

The Panel finds that the Player went into the ruck hitting, rather than binding. Also considering the force that was done with, it can indeed be considered foul play.

After close examination of the footage – and with the benefit of having heard the Player's statement and having been able to question him – the Panel finds that, in a brief moment when the arm of the Player is visible near the head of the Opponent, the shadowy form of the head is partly in front of the arm of the Player. It is therefore more probable than not that the Player made contact with the shoulder, not with the head.

That finding leads to the conclusion that the Player's action, although foul play, did not warrant the Player being cited.

Decision

Proven Not proven Other disposal (please state)

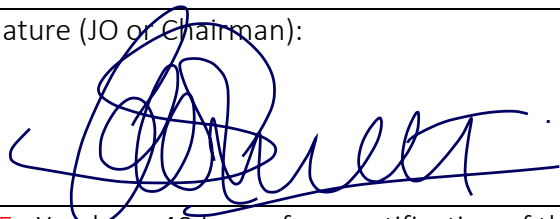
The Panel shall expunge the citing from the Player's disciplinary record.

Signature

Name of the JO or Chairman:

Date: 21 November 2023

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)