

# DECISION FORM

To be sent to [discipline@rugbyeurope.eu](mailto:discipline@rugbyeurope.eu).



Particulars of offence	
Player's Name: Adnan Silajdzija	
Player's number: 11	
Player's union: Bosnia and Herzegovina	
Competition: Men's Conference	
Host Team (T1): Bosnia and Herzegovina	Visiting Team (T2): Hungary
Venue: Atletski Stadion Kamberovica polje, Zenica	
Date of match: 20/04/2024	
Rules to apply: Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program; or Other	
Referee Name: Vadims GALAJEVS (LAT)	
Plea: <input type="checkbox"/> Admitted <input checked="" type="checkbox"/> Not admitted	
Offence: <input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other <i>If "Other" selected, please specify:</i>	
Hearing details	
Chairperson / JO: Marcello d'Orey (POR)	
Other Members of the Disciplinary Panel: - Palemia Field (FIN) - Piergiorgio Della Porta Rodiani (ITA)	
Hearing date: 23/04/2024	
Hearing venue: Remote via MS Teams	
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): Mr Almedin Buljubasic Mr Mirza Oruč	
Other attendees: David Baird-Smith, Rugby Europe	
List of documents/ materials considered by the Panel: 1. Game sheet 2. Red card report from Referee 3. Red card report from Assistant Referee 4. Video clip of the incident 5. Statement from the referee and from the AR2 6. Player's future schedule 7. Player's Disciplinary Record	
Summary of essential elements of citing / Referee's report / Incident footage	
<p>Pursuant to the Rules, at a disciplinary hearing following the ordering off of a player, a hearing is convened before a disciplinary committee to consider the matter. At that hearing, the function of the committee is to review the case and to determine what sanction (if any) should be imposed upon a player for the act of foul play.</p> <p>A player is, however, entitled to seek to persuade a judicial committee, on the balance of probabilities, that the referee was in error in issuing a red card. Pursuant to Regulation 17.15.3, the burden of demonstrating the referee was in error rests with the player.</p> <p>In accordance with the Rules, all factual determinations made by disciplinary committees are to be made on the balance of probabilities.</p>	

This written judgment is the unanimous decision of the Committee following consideration of all of the evidence it had seen and heard and following oral submissions by the Player's representative at a hearing on 23<sup>th</sup> April 2024. It is not intended to be an exhaustive record of all the evidence at the hearing and the absence of a reference to some evidence or submission is not to suggest that such evidence or submission was not taken into account by the Committee at the hearing.

## The Hearing

At the commencement of the hearing, the chairman of the Committee identified himself and his fellow panel members and all of the participants present at the hearing. He reminded the parties that the hearing would be conducted in accordance with the Rules and outlined the procedure to be followed.

## Referee's Report

The referee, Mr Vadims GALAJEVS, from Latvia, had ordered off the Player in the 3<sup>th</sup> minute of the Match for Physical abuse contrary to Law 9.12:

The narrative description of the incident in the referee's report stated as follows:

*«There was a penalty advantage for a high tackle after which the player created ruck, and there was a lot of player in front. I saw direct punch with the closed fist from BIH player, but didn't see which number. I had conversation with AR (Zoltan) who couldn't remember number as well. As a result penalised was n.11.»*

After receiving the referee's report, Rugby Europe requested the referee to make a clarification about his report.

The narrative description of the incident in the referee's clarification report stated as follows :

*«Statement 1 from Vadims Galajevs (Latvia) – Central referee*

*The physical abuse occurred at the start of the brawl.*

*There was a punch directly in the face with a closed fist.*

*During the game i saw that moment clearly, unfortunately there was not clearly identified who made it, that is why i spoke with the AR. AR also saw the punch but does not remember the right person! ThereforeNr11 was penalized.*

*Statement 2 (David Baird-Smith asked for precisions) from Vadims Galajevs (Latvia) – Central referee*

- *What was the position of the player who throw a punch? (was he on his feet, on the ground, on his knees...?) - he was on their feet*
- *What was the position of the player who received the punch? (was he on his feet, on the ground, on his knees...?) - also on the feet (the punch was at the same height, possibly a little higher)*
- *Did the attacker throw one punch or several punches? - I saw just one punch*
- *Did the victim retaliate? - from my position i was not see that the victim retaliates »*

The narrative description of the incident in the Assistant Referee's (AR1 – Zoltan Tompai) report stated as follows:

*«I saw direct hit/punch from BIH player to the Hungarian player's head/face. Then we have conversation with the referee to determine who made the hit. As a result BIH player n.11 was red carded. However we do not 100% sure if it is the right person.»*

After receiving the Assistant referee's report, Rugby Europe requested the Assistant referee to make a clarification about his report.

The narrative description of the incident in the Assistant referee's clarification report stated as follows :

«Statement from Zoltán Tompai (Hungary) – Assistant referee

*Around the 41st minute, player number BIH9 made a dangerous high catch against player number HUN14. I immediately reported the incident to the referee. The two players fell to the ground when player number HUN14 tried to get out of the catch. Meanwhile, player number BIH9 was still squeezing the neck of player number HUN14. That's when the fight started. Then the two players stood up, I tried to separate them. After that, player number BIH9 deliberately punched player number HUN14 in the face. After that, the fighting continued for a short time. Then the referee gave a red card to player number BIH11.»*

The Disciplinary Committee noted that the video clips showed the following:

1. Hung15 breaks the BIH defence line in the midfield, more specifically in the right side of the field, near the 5m line.
2. He is tip tackled inside the 22m line by BIH11.
3. Hung14 makes a pick and go and is tackled by BIH11 and 9, and pushed to the side line.
4. Hung14 and BIH9 start to push and grab each other.
5. BIH9 throws a punch in the face of Hung14.
6. The Camera stop showing the incident.

**Essential elements of other evidence (e.g. medical reports)**

NO

**Summary of player's evidence**

The player and the General Secretary of BIH Union both contested the Referee's report, stating that the player did not hit/punched any Hungarian player. They stated that both the referee's report and the Assistant referee's report only made reference to one punch/hit made by a BIH player. They also stated that both the referee and the assistant referee didn't know on the pitch who was the BIH player who did that, and that they only showed him the red card because they wanted to mark a point, and that he did not hit or throw any punch. They also stated that the video clips clearly showed that the player who throw a punch into a Hungarian player was BIH9 and not BIH11.

**Findings of fact**

The Disciplinary Committee found, on the balance of probabilities, that:

1. The referee and the assistant referee both saw one punch thrown by a BIH player in the face of a Hungarian player.
2. Both the referee and the assistant referee didn't see/realised who was the BIH player who threw the punch.
3. In the pitch they made a decision, and decided that the punch should have been thrown by BIH11.
4. The video images are clear and show that the player who throw a punch is BIH9 and not BIH11.
5. Both the referee and the assistant referee, on the red card reports and also on the clarifications asked by Rugby Europe, have stated that there was only one punch thrown by a BIH player, and that they didn't know who was that player.

The Disciplinary Committee was satisfied, on the balance of probabilities, that the act of foul play was not committed by BIH11, and in consequence that he did not warrant a red card and so did not uphold the red card complaint.

**Decision**

Proven  Not proven  Other disposal (please state)

## SANCTIONING PROCESS

Assessment of seriousness
<i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>
<b>Assessment of intent:</b>
<input type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless   NA
<b>Reasons for finding as to intend:</b>
NA
<b>Nature of actions</b>
NA
<b>Existence of provocation:</b>
NA
<b>Whether player retaliated:</b>
NA
<b>Self-defence:</b>
NA
<b>Effect on victim:</b>
NA
<b>Effect on match:</b>
NA
<b>Vulnerability of victim:</b>
NA
<b>Level of participation / premeditation:</b>
NA
<b>Conduct completed / attempted:</b>
NA
<b>Other features of player's conduct:</b>
NA

Entry point					
Low-end	Weeks	Mid-range	Weeks	Top end	Weeks
<input type="checkbox"/>	[X]	<input type="checkbox"/>	[X]	<input type="checkbox"/>	[X]
<b>Reasons for selecting entry point:</b>					
NA					

Relevant off-field mitigating factors	
<i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>	
<b>Acknowledgement of guilt and timing:</b>	<b>Player's disciplinary record / good character:</b>
NA	NA
<b>Youth and inexperience of player:</b>	<b>Conduct prior to and at hearing:</b>
NA	NA
<b>Remorse and timing of Remorse</b>	<b>Other off-field mitigation:</b>

NA	NA
----	----

<b>Number of weeks deducted: [X] NA</b>
<b>Summary of reason for number of weeks deducted:</b>
NA


<b>Additional relevant off-field aggravating factors</b> <i>As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby</i>
<b>Player's status as an offender of the Laws of the Game:</b>
NA
<b>Need for deterrence:</b>
NA
<b>Any other off-field aggravating factors:</b>
NA

<b>Number of additional weeks: NA</b>
<b>Summary of reason for number of weeks added:</b>
NA

## 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: NA	<input type="checkbox"/> Sending off sufficient NA
Sanction commences: NA	
Sanction concludes: NA	
Matches/ tournaments included in sanction: NA	
Costs: NA	

<b>Signature</b>	
Name of the JO or Chairman: Marcello d'Orey	
Date: 24-04-2024	
Signature (JO or Chairman):	

**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)