



DISCIPLINARY HEARING

PARTICULARS OF OFFENCE			
Player's Name	Eyup Ensar DAS		
Player's Union	TURKEY		
Match	BULGARIA] v [TURKEY		
Competition	Men 7s Trophy		
Date of match	20.06.2021		
Match Venue	Zagreb, CROATIA		
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other		
Referee Name	A. EVSEEV	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	9.13 A player must not tackle an opponent early, late or dangerously.	<input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	

HEARING DETAILS			
Hearing date	20.06.2021	Hearing venue	NSC Stjepan Spajic, Zagreb, CROATIA
Chairperson/JO	Irina PETRE, Judicial Officer of the Tournament		
Other Members of the Disciplinary Panel			
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)	Manager – Hakan GÜNDOĞDU Coach – Cherokee Sylvain NGUE	Other attendees	Agathe MONTOCCHIO, Rugby Europe Eric JARA, Citing Commissioner
List of documents / materials provided to Player in advance of hearing	<ul style="list-style-type: none"> - Citing Commissioner Report - Picture of the incident - Video Clip of the incident 		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE

The white player (Bulgaria #6) was inside the in-goal area, prepared to score the try, so close to the left touch line. The green player (Turkey #15) comes at high speed to try to tackle the white player resulting in a high tackle with arm contact to head/neck area.

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

The tackled player reported no injuries, immediately raised on his feet and continued playing

SUMMARY OF PLAYER’S EVIDENCE

While at the beginning of the hearing the player did not accept that the concerned action merited to be cited, given that “it was not forceful enough to cause any damage”, after reviewing the footage for a couple of times in the hearing room, he admitted that it was a high tackle, that he acted with high speed when trying to tackle the Bulgarian player and therefore this could be viewed as dangerous. He also accepts that he did not try to lower his height while running, in order to tackle his opponent below the line of shoulders.

He therefore accepted the Citing Commissioner’s description of events, but he says that “he did not intend to give the opponent any damage”, and “he is very sorry, as he now realises, he made a high tackle”.

The Player is very young (18 years) and has just 3 years of rugby experience, no red or even yellow card until now and he agrees that he is not very familiar with the Head Contact Process Guidelines.

His attitude during the hearing is highly respectful, genuine and he sincerely and truly shows remorse and the intention to improve his playing technique.

FINDINGS OF FACT

The Judicial officer is satisfied that judging on the balance of probabilities, it is true that the player committed an offense contrary to law 9.13 that justified the Citing Commissioner’s Report.

The judicial officer is of the opinion that the manner of tackle was highly reckless mainly due to the high speed with which it was performed and to the fact that the player did not “use his eyes and feet to get the right timing of the tackle” as recommended by the Head Contact Process Guidelines; he allowed himself no time to adjust or drop in a low tackle entry position in order to make the arm contact under the shoulder area. This was likely to cause injury although in the current case no injury was reported. In line with the said Guidelines, the focus should primarily be on the actions involved whenever a head contact occurs.

There is no mitigation, as the player had a clear line of sight, he did not attempt to change height and there was no sudden/significant drop in height or change in direction from ball carrier.

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

State Reasons

Player forced himself into the tackle with high speed and a high arm which struck the opponent neck		
Gravity of player's actions		
Any high tackle at speed is potentially a dangerously grave offence.		
Nature of actions		
High and dangerous tackle		
Existence of provocation		
none		
Whether player retaliated		
none		
Self-defence		
N/A		
Effect on victim		
No injury, he got up and continued to play in the match		
Effect on match		
N/A		
Vulnerability of victim		
Moderate		
Level of participation/premeditation		
No intention but tackle techniques were flawed		
Conduct completed/attempted		
completed		
Other features of player's conduct		
Apology and remorse		
Entry point		
<input type="checkbox"/> Top end [XX] Weeks	<input checked="" type="checkbox"/> Mid-range [6] Weeks	<input type="checkbox"/> Low-end [XX] Weeks
*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		
This was a dangerous act of foul play that involved speed and therefore also force against the neck of another player. However, the contact occurred recklessly and the tackled player was not injured in any way		

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		
N/A		
Need for deterrence		
N/A		
Any other off-field aggravating factors		
N/A		

Number of additional weeks: [0]

Summary of reason for number of weeks added:
N/A

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
After watching the footage carefully, the player promptly and sincerely apologized and took responsibility for his actions	Very good, the player and his representatives confirmed that there is no yellow or red card issued against him from the beginning of his rugby activity
Youth and inexperience of player	Conduct prior to and at hearing
Very young and unexperienced player	Very good
Remorse and timing of remorse	Other off-field mitigation
Truthful remorse, he understood that his actions could have resulted in serious injury	

Number of weeks/matches deducted: **3 matches in 7s** (bearing in mind that **1 week suspension in 15s' equals 1 match suspension in 7s'**)

Summary of reason for number of weeks deducted:
The Player was sincere, open and truthful in his evidence; after being confronted with footage, he immediately accepted that his actions were lacking control and therefore were dangerous; he has an exemplary record, is young and unexperienced and would have benefited or additional training with Head Process Contact. The JO is therefore convinced that a 50% discount up to the maximum possible reduction is fully appropriate

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 matches in 7s	<input type="checkbox"/> Sending off sufficient
Sanction commences	Sunday 20.06.2021	
Sanction concludes	TBC (see below)	
Matches/tournaments included in sanction	<p>First three matches of Turkish team at the second leg of the Rugby Europe Men's 7s Trophy to be played in Budapest on July 10th and 11th.</p> <p>Should the union want local matches to count in the sanction, it shall provide sufficient evidence to demonstrate that the player had been selected to play with his local team (convocation, formal statement from the coach...) and the match schedule of the local competition.</p> <p>After reviewing those evidence, the Judicial Officer may decide (or not) to consider those local games as meaningful and may therefore decide to amend (or not) the sanction.</p>	

Costs	NA
--------------	----

Date	21/06/2021
Signature (JO or Chairman)	Petre Irina

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)