

“CATASTROPHE RIO/PARIS, WE MUST LEARN THE LESSONS LAWSUIT AZF”

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Christophe Lèguevaques, lawyer at the Bar of Paris, PhD in law, specialized these last years in the right of the catastrophes and the collective risks. He intervenes in particular in the files of the accident of a plane of Air Vietnam, on-irradiation of the CHU of Toulouse [after the defective installation of a machine, 145 people received a surdose radiation. The association “SOS Irradiés 31” entrusted the file to Maître Lèguevaques] and of the accident of AZF [It is about the explosion of a chemical plant in Toulouse (11 deaths, thousands injured and a lot of material destructions)]. He delivers the fruit of his experiment to us.

In this kind of catastrophe, it is necessary to respect three key periods.

The first is that of the mourning of the families. They are under the shock. The death and the disappearance of beloved ones were not foreseeable as in the presence of a long illness. For that, the families need to engage in private prayer and to meet. The **creation of one or more association is essential** to maintain the memory, to create new bonds and to face the hardness of the situation. The association of the victims must then coordinate itself with preexistent associations, such as the FENVAC-SOS CATASTROPHE. Indeed, more than ever, vis-a-vis this drama, “united we stand, divided we fall”. And it will be necessary to be united to face the many difficulties which await the families.

The second time is the time of the investigation or rather of the counter-enquiry. How that could it have happened ? What did it really occur during flight AF 447? The BEA (Office inquires accident) and the prosecution of Paris for the French authorities are at work. It will be the same for the Brazilian institutions. For their part, Air France and AIRBUS carry out their own survey and mobilize their experts. They are in ambush to prepare their defense with their already mobilized lawyers. We must learn the lessons from lawsuit AZF. Indeed, we saw well the importance of the legal assessments or deprived ones financed by the industry group blamed. The victims being extremely powerless vis-a-vis these technology matters which can divide (pilot error, impact of a flash on a plane, was necessary to let leave a plane under such weather conditions?), the victims are obliged to make confidence with the legal experts.

This is why, I invite the victims to **create a college of independent experts** who will be able to analyze the elements of the official investigations, to proceed to cross-checkings, to criticize the work of the ones and others to advance on the difficult way of the research of the truth. It is the only means of establishing an equality of arms, essential to the defense of the victims.

Lastly, third and last act, which can be played without awaiting the result of the investigation, it is necessary to envisage the **right compensation for the victims**. There still, the experience gained in the files of catastrophes brings two lessons to us:

- Initially, to avoid a profusion of the legal procedures and disparities of treatment between the French and Brazilian jurisdictions, it is recommended to create a commission of international compensation. This commission must compensate the victims without awaiting the result of the investigation. The insurers pay for the “benefit of who it will belong”, i.e. they will be able to turn at the proper time against the persons in charge at the end of one harassing and long procedure. Thus, the risk of the lawsuit is transferred from the victims to the insurers. The duration of these procedures is exceptionally long, more than 17 years in the file of HABSHEIM. It is not question of making bear this situation to the victims.
- Then, this compensation must be set in a honest and equitable way. It is not question that the victims, equal in front of death, support discriminations according to their nationality or their position on the aircraft (business class against economic class).