

**INTERNATIONAL RUGBY BOARD**

**JUNIOR WORLD CHAMPIONSHIP 2013**

**DECISION OF THE INDEPENDENT JUDICIAL OFFICER**

Held at the Comité Territorial de Rugby des Pays de la Loire Headquarters,  
7, Boulevard du Val de Chezine, 44800 St Herblain  
On Tuesday 11th June 2013

**In respect of:**

Luan DE BRUIN (“The Player”)

**And**

The citing report of the Citing Commissioner Bruce KUKLINSKI (Canada) in respect of an act of foul play under Law 10.4(j) during the match between South Africa and England, played on 9<sup>th</sup> June 2013 at the Henri Desgrange Stadium, La Roche Sur Yon.

Judicial Officer appointed to hear the case:

Jean Noel Couraud (France) (“The Judicial Officer”)

**Decision of the Judicial Officer:**

(i) The Judicial Officer found that the Player committed the act of foul play as alleged in the Citing Complaint in that he breached Law 10.4(j) of the Laws of the Game;

(ii) The Judicial Officer was satisfied that the act of foul play merited a “Red Card” and that the Player should have been ordered off for the offence;

(iii) The Player is suspended from taking part in the game of rugby for a period of 4 weeks:

- Up to and including Sunday 23 June 2013, representing three matches for the Junior World Championship 2013 Tournament; and
- From 29 June to 5 July 2013 included.

(iv) The judicial Officer made no award for the costs.

### **Introduction.**

1. The Judicial Officer was appointed by Mr Tim GRESSON the Chairman of the IRB's independent Disciplinary Panel pursuant to the Disciplinary Programme ("TDP") contained in the IRB Junior World Championship 2013 (The "Tournament") Terms of Participation.
2. The Judicial Officer was appointed to consider the Citing Complaint against the Player arising out of the match between South Africa and England, played on 9<sup>th</sup> June 2013 at the Henri Desgrange Stadium, La Roche Sur Yon.
3. Bruce KUKLINSKI (Canada) was appointed as Citing Commissioner to this match and cited the Player for an act of foul play contrary to law 10.4(j) namely in the TDP (Appendix 3) lifting a Player from the ground and either dropping or driving that Player's head and/or upper body into the ground whilst the Player's feet are off the ground.
4. In addition to the Judicial Officer, the following persons were present at the hearing:
  - The Player
  - Mr Stephan Weyers, Player's Legal Representative
  - Yusuf Jackson, SARU representative
  - Ms Joyce Hayes Disciplinary Officer, IRB
  - Mr Philippe Bourdarias, Tournament Director (in an observer capacity)

### **Preliminary matters and procedure.**

5. At the commencement of the hearing the Judicial Officer confirmed the identities of all present.
6. The Player confirmed that he had received the relevant papers and the footage of the incident.
7. The Judicial Officer outlined the procedure to be followed to determine the matter .The Player and all present agreed to proceed on that basis.
8. The Judicial Officer established that there were no preliminary issues to be argued by any of the parties.
9. The Judicial Officer asked the Player whether he admitted the act of foul play as described in the citing report. The Player denied that he had committed the act of foul play alleged.

### **The Citing Complaint and evidence supporting the complaint.**

10. The Citing Complaint alleged that the incident occurred at 28.53 minutes into the first half. It stated :

*"The South Africa 3 arrives at a tackle to clear out/ruck the England 12 away from the tackle area. The South Africa 4 also arrives with the same purpose but just after the 3.*

*The South Africa 3's actions are that his right hand and arm lift up the England 12's left leg , with his right leg also leaving the ground. The actions of the South Africa 4 are a "barrel roll" of England 12's torso but rolling underneath him. The South Africa 3 continues his upward motion of the England 12's leg so that the England 12 is above the horizontal. Whilst the England 12's feet are above the horizontal and still in the air , his head and upper body come into contact with the South Africa 4, who is now on the ground, otherwise the England 12 would have contacted the ground in this manner. The England 12 was not injured and played on.*

*I allege that the actions of South Africa 3 were contrary to law 10.4 (j) such that a red card was warranted".*

11. The Referee, Mr Mike FRASER *"did not see the incident on the field"*.

12. The England Team Manager, Katie Daniel, stated in an email sent to the Disciplinary Officer on 10 June at 14.48:

*"England number 12, Sam Hill, is unlikely to be available for the selection for our third game versus USA because of injury. It is too early to make this decision as he is under intense physio treatment. It is also difficult to determine exactly whether this is a direct result of this particular incident. However, it is a back injury that is preventing him from playing and training at this time, and this could well have been caused by this incident along with other contact situations within the game (..)"*

13. Memorandum of 8<sup>th</sup> June 2009 which summarises three "possible scenarios when a tackler horizontally lifts a Player off the ground".

14. Three decisions and supporting video footage were put forward by the Player's Legal representative, namely:

- Decision in Bjorn Basson's case (29 May 2013);
- Decision in Aaron Smith's case (2 May 2011);
- Decision in James Slipper's case (4 April 2011);

15. The video footage of the incident. This video showed:

- A ruck is formed;
- England 12 comes to contest the ball;
- The Player arrives and with his right arm lifts England 12 by his left leg from the ground
- The Player continues this lifting action such that England 12 has both of his legs above the horizontal;
- Then the Player pushes and drives England 12 to the ground
- England 12 lands on the upper part of his back on South Africa 4 who is at the same time executing a 'crocodile roll' on him

## Player's defence

### 16. The Player said that:

*South Africa was carrying the ball in attack; a pre-called move was called (the pod) whereby the Player becomes the ball carrier, that is the Player must carry the ball up in attack; the Player was getting ready to receive the ball when his teammate SA 1 interfered in the action in that he got in the way of the ball meant for the Player; this now left the Player arriving in a tackle ball situation; his first objective now is to grab hold of his opponent's leg and to try to lift that leg up to destabilise him and prevent him from becoming a counter ruck and coming away with the ball; his aim was to protect the ball. The Player did not pick up England 12 and turn him and throw him, he takes control of his leg and grabs it and he hangs on to it; He indicated that never saw South Africa 4 entering the same tackle ball situation; He did not have any intention to commit act of foul play or to drive or drop England 12 into ground; he indicated that while he was still hanging on to the leg of England 12 that he lost control and lost his balance; this was due to other forces being applied by South Africa 4 who he did not see or was aware of coming in from the side; he indicated that the video shows South Africa 4 coming in with considerable force grabbing England 12 around the waist with both arms and controlling him with what is termed a "crocodile roll"; The Player only had England 12 by one leg, South Africa 4 had him by both arms and wrestled him to ground; he indicated that by the time the Player got his hands around England 12's left leg his right leg is already off ground due to forces being applied by South Africa 4; he further indicated that England 12 is lifted because of the actions of South Africa 4 and not because of the actions of the Player; they happened at same time but started with South Africa 4; while the Player still has hold of him he didn't drop or drive him, he just hung on and then lost him, England 12 is twisted to the ground due to the weight South Africa 4 performing a crocodile roll on him; the Player did not deny lifting England 12's leg and did not deny that his head could have come into contact with the ground but said that it was not due to the actions that he performed, rather it was the actions of South Africa 4 that was the cause of this. The Player's Representative reiterated that the Player had no intention to commit foul play; that a case could not be made out for recklessness as recklessness is if you foresee something while you are in control of that action and you continue that action; the Player lost his control, he did not drop him, there was significant force being applied from the other end and he could not have foreseen that South Africa 4 would enter from the side and perform a crocodile role.*

## Findings

17. The Judicial Officer having taken into account all the submissions and a detailed consideration of the video footage could not accept the explanation of the Player as set out by the Player's Legal Representative.
18. The Judicial Officer is satisfied, on the balance of probabilities, that the Player committed an act of foul play contrary to Law 10.4(j):
  - England 12 was clearly lifted off the ground;
  - At the end of the lifting action, the footage clearly shows the movement of the Player's shoulder and arm bringing England 12 towards the ground ;

- England 12 was at a minimum driven into the ground by the effect of the lift and this movement;
- South Africa 4 was in contact with England 12 during his descent. South Africa 4 might well have added a little to the dynamics of the lift, however the Player was responsible, by his own actions, for the dangerous elements of the offending including lifting and driving into the ground.

19. In these particular circumstances therefore, the Judicial Officer did not find that the decisions and videos presented by the Player's Representative were relevant to this case.

20. In any case, the Judicial Officer felt that there could have been another way to clear the opponent from the ruck, thereby ensuring the safety of the opponent player.

### **Decision as to disposal**

21. Having advised the Player of his findings, the Judicial Officer upheld the complaint in that there was a breach of Law 10.4(j);

22. Having considered the submissions of Mr Weyers for the Player, the Judicial Officer determined that:

- (a) *The offending was intentional.*
- (b) *It was not reckless.*
- (c) *There was no provocation and the Player did not act in retaliation or in self defence.*
- (d) *The victim player was not injured.*
- (e) *The Player's action had no effect on the match*
- (f) *The England player was vulnerable.*
- (g) *The offending was not premeditated, but was complete*

23. In these circumstances, the Judicial Officer classified the offending as being at the Low End of the scale of seriousness.

24. The entry point for Low End offending under law 10.4(j) is 4 weeks.

25. The Judicial Officer then considered the "off field" issues and in doing so looked at whether there were any "aggravating" or "mitigating" factors.

26. The Judicial Officer then considered the following is an aggravating factor to take into account in determining the appropriate period of suspension.

27. Having considered the nature and frequency of these types of offences in the game, there is a clear pattern of offending for which there is a need for a deterrent.
28. For these reason a period of one week is added to the entry point.
29. The Judicial Officer considered that the following are mitigating circumstances to take into account in determining the appropriate period of suspension.
30. The Player has a perfect disciplinary record and is of good character.
31. He contacted England 12 by text message after the game to apologise to him and to enquire after his well being.
32. His conduct at the hearing was very good.
33. A period of one week was deducted by reason of these facts.
34. In all the circumstances, the Judicial Officer determined that the appropriate sanction was the imposition of a period of suspension of four weeks.
35. TDP 11.10.14 recognises that in some tournaments, when determining the appropriate periods of suspension, the Judicial Officer should take cognisance of the fact that during the tournament a Player may miss more than one match as a result of being made subject to a week's suspension and may impose a suspension based on a number of tournament matches.
36. Accordingly in this case, the Player will miss the remaining three Tournament matches (13, 18 and 23 June) accounting for the first three weeks of his suspension. A further week's suspension to be served between 29 June and 5 July inclusive accounts for the 4<sup>th</sup> week of suspension. The Player is free to play again from 6 July.

### **Appeal**

37. The Player was reminded of his right of appeal against this decision (Clause 11.13 of the TDP), that is within 48 hours of the date on which this full written decision is notified to him.

### **Costs**

38. The judicial Officer made no award for the costs.

Dated 11<sup>th</sup> June 2013

Jean Noel COURAUD  
Judicial Officer

