



### I17 Psychological Repercussion of the Collective Damage

*Florent Trape, MD\*, Pierre Andre Delpla, MD, and Daniel Rouge, PhD, MD, Service of Forensic Science, CHU Rangueil TSA 50032, Toulouse 31450, France*

After attending this presentation, attendees will learn into their practice of evaluation of collective damage.

This presentation will impact the forensic community and/or humanity by providing a means by which victims could obtain more fair compensation for body damage after accidents.

On September 21th, 2001, the explosion of the chemical factory Grande Parish of Toulouse shook the whole of the population of the city, thousands of casualties were dealt with, as well on the physical level than on the psychic one.

In the French common right, the compensation for the body damage (integrating the psychic disorders) is prone to the realization of an expertise which makes it possible to fix stations of damages such as partial permanent disability corresponding to the functional after-effects, damage of the pain and aesthetic damage which are evaluated on a scale from 1 to 7, and damage of approval corresponding to the activities of leisure or sport.

The evaluation of these stations of damage is subjected to the settlement of the date of consolidation (i.e., the non evolution of the physical and psychic after-effects).

It appeared to us that certain elements specific to this collective catastrophe couldn't have been taken into account neither in the partial permanent disability nor in the endured sufferings, such as the durable repercussion related to the collective damage which we propose to integrate in the damage of the pain.

Such a specific damage had been already set up within the framework of the evaluation of the damage of the victims of acts of terrorism, it was evaluated to 40 % of the permanent disability partial with a minimum of 2287 euros.

We will detail the elements to be taken into account to justify this collective damage as well as the specific proposals for compensation that were proposed.

The whole of the population of the city will not be able to profit from this collective damage, items were proposed by medical experts who had taken part in the expertises on the protocol set up for this catastrophe.

The evaluation was divided into two parts, one corresponding to the collateral effects of the catastrophe on the level of the residence, of the family and professional surrounding, of the professional or school environment, the everyday life in any vicinity of the place of the explosion and the other part more specifically studying the psychic disorders presented by many victims but non-likely to make it possible to evaluate a partial permanent disability but not representing a true functional after-effect like would be a syndrome of post traumatic stress or a generalized anxious disorder.

Each item is evaluated in three levels of gravity, it is by making the sum of the whole items that one can determine if it is necessary to fix this collective damage.

This specific damage was thus integrated into the total compensation like an additional suffering due to the collective aspect of the disaster.

The families plunged into mourning will profit from it in a systematic way as well as the casualties of which endured sufferings or the aesthetic damage are higher than 3/7 and those whose partial permanent disability is higher than 20%.

The whole of the victims presenting endured sufferings higher or equal to 1/7 will see their file examined by a medical commission, which will ask for the realization of a complementary expertise if the elements of the initial expertise do not make it possible to evaluate this collective damage. As well as for acts of terrorism, an industrial catastrophe concerning almost the whole of a population seems to us to justify the installation of a specific damage.

This reflexion appeared to us as the operations of expertise went by after a dialogue with the parts concerned whether they were the representatives of the insurance of the factory, the representatives of the justice or the associations of victims.

The taking into account of these collective industrial catastrophes would make it possible to bring to the victims a more complete and fair compensation.

#### **Collective Damage, Compensation, Collective Aspect**