



DECISION FORM

PARTICULARS OF OFFENCE			
Player's Name	Billy Cosma		
Player's Union	Cyprus Rugby Union		
Match	Cyprus v Bulgaria		
Competition	Rugby Europe Conference 1		
Date of match	13 05 2023		
Match Venue	Cyprus Sports Association - Nicosia		
Rules to apply	Rugby Europe Disciplinary Regulations WR Regulations 17		
Referee Name	Luis Fernandez	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Law 9.12, Physical abuse	<input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	

HEARING DETAILS			
Hearing date	18 05 2023	Hearing venue	Remote
Chairperson/JO	Gert-Mark Smelt		
Other Members of the Disciplinary Panel	Palemia Field Rory Bannerman		
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)	David Lee	Other attendees	David Baird-Smith
List of documents / materials provided to Player in advance of hearing	<ul style="list-style-type: none">• Red card report• Video Clip of the incident• Game sheet• Match commissioner report• Team Sheet (Cyprus)• E-mail from by BRU "Medical statement" concerning opponent• Statement and pictures provided by David Lee		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>The referee reported the Player punching the opponent, hitting him with force and with a closed hand in the face.</p> <p>The video footage shows a maul. The opponent, green 16, is wearing a white tape/bandage around his head. The opponent's left arm is around the neck of white 17, and his right arm is going towards the head/face of the Player. It does that three times. The Player turns his head and his body away from the opponent. After turning back, the Player makes a low</p>

punching movement with his right arm towards the opponent, who is slightly bent forward at that moment. They go to ground together.

The clip also shows the Player, after having been shown the red card, directly pointing at and walking to the opponent. They come face to face, there is a short altercation where The Player attempts to pour water from his water bottle over the head of green 16, they go separate ways and keep exchanging words when walking of the pitch.

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

In the medical statement e-mail, the technical director of BRU states that the opponent went to the hospital after the game, where he had several stitches above his eye due to a deep tear. He cannot participate in games and training sessions.

There is, although requested, no medical report.

SUMMARY OF PLAYER'S EVIDENCE

The Player admits having punched the opponent in the face. He concedes it is foul play, meriting a red card.

He furthermore states he pointed the ref to (attempted) eye gouging by the opponent's team earlier on in the match. The punch he gave was a direct reaction to the attempt by the opponent to gauge his eyes. It was all on field; after the match the teams had a meal and he shook hands with the opponent when he came back. There has been no further contact with the opponent.

FINDINGS OF FACT

The Panel finds that the Player punched the opponent, hitting him in the head.

The Panel also finds that, on the balance of probabilities, it was a reaction to the contact the opponent made or tried to make with the Player's eyes. The opponent reached for the Player's head three times.

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		
<input checked="" type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless		
State Reasons		
Punching in itself is a deliberate act. The fact that this punch was a reaction further supports it was deliberate.		
Gravity of player's actions		
The Player gave one punch. There is no evidence for more punches when on the ground.		
Nature of actions		
Punching is an aggressive act, that is always illegal in rugby.		
Existence of provocation		
There is no indication the punch was the result the opponent tried to provoke or could reasonably expect. It was however a direct reaction to the opponent reaching for the Player's eyes. The opponent reached out three times.		
Whether player retaliated		
The reaction was an aggressive reaction to the opponent's actions.		
Self-defence		
The actions of the opponent ended when the Player turned his head and his body away. There was no longer a need for self-defence.		
Effect on victim		
The victim needed medical attention, left the pitch and did not come back on. The bandaged head and the blood substitution at '47 and (back on) at '61 supports the Player's assumption the medical treatment was not necessitated (only) by his punch.		
Effect on match		
N/a		
Vulnerability of victim		
The head is a particular vulnerable part of the body. An act of foul play which results in contact with the head leads to a mandatory mid-range entry-point. The previous injury (see Effect on the victim) made the head extra vulnerable, with the Player taking the risk to re-open bandaged lacerations or wounds.		
Level of participation/premeditation		
No premeditation.		
Conduct completed/attempted		
Completed		
Other features of player's conduct		
The Player did not walk straight off the pitch after being carded but sought contact with the opponent.		
Entry point		
<input type="checkbox"/> Top end	<input checked="" type="checkbox"/> Mid-range 6 Weeks	<input type="checkbox"/> Low-end
*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.		
Reasons for selecting Entry Point above Top End		

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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
Although the Player didn't acknowledge guilt on the match day, he did so at the first possible opportunity in these proceedings.	N/a The Player's disciplinary record is not free of blemishes, with a yellow card for foul play earlier this season for an aggressive retaliation while he was on the ground.
Youth and inexperience of player	Conduct prior to and at hearing
N/a The Player is an experienced Player and as a captain a role-model.	The Player had a respectful attitude and answered the Panel's question in all honesty.
Remorse and timing of remorse	Other off-field mitigation
N/a Although admitting to the charge, the Player gave no other impression than thinking that his action was somehow justified because it was a reaction and just on field.	N/a

Number of weeks deducted: 1

Summary of reason for number of weeks deducted:
The acknowledgment of guilt and the conduct at the hearing merit a limited deduction of 1 week. For reasons mentioned above no other mitigating circumstances apply.

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	
The player's record does not warrant an aggravation of the sanction.	
Need for deterrence	
N/a	
Any other off-field aggravating factors	
N/a	

Number of additional weeks: - .

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	5 weeks	<input type="checkbox"/> Sending off sufficient
Sanction commences	18-05-2023	
Sanction concludes	The Player is directed to supply his playing schedule to allow calculation. Until this is supplied and until the information provided is deemed sufficient by the Panel to base it's decision upon, the Player is not eligible to participate in any on field activities worldwide.	
Matches/tournaments included in sanction	See before.	

Costs	N/a
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Date	20-05-2023
Signature (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)

