

Congress of the United States

Washington, DC 20515

October 27, 2022

Minister Lo Ping-Cheng
Minister without Portfolio, Executive Yuan
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Zhongzheng Dist., Taipei City 100009
Taiwan (R.O.C.)

Chairperson Chen Chu
National Human Rights Commission
No.2, Sec. 1, Zhongxiao E. Rd.
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Minister Jaushieh Joseph Wu
Ministry of Foreign Affairs
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Representative Bi-khim Hsiao
TECRO in the USA
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Minister Mei-Hua Wang
Minister of Economic Affairs
No.15, Fuzhou St.,
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Taiwan (R.O.C.)

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



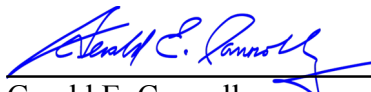
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