

Decision of the Independent Judicial Officer

European Rugby Cup

Held at The ERC Headquarters, Huguenot House, St. Stephen's Green, Dublin
on the 27th January 2012

In respect of

of Antonio Pavanello ("the Player")

And

A citing in respect of the Player by John Cole (Ireland) for an offence contrary to 10.4.b stamping or trampling on a Player in a match between Benetton Treviso and Saracens which took place in Stade di Monigo in Treviso on 22nd January 2012.

Judicial Officer appointed to hear the case:

H. Pat Barriscale, Ireland ("the Judicial Officer")

Decision of the Judicial Officer:

1. That the citing complaint was upheld
2. That the Player be suspended for a period of two weeks to end at midnight on Sunday 5th February 2012;
3. That the Player be responsible for the costs of the ERC in respect of this hearing.

Introduction

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 Heineken Cup 2011/2012 (DR). The Judicial Officer was appointed to consider the citing complaint ("the Complaint") against the Player in the match played between Benetton Treviso and Saracens on the 22nd January 2012 in the Heineken Cup 2011/2012.

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

- Mr Roger O'Connor, Disciplinary Officer, ERC
- Liam McTiernan, ERC
- The Player by Video Conference Call
- Vittorio Munari, Chief Executive of Benetton Treviso by way of Video Conference Call.

The Judicial Officer outlined the procedures that he proposed adopting and this was accepted by everyone present. He asked the Player if he understood the citing complaint which he did and the Player stated that he accepted that he was guilty of foul play but suggested that the offence did not warrant a red card. He wished to contest the citing in those circumstances.

The Disciplinary Officer then presented the case on behalf of the ERC and went through the citing report compiled by Mr Cole. He read through the statement of the injured player, Jackson Wray, the Saracens No. 8 and the short note received from

the Manager of Saracens Rugby, Mike Hynard. He then showed the appropriate video clip of the incident and suggested that it could clearly be seen from this that the Player could see the Saracens No. 8 on the ground as the maul progressed and that he deliberately stamped on his calf/ankle area on two specific occasions. He suggested that the Player had deliberately raised his leg higher to exact more force on the Player's leg which was on the ground. He went on to say that as the maul moved forward the Player was able to avoid contact with another leg which was on the ground and should have done so in respect of the Saracens No. 8's legs.

In response to this the Player stated that he was sorry for what had happened and said that he had no intention to injure the Saracens Player who was on the ground. He said he was a proud captain of Benetton Treviso for the last six years and had just come back on the pitch after a blood injury which required three stitches. He was very enthusiastic to get back into the game and the maul happened just after he returned to the pitch. He joined immediately and drove it forward. He suggested that he stumbled on the Player whose legs were on the ground and it was a matter of balance and trying to gain a strong foothold to try and drive the maul forward.

Under cross examination by Mr O'Connor, the Player accepted that he could see the Saracens Player's legs on the ground. Mr O'Connor suggested that he probably could have done more to avoid contact with that Player's legs and he agreed with this after some hesitation.

The Judicial Officer then considered the situation in private and returned after a short period. He informed the parties that he was satisfied that the incident in question did warrant a red card and was upholding the citing complaint. He said that he felt the Player could have done more to avoid contact with the Saracens Player's legs. In those circumstances the Judicial Officer said that he must now move forward to determine what sanction, if any, was appropriate to impose on the Player and he asked for submissions by both sides.

The Disciplinary Officer suggested that the act in question was deliberate and not reckless and that the offence in question carries a sanction of:-

- Lower End – two weeks
- Mid Range – five weeks
- High End – nine plus weeks

He went through DR 6.7.32. and suggested that the Player on the ground was vulnerable on the ground as he was unable to move away but had to accept that the injury was minor in nature and that the incident had no real effect on the match. He suggested that there were no aggravating factors and whereas he suggested that the Player had admitted foul play he had not made a full plea in relation to the citing complaint. He went on to say that the ERC would be looking for their costs of the hearing.

In mitigation, the Player and Mr Munari suggested that he was an inspirational captain for the team for the last six years and had no intention whatsoever of deliberately harming the Player who was on the ground. They did accept that the Player could probably have done more to avoid contact with the Saracens Player's

legs but that the Player was motivated in driving the maul forward and the unfortunate consequences arose from this. He had no previous convictions for disciplinary issues at any stage in his career and asked that the Judicial Officer would take this into account.

The Judicial Officer retired to consider his verdict and returned a short time later.

He stated that he was satisfied that it was a low end entry point at two weeks and that the Player was entitled to some mitigation. This was offset however by the fact that he had contested the hearing and in those circumstances the Judicial Officer decided the appropriate sanction was suspension from rugby for a period of two weeks which suspension would end at midnight on Sunday 5th February 2012. He said that the ERC were also entitled to their costs as the hearing had been contested.

The Judicial Officer reminded the Player of his right to appeal under the Disciplinary Rules.

The Disciplinary Officer also complimented the Player on his frankness and honesty particularly his acceptance that he could probably have done more to avoid contact with the Saracens Player's legs.

H. Pat Barriscale
Judicial Officer

30th January 2011