

Decision of the Independent Judicial Officer

EUROPEAN PROFESSIONAL CLUB RUGBY

Held at The Sofitel Hotel, Heathrow Terminal 5

Wednesday 27th of January 2016

In respect of

Of Paul Gabrillagues (“the Player”) of Stade Francais

And

Judicial Officer appointed to hear the case:

H. Pat Barriscale, Ireland (“the Judicial Officer”)

Decision of the Judicial Officer:

1. That the citing is upheld in that the JO is satisfied that the Player committed an act of foul play contrary to Law 10.4(m) which warranted a red card;
2. The Player having accepted that he committed an act of foul play which warranted a red card the Judicial Officer determined that the appropriate sanction was to impose a period of suspension on the Player and that he be suspended until the 20th of March 2016. This represents an 8 week suspension.
3. No order in relation to costs.

Introduction

The Judicial Officer was appointed by Professor Lorne D Crerar, Chairman of the EPCR Disciplinary Panel pursuant to the Disciplinary Rules found in the Participation Agreement of the European Rugby Challenge Cup 2015/2016. The Judicial Officer was appointed to consider the citing complaint (“the Complaint”) which concerned the conduct of the Player during a match played between Stade Francais and Leicester Tigers at Stade Jean Bouin on the 24th of January 2016.

Present at the hearing in addition to the Judicial Officer were the following persons:-

- Paul Gabrillagues, the Player;
- Pierre Arnald, Chief Executive Officer, Stade Francais
- Liam McTiernan, Disciplinary Officer, EPCR

After the appropriate introductions were made the Player and his representative confirmed that they had received all of the documentation relevant to the hearing together with the video clip which was available of the incident. As there were no preliminary issues raised, the Judicial Officer proceeded to the hearing.

Hearing

At the commencement of the hearing, the Player was asked whether he accepted that he had committed an offence which warranted a red card. The Player stated that he had the benefit of viewing the incident on a number of occasions, particularly in slow motion on the video, and he accepted that if the Referee had seen the incident at the time it occurred, that he would have given him a red card. In those circumstances, he was prepared to accept that the citing was properly brought and valid. As he was accepting that the act committed a red card offence the JO said that he would therefore be proceeding directly to sanction.

Sanction

The Player and his representative were asked to address the JO in relation to the appropriate entry point that he should consider, any aggravating factors or particularly any mitigating factors. The criteria to be used in relation these factors were set out in the Disciplinary Rules at 7.8.32 et seq. Mr Arnald stated that they had both English and French translations of the Disciplinary Rules and that they had considered the same. He felt that for an entry point it should be at the low end. He suggested that the Player was simply trying to recover the ball from Mr Cole and there was no intention on his part to cause any injury. He accepted that there was contact with the eye or eye area but that it was minimal and in some circumstances, could be considered accidental. The JO at this stage stopped the video at one particular point and suggested to the Player that he could see where he was putting his hand at the time he made contact with Mr Cole's face. The Player didn't deny this but stated that it was a fleeting moment in real time and his intention was always to recover the ball. He accepted that it was probably reckless. He suggested that there was no real injury and that the statement of Mr Cole bore this out. It was a minor contact fortunately and it was not within the Player's nature to be dirty.

As far as aggravating factors are concerned, Mr McTiernan suggested that consideration could be given to the two memoranda from World Rugby regarding this particular type of offence but that the JO was not obliged to do so if he did not wish.

As far as mitigation factors are concerned, the Player stated that he had pleaded guilty at the earliest opportunity and saved everyone a lot of by doing so. This was acknowledged by Mr McTiernan. He was a young player, aged 22, with essentially no previous convictions of any description and that he had conducted himself in an exemplary fashion at the hearing. He expressed concern that he hadn't apologised to the Player but stated that he did not realise that he had been guilty of such an offence. He acknowledged that he should have taken more care in the circumstances.

Mr McTiernan acknowledged that the guilty plea was a very sensible and practical approach adopted by the Player and that he should be commended for the same. As there was nothing further to be said the JO retired to consider sanction.

Conclusion

When the JO returned he stated that the plea of guilty by the Player was significant indeed having regard to the seriousness of the offence and that he had done so at the earliest possible opportunity. He was a young player with essentially no previous convictions and that his conduct at the hearing was exemplary. There was little or no injury and in the circumstances he felt that the low end entry point of 12 weeks was appropriate. As far as aggravating factors are concerned, he said he must have regard to the World Rugby Memoranda and increase the sanction by two weeks.

As far as mitigation was concerned, the Player was entitled to the maximum allowable to him which was 6 weeks and, in those circumstances, he reduced the sanction by that amount.

The net effect therefore was a suspension for a period of 8 weeks to expire at midnight on Sunday the 20th of March 2016.

As there was no application made in relation to costs no order was made in this regard.

The Player was reminded of his right to appeal this decision pursuant to the Disciplinary Rules and acknowledged the same.

H. Pat Barriscale
Judicial Officer
Dated: Friday, 29th of January 2016