



## DECISION FORM - FIRST INSTANCE

### Thibault De Freitas (Portugal)

PARTICULARS OF OFFENCE			
<b>Player's Name</b>	Thibault De Freitas POR #8		
<b>Player's Union</b>	Portugal Rugby Union (FPR)		
<b>Match</b>	Spain v Portugal		
<b>Competition</b>	2020 Rugby Europe Men XV Championship		
<b>Date of match</b>	February 7 <sup>th</sup> 2021 – KO 12:45 pm		
<b>Match Venue</b>	Estadio Nacional Complutense Madrid		
<b>Rules to apply</b>	Rugby Europe Disciplinary Regulations and World Rugby Regulations		
<b>Referee Name</b>	Chris Busby (IRFU – Ireland)	<b>Plea</b>	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
<b>Offence</b>	Dangerous play in a ruck or maul. <input checked="" type="checkbox"/> A player must not charge into a ruck or maul	<input type="checkbox"/> Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:	

HEARING DETAILS			
<b>Hearing date</b>	February 19 <sup>th</sup> , 2021 at 3pm CET	<b>Hearing venue</b>	Video Conference Teams
<b>Chairperson/JO</b>	Michiel van Dijk (Netherlands)		
<b>Other Members of the Disciplinary Panel</b>	Chris Morgan (Wales) Dany Roelands (Belgium)		
<b>Appearance Player</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Appearance Union</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Player's Representative(s)</b>	José Carlos Augusto, Lawyer of the Portuguese Rugby Union	<b>Other attendees</b>	Nuno Salvador, Manager of the Portuguese National Team, José Carlos Augusto, Lawyer of the Portuguese Rugby Union, Fernando Murteira – Team Manager
<b>List of documents / materials provided to Player in advance of hearing</b>	1. Citing Commissioner Report 2. Video Clip 1 3. Video Clip 2 4. Rugby Europe Disciplinary Regulations		

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

Elements from citing report sent by Alberto Recaldini (Italy):

*"During a ruck, Portugal player n.8 Freitas Thibault stroke harshly with the head Spain player n. 7 Gibouin Gauthier.*

*The Spain player n.7 was on the ground, turned away from Portugal player n.8 at the time of the impact and received the strike on the nape.*

*Moreover, Portugal player n.8 stroke with his open right hand the side of the face of Spain player n.7.*

*This is more evident in both the replay angles that have been transmitted."*

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

None

**SUMMARY OF PLAYER'S EVIDENCE**

In response to the Notification and the Citing Commissioner's Report, the Player, sent a statement "Resposta Jogador" to the Disciplinary Panel. The summary of the written and evidences of the player can be found below:

Regarding the 1<sup>st</sup> incident referred to in the citing commissioner's report (the stroke in the head):

- Player's intention was to execute a fair and safe clean out of Spain #7;
- Player's acknowledges that unfortunately he made an indirect contact with the head of the Spain #7, the contact starting in the back and then slips to a minor contact in the head and then should be regarded as an indirect contact to the head;
- Player's arms bound onto the Spain #7 and got himself in as low a position as possible in order to execute a safe and fair clean out;

Regarding the 2<sup>nd</sup> incident referred to in the citing commissioner's report (the stroke with his open right hand the side of the face), player's view is:

- Player's acknowledges that his right hand may have made contact with Spain #7 face;
- Player's action was not deliberate nor a strike, not even reckless that his right hand may have made contact with Spain #7 face;
- Player's unintentionally made contact with the Spain #7 above the line of the shoulders and, therefore, committed an act of foul play pursuant to Law 9.20(b) and as set out in the citing complaint;
- Player's accept that his right hand may have made contact with Spain #7 face, but he does not accept that he strokes Spain #7 face with his right hand.
- Player's accepts that it should have been warranted a yellow card;
- Player's view regarding the contact made by his hand to the face of Spain #7, was not an act of foul play, and should not be warranted a red card.

**FINDINGS OF FACT**

Based on Video Clip 1 and Video Clip 2, the Committee made the following findings of fact:

- Portugal #8 was in the ruck;
- Portugal #8 then stood up and with his hand had contact with the head of Spain #7.
- Portugal #8 stepped back and then charged into the ruck and with his right shoulder and hand hits the Spain #7 in the back and the head.

**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		
<b>Assessment of Intent</b>		
<input checked="" type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless		
<b>State Reasons</b>		
Portugal #8 was part of the ruck, he then stood up and made contact with the head of the Spain #7, then Portugal #8 stepped back a couple of meters and charged into the ruck and with his right shoulder and hand hits the Spain #7 in the back and the head.		
<b>Gravity of player's actions</b>		
Law 9.20.a WR A player must not charge into a ruck. Portugal #8 was not in control		
<b>Nature of actions</b>		
The Portuguese player #8 was attached to the ruck. He then got to his feet, stepped back a few metres and charged into the ruck making contact with the head nape area of the Spain #7 player who was on the floor in a vulnerable position with this upper body exposed. Spain #7 was hit from behind in an exposed position and could not defend himself. There was no realistic chance of the Portugese #8 winning the ball or a turnover by carrying out this action and he also entered the ruck illegally by not binding correctly.		
<b>Existence of provocation</b>		
None		
<b>Whether player retaliated</b>		
None		
<b>Self-defence</b>		
None		
<b>Effect on victim</b>		
Spain #7 after the action put his hand to his head.		
<b>Effect on match</b>		
None		
<b>Vulnerability of victim</b>		
Spain #7 was vulnerable on the floor. He had his back to the Portugal #8. He couldn't see the Portugal #8 nor protect himself. He was exposed and unprotected.		
<b>Level of participation/premeditation</b>		
Premeditated		
<b>Conduct completed/attempted</b>		
The Portugal #8 completed an act of foul play.		
<b>Other features of player's conduct</b>		
No applicable		
<b>Entry point</b>		
<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.		
<b>Reasons for selecting Entry Point</b>		
In accordance with WR Regulations this offence was indeed a mid-range entry point. The Spain #7 stayed on the field and there was no injury for him.		

**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**

As described in the player's Disciplinary Record (provided by FFR) below, the player got suspended in the past:

Season 2018/2019:

- 1 week suspension on the grounds of "dangerous play";
- 1 week suspension for the accumulation of 3 yellow cards;

Season 2020/2021:

- 2 weeks suspension on the grounds of "brutality".

**Need for deterrence**

None

**Any other off-field aggravating factors**

None

Number of additional weeks: [1]

**Summary of reason for number of weeks added:**

Player previous record.

**RELEVANT OFF-FIELD MITIGATING FACTORS**

As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby

<b>Acknowledgement of guilt and timing</b>	<b>Player's disciplinary record/good character</b>
The player did not accept that it was a red card offence.	No.
<b>Youth and inexperience of player</b>	<b>Conduct prior to and at hearing</b>
The Player is 29 years of age and experienced.	The Player's conduct during the hearing was good. The player attended the hearing himself while he was at work. The player was calm during the hearing.
<b>Remorse and timing of remorse</b>	<b>Other off-field mitigation</b>
The player did apologize during the hearing.	None

Number of weeks deducted: [2]

**Summary of reason for number of weeks deducted:**


The player's apology and conduct at the hearing.

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)

<b>Total sanction</b>	<b>5 weeks suspension</b>	<input type="checkbox"/> Sending off sufficient
<b>Sanction commences:</b> 19/02/2021		
<b>Sanction concludes:</b> 19/07/2021		
<b>Matches/tournaments included in sanction</b>		<p>For the avoidance of doubts please note that the sanction must be understood as 5 weeks where at least one meaningful match was to be played by the player. Based on the current context and as of today, it means that the player is suspended for the following matches:</p> <p>06/03/2021 Portugal v Georgia          13/03/2021 Portugal v Romania          28/03/2021 Portugal v Spain          10/07/2021 Belgium or Netherlands v Portugal          18/07/2021 Russia v Portugal</p> <p>Upon request from the union, that list could be subject to changes if the Player was to play other meaningful matches.</p>

<b>Costs:</b> None	
--------------------	--

<b>Date</b>	February 22 <sup>nd</sup> , 2021
<b>Signature</b> (JO or Chairman)	<p style="text-align: right;">Michiel van Dijk  <i>Chairperson of RE Disciplinary Committee</i></p> 

**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)