

RUGBY FOOTBALL UNION

DISCIPLINARY HEARING

At: RFU Offices, Twickenham

On: Friday 23 March 2012

JUDGMENT.

Player: Konstantin Mikautadze **Club:** Georgia 'A'

Match: Esher v Georgia 'A'

Venue: Welford Road **Date of match:** 21 March 2012

Judicial Officer: Jeff Blackett

Secretariat: Bruce Reece-Russel
Rebecca Morgan

Attending: The Player.
Milton Haig (National Coach)
David Jalagonia (Team Manager)

To consider the sending off of the Player in the 12th minute of the second half of the match for striking an opponent contrary to Law 10(4)(a). The Player did not contest the offence for which he had been sent from the field of play, nor the award of a red card.

Preliminary Issue

1. The Player accepted the jurisdiction of the RFU to deal with the case under IRB Regulation 17.

The Referee's Report

2. The referee's report stated:

“The victim player collapsed to the ground after the series of punches described below, he was assisted to his feet by team mates but was very wobbly on his feet and unable to stand on his own unassisted. He was escorted slowly from the pitch by medical staff, replaced and took no further part in the game. Post-match the Esher coaching staff informed me that the victim player was still in a groggy state; I have no knowledge of the victim player's current health at the time of writing this report.

In the 12th minute of the second half Georgia had a line-out in their own 22; they secured possession at the line-out and cleared the ball to touch. I then observed the Georgia number 5, Mr Mikautadze, throw a series of at least seven, closed fist, punches at an Esher player. All the punches I observed were thrown in quick succession. All the punches I observed connected with the victim player, landing either on the top or back of the victim player's head. All the punches I observed were extremely forceful. All the punches I observed were thrown with Mr Mikautadze's right hand, in a downward motion while his left hand was pushing down on the left shoulder of the victim.

I spoke briefly with [the assistant referee] and confirmed with him that he had seen no foul play other than that committed by Mr Mikautadze. I then showed Mr Mikautadze the red card and dismissed him from the field of play.

.I attended the post match players and officials meal; at no stage did Mr Midautadze or any of the Georgian touring party approach me to discuss or comment on the sending off.”

3. I viewed the DVD footage which was one camera angle taken from a fixed location about 50 yards away from the action. It is unclear. However, it appears to show that as the maul following the line out described by the referee broke up, an Esher player (possibly prop) punched an unidentified Georgian player. The Player was very close and immediately stepped forward and punched the Esher player on the back of the head. That player move away and the Player continued to throw punches, striking Esher No 19 (Blakeburn). The Player threw a number of punches in quick succession down onto Blakeburn who at some stage during the attack attempted to throw one punch back. The attack was over very quickly. Blakeburn said in his statement to the medical staff that he had been hit once on the head and once on the face. Mr Haige, the National coach, said that he saw the incident from very close and said that a number of the punches were directed at Blakeburn's arm as he was holding on to him. The Player could not remember how many punches he threw or where they landed. Indeed he was not aware that he had punched two separate people and thought he was punching the same person. He said that he saw an Esher player punching one of the Georgian props and so he punched him back. It is clear that at least two punches made contact with Blakeburn's head, and there may have been several more.

4. Mr Blakeburn suffered concussion and a 1cm laceration to his left upper lip which was sutured. He will not be available to play for 3 to 4 weeks and he was signed off sick from his work as a result of the concussion.

Submissions on behalf of the Player

5. Mr Haige said that the Player just wanted to help his team mate. There was clearly provocation and that is why he reacted. Protecting each other is part of the Georgian's DNA because they have been attacked by other countries throughout their history and they are protective of each other. The Player has a clean disciplinary

record and is very remorseful. He is not proud of what occurred and the indignity of the red card in a national jersey is something he is very ashamed of – he has brought his family name into disrepute.

The Player currently plays his rugby at the Toulon academy. He has four full caps and five ‘A’ caps for Georgia. He is sorry and he just wants to play rugby.

6. Mr Haige asked that he be given credit because he was provoked and because many of the punches were directed at the opponent’s arm and not his head.

Sanction

7. I undertook an assessment of the seriousness of the Player’s conduct.

- a. The Player intended to strike an opponent and continued to rain blows down on to him. The punches were delivered forcefully.
- b. The contact was completed with the fist. At least two and maybe more of the punches made contact with the opponent’s head and face, and some landed on his arm. I accept that the Player thought all his punches were directed at the same person, but he actually hit two separate people.
- c. There was some provocation in that an opponent punched a team mate, but there was no provocation directed at him personally.
- d. The opponent was not particularly vulnerable.
- e. Some of the punches which landed punches caused significant injury, and the victim player will not be able to play rugby for three to four weeks.
- f. There was a slight altercation on the pitch after this attack, but nothing of any substance and the rest of the game was played without incident.
- g. This was not premeditated – I accept that the Player acted instinctively, but it was violent and sustained.
- h. This punch looked terrible and harmed the image of the game of rugby. Violence of this sort is completely unacceptable and undermines the integrity of the game and could deter parents from allowing their children to participate.

8. In those circumstances I assessed that this offence was properly classified as being at the Top End of the scale of offending. The Top End entry range is 8 – 52 weeks. I determined that the appropriate entry point within that range is 14 weeks. This reflects the injury and the violence of the attack but reflect that the provocation and the youth and inexperience of the Player. There are no aggravating features and

the Player is entitled to credit for all the mitigating features, notably his good record, youth and inexperience, remorse and good conduct at the hearing. I have therefore reduced the sanction by the maximum permissible discount of 50% and determined that he should be suspended for 7 weeks. However, he was available to play in two matches next week on Tuesday and Saturday, both matches being on tour with Georgia in Wales. On the basis that one week normally means one match, I am reducing the sanction by a further week to take account of these two matches in one week..

9. **The Player is therefore suspended from 21 March to 2 May 2012. He may play again on 3 May 201.**

Right of Appeal

10. The Player is reminded of his right of appeal against this decision, which must be exercised within 48 hours of the publication of this decision (which for the avoidance of doubt is 1300 GMT on 25 March).

Signed: ***Jeff Blackett***

Date: **23 March 2012**