



DECISION FORM

PARTICULARS OF OFFENCE			
Player's Name	Tomas CUNHA		
Player's Union	Portugal Rugby Union		
Match	Portugal v Spain		
Competition	Rugby Europe U20 Championship		
Date of match	13/11/2021		
Match Venue	EM Taviero, Coimbra		
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program		
Referee Name	Shota TEVZADZE	Plea	<input type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	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	23/11/2021	Hearing venue	Microsoft Teams
Chairperson/JO	Michael Coghlan		
Other Members of the Disciplinary Panel	Michiel van Dijk TBC		
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)	Jose carlos Augusto	Other attendees	Nuno Salvador
List of documents / materials provided to Player in advance of hearing	1. Red Card Report (R) 2. Red Card Report (AR) 3. Match Sheet 4. Video Clips		

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>In the 80th minute of the game and just after a knock on at the touchline a fight broke out between a number of players on both sides. There were a number of players between myself and the incidents in question. I saw the assistant referee raise his flag. He reported to me that No. 8 (Spain) had punched No.20 (Portugal) in the face and that No. 20 (Portugal) had punched the head of the No. 8 in return. (Referee – Shota Tevzadze). Upon receipt of this information I first dealt with the Spain No. 8 (Triki) and then summoned the Portugal No. 20 (Cunha) together with his captain and duly issued the player with a red Card.</p>

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

The Assistant Referee report of Jonny Perriam confirms the above described events and aligns with the Referee's decision to issue a red card to the player.

SUMMARY OF PLAYER'S EVIDENCE

The player accepted that the referee was justified in issuing him with a red card. He admitted punching his opponent. He said that having been punched himself he was acting in self defence. He said that he had apologised to his opponent as soon as they had left the field of play and that his opponent had apologised to him.

FINDINGS OF FACT

The disciplinary Panel, having noted the content of the papers presented in this case, the evidence taken and having carefully considered the video clip of the events in question, are unanimously of the view that the player (Tomas Cunha) punched the head of Spain No. 8 (Triki) in retaliation after having been punched himself as was seen and duly reported by Assistant Referee Jonny Perriam in or about the 80th minute of the game between Portugal U20 and Spain U20 on the 13th of November 2021 at the EM Taviero, Coimbra contrary to Section 9.12 of the World Rugby Code.

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		
See above		
Gravity of player's actions		
There was potential for injury. But such injury unlikely to be serious.		
Nature of actions		
Punch to the head.		
Existence of provocation		
Yes – player was punched first.		
Whether player retaliated		
He retaliated		
Self-defence		
N/A		
Effect on victim		
None		
Effect on match		
None		
Vulnerability of victim		
N/A		
Level of participation/premeditation		
No premeditation - reactive		
Conduct completed/attempted		
Completed		
Other features of player's conduct		
N/A		
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		
[Insert]		

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		
No Previous cards of either colour.		
Need for deterrence		
Not in this case		
Any other off-field aggravating factors		
None		

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
Admission of guilt only upon hearing commencing. No disciplinary statement had been received from the players Union prior to the hearing.	[Insert]
Youth and inexperience of player	Conduct prior to and at hearing
Only 20 year of age	[Insert]
Remorse and timing of remorse	Other off-field mitigation
Immediate apology to opponent on the sideline	[Insert]

Number of weeks deducted: 3

Summary of reason for number of weeks deducted:
The player, though engaged in the melee between the two teams, had been provoked by the punch that he had received from his opponent. He displayed immediate remorse and presented well before the disciplinary panel. He was inexperienced as a player (U20).

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 weeks/matches	<input type="checkbox"/> Sending off sufficient
Sanction commences	15 th November 2021	
Sanction concludes	10th December 2021 at 12 midnight	
Matches/tournaments included in sanction		

Costs	0
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Date	23rd November 2021
Signature (JO or Chairman)	<i>Michael Coghlan</i>

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)