

**EHF COURT OF APPEAL
DECISION**

n° 112011531CoA

dated October 27, 2011

Last minute direct disqualification during a 2011/2012 EHF Women's Champions
League match

Appellant:**Ana Paula Rodrigues Belo**

Communication via club Hypo Niederösterreich

Hypo Niederösterreich / Austria

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Defendant:**European Handball Federation**

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EHF Court of Appeal panel:

- **Roland Schneider/SUI - Chairman**
- **Lucio Correia/POR**
- **Marek Szajna/POL**

Decision short wording:

The decision of the EHF Court of Handball n° 112011531CoH dated October 19, 2011 is dismissed.

No sanction shall be imposed on the player Ana Paula Rodrigues Belo.

Facts:

The facts of the case may be summarised as follows:

1. The match of the 2011/2012 EHF Women's Champions League group phase, in group C, between the Austrian club Hypo Niederösterreich and the Danish club Randers HK took place in Saint Petersburg, Russia on October 8, 2011 (hereinafter the "Match"). Randers HK won the Match 28:29.
2. At the 60"00 minute of the Match, the player n° 9 of Hypo Niederösterreich, Ana Paula Rodrigues Belo, (hereinafter the "Player") was sanctioned by the EHF referees with a direct disqualification. They reported that they disqualified the Player because of an extremely unsportsmanlike conduct according to article 8:10 of the IHF Rules of the Game. According to the EHF referees report, when executing the free throw for her team at the 60"00 minute of the Match, Ana Paula Rodrigues Belo hit with the ball an opponent player's head, positioned as defender, who had remained still during the action.
3. The EHF thereafter filed a claim with the EHF Court of Handball, which opened disciplinary proceedings against Ana Paula Rodrigues for unsportsmanlike conduct.
4. The decision of the EHF Court of Handball was communicated to the parties on October 19, 2011. The first instance panel explained that:

"(...) the ball throw by the Player Ana Paula Rodrigues Belo at the 60"00 minute of the Match hit the face of one of the defending player standing in line in front of the Player.

Moreover, the video of the Match does not contradict with enough certainty the EHF referees' report specifying that the player who received the ball on the face did not move when the ball was thrown by Ana Paula Rodrigues Belo. (...) the Player, in throwing the ball as she did, committed an attack and endangered the health of the opponent player.

The EHF Court of Handball panel considers such an action to be an unsportsmanlike conduct deserving further sanction additionally to the direct disqualification."

and decided as follows:

"The player Ana Paula Rodrigues Belo is suspended from the participation in EHF club competition for one (1) match.

The player Anan Paula Rodrigues Belo is therefore not entitled to participate in the 2011/2012 EHF Women's Champions League group phase match Randers HK vs Hypo Niederösterreich (Group C) taking place in Randers, Denmark on October 30, 2011."

5. The club Hypo Niederösterreich lodged an appeal with the EHF Court of Appeal against the aforementioned decision of the EHF Court of Handball on October 21, 2011, in accordance with article 39 of the EHF Legal Regulations.
6. In their statement of appeal, Hypo Niederösterreich requested:
 - the suspension of the effects of the decision of the EHF Court of Handball
 - the dismissal of the case without further sanction against the Player or alternatively
 - the amendment of the sanction into a fine or into a suspension on suspended basis with a probation period.

7. The arguments of the Appellants could be summarised as follows:
 - The video of the Match shows very clearly that the EHF referees' report is incorrect regarding the fact that the player of Randers HK remained still during the free throw. All defending players standing in row in front of Ana Paula Rodrigues Belo jumped with their arms above their heads and their bodies in the direction of the ball when the ball left the hand of the Player.
 - The action involving Ana Paula Rodrigues Belo did not correspond to any of the examples mentioned in rule 8:10 of the IHF Rules of the Game. Neither the EHF referees' report nor the decision of the EHF Court of Handball provided a specific reason for qualifying the action as "*unsportsmanlike*" and as "*attack that endangered the health of the player of Randers HK*". Reasons as to the sanction imposed on the Player additionally to the direct disqualification were also missing.
8. The EHF Court of Appeal informed the parties of the opening of appeal proceedings on October 24, 2011 and of the composition of the panel deciding on the case at second instance on October 25, 2011
9. The parties did not send any further statement, evidence, material or otherwise document to the EHF Court of Appeal within the defined deadline.

Decisional grounds:

1. The EHF Court of Appeal panel has thoroughly examined all documents of the case: the statements of the parties, the report of the EHF referees and the video of the Match.
2. Pursuant to article 12 of the EHF Legal Regulations, the EHF Court of Appeal shall decide at its own discretion the type and extent of sanctions and measures to be imposed on the Player, within the frame of the EHF Legal Regulations and EHF List of Penalties, after having taken into consideration the objective and subjective elements of the case as well as the possible mitigating and/or aggravating circumstances. Article 12 of the EHF Legal Regulations further states "*If a party is not found guilty, proceedings shall be dismissed*".
3. In order to evaluate the conduct of the Player, two main factual elements of the case should be clarified:
 - Did the player of Randers HK, who received the ball of the free throw in the head at the 60th minute of the Match, move towards the ball during the action?
 - Did Ana Paula Rodrigues Belo intentionally throw the ball at the defending player's?
4. The EHF Court of Handball panel concluded that the defending player did not move during the action on the basis of the EHF referees' report and of the fact that the "*video of the Match does not contradict with enough certainty the EHF referees' report*" in this respect.
5. The club Hypo Niederösterreich, for its part, stated that the player of Randers HK hit by the ball jumped during the action with her body in the direction of the ball as all other defending players.
6. The EHF Court of Appeal panel reviewed carefully the video of the Match. The video images do not prove with certainty that the defending player of Randers HK remained still during the free throw as mentioned by the EHF referees. To the contrary it seems that, before the ball left the hand of Ana Paula Rodrigues Belo, the defending player jumped in the air, together with the other defending players standing in a row, trying to avoid, that the ball could reach the goal area.

7. As there is no clear evidence that the defending player remained still during the free-throw as well as no proof of an intentional malicious act of Ana Paula Rodrigues Belo, the fundamental legal principle of "*in dubio pro reo*", i.e. the interpretation of the facts in favour of the Player, should apply.
8. The EHF Court of Appeal panel concludes accordingly that the ball was not thrown in the direction of the player's body but upper her head. The action of Ana Paula Rodrigues Belo may therefore not be considered as an attack or as a reckless conduct endangering the player's health.
9. Based on the foregoing, the EHF Court of Appeal decides that there is no legal or factual ground to sanction the player Ana Paula Rodrigues Belo.

Decision:

The decision of the EHF Court of Appeal is as follows:

- The appeal of Hypo Niederösterreich is fully accepted
- The decision of the EHF Court of Handball n° 112011531CoH dated October 19, 2011 is dismissed
- No sanction shall be imposed on the player Ana Paula Rodrigues Belo
- Based on article 39.5 of the EHF Legal Regulations, the appeal fee of €1.000 paid by the club Hypo Niederösterreich to the EHF shall be refunded.

Recourse to arbitration - ECA:

According to article 41 of the EHF Legal Regulations, disputes regarding the decisions of the EHF Court of Appeal may be brought to the EHF Court of Arbitration (ECA) by any of the parties for final arbitration proceedings within **twenty-one (21) days (i.e. until 17.11.2011)** following the written notification of the present decision. A statement of claim including a request for ECA arbitration as well as the nomination of one arbitrator from the ECA arbitrators list (www.eca-handball.com) shall be sent to the ECA office (office@eca-handball.com/fax: 0043 180 151 449) within the aforementioned deadline. Moreover, an advance payment fee of €5.000 shall be transferred by the claimant to the ECA bank account within seven (7) days following the filing of the statement of claim, otherwise the ECA arbitration request will be deemed withdrawn.

ECA account: Volksbank Wien, Paltaufgasse 16, 1160 Vienna, Austria; Bank Code: 43000, Account n° 40177647043; SWIFT: VBWIATW1; IBAN: AT 27 4300 0401 7764 7043

**EUROPEAN HANDBALL FEDERATION
Court of Appeal**

Roland Schneider - Chairman
signed

Lucio Correia
signed

Marek Szajna
signed



Maëlle Grimaud
For the correct execution
EHF Office- Legal Management

Copies: AUT, EXEC, CC, CoH, CoA