



JUDGMENT OF
THE INTERNATIONAL
PEOPLES'
TRIBUNAL OF
CONSCIENCE IN
SUPPORT OF THE
VIETNAMESE
VICTIMS OF
AGENT ORANGE

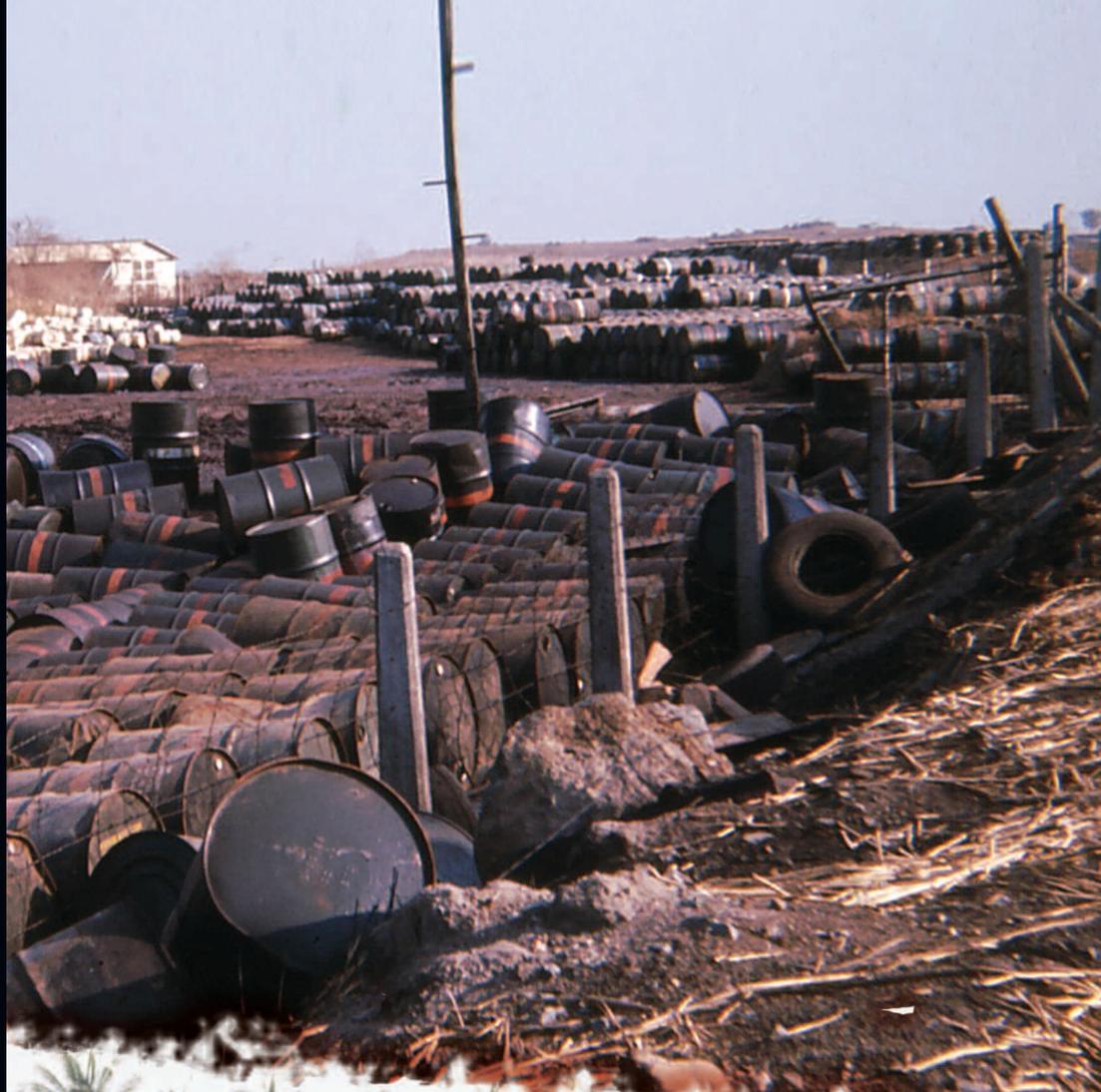
MAY
2009

Wars do not end when the bombs stop falling and the fighting ceases. The devastation continues long after, in the land and in the minds and bodies of the affected population.

Today, three million Vietnamese suffer the effects of chemical defoliants used by the United States during the Vietnam War. In order to deny food and protection to those deemed to be "the enemy," the U.S. defoliated the forests of Vietnam with the deadly chemicals Agent Orange, White, Blue, Pink, Green and Purple. Agent Orange, which was contaminated with trace amounts of TCDD dioxin – the most toxic chemical known to science – disabled and sickened soldiers, civilians and several generations of their offspring on two continents.

In addition to the millions of Vietnamese still affected by this deadly poison, tens of thousands of U.S. soldiers are also affected. It has caused birth defects in hundreds of thousands of children in Vietnam and the U.S. – that is, the second and third generations of those who were exposed to Agent Orange decades ago. Medical evidence indicates that certain cancers (for example, soft tissue non-Hodgkin's Lymphoma), diabetes (type II), and in children spina bifida and other birth defects, are attributable to the exposure.

The deadly mark left by Agent Orange on the natural environment of Vietnam includes the destruction of mangrove forests and the long-term poisoning of soil and crops.



JUDGMENT OF THE INTERNATIONAL PEOPLES' TRIBUNAL OF CONSCIENCE IN SUPPORT OF THE VIETNAMESE VICTIMS OF AGENT ORANGE

Organized by the International Association of Democratic Lawyers
in coordination with the IADL affiliate French committee Droit Solidarité, along with
the Franco-Vietnamese Friendship Association, Republican Association of Veterans,
International Committee for Vân Canh Friendship Village,
French Peace Movement, International Association of Humanitarian Law,
General Union of Vietnamese in France, and Committee Vietnam-Dioxin.

Paris, France
May 15-16, 2009

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IADL

International Association of Democratic Lawyers
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JUDGMENT OF THE INTERNATIONAL PEOPLES' TRIBUNAL OF CONSCIENCE IN SUPPORT OF THE VIETNAMESE VICTIMS OF AGENT ORANGE

MAY
2009

The International Association of Democratic Lawyers (IADL) has convened this Tribunal of Conscience in Support of the Vietnamese Victims of Agent Orange in coordination with the supporting French committee composed of IADL affiliate Droit Solidarité, along with Association of Friendship Franco-Vietnamese Association, Republican Association of Veterans, International Committee for Village of Friendship Van Canh, French Peace Movement, International Association of Humanitarian Law, General Union of Vietnamese in France, and Committee Vietnam-Dioxin.

IADL has committed itself to the campaign for justice for these victims as it had committed itself to opposing the war in Vietnam in the 1960's and 1970's.

The Tribunal is comprised of the following lawyers and Judges:

1. Sr. Advocate Jitendra Sharma, India
2. Judge Juan Guzman Tapia, Chile
3. Dr. Gavril Chiuzbaian, Romania
4. Judge Claudia Morcom, U.S.
5. Professor Marjorie Cohn, U.S.
6. Professor Adda Bekkouche, Algeria
7. Attorney Shoji Umeda, Japan



*Brief Biographical notes of members of the Tribunal
are attached as Exhibit A.*

On April 4, 2009 the United States Government and the firms which manufactured Agent Orange were served with a summons and complaint advising them that the International People's Tribunal of Conscience would convene in Paris on May 15-16, 2009, to take testimony, investigate and opine on the effects of the use and manufacture of agent orange on the Vietnamese people, and to determine what remedy is required. The summons and complaints are attached as Exhibit B.



Above, President of VAVA Senior Lieutenant General Nguyen Van Rin and VAVA leader Nyguyen Thi Binh.



Despite having been properly served with the summons and complaint, none of the respondents entered an appearance or filed any statement. The Tribunal thus proceeded *ex parte* against the respondents.

The Tribunal was assisted by Advocates for the Claimants, Mr. Roland Weyl, Ms. Jeanne Mirer, and Mr. Jonathan Moore who facilitated the presentation of the evidence.

The President of the Vietnamese Association for the Victims of Agent Orange (VAVA) Senior Lieutenant General Nguyen Van Rin (Ret.) opened the Tribunal by thanking the the Tribunal organizers, and judges for their willingness to hear from the witnesses and consider the plight of the Vietnamese Victims of Agent Orange.

The Tribunal heard the evidence presented, both written and oral, from victims, from interested parties and experts. It makes the following findings of fact and conclusions of law.¹

Findings of Fact:

I. Nature of Agent Orange: Agent Orange was the name of the chemicals used by the U.S. government during the war in Vietnam. It is a 50-50 mixture of two chemicals known as 2,4,D and 2,4,5,T which was packed and shipped to Vietnam in barrels containing an orange painted band. This is how the name Agent Orange was acquired. It is known that in the manufacture of 2,4,5,T, if not done properly, Dioxin as an impurity appears. Dioxin is one of the most harmful chemicals ever known to man. (See Testimony of Dr. Tran Xuan Thu)

II. Suffering Of Affected Individuals, Impacts on Second and Third Generations

A. The Tribunal heard from the following individual witnesses who spoke of the impact their or their family members' exposure to Agent Orange had on them, their children, families and communities.² A synopsis of the testimony from these individuals is set forth below:

1. MR. MAI GIANG VU a Vietnamese living in Thoi, Precinct 9, district 11, Ho Chi Minh City, testified that he was exposed to Agent Orange while a member of

the Army of South Vietnam, (RVN) from June 1968 to February 1974. During that time he helped other soldiers carry barrels of the chemicals to spray in the jungle. He continued to do this work until he lost an eye in battle. Prior to his exposure he had two daughters who were healthy and remain so. After his exposure he and his wife had two sons, one born in April 1974, the other in April 1975. Both of his sons appeared healthy at birth and in their early years. By April 1980 his eldest son began to show unusual symptoms. His second son also started to present the same symptoms. At first they were no longer capable of walking or functioning normally, then their limbs gradually “curled up” and they could only crawl. By the time they were 18 they were confined to bed. One died at the age of 23 the other died at the age of 25. The doctors had no explanation for his son’s illnesses until he explained his exposure to Agent Orange. At that point he was advised of the relationship of his exposure to their illnesses. In addition to his children, his own health is very bad. He had prostate surgery. His nose and throat are constantly infected. He reported that many families suffer tragedies similar to his, and they need help from all the possible sources.

2. MR. PHAM THE MINH, a Vietnamese residing in An Duong district, Hai Phong City, Vietnam, who was born on December 16, 1979, testified that both his mother and father were soldiers in the Air Defense Forces during the U.S. War in Vietnam. They were contaminated by Agent Orange chemical when they were serving in the battle field of Quang Tri Province, south of the DMZ, where the spraying was very intense. Mr. Minh stated that both he and his sister have suffered harm due to the exposure of his parents to Dioxin. His sister was born prematurely with congenital heart and lung diseases. He has deformities of his lower limbs and very harsh pains in all his body. He has to take all sorts of medicines to be able to continue with life. He has digestive problems and is prone to pneumonia and lung diseases. He has had his deformities since birth. He cannot walk without the aid of a walking stick. He showed both legs to the Tribunal. Both are crooked and very skinny. He told the Tribunal that he is single, without any children. Most of the men who suffer deformities are not understood or accepted by women, their life is very difficult, and they suffer both physically and emotionally. He indicated that in his community there are more than 17,000 persons who suffer deformities and other illnesses that are the consequence of Agent Orange. Many suffer from cancer. He knows that these victims burden their families for care and medical help which is not available to the victims as much as is needed.



Mr. Minh (above) stated that both he and his sister have suffered harm due to the exposure of his parents to Dioxin. His sister was born prematurely with congenital heart and lung diseases. He has deformities of his lower limbs and very harsh pains in all his body. He has to take all sorts of medicines to be able to continue with life.

3. MR. HO NGOC CHU, a Vietnamese from Group 3, Tran Phu, Quang Ngai City, Vietnam, testified that he was born in 1937 and that he joined the liberation forces

of South Vietnam in 1960. He served in the vast areas of the mountainous regions along Truong Son, and Quang Nam in South Vietnam where the U.S. sprayed regularly and intensively. He was told the products they sprayed were simply herbicides and not harmful. He was sprayed 4 to 5 times. He tried to stay in his tent most of the time when the spraying occurred but on one occasion he was directly sprayed when he was carrying a bag of rice back to his base. His whole body was sprayed as was the bag of rice. As a result of the spraying, vegetables died and the jungle became defoliated. The cassava, their regular food, also was killed. To survive they had to continue eating cassava roots and drinking water from the contaminated streams. He started having various physical troubles thereafter. His eyes became weak, his teeth fell out, and he had other problems related to his prostate, incontinence, and a disorder of the large intestine. He married in March 1977 and in November, his son was born prematurely and extremely weak. His son did not develop normally. He only started to speak and to walk at the age of 4. His limbs did not function normally and he was not able to learn at school. The doctors said that he was suffering retardation. Sometimes his son had severe convulsions. Now his son is 37 years old but is unable to support himself. According to the doctors his son's illnesses are the result of Mr. Chu's own exposure to Agent Orange. Although he receives a small indemnification from the government to assist them, it is insufficient to cover all his medical expenses. Mr. Chu noted that the part of the country where he and his family lived has been ruined by this pollution from Agent Orange.

4. MS. TO NGA TRAN, a French Vietnamese who worked in Vietnam as a war

correspondent, testified that she was working as a journalist when the U.S. Military started to spray chemical products to defoliate the trees. She recalled immediately suffering breathing problems and coughing. She remembered that when the product was sprayed a big cloud of the agent formed over her and the people she was with. Later, when Ms. Tran gave birth to her first daughter, the child was very small and only weighed 3kg at the age of 3 months. Shortly after her daughter's birth, the child's skin began shedding. She could not bear to have skin contact or just simple demonstration of love. Her daughter never grew and remained the same 3kgs until she died at age 17 months. Her second daughter who is still alive suffers from alpha thalassimia a genetic blood disorder very rarely seen in Asia. Based on medical opinions she believes her exposure to Agent Orange caused this problem in her second daughter. In addition to herself, Ms. Tran as a journalist investigated the physical health problems in the region where she was sprayed. She stated that in this region there are more than one million inhabitants and over 300,000 suffer the consequences of Dioxin. One woman in that part of the country gave birth to a "ball", without any human form. Many children are born without brains. Others make inhuman sounds. There are victims that have never stood up. They creep and just lift their heads a little. Some hit their heads against tree trunks; others writhe screaming on the floor. In one village, a man with twisted arms and legs and 2 humps on his back has spent 25



To Nga Tran

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“... in this region there are more than one million inhabitants and over 300,000 suffer the consequences of Dioxin. One woman in that part of the country gave birth to a ‘ball’, without any human form. Many children are born without brains. Others make inhuman sounds ... many people in the area do not want to have children in order not to give birth to ‘monsters’ or sick children.”

— To Nga Tran,
journalist who worked in Vietnam as a war correspondent

years lying on his stomach. They call him “the man in 3 pieces.” She was so moved when she met him she began to cry. But he smiled; then he dried her tears with his twisted fingers. She said that many people in the area do not want to have children in order not to give birth to “monsters” or sick children.

B. The tribunal heard from several witnesses who had lost family members to disease and illness caused by Agent Orange. A synopsis of their testimony is set forth below:



1. MRS. ROSEMARIE HOHN MIZO the widow of George Mizo testified about the impact of Agent Orange on her husband. George Mizo joined the U.S. Army in 1967 with idealistic visions of service to his country. He believed initially in the U.S. war in Vietnam. As a sergeant in a mobile heavy artillery unit he served throughout the jungles in South Vietnam. George relayed to Rosemarie how he saw Agent Orange being used and how he was exposed. He told her that in addition to spraying the jungle to destroy the plants, rice fields were sprayed to destroy food, and areas where military bases were going to be set up were sprayed to clear the ground for the base. He was directly sprayed but was told that the defoliants were completely harmless. George slept on contaminated ground and ate food and drank water that were also contaminated. In his last battle, where he was wounded for the third time, and all the people in his unit killed, he began to question and then actively protest the war. At his court-martial for his protest he stated he would refuse to serve again or train those to serve. He was sentenced to 2 and 1/2 years in prison and did not receive an honorable discharge. He therefore does not receive any veterans’ benefits. Several years after getting out of prison he began having mysterious high fevers and high white cell counts without any reason. He began investigating the issue with other veterans and found out he was not alone. He was part of the case brought in the U.S. for U.S. veteran victims of Agent Orange. But the symptoms produced by Agent Orange persisted. His immune system was compromised. He had to fight infections constantly and suffered severe headaches. He could not sleep for more than two to three hours per night. He had his first heart attack in 1986. They



Rosemarie Mizo

... the widow of George Mizo testified about the impact of Agent Orange on her husband: ... "He was directly sprayed but was told that the defoliants were completely harmless. George slept on contaminated ground and ate food and drank water that were also contaminated."

moved to Germany to be able to access health care. Rosemarie became pregnant and worried throughout her pregnancy whether her child would be deformed or ill. By that time she had seen photos of the deformed fetuses from Tu Du Hospital. Her son was born healthy in 1988 but her husband died young in 2002 from the conditions related to Agent Orange. But before he died, George Mizo, in an attempt to promote reconciliation and heal the wounds of war, went to Vietnam and saw the need for the international community to assist the Vietnamese victims of the war. He and Georges Doussin of France conceived of the idea for the Friendship Village where victims could live in a supportive environment. He worked for 10 years to raise the money to bring the Village into being. Ms. Mizo, went to Vietnam herself and visited some of the towns from which residents of the Friendship Village came. She stated that the mayor of one of the towns told her that his son was born with disabilities shortly after the war and in that small town there were 16 children in the third generation with disabilities. She also cited incidences where in one family there were numerous children who suffered mental and physical disabilities which were caused by exposure to Agent Orange, and where the burden on the family to care for them is very great.

2. MS. MASAKO SAKATA, the widow of a North American soldier testified about how her becoming a widow led her to use her skills as a movie director to begin to document the suffering of the Vietnamese victims of Agent Orange. She stated that her husband, Greg, died 6 years ago, 2 weeks after being diagnosed with liver cancer. Her husband had told her that he had been exposed to Agent Orange in Vietnam. He had been in the Vietnam war for 3 years. He moved to Japan after the war seeking peace. They met in Kyoto and married even though he told her that due to his exposure to Agent Orange, they would never be able to have children. Because of the role Vietnam and Agent Orange played in Greg's life and death, she decided to go Vietnam to investigate the impact of Agent Orange on Vietnam. She testified about the many victims of she saw in Vietnam and realized that there were many types of diseases and deformities which have resulted from the Dioxin exposure. She visited a village where she saw 158 children with all types of diseases and was very depressed when she saw them playing in the mud. She testified about the deformities she saw in babies, children, blind victims and what is worse, what happens to the children when their parents die. She decided eventually to use her skills as a film maker to produce a documentary requiem to her husband which could be screened in Japan and throughout the world, to contribute to the cause of both exposing and seeking aid for the victims of Agent Orange. In the

[Sakata] discovered that Dioxin is a chemical that caused harm and will continue to cause harm, sickness and deformities for many generations. She concluded her testimony by saying that what we can observe in Vietnam only scratches the surface of this problem.

process and with all the information she has obtained, she has discovered that Dioxin is a chemical that caused harm and will continue to cause harm, sickness and deformities for many generations. She concluded her testimony by saying that what we can observe in Vietnam only scratches the surface of this problem.

3. MRS. RENA KOPYSTENSKI, widow of an American veteran, John Kopystenski who died from complications of diabetes in 2008, testified about the impact of Agent Orange on her family. John did not believe in the war, but was drafted. He was exposed to Agent Orange in 1966 while serving as a door gunner on a Medevac helicopter in An Khe. She described the deterioration of John's health beginning in 1976, five years after returning from Vietnam, including early onset osteoarthritis and disc degeneration along with other maladies, including sebaceous cysts which continually grew back as well as diabetes. She described their struggle to receive medical care for her husband before the U.S. recognized diabetes in 1999 as one of the diseases related to Agent Orange exposure. The problem with medical care carried over to treatment of their son Alex who was born with a very compromised immune system and a deformity in his foot and his intestines. Fortunately her son Alex is alive, but continues to suffer stomach problems, and has developed type 2 diabetes. He has severe choroacne and psoriasis that covers most of his body. She then described that Alex's young son, Gio, has shown signs of autism. John Kopystenski was active in the case of the U.S. veterans which was settled in the mid 1980s. Ms. Kopystenski stated she and John had testified against the settlement of the case because the fact there was no trial prevented the information regarding what the companies knew of Agent Orange from being exposed in the court room. While she recognized that many in Vietnam are facing more difficult circumstances, she argued for a united campaign by all victims of Agent Orange.

C. The Tribunal also heard from Frank Corcoran, a U.S, veteran, and a Veteran from South Korea, Wan Soo Lee, regarding the impact Agent Orange on veterans and their families outside of Vietnam. A synopsis of their testimony is set forth below.

1. MR. FRANK CORCORAN, a 52 year-old U.S. veteran of the war in Vietnam testified that he was exposed to Agent Orange while in Vietnam. He stated that even though he was in Vietnam only 2 months, having been sent home because he got shot, he said that his group of U.S. soldiers was sprayed by chemical products containing Dioxin almost every day he was there. He knows that he was in places that were contaminated because there was no vegetation in many of the places where he was. He developed prostate cancer a few years ago. The doctors who examined him asked him questions about his exposure to Agent Orange, and told him that there was a direct relation between his exposure to Agent Orange and his prostate cancer. He finished his testimony acknowledging that he was cured from his prostate cancer because it was treated in time, but knew that early detection may not be available to the Vietnamese.

The doctors who examined him [Vietnam vet Frank Corcoran] asked him questions about his exposure to Agent Orange, and told him that there was a direct relation between his exposure to Agent Orange and his prostate cancer.

2. MR. WAN SOO LEE, a South Korean veteran of the war against Vietnam testified that that he is from South Korea and that he fought for the United States in Vietnam. Many South Korean soldiers fought in that war, and most of them were contaminated by Agent Orange. They suffer from heart problems, cancer and diabetes. Others are dead. He reported having heart trouble. He says that 40 years after the war, more than 200 Korean veterans continue to suffer the effects of Agent Orange. He belongs to an institution that won a verdict against Dow and Monsanto in Korea. The chemical companies appealed and the appeal is pending in the Supreme Court of Korea.

D. The Tribunal also heard from four people who have visited Vietnam and observed the plight and suffering of the victims of Agent Orange. A synopsis of the testimony is set forth below:

[Bourdon] stated more than 4,000,000 Vietnamese were victims of Agent Orange. There are more than 100,000 children with deformities. ... The harm produced to the children, to their parents, continues because of the polluted soil and ... this problem will continue as long as the Dioxin remains in the environment.

Dioxin remains in the environment. People cannot afford the medical expenses even associated with testing for presence of Dioxin as one test costs \$1,000.

[Doussin] visited a dormitory where there were 50 highly deformed "monsters." There was a boy whose head had a diameter of one meter, and he was unconscious. These "monsters" produced inhuman sounds and noises.

1. MR. WILLIAM BOURDON, a French Human Rights attorney who, prior to the Tribunal, spent several days observing and studying the issues regarding the impact of Agent Orange in Vietnam. Consistent with the testimony of Dr. Stellman, he stated more than 4,000,000 Vietnamese were victims of Agent Orange. There are more than 100,000 children with deformities. He saw families where multiple children suffer from deformities citing one family with 5 children, where the 3 with deformities, both physical and mental were born after the family was exposed. He saw many children with deformities in their limbs that prevent them from walking. He saw children in vegetative states. "Nothing can say more than the eyes of these victims. Nothing can replace the manner in which these innocent victims glance" ("Rien peut remplacer le regard des victimes innocents"). The harm produced to the children, to their parents, continues because of the polluted soil and he knows this problem will continue as long as the

2. MR. GEORGES DOUSSIN, veteran of the War of France against Algeria, testified that he visited Vietnam in 1989. In one village, he met a Catholic nun who cared for children who were victims of Agent Orange. She was in charge of the most dramatic cases. Most of them did not have arms or legs. He also visited a dormitory where there were 50 highly deformed "monsters." There was a boy whose head had a diameter of one meter, and he was unconscious. These "monsters" produced inhuman sounds and noises. The conditions in this facility were deplorable. On the floor you could see rivers of urine. He tried to take photographs but could not, because he was absolutely traumatized. He had the sensation of being in Dante's Hell. For him this was the most terrifying sight he had ever seen. As national President of the Veterans of the War against Algeria, he knew he had to take action. He took this opportunity to meet war vet-

erans from many countries of the world, and through his collaboration they decided to support the creation of the Friendship Village referred to in the testimony of Rosemarie Mizo. He found out, through studies and talking with doctors, that Agent Orange did not just cause deformities and sickness to the people who had suffered Agent Orange exposure directly. The second and third generations actually suffered worse deformities and other illnesses than those who were directly exposed to the chemical. As an example, he stated he met a man who was the son of a person who had been exposed to Agent Orange who had four toes on each foot. He said Agent Orange creates “total anarchy in evolution.”

3. MR. ANDRÉ BOUNY, President of the International Committee of Support (CIS) to support the victims of Agent Orange, provided written and oral testimony to the Tribunal. M. Bouny has traveled throughout Vietnam many times. While he commented also on the environmental devastation which was overwhelming, the most painful was the human deformities, the pain, and that has affected the people and will affect them for generations. He stated that it is estimated that between 150,000 to 300,000 infants will be born with deformities due to Agent Orange, and that the Peace or Friendship Villages can only serve several hundred children. Those with severest disabilities need full time care, day and night, and the cost of such care is very high. He projects that there is a need for 1000 such Peace villages only for the children victims. Right now there are only 11 such villages with only two, one in Van Canh near Hanoi and one associated with Tu Du Hospital in Ho Chi Minh City which are capable of providing significant services.

4. MR. JEROME KANAPA, a French movie director, testified that he visited Vietnam following the trail of Agent Orange, and produced a documentary related to Agent Orange. While traveling through the country, he discovered a valley of about 25 to 30 km that was surrounded by bare hills. The valley was absolutely desert-like, except for the existence of a skeletal tree here and there. The people in that valley were from a minority group in Vietnam. What drew his attention the most was that the children of that locality wanted him to meet other children and adults who had major deformities. He explained that every family in that valley had some relationship with the sicknesses and deformities produced by Agent Orange.

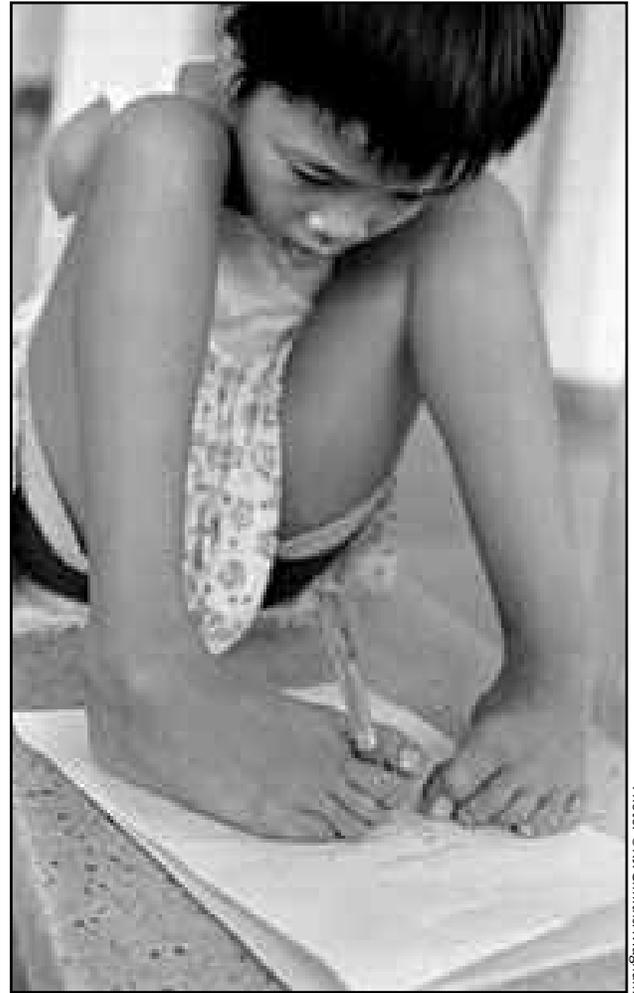


Photo © P.J. Griffiths/Magnum

[Bouny] stated that it is estimated that between 150,000 to 300,000 infants will be born with deformities due to Agent Orange, and that the Peace or Friendship Villages can only serve several hundred children.

Based on this testimony, the Tribunal finds that Agent Orange, and the Dioxin it contained, has caused direct damage to those who came into contact with it, and to the children and grandchildren of those exposed. (indirect effects). These effects have been devastating to the victims and their families. Conditions of those exposed include cancers, including liver cancer, skin disorders diabetes, pulmonary and heart diseases, defects to reproductive capacity, as well as nervous disorders. The children and grandchildren of those exposed to Dioxin include severe physical deformities, mental and physical disabilities, diseases and shortened life spans. Based on this testimony the Tribunal find as fact that there is a shortage of facilities to care for the children born with deformities, and a great need to provide health care and supportive occupational and other therapy to the victims. There is a great need to provide housing assistance to those with disabilities which make mobility difficult. As will be addressed below, it is expected that there will be no let up in the number and types of severe disabilities of future generations as long as there is no clean up of the Dioxin remaining in the environment.

III. Testimony Regarding the Knowledge of the Chemical Companies and the United States Government about the Dangers of Dioxin and the Suppression of the Information:

MR. JONATHAN MOORE, one of the lead attorneys in the case filed in the United States on behalf of the Vietnamese victims presented the Tribunal a written submission along with 42 exhibits highlighting several points, including the knowledge of the Chemical company respondents about the dangers of Agent Orange and the Dioxin it contained. This submission was admitted into the record of the Tribunal. Mr. Moore

Mr. Moore also informed the Tribunal about the suppression of an important study by the National Cancer Institute, known as the Bionetics Study. ... Dioxin was found to be a powerful teratogen with many of the offspring being born dead, deformed, some with cleft palates, no eyes, cystic kidneys and enlarged livers. Thus, as early as 1965 it was known that at very low exposure levels, Dioxin was a very powerful poison

provided an oral presentation as to the highlights of the written submission. Mr. Moore made reference to the many industrial accidents where workers who were exposed to Dioxin suffered liver damage and chloracne and other systemic diseases. He reported that accidents which occurred in 1952 and 1954 in Germany at the C.H. Boehringer Sohn factory resulted in the company not only documenting injuries to its workers from exposure, but also developing a process which would virtually eliminate the impurity of Dioxin in the fabrication of 2,4,5 T. That is, if the fabrication occurred in a slow manner at low temperatures the Dioxin would be either eliminated or greatly reduced. Mr. Moore reported that despite the Boehringer Sohn method being known, the U.S. manufacturers fabricated 2,4,5,T fast and at high temperatures so that more could be produced with the result that the Agent Orange supplied by the U.S. manufacturers contained high levels of Dioxin. There is ample evidence that the companies knew that Dioxin in their product was high and that it should be reduced. In fact, Dow Chemical company called a

meeting of the other companies in 1965, advising them of their internal research on experimental animals, and suggesting that the companies try to restrict their Dioxin levels to 1 part per million. This was not done. Dioxin levels in the products supplied remained high.

Mr. Moore also informed the Tribunal about the suppression of an important study by the National Cancer Institute, known as the Bionetics Study. This study was commissioned by the government in 1963, partly in response to reports of reproductive problems and birth defects reported by women in Vietnam. In the summer of 1965 Bionetics' tests on female mice showed a significant number of deformities in unborn offspring. Dioxin was found to be a powerful teratogen with many of the offspring being born dead, deformed, some with cleft palates, no eyes, cystic kidneys and enlarged livers. Thus, as early as 1965 it was known that at very low exposure levels, Dioxin was a very powerful poison killing most of the experimental animals. The findings of this study were suppressed until 1969. In the meantime, between 1966 and 1969 there was a major escalation in the use of Agent Orange. When the Bionetics Study was finally released as a result of it being leaked to the press, the release of this study the use of these agents was stopped. Mr. Moore also told the Tribunal that throughout the case, the chemical companies claimed they did not intend to poison the people or environment. However, in their filing to the Supreme Court opposing review of the case, the companies for the first time admitted that the harm alleged by the victims was foreseeable, but not intended. Mr. Moore questioned how something which was foreseeable was not intended.

IV. Expert Testimony, Scope of the Spraying, Potential Numbers of Vietnamese Exposed, Ongoing Research on Dioxin and It's Impact on People, Environmental Damage:

A. The Tribunal Received Expert Testimony from several key experts who provided testimony regarding a large number of issues from the scope of the spraying, and how many people in Vietnam were exposed to the spraying during the war.

1. **DR. JEANNE STELLMAN** testified live, via skype. Dr. Stellman, currently a Professor at the State University of New York, has carefully studied the patterns of spraying and provided a scientifically based projection of the number of people in Vietnam who were exposed to Agent Orange. Dr. Stellman did this with grants from the National Academy of Science. She correlated records of spraying sorties and amount sprayed with the maps of Vietnam and the cities and hamlets where civilian populations resided. Based on this correlation, she stated that between 2.5 and 4.8 million people were exposed. Dr. Stellman identified for the record, her seminal article on this issue in the April 17, 2003 Issue of Nature,

... from 1965 to 1970 the estimated quantities sprayed were 45,677,937 million liters of Agent Orange ...

Dr. Stellman emphatically stated ... with respect to the use of these agents: "this is the largest unstudied environmental disaster in the world."

entitled: "The extent and patterns of usage of Agent Orange and other herbicides in Vietnam." In that article, Dr. Stellman wrote that from 1965 to 1970 the estimated quantities sprayed 45,677,937 million liters of Agent Orange sprayed, and for those barrels that had been tested showed an average of 13 parts per million of Dioxin.³ When asked about the need for research to find out more about the impact of the use of Agent Orange, Dr. Stellman emphatically stated that much more research was needed stating with respect to the use of these agents: "this is the largest unstudied environmental disaster in the world." (except for natural disasters).

2. DR. TRAN XUAN THU, a chemist and Vice President of the Vietnam Association for the Victims of Agent Orange (VAVA) testified orally and provided a written submission. He agreed with the estimated exposures stated by Dr. Stellman and further indicated that, according to initial data collected in certain provinces, and despite claims that military targets were aimed at, among victims, more than half were civilians (Kontum, Quang Nam, Quang Ngai, the ratios between civilians and total victims were 70.7%, 75.4%, 67.9% respectively) and 85% of households had two or more victimized members.

B. The Tribunal received expert testimony on ongoing research into the impact of Dioxin on people:

[Dr. Grassman] stated that Dioxin is environmentally persistent and as a consequence re-circulates through the biota moving from soil to crops to the food chain and back to the soil. Thus, second and third generations of Vietnamese and United States veterans are now showing signs of even more severe birth defects and other illnesses.

1. DR. JEAN GRASSMAN from Brooklyn College in City University of New York, testified live via skype, and presented written testimony as well. Dr. Jean Grassman is a researcher who is studying the relationship between Dioxin exposure and gene expression among occupationally and environmentally exposed populations. She presented testimony that Dioxin is a potent cellular disruptor which alters a variety of pathways to disrupt many systems. She said that the health effects are mediated through multiple branching pathways, where there the health effects can be subtle but significant. She further stated that mounting evidence shows that children are very sensitive to Dioxin and the intrauterine or post natal exposure to Dioxin and Dioxin like compounds, may result in altered immune, neurobehavioral, and hormonal functioning.

Dr. Grassman emphasized that humans have very little capacity to metabolize Dioxin and as a result exposures are long lived. Women pass their exposure on to their children both in utero and through the excretion of Dioxin in breast milk. She further stated that Dioxin is environmentally persistent and as a consequence re-circulates through the biota moving from soil to crops to the food chain and back to the soil. Thus, second and third generations of Vietnamese and United States veterans are now showing signs of even more severe birth defects and other illnesses.

2. DR. NGUYEN THI NGOC PHUONG MD, from Tu Du Hospital in Ho

Chi Minh City presented written and oral testimony. She stated that in this hospital a large number of children are born in this hospital and she has seen many of them born with horrible deformities. Most of the deformities she sees include children born without arms and/or legs. Her written testimony chronicles the studies she has done which show higher number of birth defects among populations exposed to Agent Orange. She also described the psychological impact on families that have deformed children and the fact that many people in Vietnam believe in reincarnation, and they think that those who suffer deformities are being punished because of crimes they have committed in their past lives. This causes discrimination against victims families. When she worked at the hospital in Ho Chi Minh City, she discovered a large number of birth deformities, including children born without heads or faces; they looked like monkeys without arms, legs or eyes. Young mothers gave birth to children without a brain chamber. Dioxin can be found in many natural products, and in the water. But up to 1450 PPT (parts per trillion) are found in maternal milk in Vietnam. According to the World Health Organization, only 1 - 4 PPT in breast milk can cause severe deformities in fetuses and even death. Tu Du hospital has set up a center where badly deformed children live and receive training and services. There is a wider need for such assistance than can be provided at the Hospital.



[Dr. Phuong stated] that many people in Vietnam believe in reincarnation, and they think that those who suffer deformities are being punished because of crimes they have committed in their past lives. This causes discrimination against victims families.

3. DR. JEAN MEYNARD, a medical doctor, testified that when he first visited Vietnam he saw 100 severely handicapped children in Hanoi and in the province near that city. He now goes to Vietnam regularly and has been there 11 times. He works for The Vietnam Association for Victims of Agent Orange/Dioxin (VAVA) with the doctors there. He confirmed seeing many children without limbs and other deformities such as the lack of eyes. He knows that people all over the world suffer from illness and some birth defects, but the average number of people sick and with deformities is much larger in Vietnam especially from the areas where there has been more exposure to Agent Orange. He stated that medical organizations all over the world have established that Agent Orange affects the genes due to the Dioxin it contains. Dioxin has been recognized by the World Health Organization as a carcinogen (causes cancer) and by the American Academy of Medicine as a teratogen (causes birth defects). Dioxin affects not only to the first generation, but also to the second and third generations.

Dioxin has been recognized by the World Health Organization as a carcinogen (causes cancer) and by the American Academy of Medicine as a teratogen (causes birth defects).

C. Ecological and Environmental Damages and the Costs of Clean up. The Tribunal also heard testimony from witnesses who described the environmental and ecological damage:

[Maitre] testified that the worst part of the exposure to Agent Orange is around the 17th Parallel, near the border with Laos. Those were tropical forests and now have become desert.

1. MR. JACQUES MAITRE, an ethnologist and sociologist, testified that the worst part of the exposure to Agent Orange is around the 17th Parallel, near the border with Laos. Those were tropical forests and now have become desert. The people of that region lived on the products of that forest. One of the most devastated places is called “Hamburger Hill.” Due to the exposure of the people who lived in that region, mothers were contaminated, and their children were the first victims. But not only people were

contaminated. There were also animals of all types, plants and trees of all the species and natural crops. As a result of the loss of species, coffee was the only crop that would grow. But with the excess coffee crop, coffee prices went down, and wages of the peasants went down. Thus, poverty was added to all the disaster produced by the Agent Orange.

2. DR. PIERRE VERMEULIN, a chemist, testified about the effects produced by Dioxin on the environment of Vietnam, and focused also on the most devastated areas around the 17th Parallel. Because of the destruction of their crops, peasants abandoned their lands. In the low hills he observed the land had been destroyed and it will take many years to regenerate if at all. In the 1990’s, it was estimated that \$1 billion would be required to restore one hectare of land. 1.4 billion hectares have been defoliated. In a tropical country like Vietnam one might think it would be easier to restore the destruction of the forests, but that is not the case. With the forests destroyed, the culture and way of life of the people who relied on the forest also disappears. While he recognizes that the Vietnamese have made some progress in reforestation and cleaning up some of the polluted and devastated land, in his opinion the systematic destruction of the environment should be a war crime of “ecocide” which he defined as a systematic destruction (total or partial) of nature, with the objective of completely eradicating it.

3. DR. VO QUY, a Vietnamese zoologist and professor at the Vietnam National University, Hanoi, has researched the effects of defoliation by on the environment of Vietnam. He has studied the effects of the defoliation and has helped to plan government reforestation programs. He testified that since 1971 he went to Southern Vietnam twice, but could not pass the 17th Parallel because it was too dangerous. He realized that 12 km were covered with chemical products and that the forest was destroyed. In 1974 he returned to observe the places affected by the chemicals. He went to those areas where the difficulties of the people were severe. The scale of destruction during the Vietnam war was unseen in human history. It was a real “ecocide.” Large ecosystems were destroyed. All life had been destroyed.

Many ecosystems were destroyed, and there is no indication that there will be renewal of these ecosystems. In his opinion it will take centuries to recover from that damage. Other scientists think that nature will recover within 50 years, but there are hundreds of square kilometers that have been devastated. In the dry season, soil becomes too dry to replant, and the areas are too large to be reforested in any significant way. This poses great difficulties to the restoration of nature. He believes it will take 100 to 200 years before the lands will recover, and scientists are starting to agree with his point of view.

Before the spraying, tigers, birds and other jungle animals inhabited the land. Now they are extinct. Hundreds of species and hundreds of types of trees and plants have disappeared. The rivers have also been polluted by Agent Orange. Lands have become desert areas, animals have become extinct, including some species that only existed in Vietnam and no other part of the world. The destruction of nature has been enormous. 77,000 hectares have been sprayed with Agent Orange. That corresponds to 12% of all of Vietnam. 18.6% of the forest areas have been destroyed, which has affected many populations. The herbicides and defoliants were supposed to be non-toxic, but the Dioxin levels were very high and because many areas were sprayed multiple times the amount of Dioxin increased exponentially. Dioxin continues to affect land, water and animals, as well as the people.

Before the spraying, tigers, birds and other jungle animals inhabited the land. Now they are extinct. Hundreds of species and hundreds of types of trees and plants have disappeared. The rivers have also been polluted by Agent Orange. Lands have become desert areas, animals have become extinct, including some species that only existed in Vietnam and no other part of the world.

Based on this testimony, the Tribunal makes the following findings of fact:

- 1.4 billion hectares of land and forest in Vietnam, approximately 12% of the land area of Vietnam were affected by Agent Orange.
- The damages caused to the land and forests, water supply, and communities and the ecosystems can be legitimately be called an ecocide, as the forests and jungles in large parts of southern Vietnam have been devastated and denuded, and may either never grow back or take 50 to 200 years to regenerate.
- Animals which inhabited the forests and jungles have become extinct, disrupting the communities which depended on them.
- The rivers and underground water in some areas have also been contaminated. Dioxin will persist in the environment for many years.
- The land where there is no vegetation has resulted in erosion and desertification. This necessarily will change the environment contributing to warming the planet and the dislocation of crop and animal life.

V. Hot Spots are Cause for Concern

The Tribunal heard testimony regarding existing “Hot Spots” in the soil of Vietnam where dangerously high levels of Dioxin remain in the soil, and possibly enter the food chain and water supply. **Dr. TRAN XUAN THU** in his written and oral testimony addressed the issue of Hot Spots. He testified that in the areas where U.S. military bases were located the level of Dioxin in the soil remains quite high. That is in places where Agent Orange was stored or fed into the aircraft, such as in Bien Hoa, Danang and Phu Cat, where the soil samples show Dioxin levels as high as one million parts per trillion, 1000 times greater than the U.S. would allow. The persistency in the soil of Dioxin around these

areas is of great concern as it will not be eliminated without significant continued study and intervention. That is, tests done on the fat and blood of people living in the areas which are Hot spots, had Dioxin levels from 1.9 parts per trillion to 413 parts per trillion, with an average of 76.68 parts per trillion. With human health being impacted anywhere between 1 and 4 parts per trillion in blood, these levels are unacceptably high.

The Tribunal also heard the testimony of **DR. VAUGHN C. TUREKIAN R**, Chief International Officer of the American Association for the Advancement of Science. This testimony was originally provided to the House Foreign Affairs' Subcommittee on Asian, the Pacific and Global Environment in May of 2008. Dr. Turekian acknowledged that the spraying had turned once lush green forests into barren lands, which have been taken over by a very tough weed-like grass called American Grass, and around the former bases, which are "Hot Spots", the cost of clean up is quite high. He indicated that screenings of both environmental and biological samples range from \$600-\$900 per sample. He also claimed that clean up and remediation just in the areas of highest concentration is estimated to be 60 million dollars.

Based on this testimony, the Tribunal finds that these Hot Spots present a danger to those living in and around them and until they are cleaned up, the chances for illness and birth defects affecting future generations will continue. Resources are needed to address the high cost of clean up.

VI. Disparate Treatment for the United States Veterans

MR. JONATHAN MOORE informed the Tribunal as part of his written and oral submission that the United States veterans of the Vietnam war brought a lawsuit for their injuries against the same chemical companies which are respondents here. The case settled out of court for 180 million dollars, which gave few plaintiffs more than a few thousand dollars each. Later the U.S. veterans won a legislative victory for compensation for Vietnam era veterans for exposure to Agent Orange. That is the government recognized various conditions and diseases were related to Agent Orange exposure and provides disability benefits. These veterans receive 1.52 billion dollars per year in benefits related to the use of these agents. This Tribunal believes that if the United States Government compensates the U.S. veterans, the intended victims of Agent Orange, the Vietnamese victims of Agent Orange should also receive compensation.

FOOTNOTES: _____

1 This Tribunal takes note of the fact that a law suit against the manufacturers of Agent Orange was filed in the United States in 2004, in which Vietnam Association of Victims of Agent Orange sought compensation for the Vietnamese victims of Agent Orange. We are aware that the case was dismissed by the US District Judge, Jack Weinstein, in 2005, who concluded that Agent Orange did not constitute a poisoned weapon prohibited by the Hague Convention of 1907. The District Court dismissal was affirmed by the Second Circuit Court of Appeals in February 2008. The US Supreme Court declined to hear the case in March of 2009, effectively ending this litigation. We do not believe we are bound in any way by that decision.

2 We consider all those who were directly exposed during the war, those who continue to be exposed through contact with contaminated soil or water, as well as children who have deformities or illnesses caused by Dioxin related genetic disturbance all to be victims of Agent Orange, regardless of manner of exposure or generation.

3 Based on Dr. Stellman's work, Wayne Dwynchuk from the Hatfield group calculated that 336 kilograms of Dioxin were left in Vietnam as a result of the spraying.

LEGAL ISSUES

In addition to the damage caused by the use of these chemical weapons in Vietnam, the Tribunal considered legal arguments presented on behalf of the claimants regarding the responsibility of the defendants to repair the damage and to provide meaningful compensation to the victims.

At the outset we noted that we were mindful of the unsuccessful case brought in the United States by VAVA et al. seeking compensation for the victims. That case, which was filed against the chemical companies only, addressed whether they could be held liable for providing poison or poisoned weapons to the U.S. Government for use in Vietnam.

Despite the renunciation of war which is contained in the United Nations Charter, there are still instances where a war may be projected as legal self defense. If a war occurs which is not legal then the aggressor is responsible for damage caused. Similarly and regardless of the legality of a particular war, parties are required to adhere to the laws of war, and comply with international human rights and international humanitarian law.

A. The Tribunal first addresses the issue of whether the War in Vietnam was illegal.

The Tribunal has reviewed the legal submission by the claimants regarding the illegality of the War. This Tribunal emphatically states that the U.S. war in Vietnam was illegal war of aggression against a country seeking national liberation. The massive spraying of Agent Orange/Dioxin on the southern part of Vietnam and the massive bombing of the northern part of Vietnam along with hundreds of thousands of troops engaging in combat in Vietnam clearly shows the U.S. violated and failed to discharge its responsibilities under the United Nations Charter to refrain from the use of force in international relations. There is no viable legal basis for the United States to claim it was acting in self defense under either Article 51 or 52 of the Charter.

The Nuremberg Principles define a war of aggression be as a crime against peace punishable under international law. Based on this conclusion the Tribunal finds that the illegality of the war requires the United States to repair the damage it caused in violation of the law. This Tribunal is in accord with the Tribunal of Conscience convened by Bertrand Russell which in answer to the question: Has the Government of the United States committed acts of aggression against Vietnam under the terms of international law? The Judges answered "Yes" (unanimously).

B. Were these Chemical Agents prohibited under the laws of war?

Regardless of the legality of the war, any war must be conducted pursuant to the laws of war. The Tribunal was provided with many documents, materials and argument from the prior law suit in which a compelling case was made that Agent Orange was a poisoned weapon outlawed both in customary international law and the Hague Convention of 1907. [Hague Convention 23(a)] and thus the U.S. violated the laws of war in using Agent Orange. Further, there is evidence that for several years prior to the banning of

Agent Orange in 1970 some key people in the U.S. Administration knew that the Bionetics study showed the deleterious impact of Dioxin on experimental animals at very low levels, and despite that failed to stop using it.

Violations of the customs and laws of war are considered a war crime under Principle VIb of the Nuremberg principles. Similarly, because the chemical companies knew how their Dioxin laced products would be used in Vietnam and continued to manufacture and supply these agents with very high levels of Dioxin to the government, the companies were complicit in the war crimes committed by the then U.S. Administrations.

The Tribunal was also presented with evidence that 23(e) of the Hague Convention prohibits the use of arms, projectiles, or material calculated to cause unnecessary suffering. Agent Orange falls into the category of material which has caused unnecessary suffering, and the evidence showed that both the chemical companies and the government knew enough about the dangers of Dioxin and the continued use agent of these agents especially in 1967-1969.

The Hague conventions in Article 25 were the first to codify rules to protect civilians during war. This followed the 19th century St. Petersburg declaration that “the only legitimate object which States should endeavor to accomplish during war is to weaken the military forces of the enemy”. This concept has become synonymous with the rules of distinction and proportionality, and the further refining of principles of protecting civilians has occurred in the Geneva Conventions and the 1977 protocol. The evidence presented to the Tribunal supports the claim that the indiscriminate spraying over populated areas made no distinction between military and civilian objects, and thus the actions of the U.S. government again violated its duties under Article 25.

This Tribunal concurs with the Russell Tribunal Judges who found that the armed forces of the United States used experimental weapons which were prohibited by the laws of war.

Also, even in war the rights under human rights law remain with the people. The right to life, to a clean environment, and the right to an effective remedy for violations of all rights caused by official violations of the law is paramount.

C. The Duty to Remedy

The right to an effective remedy for violations of human rights law is enshrined in innumerable international instruments. These include Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), Article 8 of the Universal Declaration of Human Rights, Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 39 of the Convention on the Rights of the Child. Article 3 of the 1907 Hague Convention concerning the Laws and Customs of War on Land, Article 91 of the Protocol I Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I) provide for a duty to remedy violations of International Humanitarian Law, Article 75 of the Rome Statute of the International Criminal Court and Article 7 of the African Charter on Human and Peoples' Rights.

Based on these Legal Principles The Tribunal Finds:

- 1) that the U.S. war in Vietnam was an illegal war of aggression against a country seeking national liberation: the illegality is based on Articles 2(3) and 2(4) of the Charter of the United Nations which require countries to peacefully resolve their disputes. The massive spraying of Agent Orange/Dioxin on the southern part of Vietnam and the massive bombardment of the northern part of Vietnam clearly demonstrates that the United States violated the UN Charter's mandate to refrain from the use of force in international relations;
- 2) that the Nuremberg Principles define a war of aggression as a crime against peace punishable under international law;
- 3) that the use of Dioxin was a war crime because it was a poisoned weapon outlawed both in customary international law and by the Hague Convention of 1907. [Hague Convention 23(a)]. Violations of the customs and laws of war are considered war crimes under Principle VI b of the Nuremberg Principles. Because the Chemical companies knew how their Dioxin-laced products would be used in Vietnam, yet they continued to manufacture and supply these agents with very high levels of Dioxin to the U.S. government. By providing poison weapons the companies were complicit in the war crimes committed by the U.S. government;
- 4) that the use of Dioxin was a crime against humanity as defined by VI c of the Nuremberg Principles, because it constituted an inhuman act done against a civilian population . . . in connection with a crime against peace and war crimes;
- 5) that the use of illegal weapons in an illegal war has caused the devastation described above. These crimes have produced so much pain, suffering and anguish to millions of people and their families. The effects of these crimes will be felt for generations to come; and
- 6) that the time has come to provide an adequate remedy to the Vietnamese victims of Agent Orange and their families and to repair as much as possible the environment of Vietnam.



THEREFORE, The Tribunal Finds:

I. that the United States Government is guilty of the offenses listed above and determines that the damage to the environment of Vietnam can be defined as “ecocide”;

II. that the Chemical companies who were charged in the summons and complaint are guilty of complicity in the offenses listed above; and

III. that the United States Government and the Chemical companies which manufactured and supplied Agent Orange must fully compensate the victims of Agent Orange and their families. The U.S. Government and the Chemical companies must also repair the environment to remove the contamination of Dioxin from the soil and the waters, and especially from the “Hot Spots” around former U.S. military bases.

To complete the above task of compensation and repair, the Tribunal recommends that the Agent Orange Commission be established in Vietnam to assess the amount of compensation to be allocated to each victim, family group, and community.

The Agent Orange Commission will also determine the amount necessary to provide specialized medical facilities, and rehabilitation and other therapeutic services to the victims and their families.

The Agent Orange Commission will also estimate the costs of the necessary studies of contaminated areas and the cost of environmental repair in the future.

The Agent Orange Commission will also determine the amount to be paid to the State of Vietnam to indemnify it for monies it has expended to support the victims and repair the environment.

The Tribunal urges the Government of the Socialist Republic of Vietnam to forthwith constitute such Agent Orange Commission of people of eminence in the fields of medicine, science, engineering, law, epidemiology, agriculture, toxicology, ecology, public administration, and representatives of civil society. The Agent Orange Commission shall make its recommendations within one year of its constitution.

Once the Agent Orange Commission has established the requisite amounts, those monies shall be paid by the United States Government and the Chemical companies jointly and severally to a trust fund specially created for present and future victims and their families, and repair of the environment. The amount of \$1.52 billion a year being paid by the United States Government to the U.S. Vietnam veteran victims of Agent Orange can be employed as a guide for the calculations performed by the Agent Orange Commission.

That the Agent Orange Commission be funded jointly by the United States Government and the Chemical Companies. A down payment on the compensation must begin immediately as there is no time to waste in beginning to provide the Vietnamese victims with the compensation and remediation of their environment to which they are entitled.

The Report of the Tribunal Has Been Signed

in Paris, France, on May 17, 2009

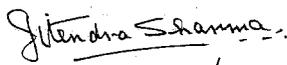
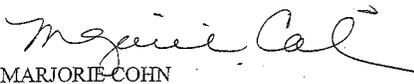
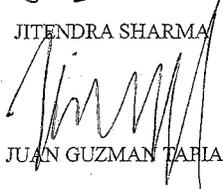
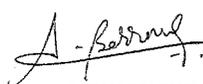
 JITENDRA SHARMA	 MARJORIE COHN
 JUAN GUZMAN TAPIA	 ADDA BEKKOUCHE
 CLAUDIA MORCOM	 SHOJI UMEDA
 GAVRIL IOSIF CHIUZBAIAN	

EXHIBIT A

JUDGES OF THE TRIBUNAL

1. SR. ADVOCATE JITENDRA SHARMA: Jitendra Sharma is President of the International Association of Democratic Lawyers (IADL) having served as president since 2000. Prior to that he was the Secretary General of IADL from 1996 to 2000. He is a Senior Advocate of the Supreme Court of India. He is a former Vice-President of the Supreme Court Bar Association and a Deputy Secretary-General of the Bar Association of India.

2. JUDGE JUAN GUZMAN TAPIA: Judge Juan Guzman served as a Judge in Chile for 36 years. He was assigned to prosecute Augusto Pinochet. He has also been a Professor of criminal and civil procedure, criminal law, and the professional ethics of the lawyer at the Universidad Catolica, and Universidad Central, and Dean of the School of law, Universidad Central, Chile. He currently remains a professor and is Director of the Center of Studies of Human Rights of the Universidad Central, Santiago. He has many Publications including: *La Sentencia*, Edit. Jur. Stgo, 1996 *Etica profesional del Abogado*, Stgo, 1997; *En el Borde del Mundo*, anagrama, Barcelone, 2005; *La Corte Penal Internacional en el Estatuto de Roma*, Barcelone, Real Academia de los Ciencias Financieras, 2008.

3. DR. GAVRIL IOSIF CHIUZBAIAN: Dr. Gavril Iosif Chiuzaian is Président de l'Union des Juristes de Roumanie, Ancien Ministre de la Justice, Rédacteur en chef fondateur de la revue Palais de Justice, Membre de l'Académie de sciences brésilienne, Membre du sénat de l'Académie de Médicea de Florence, Ancien juge instructeur

général de la justice, Vice président de l'Association Internationale des Juristes Démocrates, Auteur des livres: *L'exercice du pouvoir*, (2000) *Le système du pouvoir judiciaire*.

4. JUDGE CLAUDIA MORCOM: Judge Claudia Morcom is currently retired from a distinguished career as a Judge of the Circuit Court of Wayne County, Detroit, Michigan, after having been appointed in 1983 and reelected by the people of Detroit many times. Judge Morcom has a long history of work on behalf of poor and working people in the United States and the world. Prior to becoming a Judge, she was the founding director of Neighborhood Legal Services in Detroit, and the first African American Administrative Law Judge with the Michigan Department of Labor, Workers' Disability Compensation Court. She has been a member of IADL, AAJ and the Meiklejohn Civil Liberties Institute for many years.

5. PROFESSOR MARJORIE COHN: Professor Marjorie Cohn is President of the National Lawyers Guild and a Professor at Thomas Jefferson School of Law. She is the U.S representative to the Executive Committee of the American Association of Jurists and a member of the Advisory Board of the U.S.Human Rights Network. Her books include *Cowboy Republic: Six Ways the Bush Gang Has Defied The Law* and *Rules of Disengagement: the Politics and Honor of Military Dissent*. She is the recipient of the 2008 Peace Scholar of the Year Award. Her many articles can be read at www.marjoriecohn.com.

6. PROFESSOR ADDA BEKKOUCHE: Docteur d'Etat en Droit International, Ancien Magistrat à la Cour des Comptes d'Algérie, Chargé d'enseignement à l'Université Paris I Panthéon-Sorbonne, Membre d'organisations de lutte pour les droits fondamentaux et humains; A écrit des ouvrages et articles sur l'inégalité de développement et les rapports Nord-Sud, don't: - *L'évolution du droit de la propriété dans l'ordre international. Etude de l'expression juridique du développement inégal*, Office des publications universitaires, Alger, 1992; *Coopération décentralisée. L'Union européenne en Méditerranée occidentale*, (avec T. Rahmani), Continent Europe, Paris, 1995.- "La récupération du concept de patrimoine commun de l'humanité par les pays industriels" -*Revue belge de droit international*, 1987/1 - pp. 124-137; - "L'intervention militaire, moyen de reproduction de la répartition inégale des richesses á l'échelle mondiale" in *Nord-Sud XXI. Droits de l'Homme-Liberté*, n°1,1992, Geneve, pp. 69 à 79; - "Notions de conflit, de sécurité et de paix dans les relations internationales" in *Utinam, Revue de sociologie et d'anthropologie*, n° 9, L'Harmattan, Paris, Février 1994, pp. 53-65.

7. ATTORNEY SHOJI UMEDA: Attorney Shoji Umeda is Vice President of the Japanese Lawyers International Solidarity Association (JALISA). He is an Attorney at Law Osaka Bar Association, and visiting professor of the Osaka University of Economic and Law 21st Century Society Institute. He was peace candidate for Governor in Osaka in the last gubernatorial election.

**The International Peoples' Tribunal of Conscience
In Support of the Vietnamese Victims of Agent Orange**

**THE PEOPLE OF VIETNAM AND
PEOPLE OF CONSCIENCE ALL OVER THE WORLD,
VERSUS**

1. DOW CHEMICAL COMPANY
2. MONSANTO CHEMICAL COMPANY
3. PHARMACIA CORPORATION
4. HERCULES INCORPORATED
5. OCCIDENTAL CHEMICAL CORPORATION
6. ULTRAMAR DIAMOND SHAMROCK CORPORATION
7. MAXUS ENERGY CORPORATION
8. THOMAS HAYWARD CHEMICAL COMPANY
9. HARCROS CHEMICALS INC.
10. UNIROYAL CHEMICAL INC.
11. UNIROYAL CHEMICAL HOLDING COMPANY
12. UNIROYAL CHEMICAL ACQUISITION COMPANY
13. C.D.U. HOLDING INC.
14. DIAMOND SHAMROCK AGRICULTURAL CHEMICALS
15. DIAMOND SHAMROCK CHEMICALS
16. DIAMOND SHAMROCK CORPORATION
17. DIAMOND SHAMROCK REFINING AND MARKETING COMPANY
18. OCCIDENTAL ELECTROCHEMICALS CORPORATION
19. DIAMOND ALKAI COMPANY
20. ANSUL INCORPORATED
21. HOOKER CHEMICAL CORPORATION
22. HOOKER CHEMICAL FAR-EAST CORPORATION
23. HOOKER CHEMICAL & PLASTICS CORPORATION
24. HOFFMAN CHEMICALS, INC.
25. CHEMICAL LAND HOLDINGS, INC.
26. T-H AGRICULTURE & NUTRITION COMPANY, INC.
27. THOMPSON CHEMICAL CORPORATION
28. RIVERDALE CHEMICAL COMPANY
29. ELEMENTIS CHEMICALS INC.
30. UNITED STATES RUBBER CO., INC.
31. SYNTEX AGRIBUSINESS, INC.
32. SYNTEX LABORATORIES, INC.

SUMMONS AND COMPLAINT

The war waged by the United States against Vietnam has ended more than thirty (30) years ago. The chemical warfare waged from 1961 to 1971, carried out by the United States government using Agent Orange which the above named companies knew contained high levels of dioxin has caused massive and prolonged negative consequences to the health of the Vietnamese people and to the environment and ecology of Vietnam.

The above named companies, however, have continued to evade their responsibility for providing such chemicals to the United States government, and have refused to acknowledge any role in causing these effects, or to indicate a willingness to play a part in remediating the consequences of their actions.

In the name of Public Opinion and International Conscience the International Peoples' Tribunal of Conscience in support of the Vietnamese Victims of Agent Orange at the initiative of the International Association of Democratic Lawyers (IADL), will consider and draw conclusions on the following matters:

1. The facts showing the consequences to the environment and ecology of Vietnam and to the health of the Vietnamese people caused by the use of Agent Orange by the United States Military from 1961 to 1971.
2. The moral and legal responsibilities of the above named companies for their actions under international law and the laws of nations.
3. The role that the above named companies should play in remediating the consequences of the use of their products in Vietnam.

This tribunal will be held on May 15-16 in Paris, France, at the Salles Pierre Nicole, Maison des Mines et des Ponts et Chaussées, 270 rue Saint Jacques, 75005 in Paris, France.

You may submit your Statement in Reply to the above claims along with 10 copies on or before 30th April, 2009 with the Secretariat of the Tribunal to Jeanne Moutet, Secretary of the Tribunal at the following address: 120 Rue de Rivoli, 75001 Paris, France.

Along with the Statement you may also submit the name(s) of the lawyer(s) along with a copy of the authorization who may represent you before the Tribunal.

Please take note that in the event of not filing your Statement and/or non-appearance of your duly authorised representative before the Tribunal, ex-parte proceedings without any further notice may be taken out against you.

FOR AND ON BEHALF OF THE TRIBUNAL

Sr. Advocate, Jitendra Sharma,
President of the Tribunal

**The International Peoples' Tribunal of Conscience
In Support of the Vietnamese Victims of Agent Orange**

**THE PEOPLE OF VIETNAM AND
PEOPLE OF CONSCIENCE ALL OVER THE WORLD,
VERSUS
THE GOVERNMENT OF THE UNITED STATES**

SUMMONS AND COMPLAINT

The chemical warfare waged by the United States against Vietnam through the use of Agent Orange and other dioxin laced chemicals from 1961 to 1971 has caused severe, massive and prolonged consequences for the environment, ecology and health of the people of Vietnam.

From that time until the present no United States administration has acknowledged its liability for the consequences of the use of these chemicals. The United States took a position against liability for the firms which manufactured Agent Orange in the law suit filed by the Vietnam Association for the Victims of Agent Orange, (VAVA).

In the name of Public Opinion and International Conscience the International Peoples' Tribunal of Conscience in support of the Vietnamese Victims of Agent Orange at the initiative of the International Association of Democratic Lawyers (IADL), will consider and draw conclusions on the following matters:

1. The facts showing the consequences to the environment and ecology of Vietnam and to the health of the Vietnamese people caused by the use of Agent Orange by the United States Military from 1961 to 1971.
2. The responsibility of the United States administrations during 1961 to 1971 in the conduct of the chemical warfare in Vietnam under Customary International Laws.
3. The responsibility of the United States in the remediation of the consequences to the environment and ecology of Vietnam and to the health of the Vietnamese people.

This tribunal will be held on May 15-16 in Paris, France, at the Salles Pierre Nicole, Maison des Mines et des Ponts et Chaussées, 270 rue Saint Jacques, 75005 in Paris France.

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FOR AND ON BEHALF OF THE TRIBUNAL
Sr. Advocate, Jitendra Sharma,
President of the Tribunal

For More Information



IADL

International Association of Democratic Lawyers
is a Non-Governmental Organization (NGO)
with consultative status to ECOSOC and UNESCO

Website: www.iadllaw.org



VAVA

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of Agent Orange/Dioxin**

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