RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Offices of the Judge Advocate General, 81 Chancery Lane, LONDON

On: Tuesday 2nd October 2007

JUDGMENT.

Players: James Haskell Clubs: Wasps RFC

Pat Sanderson Worcester Warriors RFC

Match: Worcester v Wasps

Venue: Worcester Date of match: 22 September 2007

Panel: Jeff Blackett (Chairman), Julian Morris and Jeremy Summers

Secretariat: Bruce Reece-Russel, Liam McTiernan, Mojgan Jamalipour

Attending: The Players

John Partridge – solicitor

Ian McGeechan – Director of Rugby London Wasps Mike Ruddock – Director of Rugby Worcester Warriors

Citing officer: Alan Mansell

Charge and Plea

1. The Players both pleaded not guilty to contact with or around the area of the eye contrary to Law 10(4)(k).

The Prosecution Case

2. The Panel viewed video footage of the alleged incident and read the citing officer's reasons for citing the Players. The citing officer said that following a line out James Haskell gathered the ball and ran towards the Worcester half. He handed off Pat Sanderson and was then tackled by three Worcester defenders. Wasps players arrived in support and a maul formed. Sanderson joined the maul and caused it to collapse ending up underneath Haskell in a position which the citing officer opined meant that he was trapped and unable to defend himself. He then said that Haskell's right elbow first made contact with Sanderson's head and then his right hand made contact with Sanderson's face with a grinding action. In a return act Sanderson's right hand is seen to make contact with Haskell's face in the eye area as he attempted to move his head away from Haskell's hand without success. Haskell's right hand could be seen in contact with Sanderson's eyes as his head turned towards the camera. The video footage was consistent with this account although it was difficult to

ascertain with any degree of confidence whether either hand actually made contact with the orbit of the eye.

3. There were no reported injuries as the result of this action and nobody reacted on the pitch. Immediately after the play stopped both players got up and took part in the ensuing scrum. None of the match officials saw any offence relating to contact with the eyes, neither of the players complained to the Referee and there was no subsequent reaction from any other player.

The Defence Case

- 4. Both players gave evidence. Haskell said that he went down to ground and wanted to present the ball to his own side so that play could continue. He was aware that Sanderson would wish to prevent him from doing this. He said that he pushed his hand backwards to push the player who had tackled him away he did not intend to make contact with anyone's eyes. He said that he himself has been the victim of eye gouging and he abhors the practice. He said that Sanderson was attempting to interfere with his presentation of the ball as all good number 7s should but he did not feel any contact around his eyes. He stated unequivocally that he did not put his hand on or fingers into Sanderson's eyes.
- 5. Sanderson said that after the tackle he found himself underneath the maul and attempted to move away. He did not feel any contact to his own eyes and he did not put his hand into Haskell's eyes. He pushed away the head of the player on top of him in the attempt to move. He stated unequivocally that he did not put his hand or fingers into Haskell's eyes.
- 6. Mr Partridge, speaking on the players behalf, submitted that there was insufficient evidence to support the citing in view of the fact that both players had given evidence that there had been no contact with each others' eyes, there had been no reaction from anyone, no injury and no complaint. In analysing the video footage he suggested that it was not clear whether in fact there was any contact with the eye area on either player. He said that Haskell's hand was either at the back of Sanderson's head or on the face away from the eyes and Sanderson's hand was on the side of Haskell's head. He said that this was just a robust passage of play in a very competitive match. Both Directors of rugby agreed with this interpretation and suggested that had there been any attack on the eyes there would have been an immediate reaction.

Finding

7. It was entirely appropriate to bring this citing complaint before a disciplinary panel. The video evidence was sufficiently compelling to present a prima facie case of contact with the eye or eye area against both players. However, the Panel took into account the evidence of the players who both were unequivocal in their denials that there had been any contact with each other's eyes, and the fact that there were no injuries, no complaints and no reaction from anyone in the vicinity on the pitch. Having examined the video and assessed the other evidence, the Panel concluded the following: after the players went to ground Haskell pushed his hand backwards to

push away from Sanderson. His hand came into contact with Sanderson's face and he took the opportunity to rub his hand on his face to "rough him up" a little. Sanderson reacted by pushing his hand into Haskell's face in retaliation. The Panel were not able to conclude, to the standard required having regard to the seriousness of the alleged offence¹, that there was contact with the eye area, although if there were such contact it was minimal. In those circumstances the Panel are not satisfied that the foul play offences were committed and the citing complaints are dismissed.

8. Nevertheless the Panel warned both players to take care in future. Contact with the eyes is not only insidious, but it is also potentially very dangerous and can cause serious and lasting damage to the victim. There is a risk that intentional contact with someone's face could cause injury to the eyes and the practice of rubbing an opponent's face to "rough him up" is discouraged – it offends against Law 10.4(k)² but in this case neither incident was sufficiently serious to merit a red card. However, had either player made contact with the other's eyes and thereby caused injury, he would have faced a significant period of suspension even if the contact had been reckless rather than intentional.

Signed: Jeff Blackett Date: 3rd October 2007

Chairman

¹ RFU Disciplinary Regulation 6.5.2 – the balance of probabilities is a sliding scale: the more serious the allegation the less likely it is that the event occurred and hence the stronger the evidence needed to prove that it did occur.

² Acts contrary to good sportsmanship