

McGill UNIVERSITY – FACULTY OF LAW

EXAMINER INSTRUCTION FORM

COURSE : Extra-contractual Obligations/Torts

SECTION : 001

EXAMINER : Professor Lara KHOURY

CO-EXAMINER : Professor Shauna VAN PRAAGH

DATE : 15 December 2004

TIME : 9 :30 a.m.

DURATION : 1 :00 plus 15 minutes of reading and planning time

WEIGHT : 15% (to assist only)

NATURE : mid-term

TERM : autumn 2005

1. **Books, texts and materials from the Law Library are not permitted into the examination room for any examination whatsoever.**
2. **No electronic devices with recorded notes permitted in examination room.**
3. **No cell phones.**

TYPE : open-book

INSTRUCTIONS :

- Read, think, organize, and write.
- Answer the question in its entirety. Read the instructions carefully. Respond to the question asked, not to the question you wish had been asked.
- Support your answer by referring to course materials examined this term, including codal or statutory provisions wherever appropriate. You need not give full citation of cases or other materials – a recognizable short form is sufficient. Avoid direct quotes from materials.

This examination paper contains 1 question on 1 page and 1 page(s) of attachment. Check to ensure that it is complete before starting.

Faculty of Law, McGill University
EXTRA-CONTRACTUAL OBLIGATIONS / TORTS
2005-2006
Professor L. Khoury
Mid-term Exam (15% of final grade – “to assist only”)
15 December 2004

QUESTION ONE (60 minutes, 100%)

As a brilliant student of the McGill transsystemic law programme, you are approached by France’s Prime Minister, Dominique de Villepin, as well as a group of victims of the recent French riots, and shown excerpts from a recent BBC News article (annexed). After you have carefully read the article, M. de Villepin and the riots victims ask you to advise them on the following questions:

- A. Regardless of the law applying in the jurisdiction – France – where the events took place, Mr. de Villepin asks you to address the opportunity of dealing with liability flowing from such events through a special regime that would assist plaintiffs in discharging their burden and standard of proof in the event of a claim for compensation. More specifically, you are asked to explain what form(s) such regime(s) could take, as well as critically assess the advantages and disadvantages of your suggestion(s). M. de Villepin understands that, since your training has focused predominantly on Canadian common and civil law, these systems will serve as your main source of inspiration. *(time suggested: 40 minutes)*
- B. Please, also advise the victims of the riots as to the types of response(s) the law of *Extra-Contractual Obligations / Torts* can offer in the form of compensation or otherwise, as well as the limitations of such response(s). *(time suggested: 20 minutes)*

ANNEX



Many held as French riots spread

French police have arrested more than 250 people following fresh riots in and around Paris and other parts of France.

Last Updated: Saturday, 5 November 2005, 12:37 GMT

Nearly 900 cars were burnt on the ninth consecutive night of unrest in immigrant-dominated areas near Paris, despite a heavy police presence. Nurseries and a school were burnt overnight and unrest spread to Nice, Lille, Marseille and Toulouse. Hundreds of people have heard a call for calm at a rally in one of the Paris suburbs worst hit. The mayor of Aulnay-sous-Bois, Gerard Gaudron, made the appeal to marchers outside a fire station which had come under attack. But youths at the rally in the suburb's rundown Mitry estate predicted violence would continue until tough-talking Interior Minister Nicolas Sarkozy resigned. Muslim and Christian leaders were expected to join the march along with the families of the two youths whose deaths triggered the unrest. Bouna Traore, aged 15, and Zyed Benna, 17, were accidentally electrocuted at an electricity sub-station in Clichy-sous-Bois, near Paris. Local people say they were fleeing police - a claim the authorities deny. Inquiries are under way. During Friday night's unrest rioters tended to avoid direct clashes with police, but arson attacks were widespread:

- Two nurseries, one in Yvelines and another in Bretigny-sur-Orgeand, were set on fire along with a school in Seine-et-Marne, the French news agency AFP reports
- A blaze in an underground car park in Suresnes, Hauts-de-Seine, left at least 36 vehicles destroyed
- An emergency services vehicle was attacked and burnt out in Meaux, Seine-et-Marne
- Several car torchings were reported in the cities of Dijon, Marseille and Rouen, as were violent attacks in Nice, Lille and Rennes.

Copycat violence

Arsonists (*Note: Please, assume that they were all below the age of majority*) destroyed 897 vehicles overnight - with 656 burnt in the area around Paris - Paris chief prosecutor Yves Bot said, while police said they had arrested 253 people. Some 1,300 police were deployed in the Seine-Saint-Denis area alone on Friday. In the nearby area of Clichy-sous-Bois, several Muslim groups intervened and helped to calm the trouble, the BBC's Alasdair Sanford in Paris reports. Prime Minister Dominique de Villepin has called a meeting of eight ministers for Saturday afternoon to "assess the evolution of the situation in the sensitive urban areas".

The interior minister told police officers on Friday evening that the riots were organised and the key to ending them lay in making arrests. Many residents say repressive policing has heightened a sense of injustice, with officers systematically stopping and searching young blacks and North Africans in particular, our correspondent says. (...) Mr de Villepin is trying to launch an action plan for the affected Paris suburbs, which are poor, largely immigrant communities with high levels of unemployment. (...)

Published: 2005/11/05 12:37:50 GMT

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