RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: Holiday Inn, Epsom

On: Wednesday 27 April 2011

<u>JUDGMENT</u>

Player: Olivier Azam

Club: Gloucester RFC

Match: Gloucester v Northampton Saints

Venue: Kingsholm

Match Date: 19 April 2011

Panel: Jeff Blackett (Chairman), Robert Horner & Jeremy Summers

Secretary: Rebecca Morgan

Attending: The Player

Bryan Redpath (Head Coach, Gloucester)

Ian Dixey (Counsel)

Charge and Plea

1. The Player admitted that he had struck an opponent during the 30th minute of the match contrary to Law 10(4)(a).

The Citing Complaint

2. The citing report stated: "Early in the first half Gloucester were counterattacking out of their own 22, the ball carrier (No.11, Jonny May) is tackled close to the Gloucester 10m line and a ruck is formed. The Northampton lock forward (No.4, Adam Eustace) joins the ruck and becomes involved in a tussle with the Gloucester flanker (No.7, Akapusi Qera). Both players fall to the floor and begin wrestling and shirt-pulling. The referee awards a penalty at the ruck against Northampton for not rolling away in the tackle, the penalty is quickly taken and Gloucester continues to attack towards the half-way line. The referee can be clearly heard on the ESPN coverage telling the players on the ground to relax and stand up before he follows play, which by now is in the Northampton half.

Qera is on his back with Eustace bent over the Gloucester player, looking down at him. Both players are at this time still holding onto each others shirt but the incident appears to be coming to an end. Eustace is attempting to regain his feet when the Gloucester hooker (No.2, Olivier Azam) who had previously not been involved in the ruck then runs in from the nearside touch line and drives into Eustace with a head strike making contact with the left side of the Northampton players head knocking him to the floor. The wrestling continued and play was stopped with the referee returning to deal with the incident. He called both Azam and Eustace to one side and gave them a warning. There was no apparent injury to Eustace who at the time of the head strike was wearing a head guard. He played on for the remainder of the match.

I consulted with the referee, Mr Wayne Barnes, and asked him what he had seen of the above incident. He stated that he had seen Qera and Eustace wrestling at the breakdown but then had followed play and did not see the resulting head strike by Azam. He also stated that neither assistant referee had witnessed the incident or reported it to him. I consider the action by Azam to be an unprovoked and illegal use of the head and therefore cite him for committing this act of foul play contrary to Law 10.4(a)."

- 3. The Panel viewed the DVD footage which reflected the citing report. The top of the Player's head made contact with the side of Eustace's head below the ear, his neck and the top of the shoulder. Immediately after his head made contact he pushed him with both of his hands. The Player said that he was following play and then saw the scuffle between Eustace and Qera. He hesitated, but saw Eustace with his hands around Qera's neck, so he decided to intervene to help his team mate. He said he intended to "clear out" Eustace and drove into him using his hands to push Eustace away. His head made contact mostly with the top of Eustace's shoulder although he accepted contact was made with the side of the head. He apologised for this rash action which he regretted. He said that he should not have got involved but he reacted instinctively. He was glad there was no injury, particularly as Eustace and he were ex-colleagues who had played a number of seasons together.
- 4. The Player has a number of disciplinary matters recorded on his record:
 - a. 2001 suspended for 5 weeks following a red card for spitting and fighting;
 - b. 2003 suspended for 1 week for three yellow cards in a season;
 - c. 2004 suspended for 4 weeks following a red card for punching;
 - d. 2009 suspended for 19 weeks for making contact with the eye or eye area;
 - e. 2009 suspended for 12 weeks for kicking.

Submissions on behalf or the Player

5. Mr Redpath said that, despite his apparently poor disciplinary record, Mr Azam is actually not a dirty player, rather he has been reckless or acted instinctively in difficult situations in the past. He has been with the Player for 6 seasons and assesses him as honest, committed and an excellent member of Gloucester, where he has played professional rugby for 10 years. He is due to retire at the end of this season after an illustrious career which has included 10 caps for France. Mr Dixey referred the Panel to each of the relevant criteria and suggested that the offence was at the low end of the scale of seriousness. He acknowledged that the Player had a poor disciplinary record and said that it was a tremendous shame that his playing career might end in his testimonial season on this note.

Sanction

- 6. The Panel undertook an assessment of the seriousness of the Player's conduct.
- a. The Player intended to strike an opponent with his head, but this was not a head butt in the traditional sense and it was not delivered with excessive force.
- b. The contact was completed.
- c. Eustace was in a vulnerable position and would not have expected to be struck from a third party when he was wrestling with Qera.
- d. There is no evidence that Eustace was injured he did not appear to be hurt and continued to play.
- e. There was no reaction from any other players.
- f. This was not premeditated the Panel accepts that the Player acted instinctively.
- 7. In those circumstances the Panel assessed that this offence was properly classified as being at the Low End of the scale of offending. The LOW END entry point for striking with the head is 4 weeks suspension. The Panel assessed that there was one aggravating factor that being the Player's status as an offender in the Game which merited an increase from the entry point of 50% (2 weeks). As far as mitigation is concerned the Panel gave the Player credit for his plea of guilty, his genuine expression of remorse and his good conduct at the hearing. In those circumstances the mitigating factors cancelled the

- effect of the aggravating factor and there was no reason to depart from the Low End entry point.
- 8. The Player is therefore suspended from 27 April to 24 May. He may play again on 25 May 2011.

Costs

9. Costs of £500.00 are awarded against the Player/club.

Right of Appeal

10. The Player is reminded of his right of appeal against this decision.

Signed: Jeff Blackett, Chairman.

Date: 29 April 2011