

DECISION FORM



Particulars of offence	
Player's Name: Vladan DIVIS	
Player's number: 3	
Player's union: Sweden v Czech Republic	
Competition: Rugby Europe Trophy (2023-24)	
Host Team (T1): Sweden	Visiting Team (T2): Czech Republic
Venue: Stockholm Stadion	
Date of match: 28/10/23	
Rules to apply: Regulation 17 World Rugby Handbook	
Referee Name: Eugeniu PROCOPI	
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	
Other Members of the Disciplinary Panel: - Chris Morgan - Rose Alice Murphy	
Hearing date: 6/11/2023	
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): - Vladan Diviš (Penalized player) - Michal Ouředník (Team Manager) - Miroslav Němeček (Head Coach) - Tomáš Kintr (Member of the disciplinary CSRU)	
Other attendees: David Baird-Smith (RE)	
List of documents/ materials considered by the Panel: 1. Game Sheet 2. Red card report 3. Video clip of the incident 4. Playing Schedule 5. Message Swedish Union concerning medical situation 6. Statement from the Czech Union 7. Czech Disciplinary record	
Summary of essential elements of citing / Referee's report / Incident footage	
The referee reports he sent the player of for a tackle with 1) head contact, being 2) foul play, with 3) high degree of danger (speed and space) and with 4) no mitigation.	
The footage shows SWE11 escaping sideways from an attempted tackle, coming in contact with the Player who in an attempt to tackle makes contact with the head of the ball carrier. The Player comes in at about the same	

height as the ball carrier. Both are slightly bent, almost upright. The panel sees shoulder to head contact – the camera and the referee’s viewpoint are on different sides from the incident.

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

SWE11 experienced pain in the cheek/eye for a few days. No protocol was followed, since it was deemed a facial injury. He missed an international match seven days later, but has now been cleared for play.

Summary of player’s evidence

The Player admitted foul play and that that foul play warranted a red card.

The Player remarked that he did not come in at speed and had no significant movement. He also points to a change in direction from SWE11, leaving the Player no time to adjust. The material furthermore suggest the Player was pushed by a team mate. The Player brought to the attention of the panel that he apologized to SWE11 at half-time and that his disciplinary record shows only one yellow card for repeated team offences.

Findings of fact

In view of the admission and having considered the other evidence, the panel finds the Player committed an act of foul play warranting a sending-off. He did not go in low enough and tackled his opponent dangerously, with shoulder to head contact. That constitutes a violation of Law 9.13.

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

Reasons for finding as to intend:

There are no indications of an intentionally dangerous tackle. The Player acted recklessly.

Nature of actions

The tackle was dangerous, with shoulder to head contact.

Existence of provocation:

N/a

Whether player retaliated:

N/a

Self-defence:

N/a

Effect on victim:

The victim left the field, did not resume the game and missed an international match a week later.

Effect on match:

N/a

Vulnerability of victim:

The head is a particularly vulnerable part of the body.

Level of participation / premeditation:

The player acted alone. No premeditation.

Conduct completed / attempted:

Completed.

Other features of player's conduct:

As SWE11 walked off the Player was still lying on the pitch, getting attention for his head. He went for an HIA himself.

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:					
Because of the head contact the offence carries a mandatory minimum Mid-range entry point. The panel finds no ground for selecting the 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 guilt at the first possible moment in the procedure.	The yellow card in 2018 for a team offence carries no weight in this case.
Youth and inexperience of player:	Conduct prior to and at hearing:
The Player is 21 years old, but plays for his national side on an international level.	The Player was polite and did his best to explain the situation at the incident. It was clear to the panel he took the situation and the proceedings seriously.
Remorse and timing of Remorse	Other off-field mitigation:
The Player apologized to the victim still at the venue.	N/a

Number of weeks deducted: 3
Summary of reason for number of weeks deducted:
The aforementioned factors merit the maximum deduction of 50%.


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:
N/a

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.	
Sanction concludes: Fri 17 November 2023	
Matches/ tournaments included in sanction: 4 November: RE Trophy, Czechia - Croatia (Czech National Team) 11 November: RE Supercup (Bohemia Warriors) 16 November: RE Supercup (Bohemia Warriors)	
Costs: N/a	

Signature
Name of the JO or Chairman: Gert-Mark Smelt
Date: 6 November 2023
Signature: 

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)