

RUGBY EUROPE DISCIPLINARY PANEL DECISION ON AGREED OUTCOME

In the matter of a Misconduct Disciplinary Complaint arising out of the Final of the Rugby Europe Super Cup Competition played on 17th December 2022 between Black Lion (Georgia) and Tel-Aviv Heat (Israel)

RUGBY EUROPE

V

(1) Niall Saunders

(2) Tel-Aviv Heat

(3) Black Lion

**(4) Mr. Merab Sharikadze, Mr. Mirian Modebadze and
Mr. Nika Khatiashvili**

The Disciplinary Panel appointed to hear the case :

- Antony Davies (Eng) (Chair)
- Jennifer Donovan (Irl)
- Bartek Marczyński (Pol)

Regulations and procedures to apply :

- Section 5 Rugby Europe Disciplinary Regulations 2022/2023 Season

1. Background

- Rugby Europe is the governing body for rugby in Europe and is responsible for developing, organising and overseeing the development of the game in Europe.
- 47 European Rugby Unions are in membership of Rugby Europe.
- The Rugby Europe Super Cup is a competition created and organised by Rugby Europe.
- There are 8 participants in the Super Cup from seven different countries.
- Black Lion is a franchise team from Georgia and Tel-Aviv Heat is a franchise team from Israel.
- On 17th December 2022, Black Lion from Georgia played the final of the inaugural Super Cup competition against Tel-Aviv Heat from Israel at the Avchala Stadium in Tbilisi, Georgia.
- During the game, there was an incident involving Black Lion 12 and Tel-Aviv Heat 10, which later resulted in the citing of Black Lion 12 and his suspension. He had alleged in the disciplinary proceedings against him that he had been severely provoked by verbal insults into acting as he did.
- After the game, there was a post-match gala dinner/reception in the stadium. The ill-tempered nature of the game did not cease at the final whistle and heated and angry confrontations broke out at the dinner involving a number of players from each team.
- The ill-feeling escalated when Mr. Niall Saunders said some words in a sarcastic way to some of the Black Lion team. This proved to be the catalyst for an escalation to an extent where Mr. Merab Sharikadze, Mr. Mirian Modebadze and Mr. Nika Khatiashvili (all of Black Lion) approached Mr. Saunders in a very aggressive manner. Several players from both sides then

became involved in the altercation. Security Guards had to become involved to separate the teams.

- The situation deteriorated further with there being various allegations made later by both Clubs of threats of physical violence, verbal abuse and a threat from an unidentified person involving an offensive weapon.
- The situation eventually calmed down after between 15 and 30 minutes (depending on the various witnesses).
- The Security Guards acted quickly and were able to separate both teams with the help of some players and staff members from both sides. Both teams left the stadium through separate entrances.
- Subsequently, on 24th December 2022, Rugby Europe received a misconduct complaint about the incident from Israel Rugby Union.
- On 6th January 2023, Rugby Europe appointed Marcello d'Orey, an independent member of its pool of disciplinary officers, to conduct a disciplinary investigation.

2. The disciplinary investigation

- Mr. d'Orey's report is detailed, comprehensive and supported by comprehensive listing of the elements of the evidence he discovered during his investigation.
- Mr. d'Orey is to be commended for the detailed way his report identifies and then addresses the myriad of convoluted and complex issues relating to events on the evening in question.
- Mr. d'Orey recommended in his report that disciplinary charges be laid against the following:
 - (i) Niall Saunders for oral harassment and abuse of one or more Black Lion players, as his actions inflamed the situation and were the catalyst for what happened.
 - (ii) Merab Sharikadze, Mirian Modebadze and Nika Khatiasvili for oral harassment and abuse of one or more Tel-Aviv Heat players.
 - (iii) Black Lion and Tel-Aviv Heat teams for physical harassment and verbal abuse against each other.
 - (iv) Black Lion for failing to host the event in a manner that ensured the safety of all involved.
- Those misconduct disciplinary charges were formally made, resulting in the appointment of the Disciplinary Panel.

3. The response to the disciplinary proceedings

- The players' and their respective Unions' response to the disciplinary charges consisted in part of admission, in part denial and in part concentrating on a differently contextualised account of the events.
- In view of the nature and extent of the admissions (which were made without prejudice as to the players' and the Unions' cases if the matter proceeded to a formal hearing), Rugby Europe and the Disciplinary Panel agreed to explore the merits of seeking to mediate an agreed outcome. That would involve an examination of:
 - (i) Whether the admissions that had been made were appropriate in relation to the facts found by the independent investigator.
 - (ii) Whether the sanctions proposed were fair and appropriate.

- (iii) An outcome by which the integrity of the game and all its stakeholders was not compromised.
- (iv) Identifying a means of ensuring that measures were put in place to prevent a recurrence of an incident which brought shame on the players and the Unions involved.

4. Sanctions imposed

The following sanctions were proposed by the Disciplinary Panel and accepted by the players and the Unions

- For Mr. Niall Saunders, Mr. Merab Sharikadze, Mr. Mirian Modebadze and Mr. Nika Khatiashvili:
 - (i) An acknowledgment by them that they had behaved in an unsportsmanlike manner which was unacceptable.
 - (ii) A 6 match suspension, itself suspended on the condition that none of them is found by a Rugby Disciplinary Panel to have committed a similar offence (which for the of doubt shall not include any on-field acts of foul play) within the next 12 months.
 - (iii) All are required to deliver a presentation on the importance of the values of the game to youth players within their Club and/or Union within 2 months (evidence of which is to be submitted to Rugby Europe (secretariat@rugbyeurope.eu)).
- For Black Lion/GRU:
 - (i) An acknowledgment that the security arrangements within their control at the game were inadequate, resulting in a security breach which enabled a brawl to take place.
 - (ii) An undertaking to review security protocols before the start of the next edition of the Super Cup, with particular emphasis on preventing the introduction of any form of offensive weapons into the facilities.
 - (iii) A 5 league point deduction applicable to the Rugby Europe Super Cup pool stage, suspended on condition that they are not found by a Rugby Disciplinary Panel and/or any tournament organiser to have committed a similar offence (which for the avoidance of doubt shall not include offences arising from on-field acts of foul play) within the next 12 months.
 - (iv) A fine of €5,000 with €2,500 payable immediately and €2,500 suspended on the terms in sub-paragraph (iii) above.

No orders are made with regard to the costs of the process, with each party being responsible for their own costs in the matter.

Each party to the agreed outcome signifies their consent and agreement by their signatures below.

Date: 19th February 2024