

Decision of the Independent Judicial Officer

ERC

Held at the Office of the Judge Advocate General, Royal Courts of Justice, London

On 3rd May 2012

In respect of

Alexandre Barozzi, Brive (õthe Playerö)

And

The award of a red card for striking an opponent in the match between Biarritz v Brive at Parc des Sports, Aguilera, Biarritz on 28 April 2012 and the subsequent citing for a separate offence of striking the same opponent with the head

Judicial Officer appointed to hear the case:

His Honour Judge Jeff Blackett (England) (the Judicial Officer)

Decision of the Judicial Officer:

- (i) The Judicial Officer, following the Player’s formal admission that both of his acts of foul play warranted the award of a Red Card, upheld the award of the Red Card and the citing complaint.**
- (ii) The Player was suspended from taking part in the game of rugby up to and including 16 May 2012. This represents a 2-week suspension commencing on 3 May 2012. The Player is free to play again on or after 17 May 2012.**
- (iii) The Judicial Officer made no award of costs.**

Introduction

1. The Judicial Officer was appointed by Professor Lorne D Crerar, Chairman of the ERC's independent Disciplinary Panel pursuant to the Disciplinary Rules found in the Participation Agreement of the Amlin Challenge Cup 2011/2012. The Judicial Officer was appointed to consider the Ordering Off of the Player in the match played between Biarritz on 28 April 2012 in the Amlin Challenge Cup 2011/2012 and a subsequent citing complaint against the same Player. George Clancy was appointed as referee to this match and had ordered the Player off for striking an opponent with his fist contrary to Law 10.4(a). Subsequently the independent citing commissioner, Mr Eddie Walsh, cited the Player for striking the same opponent with his head immediately before committing the offence for which he was ordered off.

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

- Mr Roger O'Connor, Disciplinary Officer, ERC (by VTC from Dublin)
- Mr Liam McTiernan, (by VTC from Dublin)
- The Player (by VTC from Brive)
- Mr N Godignon, Defensive Coach Brive (by VTC from Brive)

3. The Player complied with the standard pre hearing directions and did not raise any preliminary matters. He did not contest the award of the Red Card and accepted that the act of foul play warranted a Red Card and he pleaded guilty to the citing complaint.

The Facts

4. The ordering off report stated:

öBrive No 3 punched a Biarritz player in the face.ö

5. The citing complaint stated:

öBrive were awarded a penalty on 81.20 following foul play. They decided to run the penalty. Following a tackle, a ruck was forming; No 3 Brive dived into ruck and struck No 7 Biarritz, who was lying at the bottom of ruck, with his head. He then threw a punch, for which he was sent off for(sic). I thus cite Brive No 3 for striking with his head. Biarritz No 7 received treatment for his injury on the field.ö

6. The DVD footage reflected both reports. Neither contact appeared heavy and there was no reaction from any other player. The victim player, Yvan Watremez, by way of an uncontested written statement, stated that he received a öhead shot and a punchö from the Player. He said he was not injured and he can train and play öwithout any problemö. The Biarritz club physiotherapist who tended Mr Watremez on the pitch confirmed, by way of an uncontested statement, that there was no injury.

7. The Player does not speak English and his evidence was given in a letter submitted before the hearing and by Mr Godignon. He said that he had been substituted after about 60 minutes but had to return to the field for the last part of the match following an injury. He was not mentally or physically prepared and was cold. He had become frustrated because members of the opposition team had insulted his team. He did not commit the act out of

revenge but more out of frustration. The victim player was, and remains, a friend of his, with whom he played for two years when he was at Biarritz. He did not intend to injure or hurt him. He did not contest any of the facts.

Mitigation

8. The Player is 25 years old and has been a professional rugby player for 5 years. He played at Biarritz until this season when he transferred to Brive. He has as completely clean disciplinary record ó he has never been cited or ordered off before and he was genuinely contrite.

Decision as to Sanction

9. I decided to deal with both offences as part of the same transaction. I first made an assessment of the seriousness of the offending. I determined that:

- a. The offending was deliberate. The Player clearly intended to make contact with the opponent with the top of his head and his fist.
- b. The action was not grave because both strikes were light and delivered with little conviction or force.
- c. There was some provocation in that there had been some verbal insults a minute before the incident and the Player had become frustrated. However this was not sufficient to provide any excuse for his subsequent actions.
- d. Although the victim player received some treatment on the pitch, the effect on him was minimal, with no reported injury.
- e. There was no significant effect on the game
- f. The victim was not particularly vulnerable.

10. In those circumstances I determined that both offences were at the Low End of the scale of seriousness.

11. The Low End entry point for a strike with the head is 4 weeks and for a strike with the fist is 2 weeks. There are no aggravating features in this case which would justify an increase from the entry point and the Player deserves the full 50% discount to reflect his full co-operation with the disciplinary process (he complied with all directions and made himself available for a VTC hearing at short notice), he accepted all of the evidence against him without question and he has a good record. In those circumstances I have reduced the sanctions by 50% from the entry points, that is to 2 weeks for the strike with the head and 1 week for the strike with the fist. Since the offences were committed contemporaneously as part of the same incident, those sanctions are to be served concurrently. The total sanction is, therefore, suspension for two weeks. The Player was due to play two further matches for Brive in the Top 14 league 5 and 12 May.

12. The Player is, therefore, suspended for 2 weeks from 3 May to 16 May 2012. He may play again on or after 17 May.

Right of Appeal

12. The Player and the Disciplinary Officer are reminded of their right of appeal.

Costs

13. As all parties in this case attended by VTC, and the player indicated at an early stage that he did not contest any of the evidence, thereby obviating the need for ERC to seek legal advice, I make no order for costs.

His Honour Judge Jeff Blackett
Judicial Officer

3 May 2012