

DISCIPLINARY DECISION



Match	France v Ireland		
Player's Union	Fédération Française de Rugby	Competition	Six Nations
Date of Match	2 February 2024	Match venue	Orange Velodrome, Marseille
Applicable rules	World Rugby's regulations (WRR) 17, 18 and 20, as supplemented by the 2024 Six Nations Disciplinary Rules (DR)		

PARTICULARS OF OFFENCE			
Player's Surname	Willemse	Player's Forename(s)	Paul
Player's Date of birth	13/11/1992	Referee's Name	Karl Dickson
Foul play	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted in relation to both the <u>First Incident</u> and <u>Second Incident</u> .	Red card warranted	<u>First Incident</u> : Not admitted <u>Second Incident</u> : Admitted
Offence	<u>First Incident</u> : Breach of Law 9.15 of the Laws of the Game. <u>Second Incident</u> : Breach of Law 9.13 of the Laws of the Game.	SELECT: Red card <input type="checkbox"/> Citing <input type="checkbox"/> Other <input checked="" type="checkbox"/> If "Other" selected, please specify: <u>First Incident</u> : Citing <u>Second Incident</u> : Red card (FPRO)	
Summary of sanction	4 weeks (or 3 weeks in the event that the Player successfully completed World Rugby's Coaching Intervention Programme following an application to participate in relation to the Second Incident being granted).		

HEARING DETAILS			
Hearing date	6 February 2024	Hearing venue	Zoom call
Chairman/JO	Stephen Hardy, Australia		
Other members of Disciplinary Committee	Sarah Smith, ex-Player, Scotland Leon Lloyd, ex-Player, England		
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Player's union	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Player's representative(s)	Northridge Law	Disciplinary Officer and/or other attendees	<ul style="list-style-type: none"> Julie Paterson, Disciplinary Officer, Six Nations Tom Price, Acting Head of Policy and Integrity, Six Nations Max Duthie, Bird & Bird LLP

		<ul style="list-style-type: none"> • Edward Reay- Jones, FFR • Raphael Ibanez, FFR • Jerome Garces, FFR • Annie Quantrill, Six Nations • Max Fiddimore, Six Nations
<p>List of documents/ materials provided to Player in advance of hearing</p>	<p><u>First Incident</u></p> <ul style="list-style-type: none"> • Referee Report - Karl Dickson • Television Match Official Report (TMO) - Ben Whitehouse • Foul Play Review Officer (FPRO) Report - Ian Tempest • Confirmation of the correct FPRO Report being used • Citing Commissioner Report - Stefano Maarama • Statement - Andrew Porter, Ireland #1 • Statement - Dr Ciaran Cosgrove, Ireland, Team Doctor <p><u>Second Incident</u></p> <ul style="list-style-type: none"> • Referee Report - Karl Dickson • TMO Report - Ben Whitehouse • FPRO Report - Ian Tempest • Statement - Caelan Doris, Ireland #8 • Statement - Dr Ciaran Cosgrove, Ireland, Team Doctor <p><u>Both Incidents</u></p> <ul style="list-style-type: none"> • Letter to Disciplinary Committee Chair • Player's Statement • Player's Disciplinary Record • Player's Schedule • Hearing Confirmation Letter - 5 February 2024 	

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

This Hearing concerned two incidents.

The First Incident

In respect of the First Incident, the **Referee's Report** is in these terms:

"I never saw the incident live. On referral from TMO we reviewed the incident and found that F5 was upright and made head contact which met YC threshold so we sent to bunker."

The **TMO's Report** provides:

"I saw an injured player after a tackle. On reviewing how he got injured I saw a shoulder from France 5 make contact with Ire 1's head, in an attempt to clear him away from the tackle. I deemed that foul play an instigated a review."

The **FPRO's Report** states:

"I reviewed a tackle by Fra 5 on Ire 1. After reviewing the footage I observed:

- *there was foul play - head contact*
- *there was a high degree of danger*
- *mitigation was to be applied as Ire 1 had dropped / moved significantly prior to the contact."*

The **Citing Commissioner's Report** provides:

"At 07.48 Fra10 is attacking the Ireland defence at pace in open play. Ire1 is in the process of tackling him, but before the tackle is completed, Fra5 arrives in support of his 10 and charges Ire1 to clear him out. There is direct contact by Fra5's right shoulder to the head of Ire1.

The referee, alerted by the TMO, reviewed the incident, gave Fra5 a YC for FP and placed the incident on review with the Foul Play Review Officer (FPRO). At the time the FPRO reviewed it and determined that the action by Fra5 was at a high level of danger with mitigation to be applied because Ire1 had dropped/moved significantly, prior to the contact.

On further review, I determined that the Fra5 charge/clear out and the resulting head contact, as per definition in the Head Contact Process, does indeed reach the red card threshold for the following reasons:

- 1) *There is direct shoulder to head contact.*
- 2) *It is FP because there is a high degree of danger, as determined also by the FPRO.*

- 3) *Fra5's charge/clear out is at speed and with force.*
- 4) *Fra5 leads into contact with his right shoulder only.*
- 5) *Fra5's charge/clear out is with upward direction.*
- 6) *Fra5's right arm is close to his body, perpendicular to the ground and not in a wrapping position.*
- 7) *There is a clear line of sight for Fra5.*
- 8) *There is no significant or sudden drop in height by IRL1, to qualify for mitigation.*
- 9) *Because of the upward leading shoulder, with no arm by Fra5 the charge/clear out is always illegal and is avoidable.*

The Head Contact Process is followed:

Is there head contact? Yes.

Is there foul play? Yes: there is shoulder to head direct contact.

Degree of danger: At the time the FPRO determined the level of danger to be high, I support this with the following evidence:

- *There is direct shoulder to head contact.*
- *Fra5 is leading with his right shoulder, the right arm is not in a wrapping position.*
- *There is significant movement of Ire1's head backwards after contact.*
- *Fra5 is moving forward at pace and in an upward direction.*
- *Immediately after the tackle, Ire1 can be seen to be unsteady on his feet before going to ground indicating the effects of impact (main camera displays this).*
- *Ire1 was taken off for an HIA test, which he passed and returned to play.*

I looked at mitigation for the incident and I determined on review there was no mitigation in this instance:

- *Fra5 had a clear line of sight of Ire1.*
- *There was no significant or material impact by Ire1's attempt to tackle Fra10.*
- *There was no sudden or significant change of height or direction by Fra5 prior to contact.*
- *Ire1 has done nothing illegal.*
- *Because of the upward leading shoulder, with no arm, the charge/clear out is always illegal.*

After considering all the available evidence, I determine this incident does indeed reach the red card threshold, and as such I cite Fra5 Paul Willemse for breach of law 9.15 .

The **video footage** of the First Instance establishes the Player making shoulder contact directly to the head of Ireland 1.

Second Incident

In respect of the Second Incident, the **Referee's Report** provides:

"I saw a big tackle by F5 but wasn't certain if foul play. The TMO asked for a review and on review, F5 had hit 18 in the head and was at fault as was upright. So gave him a YC as met the threshold. As it was his 2nd YC I also gave a RC but sent it to the bunker."

The **TMO's Report** provides (relevantly):

"I saw a tackle on an Ireland ball carrier. I immediately believed the tackle was high. I saw head contact on review." ... "I saw France made a high tackle on Ire player and it was direct contact to the head. I instigated a review with the ref."

The **FPRO's Report** is in these terms:

"I reviewed a tackle by FRA5 on IRE8. After reviewing the tackle I observed:

- *there was foul play - head contact*
- *there was a high degree of danger*
- *there was no mitigation."*

The **video footage** of the Second Incident identifies the Player making direct shoulder contact with the head of Ireland 8.

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

In relation to the **First Incident**, the available medical evidence, from Dr Ciaran Cosgrave, Team Doctor, Ireland is as follows:

"Andrew Porter was involved in an incident in the game vs France yesterday. In an attempted clear-out the shoulder of France No. 5 came into contact with Andrew's head.

We were concerned that Andrew looked unsteady immediately post event so he was removed for a HIA 1. He passed the HIA 1 and returned to play.

He has remained symptom-free since the game and has sustained no injury from the incident."

In relation to the **Second Incident**, the available medical evidence, from Dr Ciaran Cosgrave, Team Doctor, Ireland provides:

"Caelan Doris was involved in an incident in the game vs France yesterday. He was tackled by France No. 5. The shoulder of France 5 came into contact with Caelan's face.

We assessed Caelan on the pitch and he reported feeling fine. He had no signs or symptoms of concussion. He did not require treatment and was able to continue playing. He has remained symptom free since the game and has sustained no injury from the incident."

SUMMARY OF PLAYER'S EVIDENCE

In relation to the **First Incident**, the Player's evidence and submissions are, in summary, as follows:

- The Player was shown a yellow card by the referee who referred the decision to the bunker for review.
- The Foul Play Review Officer reviewed the incident in the bunker and determined that a yellow card was the appropriate sanction.

- The Player therefore returned to the pitch following the end of the sin-bin period.
- The Player agrees with the decision of the Foul Play Review Officer that he committed foul play and that a yellow card was the appropriate sanction.
- However, the Player does not agree with the Citing Commissioner's view that the incident warranted a red card because:
 - the Player says the description of the First Incident is incomplete as it does not address the full passage of play, including an attempted tackle moments earlier by IRE2 on FR10
 - it is incorrect that there was "no mitigation". The attempted tackle by IRE2 on FR10 had a material impact on the dynamics of the play which, when properly considered, does give rise to mitigation.

The Player says that:

- In the 8th minute of the match, Ireland won a ruck and kicked the ball from inside their own 22 to beyond France's 10metre line.
- The Player was in the France defensive line and the ball travelled over his head.
- The Player turned and jogged towards where he thought the ball would be caught by one of his teammates.
- Ireland's chasing players were behind him.
- The kicked ball was caught by France #10 (Matthieu Jalibert) who ran towards the Player.
- Just as Jalibert reached him, and as he was in the process of turning to run in the other direction, France #10 was tackled by Ireland #2 (Dan Sheehan).
- Ireland #4 (Joe McCarthy) positioned himself as if he was going to attempt to jackal and take the ball, so the Player prepared to clean him out as part of a ruck.
- France #10 however rolled past Ireland #4 and got back to his feet. He stepped to his right and was then tackled from the side by Ireland #1.
- The Player was not expecting either movement by France #10.
- The Player quickly tried to adjust from his initial position of wanting to clean out Ireland #4 from a ruck, to instead following France #10 and wanting to latch onto him and drive him as far forwards as possible before he fell to the ground again.
- The Player's focus was concentrated on France #10 as he rolled on the floor and got back to his feet.
- The Player was not aware of Ireland #1's position until shortly before the point of contact.
- Before that, Ireland #1 had been behind his back and then when he first turned he would have been behind his teammate France #7 (Charles Ollivon).
- The Player checked that Ireland #1 was alright and apologised to him during the match when he returned from his Head Injury Assessment. The Player was glad he passed his Head Injury Assessment and was able to return to the field-of-play.

In relation to the **Second Incident**, the Player says that:

- He accepts that he committed Foul Play in breach of Law 9.13 because of the dangerous (high) tackle that he carried out on Ireland #8 (Caelan Doris).
- He was shown a yellow card by the referee and then a red card as he had already previously been shown a yellow card in the match. The referee referred the decision to the bunker for review and the Foul Play Review Officer upgraded the yellow card to a red card.
- The Player initially thought that a yellow card would have been a fair decision as he felt that his knees were low to the ground, he had wrapped with both arms, and there was

mitigation due to the drop in height by Ireland #8 as he had already been tackled by two other tacklers.

- However, having watched back the footage, the Player accepts the Foul Play Review Officer's decision that the incident warranted a red card.

The Player explains further that:

- In the 31st minute of the match, Ireland were leading 17-3.
- The Player had returned to the pitch following his yellow card for the First Incident.
- Ireland #8 caught a kick off and was carrying the ball out of his own 22. He chased the kick off but stayed in his defensive channel.
- Ireland #8 was tackled by France #4 (Paul Gabrillagues) as he was stepping to the left.
- Ireland #8 had stepped inside twice as he was carrying the ball and so ended up in the Player's defensive channel.
- The Player remained upright initially as the involvement of two other players in the tackle already meant he wasn't sure where Ireland #8 was going to end up.
- The Player made contact with Ireland #8 and felt this contact through his chest. As he made contact his upper body was upright, however, his knees were bent and were very close to the ground.
- Ireland #8 was not fully upright as he was already in the process of being tackled.
- It was never the Player's intention to commit Foul Play. The Player is glad that Ireland #8 was not injured and was able to continue with the match.
- The Player apologised to Ireland #8 during the match and sought to make clear that he fully supports World Rugby's initiatives to reduce contact to the head and to protect player welfare.
- The Player accepts that, as the tackler, it was his responsibility to ensure that he did not make contact with his opponent's head and that he got his tackle wrong on this occasion.
- As a lock forward, the Player says that he makes numerous tackles in every match that he plays. He takes great pride in his tackling ability as it is one of his key strengths as a rugby player and enables him to make valuable contributions to his national team. He is therefore extremely disappointed to have made a mistake on this occasion.

FINDINGS OF FACT

In relation to the **First Incident**, the Disciplinary Committee found that:

- there was foul play committed by the Player - namely the Player's shoulder making direct head contact with Ireland 1
- there was a high degree of danger in that there was direct shoulder to head contact, the Player led with his right shoulder, his right arm, at the time of contact, was not initially in a wrapping position (although the Player did subsequently wrap his right arm around Ireland 1) and there was a significant movement of Ireland 1's head backwards following the contact. Further, the Player was moving forward at pace and in an upward direction.

A majority of the Disciplinary Committee (Hardy / Smith) found that there was no mitigation sufficient to reduce the red card to a yellow card when having regard to the Head Contact Process. This is because the majority determined that, following a review of all available evidence:

- the Player had Ireland 1 in his sights;

- the Player was seeking to drive through the contact and, in those circumstances, must have expected an Irish player there;
- the Player kept moving forward towards the ultimate contact area without a significant change of approach or angle; and
- it could not be identified on the video footage that the Player had intended to clear out Ireland 4. Rather, the Player is found to have moved swiftly with the play towards the ultimate point of contact. There was no clear evidence to the majority to establish that the Player was initially bound to make contact with Ireland 4 and then suddenly changed his direction based off Ireland 4 (or any other player). The majority is of the view that the evidence rather establishes the Player following play and proceeding to clear out Ireland 1 in a dangerous manner.

Mr Lloyd was in dissent and was of the view that there was mitigation sufficient to reduce the red card to a yellow card, primarily given:

- the actions of France #10
- the actions of Ireland #4
- the actions of Ireland #1,

which was viewed by Mr Lloyd as being sufficient to establish a late change in dynamics due to other players in / around the contact area, reducing the red card to a yellow card.

In relation to the Second Incident, the Disciplinary Committee found that:

- there was foul play - direct head contact made by the Player's shoulder to the head of Ireland 8
- there was a high degree of danger;
- there was no mitigation sufficient to reduce the red card to yellow card.

DECISION

Foul play	Admitted <input type="checkbox"/> Determined <input type="checkbox"/> Not determined <input type="checkbox"/> Other disposal (please state) <input checked="" type="checkbox"/>
	Admitted in relation to both the First Incident and Second Incident
Red card warranted	Admitted <input type="checkbox"/> Determined <input type="checkbox"/> Not determined <input type="checkbox"/> Other disposal (please state) <input checked="" type="checkbox"/>
	Determined in relation to the First Incident. Admitted in relation to the Second Incident.

SANCTIONING PROCESS

References below are to provisions in the 2024 Disciplinary and Anti Doping Rules, which form Schedule Four of the 2024 Six Nations Terms of Participation documentation.

ASSESSMENT OF SERIOUSNESS

Assessment of intent – WRR 17.18.1(a)-(b)
Intentional <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State reasons
The majority of the Disciplinary Committee assessed the First Incident as reckless. The Disciplinary Committee assessed the Second Incident as reckless. The evidence does not establish any intentional, malicious or deliberate offending by the Player in either the First Incident or Second Incident.
Nature of actions – WRR 17.18.1(c)
The Player made direct shoulder to head contact in respect of both the First Incident and the Second Incident . The actions carried with them a high degree of danger in both the First Incident and the Second Incident .
Existence of provocation – WRR 17.18.1(d)
There was no evidence of provocation in either the First Incident or the Second Incident .
Whether Player retaliated – WRR 17.18.1(e)
There is no evidence of retaliation in either the First Incident or the Second Incident .
Self-defence – WRR 17.18.1(f)
There is no evidence of any act of self-defence in either the First Incident or the Second Incident .
Effect on victim – WRR 17.18.1(g)
The medical evidence, in respect of the First Incident , is that: <i>"We were concerned that Andrew looked unsteady immediately post event so he was removed for a HIA 1. He passed the HIA 1 and returned to play.</i> <i>He has remained symptom-free since the game and has sustained no injury from the incident."</i> The medical evidence, in respect of the Second Incident , is that: <i>"We assessed Caelan on the pitch and he reported feeling fine. He had no signs or symptoms of concussion. He did not require treatment and was able to continue playing. He has remained symptom free since the game and has sustained no injury from the incident."</i>
Effect on match – WRR 17.18.1(h)
There was a negative effect on the match insofar as the Player's team was concerned, including conceding points against them while the Player was off the field.
Vulnerability of victim – WRR 17.18.1(i)
The victim players were in a highly vulnerable position in both the First Incident and Second Incident .

Level of participation/premeditation – WRR 17.18.1(j)
There was no evidence of any level of participation or premeditation in either the First Incident or the Second Incident .
Conduct completed/attempted – WRR 17.18.1(k)
The conduct, in both the First Incident and the Second Incident , was completed.
Other features of Player's conduct – WRR 17.18.1(l)
n/a.

ASSESSMENT OF SERIOUSNESS CONTINUED

Entry point				
<u>Top end*</u>	<u>Weeks/matches</u>	<u>Mid-range</u> <input checked="" type="checkbox"/>	<u>Lower end</u>	<u>Weeks/matches</u>
		4 weeks/matches in respect of the First Incident		
		6 weeks/matches in respect of the Second Incident		

*If top end, the JO or Disciplinary Committee must identify, based on his/her/its assessment of the seriousness of the conduct, an entry point between the top end and the maximum sanction and provide the reasons for selecting this entry point, below (see WRR 17.18.2).

Reasons for selecting entry point above top end
Not applicable.

RELEVANT OFF-FIELD MITIGATING FACTORS

Acknowledgement of foul play (and timing) – WRR 17.19.1(a)	Player's disciplinary record – WRR 17.19.1(b)
<p>The Player, although challenging the red card threshold in the First Incident, nevertheless acknowledged that he had committed foul play in both the First Incident and the Second Incident.</p> <p>The Player pleaded guilty to the Second Incident.</p>	<p>The Player's disciplinary record was disclosed as:</p> <ul style="list-style-type: none"> • 2 or 3 week suspension following a red card for hair pulling in 2012 when playing for South Africa u20 at the U20 World Cup • 1 week suspension following a red card in 2016/2017 (breach of Law 10.4(h)) • 2 weeks suspension following a red card in 2020/2021 (breach of Law 9.12) • 1 match suspension in 2021/22 following 3 yellow cards during the competition

Youth and/or inexperience of Player – WRR 17.19.1(c)	Conduct prior to and at hearing – WRR 17.19.1(d)
The Player gave evidence that he is a senior member of the French team and is a very experienced player.	The Player's conduct was admirable during the hearing. The Player was found to have given his evidence openly, honestly, making significant concessions where required. The Player fully participated in the disciplinary process.
Remorse (and timing if remorse)– WRR 17.19.1(e)	Other off-field mitigation – WRR 17.19.1(f)
The Player gave evidence that he apologized to both players who were impacted in the First Incident and the Second Incident. The Player showed genuine remorse during the hearing. It was clear to the Disciplinary Committee that the Player regretted the conduct he had been found to have engaged in and that he had given consideration to how both incidents could have been handled differently (more safely) in the future.	None.

Number of weeks/matches deducted:

In relation to the **First Incident**: 1 week deduction

In relation to the **Second Incident**: 2 week deduction

Summary of reason for number of weeks/matches deducted:

- Acknowledgement of foul play
- Remorse
- Conduct during the hearing

RELEVANT OFF-FIELD AGGRAVATING FACTORS

Player's status as an offender of the Laws of the Game – WRR 17.20.1(a)
The Player was not found to be an offender of the Laws of the Game.
Need for deterrence – WRR 17.20.1(b)
No need for deterrence was identified.
Any other off-field aggravating factors – WRR 17.20.1(c)
None.


Number of additional weeks/matches: 0

SANCTION

NOTE: PLAYERS ORDERED OFF OR CITED ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – WRR 17.12.5(f) and 17.13.7.

Total sanction	<p>In respect of the First Incident: 3 weeks In respect of the Second Incident: 4 weeks</p> <p>The Disciplinary Committee determined that these sanctions are to be served concurrently. The Disciplinary Committee found that it would be a disproportionate sanction if the sanctions were to be served consecutively.</p> <p>The Player sought, and was granted leave to apply for, the World Rugby Coaching Intervention Programme (the Programme).</p> <p>The Sanction would be reduced by 1 week in the event that the Player successfully completed the Programme following an application to participate in relation to the Second Incident being granted.</p>	Sending off sufficient <input type="checkbox"/>
Sanction commences	6 February 2024.	
Sanction concludes	<p>26 February 2024 (in the event that the Programme is successfully completed following an application to participate in relation to the Second Incident being granted).</p> <p>Otherwise, 4 March 2024.</p>	
Matches/tournaments included in sanction	<ul style="list-style-type: none"> • Scotland v France • Racing 92 v Montpellier • Montpellier v Bayonne / France v Italy <p>(in the event that the Programme is successfully completed following an application to participate in relation to the Second Incident being granted).</p> <p>Otherwise, the above matches plus Oyonnax v Montpellier.</p>	

Costs	No orders as to costs.
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Signature (JO or Chairman)	 Stephen Hardy	Date	7 February 2024
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NOTE: THE PLAYER WILL HAVE UNTIL 4PM (GMT) ON THE THIRD DAY (EXCLUDING WEEKENDS) AFTER RECEIPT OF THE WRITTEN NOTICE OF THE DECISION OF THE CHAIRMAN/JO TO FILE AN APPEAL WITH THE CHAIRMAN OF THE DISCIPLINARY PANEL C/O THE DISCIPLINARY OFFICER – DR 8.1. APPEAL TO BE EMAILED TO disciplinary@sixnationsrugby.com.