

Assas

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Discipline : *Anglais juridique master*
(Unité d'Enseignements Complémentaires 1)

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Document(s) autorisé(s) : Aucun

I. Complete the sentences. **ONE sentence** only, with a minimum of **15** words and a maximum of **45** words added.

1. Pursuant to the concept of dual sovereignty...
2. Whenever a defendant is not a resident...
3. Unless a party has standing...
4. While probation...
5. In order to avoid forum shopping...

II. Read the following facts and answer the questions below.

Collum McNamara is an American citizen of Irish origin, who lives in Dallas, Texas. In 2015 he made a trip to Ireland. While there, he was approached by CIA agents. They questioned him about his links to *One Ireland*, a Irish nationalist group based in Dallas, which is alleged to raise funds for violent paramilitary groups in Northern Ireland. He states that they asked him to become an informant for the US government, which he refused.

Mr McNamara was then told that he had been placed on the No Fly list. Established by the FBI, this is a list of suspected terrorists who are prohibited from flying into United States airspace. As a result, Mr McNamara was unable to return to the USA.

He contacted the federal Traveler Redress Inquiry Program (TRIP), which allows travelers to challenge their placement on the No Fly List. TRIP refused to confirm whether Mr McNamara was actually on the list, or give any information about why he might be on the list. They simply responded that no changes or corrections to his status were justified. Mr McNamara was stranded outside the USA, while his wife and children remained in Dallas.

In 2017, Mr McNamara filed suit against the government, claiming that his right to procedural due process had been denied. His wife, Patty also filed suit, as did the association *One Ireland* (of which Mr McNamara is not officially a member).

In late 2018, Mr McNamara was informed that he had been removed from the No Fly List, and could return to the USA. Although Mr McNamara has been removed from the No Fly List, the plaintiffs wish to continue with their suits.

While Mr McNamara was still abroad, members of a group campaigning against terrorism, *Victims Against Terrorism*, hear about his case. They organise a demonstration outside the home where Mrs McNamara lives with her children. This group includes relatives of victims of Irish terrorism, and they quickly become angry and emotional. Mrs McNamara called her friend and neighbour Aidan, who comes round with his hunting rifle (which he owns legally and can legally carry in public). Aidan, who is a nervous and anxious man, is very alarmed by the increasingly noisy and aggressive crowd, some of whom are now in the McNamara's front garden. He goes outside and tells them to leave. When that does not work, he fires his gun three times above the crowd "in order to frighten them". Unfortunately, his aim is bad, and he accidentally hits and kills one of the demonstrators.

- 1) Discuss the civil actions brought by Collum McNamara, Patty McNamara and One Ireland.
Include discussion of jurisdiction and justiciability. (40)
- 2) What legal advice would you give Aidan? (30)