



## DECISION FORM

PARTICULARS OF OFFENCE		
Player's Name	Adrian Rainstein	
Player's Union	Israel Rugby Union	
Match	Israel v Cyprus	
Competition	Rugby Europe Conference 1	
Date of match	30/04/2022	
Match Venue	Kibbutz Yizrael	
Rules to apply	Regulation 17 World Rugby Handbook; or Tournament Disciplinary Program	
Referee Name	Jeremy Coomans	Plea Charge
Offence	9.12 Physical abuse	<input checked="" type="checkbox"/> Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other If "Other" selected, please specify:

HEARING DETAILS		
Hearing date	03/05/2022	Hearing venue: On remote
Chairperson/JO	Martin Picton	
Other Members of the Disciplinary Panel	Dany Roelands Marcello D'Orey	
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)	Julian Shapiro	Other attendees AR Shahar Tenenbaum
List of documents / materials provided to Player in advance of hearing	1. MC match report 2. MC report 3. Referee report 4. Match sheet 5. Video Clip *	

SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/INCIDENT FOOTAGE
<p>Following a dominant Israeli scrum which resulted in a penalty being awarded against the Cypriot team a fight involving a number of players developed. Some of them were wrestling on the ground. The ARs walked toward the incident and Shahar Tenenbaum described seeing the Player approach and proceed to kick a Cypriot player in the back. He was positive that the action was a kick and that it connected with the back of the other player. He was questioned by both the Player himself and the coach but he was clear and confident in what he saw. The AR reported what he had seen to the referee who then called the Player over and issued him with a red card. The Player did not make any protest on being sent from the field. The video footage was not conclusive as to a kick having been delivered but there was nothing in what the camera captured that in any way contradicted the account of the AR.</p>

**ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)**

N/A

**SUMMARY OF PLAYER'S EVIDENCE**

The Player disputed that his foot had made contact with the opposing players back. He asserted that he had raised his foot with the intention of kicking but said that he thought better of it before going through with the action. The Israel Manager, Julian Shapiro, told the Panel that after the event the Cypriot player was shouting at the Player that he had been "going" to kick him as opposed to complaining that he had. As to the lack of any protest on the part of the Player on being told why he was being red carded it was said that this was because of the respectful way in which officials were treated.

**FINDINGS OF FACT**

We were satisfied that the Player had kicked a member of the opposing team in the back as he was struggling on the floor with one of the Player's team mates. We found Sahar Tenenbaum to be a clear, confident and consistent witness and could see no reason to doubt the account that he gave. He did so at the time and that resulted in the referee showing the Player a red card. Whilst respect of officials is always to be commended, we were of the view that the Player would at least have articulated that he had not kicked had that have been the case. Accordingly, we were satisfied that the Player had committed an act contrary to Regulation 9.12 – physical abuse by way of delivering a kick – and that the red card was the correct result in the context of the game.

**DECISION**

Proven  Not proven  Other disposal (please state)

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
<b>Assessment of Intent</b>		
<input checked="" type="checkbox"/> Intentional/deliberate <input type="checkbox"/> Reckless		
<b>State Reasons</b>		
The Player did not suggest he had kicked recklessly or by accident.		
<b>Gravity of player's actions</b>		
A kick to an opponent is always a matter to be treated seriously.		
<b>Nature of actions</b>		
As above.		
<b>Existence of provocation</b>		
There was a degree of provocation in the actions of the Cypriot players who were reacting to yet another scrum lost by their team.		
<b>Whether player retaliated</b>		
N/A		
<b>Self-defence</b>		
N/A		
<b>Effect on victim</b>		
None of which we were aware.		
<b>Effect on match</b>		
None.		
<b>Vulnerability of victim</b>		
Moderate in that he could not act to protect himself but that was because he was fighting on the ground with another player.		
<b>Level of participation/premeditation</b>		
In the heat of the moment.		
<b>Conduct completed/attempted</b>		
Completed.		
<b>Other features of player's conduct</b>		
<b>Entry point</b>		
<input type="checkbox"/> Top end [XX] Weeks	<input type="checkbox"/> Mid-range [XX] Weeks	<input checked="" type="checkbox"/> Low-end 4 Weeks
*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.		
<b>Reasons for selecting Entry Point above Top End</b>		

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS		
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby		
<b>Player's status as an offender of the Laws of the Game</b>		
N/A		
<b>Need for deterrence</b>		
N/A		

<b>Any other off-field aggravating factors</b>
N/A

Number of additional weeks: 0

<b>Summary of reason for number of weeks added:</b>
N/A

<b>RELEVANT OFF-FIELD MITIGATING FACTORS</b>	
As per Article 4.5 of Rugby Europe Disciplinary Regulations and Regulations 17 of World Rugby	
<b>Acknowledgement of guilt and timing</b>	<b>Player's disciplinary record/good character</b>
N/A	The Player has a good record spanning a long-playing career. His actions appear significantly out of character.
<b>Youth and inexperience of player</b>	<b>Conduct prior to and at hearing</b>
N/A	We were told that the relevant players had spoken after the game. Both the Player and his very experienced coach behaved in an exemplary fashion at the hearing.
<b>Remorse and timing of remorse</b>	<b>Other off-field mitigation</b>
There was genuine remorse on the part of the Player despite the fact that he disputed delivering a kick.	We were told that in addition to being the team captain the Player is very much a leader and one who, this incident aside, sets a good example.

Number of weeks deducted: 1

<b>Summary of reason for number of weeks deducted:</b>
We could not give the maximum mitigation in circumstances where the Player contested the charge but all other relevant mitigating factors were present.

## SANCTION

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**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)

<b>Total sanction</b>	3 weeks / Matches	<input type="checkbox"/> Sending off sufficient
<b>Sanction commences</b>	03/05/22	
<b>Sanction concludes</b>	14/5/22	
<b>Matches/tournaments included in sanction</b>	7s tournament in Kibbutz Amir, expected to play 3 games	

<b>Costs</b>	0
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<b>Date</b>	03/05/2022
<b>Signature</b> (JO or Chairman)	<i>M PICTON</i>

**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)