

## RWC 2019 DISCIPLINARY DECISION



Match	Wales v Uruguay		
Player's Union	Uruguay	Competition	Rugby World Cup Japan 2019
Date of match	13 October 2019	Match venue	Kumamoto Stadium
Rules to apply	Regulation 17 World Rugby and RWC 2019 Tournament Disciplinary Programme		

### PARTICULARS OF OFFENCE

Player's surname	Pujadas	Date of birth	6 February 1997
Forename(s)	Guillermo		
Referee Name	Angus Gardner	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	9.27 A player must not do anything that is against the spirit of good sportsmanship – spitting.	SELECT:    Red card <input type="checkbox"/> Citing <input checked="" type="checkbox"/> Other <input type="checkbox"/>	If "Other" selected, please specify:
Summary of Sanction	Mid-Range entry Point of 8 weeks reduced to 6 weeks as a result of mitigating factors		

### HEARING DETAILS

Hearing date	25 October 2019	Hearing venue	RWC Disciplinary Hearing Room, Atsumi & Sakai, Tokyo
Chairman/JO	Alan Hudson (Canada)		
Other Members of Disciplinary Committee	Leon Lloyd (England; former international player) Stefan Terblanche (South Africa; former international player)		
Appearance Player	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Appearance Union	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Player's Representative(s)	Santiago Slinger (Uruguay Team Manager) Guzman Barreiro (Uruguay Assistant Coach)	Disciplinary Officer and/or other attendees	Ben Rutherford (DDO RWCL)
List of documents/materials provided to Player in advance of hearing	Notice of Disciplinary Hearing; Citing Commissioner's Report of Mike O'Leary dated 13 October 2019; Match Officials' Statements (Referee and AR1); Statement of Tomos Williams (Wales 22); Statement of Rhys Patchell (Wales 10); Match Summary Sheet (including team sheet); Video Index Document; Video Clips of the Incident; Disciplinary Section RWC 2019 ToP including Regulation 17		

## SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/FOOTAGE

The Citing Commissioner's Report states:

*"At 84.15 on the match clock, Wales scored the last try of the game.*

*After the try was scored some Wales players ran toward the scorer, Davies, to congratulate him. The Uruguay players started to run toward the goal line in preparation for the conversion kick at goal.*

*At 84.25 players from both teams were just inside the 22 metre area of the field. At this time the Uruguay #6 (Juan Gaminara) ran up behind the Wales #22 (Tomos Williams) and pushed him in the back. Williams went slightly forward and to the side then turned to confront Gaminara. As a result both players ended up holding onto each others shirts, facing each other.*

*At this time the Uruguay #16, Guillermo Pujadas, moves past the two players, close to Williams' back. As he runs past he spits on him. The spit appears to land on the back and side of William's neck.*

*The Wales, #10, Rhys Patchell who is relatively close, sees this and immediately engages with the referee about it.*

*The matter was not detected by match officials. It was referred to the Citing Commissioner by the Wales team management, within required time constraints.*

*Footage of the spitting has been obtained as well as statements from Williams and Patchell.*

*Williams states that he was spat on the back of his head. Patchell states that he saw the spitting but was unable to say where it landed.*

*I have considered any possible way that this could be an accidental spitting, due to the player clearing their throat, as can happen on a rugby field. After some reflection I cannot find any valid reason why this could be an accident.*

*Accordingly I cite Uruguay #16, Guillermo Pujadas."*

The report of the Referee, which covers other match officials, states that no one in the match officials' team witnessed this specific incident. This is confirmed by a statement from the Assistant Referee 1.

The video footage captures the incident with clarity as follows:

- In the 84<sup>th</sup> minute after a Wales try a melee involving several players from both teams occurred about ten metres out from the Uruguay try line, in the middle of the field.
- The referee became involved separating the players.
- As described by the Citing Commissioner in his report, Uruguay #6 (U6) and Wales #22 (W22) can be seen grabbing each other while facing each other.
- The Player can be seen jogging in towards U6 and W22 from at least ten metres away and approaches W22 from behind. At this point he slows down to a walk and spits directly at the

back of the neck of W22. Without stopping he then walks away toward the Uruguay try line pushing another Wales player as he does so. He does not appear to say anything to anyone during this time.

- Immediately following the spitting, Wales #10 (W10) can be seen pointing at The Player and can be heard to say “You can’t spit” and he can be seen trying to attract the referee’s attention.
- W22 then wipes the back of his neck with his right hand in the area where The Player had just spit on him.
- The video captures the spit leaving the mouth of The Player and being sent directly toward the back of the neck of W22.
- At the moment that The Player spits he is less than one metre away from W22.

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

The statement of W22 reads:

*“I had a scuffle with number 6. Number 16 came in at the end and spat on the back of my head. “*

The statement of W10 reads:

*“As Gareth Davies ran in his try I saw Tomos Williams and Uruguay 6 having a bit of a scuffle. Nothing to it particularly. Then #16 Blue got involved as there was pushing and shoving from both sides. As everybody parted, I saw 16 Blue spit at Tomos Williams. I can’t tell whether it connected but I felt intent was clear.*

*I went straight to the ref to report this, but as it was the end of the game I’m not [sure] he clocked what it was I was saying. He seemed very intent on calming everyone down - understandable given the situation.”*

#### SUMMARY OF PLAYER’S EVIDENCE

The Player confirmed that he accepted the Citing Commissioner’s Report as a true and accurate account of the incident in question. He also accepted that the incident was worthy of a red card being issued.

The Player said in evidence that he did not know how the incident occurred or why he reacted as he did but felt he was “anguished about the fact that Uruguay, my team, was out of the World Cup.” He also said, “I was feeling powerless, impotent, helpless because of how the match ended.” Despite the video footage as described above, his evidence was that he did not jog some distance toward W22 to spit on him but was rather just running back to the play, saw W22 and U6 involved with each other and “ended up reacting that way”. He went on to say “I don’t even recall what happened.” In response to questioning from the Judicial Panel he said he didn’t recall spitting on W22 and said: “Actually I was surprised when I was called by the head coach because of the citing because I don’t remember that I had actually spat on the player.”

The Player did go on to say that he is very distressed about what happened, regretted his actions and wanted to apologize. He said that he thought spitting showed a lack of respect toward another person, and it was a mistake on his part. When asked if he had intended to spit on W 22 to show disrespect to

him, the player said: “Actually I didn’t think about that actually. If I had thought, I wouldn’t have done that”. He said he had not spit on players before in a match or in his daily life. He said he conveyed his apology to W22 through his team management.

**FINDINGS OF FACT**

The video footage shows that the Player jogged some distance towards the scene of this incident and without engaging W22 in any way, approached him from behind and when in close proximity to the back of W22, he forcefully spat fully at and onto the back of the neck of W22 and then after pushing another Wales player out of the way, simply walked towards the Uruguay try line. The spitting action has further been confirmed by W10 and W22.

The Player has accepted the Citing Commissioner’s Report and that his actions reached the red card threshold.

The Judicial Panel therefore upholds the Citing Commissioner’s Report and confirms that the Player has committed an act against the spirit of good sportsmanship in contravention of Law 9.27 and this act warranted his being sent off the field.

**DECISION**

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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**SANCTIONING PROCESS**

**ASSESSMENT OF SERIOUSNESS**

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input checked="" type="checkbox"/> Reckless <input type="checkbox"/>
State Reasons
The evidence clearly demonstrates that the player formed the specific intent to spit on W22. He decided on a course of action and carried it out. He travelled some distance and approached W22 from behind whereupon when in close proximity he spat forcefully onto W22 and then moved away.
Gravity of player’s actions – R 17.19.2(c) (or equivalent Tournament rule)
Spitting at and on another player is a grave action. It is an ultimate display of disrespect to another person and is abhorred by all in the Game. In addition, there are obvious health and safety considerations.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
Spitting at a player is contrary to the ethos of good sportsmanship in the Game and the core values of the Game of integrity, discipline and respect. In this case the spitting was from close proximity to the victim player and with force.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
There was no provocation. The Player by his own admission was reacting to losing the match in question.
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
This was not an act of retaliation.

Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Not applicable
Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
The spitting was to the back of W22's neck. It was not to W22's face and did not involve his mouth, eyes or ears. It was nonetheless a disgusting action and this is apparent not only in the reaction of W22 but his teammate W10 who witnessed it.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
The incident occurred at the very end of the game and consequently had no effect on the match.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
A player is vulnerable to an act of spitting as it is an unexpected and insidious action.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
In this case there was some measure of premeditation because, as noted above, the Player had to move some distance to approach W22 from behind and spit on him.
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
This was a fully completed act.
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/>	8	<input type="checkbox"/>	

\*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.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

Reasons for selecting Entry Point above Top End

**ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS**

Player's status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule)
N/A
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
N/A
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
N/A

Number of additional weeks:

**RELEVANT OFF-FIELD MITIGATING FACTORS**

<p>Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule)</p>	<p>Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule)</p>
<p>The Player acknowledged his guilt by his acceptance of the Citing Commissioner’s Report and his admission that his behaviour reached the red card threshold.</p>	<p>The Player has one earlier red card and a resulting 5-week period of suspension in 2016. He said this resulted when he didn’t agree with a referee’s decision during a U19 match when he was captain of his team (he said he was 18 or 19 yrs old). He said he protested and the referee sent him off. He was then suspended for 5 weeks. He had no other explanation for this earlier incident. He has no other relevant disciplinary record.</p> <p>The Uruguay assistant coach, Guzman Barreiro, said he has known the player for a number of years and said the incident in question is a surprise and that is not how the Player usually behaves.</p>
<p>Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule)</p>	<p>Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule)</p>
<p>The Player is 22 years of age. He has been playing with his club in Montevideo, Champagnat Rugby Club, since he was 12 years old and has played at all age grade levels and as a senior player in the 1<sup>st</sup> Division and described himself as an important player for his club. He is an amateur player. He has earned 12 caps for Uruguay coming off the bench on each occasion.</p>	<p>The Player, as was expected, was well-behaved during the hearing, attending remotely.</p> <p>The Judicial Panel was concerned by the Player’s professed inability during the hearing to recall any specifics of the incident in question which raised significant concerns as to his forthrightness in the matter. A similar concern arose regarding the red card he received in 2016 which incident he was unable to describe in any specific detail.</p>
<p>Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule)</p>	<p>Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule)</p>
<p>The Player apologised at the hearing for his actions and said those actions did show a lack of respect on his part.</p> <p>His manager was able to contact W22 by telephone and convey the Player’s apologies to him. Notably the Player has not contacted W22 directly himself and no expression or admission of wrongdoing on his part arose until after his head coach advised him after the match that he had been cited. (The Player’s explanation was that he could not recall the incident on the field)</p>	<p>None</p>

Number of weeks deducted:

Summary of reason for number of weeks deducted:

The Player is entitled to a reduction in sanction for some mitigating factors, namely his admission of wrongdoing and his expressed remorse at the hearing for his actions. The Judicial Panel, however, is concerned by his inability to recall specifics of the incident in question which raises issues of his forthrightness in this matter. In addition, the earlier disciplinary issue arising from referee dissent or abuse (for which he could supply little information at the hearing) which arose 3 years ago, together with this present incident, strongly indicate the Player has a significant issue with the core rugby value of respect. While he is a relatively young player, he is not inexperienced and his age does not explain in any way his actions in this case. As a result he is entitled to a reduction of 2 weeks from the mid-range entry point.

## SANCTION

**NOTE:** PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f) (or equivalent Tournament rule)

Total sanction	6 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	Immediately	
Sanction concludes	Following the conclusion of the CPC 7s Tournament in Uruguay on December 14, 2019	
Matches/tournaments included in sanction	<p>World Rugby Regulation 17.19.11 provides that sanctions shall apply universally across the game. The Player is an amateur player and plays both 15's and 7's rugby for his club in Montevideo, Champagnat Rugby Club. He is not scheduled to play again until Nov. 2, 2019. He then is scheduled to play in 2 15's games in the Uruguay 1<sup>st</sup> Division which ends the club's 15's season. The opponent in the 2<sup>nd</sup> of these matches on Nov. 9, 2019 depends on which of the 2 clubs noted below is the winner of an earlier match.</p> <p>The Player is an able and important participant in the club's 7's program and would be scheduled to play, if available, in the 4 Uruguay 7s tournaments between November 16 and December 14, 2019.</p> <p>He is therefore suspended from the following:          Nov. 2, 2019 – Champagnat v CTM          Nov. 9, 2019 – Champagnat v Lobos or Seminario          Nov. 16, 2019 – Vaimaca 7's          Nov.30, 2019 – PSG 7's          Dec. 7, 2019 - OBC 7's          Dec. 14, 2019 – CPC 7's</p> <p>The Player may not play the Game in any form or be involved in any on-field activities anywhere until his period of suspension has expired.</p>	

Costs	No order
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Signature (JO or Chairman)	Alan Hudson (chair)	Date	October 26, 2019
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**NOTE:** YOU HAVE **48 HOURS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule)