

The International Coalition of 85 Human rights, Peace and Justice, Environmental, and Commercial Fishing Organizations.

Ms Tsai Ing-Wen

President of the Republic of China (Taiwan)

Dear Ms. Madam President,

We extend a warm welcome to you during your visit to the United States. We would like to express our admiration for your leadership and the courage with which you have led the Taiwanese People in their stance against China's aggression.

We are writing to bring to your attention the plight of over 7,000 Vietnamese fishermen who are victims of the largest environmental disaster in Vietnam. In 2016, Formosa Ha Tinh, a subsidiary of Formosa Plastic in Taiwan, caused catastrophic depletion of fisheries, communities, and livelihoods of thousands.

There have been attempts to sue Formosa in Vietnam, but the victims were unsuccessful. Many victims and those who voiced their concerns for the victims, including news reporters and bloggers, were arrested and imprisoned. Some are still on the run because the Vietnamese Communist government is pursuing them. Thousands of victims cried out for help, so in 2017, the Justice for Formosa Victims NGO was founded to help them file a lawsuit in Taiwan and find justice, so they can have the means to return to their homes and normal lives.

Initially, the lawsuit against Formosa was denied at the District Court and the High Court, but on October 18, 2020, the Taiwan Supreme Court ruled that the victims could sue Formosa Plastic for the damage. However, the lawsuit was blocked for several years because Formosa demanded that all the victims' Power of Attorney (POA) had to be authenticated by the Vietnamese Government. This requirement cannot be achieved realistically. If the Vietnamese Government knew that the victims still wanted to sue Formosa, they would be subject to arrest and imprisonment like the others. The security of the victims would be in jeopardy.

Justice for Formosa Victims has made many efforts to request the Taiwan Government to consider lowering or waiving the authentication requirement so that all the victims can have their day in court. However, the Vietnamese fishermen's cause seems to be going nowhere.

We have enclosed a petition signed by The International Coalition of 85 Human Rights, Peace and Justice, Environmental, and Commercial Fishing Organizations, who are deeply concerned about the environmental destruction wrought by Formosa, as well as the Vietnamese victims' cause for justice. Additionally, there is an intervention letter signed by 7 US Congressmen and women who are asking the same for the victims. This intervention letter was sent to your cabinet members in October 2022, but thus far, we have not received a reply.

For 7 years, many of the victims have been separated from their families and not able to return home because the fish have not come back plentiful enough to have a productive fishing career as before.

The fishermen now labor in southern cities and many have had to put up their homes as collateral to have money to pay for an expensive fee to work oversea, such as in South Korea, Japan and Taiwan. There is so much disruption! Children live apart from their fathers or mothers or both. Many children have had to quit school because their parents could not afford it.

We hope and pray that you will look at this matter and give the victims their day in court. Let them present the evidence and receive Justice. Then they will have the means to return home and rebuild their families, livelihoods, and communities.

Your help will be very much appreciated.

Respectfully yours,

John Hoa Nguyen

President of Justice For Formosa's Victims

Signed on behalf of The International Coalition of 85 Human Rights, Peace and Justice, Environmental, and Commercial Fishing organizations.

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Or contact Ms. Nancy Bui, JFFV's VP of External Affairs: Phone: (512) 844-9417.

Email: nancy@vietnameamerican.org

PETITION

Dec 8, 2022

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Dear Ministers, Chairperson, and Representative,

We are writing this letter as the voice of the people to request your assistance on the terrible injustice brought on the Vietnamese fishermen, victims of the Formosa Plastics environmental disaster in 2016.

The "Formosa Ha Tinh Steel Corporation", a subsidiary of the Taiwanese firm Formosa Plastics, admitted responsibility for the release of toxic chemicals into the Vietnamese coastline and agreed to pay 500 million USD in compensation. Unfortunately, Formosa paid the Vietnamese government directly instead of the victims.

Thus far, the impacted fishermen and their families have not been compensated fairly. When they sued the Formosa Ha Tinh Steel Corp., their cases were dismissed. When these victims appealed the dismissal, many of them were arrested, brutally beaten, and even imprisoned with heavy sentences ranging from 5 to 20 years. Currently, more than twenty victims are in prison only because they were seeking justice.

With assistance from overseas Vietnamese and organizations such as the Justice for Formosa's Victims Association in the United States, in June 2019, 7,874 victims filed a lawsuit against the Formosa Plastic Group in Taiwanese Court.

As a request from Formosa Group's Attorney, in May 2020, the Taiwanese Supreme Court required the Plaintiffs to authenticate their Power of Attorneys (POA), which allows individuals to authorize other people to represent or act on their behalf. This decision was deemed legitimate by the Supreme Court for a small number of Vietnamese plaintiffs who live in Taiwan, and they were allowed to continue the lawsuit against the 13 Taiwan-based defendants, including the parent company, Formosa Plastics Corp.

However, most of the Plaintiffs who live in Vietnam found themselves excluded from the case before the Taiwanese Court, because POA authentication from Vietnam as a prerequisite for continuing their lawsuit is almost impossible for such victims to fulfill.

For nearly 7 years, the fish have not returned plentiful enough that the fishermen can work a way of life that was handed down by their ancestors for generations. They have to go to the southern provinces or go to Taiwan, South Korea, Japan, Laos, Cambodia, and China to work. Children must live far away from their fathers, mothers, or both. Children grow up without parents to love and care for them. Many children have dropped out of school because their parents can no longer afford to pay.

The fishermen hope to be compensated so that they can return home to rebuild their families and villages. Their overriding desire is that the health of the sea be restored and there is a semblance of the peaceful life they lived before the arrival of the Formosa company.

We condemn the Vietnamese government that failed to address the country's worst environmental disaster. We condemn the violence they used against victims of this environmental tragedy. We also condemn Formosa Plastics for making a deal with the Vietnamese government to avoid their responsibility.

We respectfully urge the Taiwanese government to lower or remove legal barriers for foreign plaintiffs so that these victims may have access to justice.

Respectfully,

Signed by,

Justice For Formosa's Victims
World Forum of Fisher Peoples
San Antonio Bay Estuarine Waterkeeper
Vietnamese Community of Houston and Vicinity
Viet Tan
看守台灣協會 **Taiwan Watch Institute**
The Federation of Vietnamese American Communities of the USA, Inc.
Vietnamese Canadian Center
Vietnamese Literary & Artistic Club
Vietnamese Migrant Workers and Immigrants Office
Sahabat Alam Malaysia (Friends of the Earth)
Calhoun County Resource Watch
Center for Biological Diversity
Earthworks
Healthy Gulf
Louisiana Bucket Brigade
Rise Saint James
Sierra Club
t.e.j.a.s.
Texas Campaign for the Environment
The Story of Stuff Project
Turtle Island Restoration Network
Upstream
Alaska Community Action on Toxics
Concerned Citizens of Wagon Mound and Mora County
Dri Tattersfield
EcoGovLab
Fishadelphia

FoCo Trash Mob
Friends of the Earth U.S.
Front Commun pour la Protection de l'Environnement et des Espaces Protégés (FCPEEP-RDC)
Get Hooked Seafood
Honor the Earth
Inland Ocean Coalition
KAS Consulting
Los Jardines Institute
Mike Fortun, University of California, Irvine
Margaux Fisher, University of California, Irvine
Moms for a Nontoxic New York
M-W & Associates Environmental Policy Analysis
National Family Farm Coalition
North American Marine Alliance
Peter Le
Plastic Free Future
Plastic Pollution Coalition
Red de Acción por los Derechos Ambientales (RADA)
Republic of Viet Nam Veterans
7 Directions of Service
Stand.earth
The Last Beach Cleanup
The Last Plastic Straw
Toxic Free NC
Veterans for Peace (Phil Berrigan Memorial Chapter - Baltimore, MD)
VOICE CANADA
Ya Wen Chuang
California Communities Against Toxics
Don't Waste Arizona
7 Directions of Service
Toxic Free NC
Our Revolution Ocean County
FracTracker Alliance
Louisiana Bucket Brigade
Fox Valley Citizens for Peace & Justice
Vote Climate
Terra Advocati
M-W & Associates
UCI EcoGovLab
350Kishwaukee
Inland Ocean Coalition
Between the Waters
Endangered Species Coalition
Movement Training Network
Climate Action Campaign, Humboldt UU Fellowship
First Parish Church of Concord MA
Taproot Earth
Earth Ethics, Inc.
Chicago Asian Americans for Environmental Justice
MoveOn.org Hoboken
350 New Orleans
San Antonio Bay Waterkeeper

Veterans For Peace Chapter 113 - Hawaii
Zero Waste Ithaca / US Reduces
The Foreign Correspondents' Club of Japan
Mark Stables

Congress of the United States

Washington, DC 20515

October 27, 2022

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Dear Ministers, Chairperson, and Representative,

We write to request your attention to the victims of the Formosa toxic spill, who are Vietnamese nationals, seeking justice in Taiwan's courts.

The Formosa toxic spill was a major environmental disaster that occurred in central Vietnam in 2016 in Vung Ang Economic Zone. The Formosa Ha Tinh Steel Corporation, a part of the Formosa Plastics Group, admitted responsibility for the release of toxic chemicals.

Since 2016, the victims and their families have yet to be compensated fairly. When these victims sued Formosa Ha Tinh Steel Corporation in Vietnamese courts, their lawsuits were returned and when they appealed, many of them were arrested, brutally beaten, and even imprisoned with heavy sentences ranging from 5 to 20 years. Currently, more than 20 victims are in prison for seeking justice.

With assistance from Vietnamese Americans and organizations such as the Justice For Formosa's Victims Association in the United States, 7,874 victims filed a lawsuit in Taiwanese Court in June of 2019.

Their case was initially denied in two lower courts until Taiwan's Supreme Court intervened on October 18, 2020. We strongly commend the Supreme Court's ruling, which stated that the victims have jurisdiction to sue in Taiwan due to the 20th amendment of the Civil Code allowing

foreigners to sue in Taiwan in cases where they cannot sue at the place of origin. However, this was followed by a second ruling of Taiwan's Supreme Court, which requires Vietnamese nationals to obtain Power of Attorney by going through a notarization process. The process requires Vietnamese nationals to obtain certification from local to central authorities in Vietnam, including from the ward/commune officials, Security Bureau of the Ministry of Public Security, and the Ministry of Foreign Affairs, before their power of attorney petition can be submitted to the Taipei Economic and Cultural Office in Hanoi or HCM City.

While we deeply respect the independence of Taiwan's democratic and legal institutions, we wish to highlight the fact that this ruling creates insurmountable obstacles for plaintiffs seeking justice through the Taiwanese legal system. Vietnam is a one-party authoritarian regime that does not tolerate activism and dissent. The Vietnamese government has been mistreating the legitimate grievance of Formosa toxic spill victims as social activism, arresting justice seekers and labeling them activists. The Vietnamese authorities have failed to address the country's largest environmental disaster in history; therefore they cannot be trusted to uphold the rights of Vietnamese citizens seeking justice. Many victims and their families would face harassment, retaliation, and persecution from the Vietnamese authorities if they submit petition for power of attorney to pursue legal remedies in Taiwanese courts.

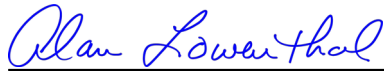
In light of these challenges, attorneys from Taiwan representing the victims had courageously traveled to Vietnam to meet, receive, and video record the power of attorney directly from the victims. However, we understand that this effort has fallen short of Taiwanese Supreme Court's requirement. We request the Taiwanese Ministry of Foreign Affairs and the Taiwanese government to do all it can within Taiwanese law to waive the notarization process or to accept the alternative notarization process obtained by Taiwanese attorneys who have worked tirelessly to give the victims access to Taiwanese courts in seek of justice.

Once again, we respectfully urge your intervention to uphold the human rights of Vietnamese nationals who are victims of the Formosa toxic spill, to help them seek justice in Taiwanese courts, and to hold the Taiwanese company, Formosa Plastics Group, accountable in this major environmental justice case. Giving these victims a chance at justice is to give them hope to rebuild their livelihood and their future.

Taiwan and the United States share a deep commitment to democracy, human rights and to the rule of law. We, as members of Congress, are fully and unequivocally committed to the survival of flourishing of Taiwan's democracy, and it is absolutely imperative that a judiciary function freely and without political interference. We therefore ask that, in light of the non-cooperation of Vietnamese authorities, the government of Taiwan take all appropriate and lawful measures to enable Taiwanese courts to provide justice to those impacted by the Formosa toxic spill.

Thank you for your time and attention to this important matter. We look forward to your response.

Sincerely,



Alan Lowenthal
Member of Congress
Co-Chair, Congressional
Vietnam Caucus



Christopher H. Smith
Member of Congress
Co-Chair, Congressional
Vietnam Caucus



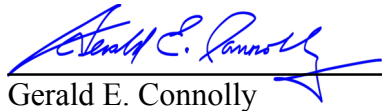
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Gerald E. Connolly
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