

DECISION FORM

To be sent to discipline@rugbyeurope.eu.



Particulars of offence	
Player's Name: Hoani BOSMORIN	
Player's number: 5	
Player's union: Fédération Française de Rugby	
Competition: Rugby Europe 7s Championship Series - Hamburg Sevens	
Host Team (T1): Great Britain	Visiting Team (T2): France
Venue: Sportanlage Steinwiesenberg, Hamburg	
Date of match: 09/07/2023	
Rules to apply: World Rugby Regulation 17; Rugby Europe Disciplinary Regulation.	
Referee Name: Sulkhan Chikladze	
Plea: <input type="checkbox"/> Admitted <input type="checkbox"/> Not admitted : see below.	
Offence: <input type="checkbox"/> Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other: <i>three temporary suspensions (yellow cards) in one tournament</i>	
Hearing details	
Chairperson / JO: Gert-Mark Smelt	
Other Members of the Disciplinary Panel: n/a	
Hearing date: 09/07/2023	
Hearing venue: tournament venue, Hamburg.	
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): C. Reight – general manager	
Other attendees: n/a	
List of documents/ materials considered by the Panel: email containing notice of hearing; three yellow card reports.	
Summary of essential elements of citing / Referee's report / Incident footage	
The player received three yellow cards. Two on 08-07-2023: one for for a high tackle (indicated offence(s) 9.7a and 9.13) and the other one for "killing the ball close to the try-line". The third yellow card was given in above mentioned match for throwing the ball away "after penalty France" (indicated offence 9.7a).	
Essential elements of other evidence (e.g. medical reports)	
At the hearing the player showed footage of the incident (second half, starting at playing time stamp approx. 2:24). It shows the player going in at a tackle. Opposition player (Red) has his hands on the ball and they remain on the ball. The referee gives a penalty against the player for not releasing. There are still hands of the Red player on the ball when the referee's arm goes up. The view is obstructed, with the discernible hands and feet being of Red players. The ball is given a direction away from the ruck and towards the French goal line. It is not clear to see which of the hands or feet, discernible or otherwise, give the ball it's direction. After the ball moved and the player is visible again, his arm is seen moving up towards the arm of the tackled Red player.	

The referee is close to the situation. His face is towards the situation.

Summary of player's evidence

The player denies having touched the ball. He states he saw a Red player pushing the ball.

His representative asks to dismiss the third yellow card, because the player did not commit the offence.

Findings of fact

The representative states that the two first reports were received. The two first yellow cards have not been timely challenged. (In so far the yellow card for killing the ball was challenged at the hearing by the representative's statement that it was near the goal line, it was not in any way substantiated.) The two earlier yellow cards stand.

Concerning the third card: when challenging a referee's decision it – in short – falls to the player to prove, on the balance of probabilities, that the offence did not occur. If he fails to do so, the referee's decision stands.

There is no discussion about the ball being moved after the initial penalty. The footage does not show any other discernible player moving the ball. The footage does not support the player's claim it was not he who touched the ball. Him being close to the ball and his arm moving back up after the ball moving leave the possibility open that it was him who moved the ball. The referee's position being a credible position for seeing the offence does not weigh in favour of the player. An instant before the referee gave a penalty for something that happened on the same spot.

Weighing all the evidence and in conclusion: the player did not succeed in proving that it is more probable than not that the offence did not occur. The offence warranted a yellow card. The yellow card stands.

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

The level of intent is not the same for all the yellow cards. While the last type offence is intentional, there can be doubt about the other two, notwithstanding the offences the referees indicated. In this cases the judicial officer assumes they were reckless.

Nature of actions

While a high tackle is a dangerous offence in itself, the other two are not. They are in the broader scope of acts against good sportsmanship.

Existence of provocation:

N/a

Whether player retaliated:

N/a

Self-defence:

N/a

Effect on victim:

N/a

Effect on match:

N/a

Vulnerability of victim:

High tackling involves the neck/head. Those are vulnerable parts 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 checked="" type="checkbox"/>	2	<input type="checkbox"/>		<input type="checkbox"/>	

Reasons for selecting entry point:

Where a Player has received over a single Tournament three yellow cards or a combination of three yellow cards and/or Citing Commissioner Warnings, this will constitute a red card and the appropriate sanction will be an automatic one to three weeks suspension." (4.2.3. RE Disciplinary regulations - Sevens Rugby Europe Tournament: procedures in the event of foul play)

The sanction is for persistent offending. None of the three yellow cards were for a technical offence – see further: nature of actions.

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:
The player denied any wrongdoing concerning the third yellow card. The non-challenging of the first two cards is seen as equal to acknowledging guilt.	The player has a clean disciplinary record.
Youth and inexperience of player:	Conduct prior to and at hearing:
The player is 18 years old and his playing his first 7s Tournament.	The player has been respectful throughout the hearing and was trying to answer as many questions as possible.
Remorse and timing of Remorse	Other off-field mitigation:
N/a	N/a

Number of weeks deducted: 1

Summary of reason for number of weeks deducted:

The circumstances mentioned above, especially the age and inexperience of the player, merit the maximum deduction of 50 %.

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: -


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: 1 match	<input type="checkbox"/> Sending off sufficient
Sanction commences: 09-07-2023	
Sanction concludes: 09-07-2023 (after the Championship Final France – Spain)	
Matches/ tournaments included in sanction: Championship Final France – Spain	
Costs: n/a	

Signature	
Name of the JO: Gert-Mark Smelt	
Date: 09/07/2023	
Signature (JO):	

NOTE: You have **24** hours from notification of the decision of the chairman/jo to lodge an appeal with the tournament director – RE Discipline Regulations 4.7.2 (or equivalent Tournament rule)