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## Statement

of The Vietnam Association for Victims of Agent Orange/Dioxin (VAVA)

The U.S Supreme Court on February 27, 2009 decided not to review the case filed by the Vietnam Association for Victims of Agent Orange/Dioxin and by Vietnamese victims, unreasonably dismissed by the lower courts.

During the Vietnam War, from 1961 to 1971, the U.S. forces, while deploying chemical weapons and toxic substances, sprayed about 80 million liters of poisonous chemicals, 61% of which were Agent Orange, containing 366 kilograms of dioxin, over almost 17% of the land of South Vietnam. The consequences of this chemical warfare have been extremely severe and long lasting to the Vietnamese people and ecosystems. Out of approximately 4.8 million Vietnamese exposed to this toxic chemical, 3 million have been gravely harmed, among whom are women and children.

Since the early 1960s, many prominent international and American scientists have denounced this chemical war. At the end of 1967, in Copenhagen, Denmark, the Bertrand Russell International Tribunal concluded: "... the U.S. has deliberately used the most barbarous weapons prohibited by the international community in killing children, women and civilians in Vietnam."

The consequences of war in general, and of Agent Orange/dioxin in particular, have not only imposed great suffering on the Vietnamese but also on many others, such as the Americans, the Australians, the New Zealanders, the Koreans and the Canadians. However, the Vietnamese people have been subjected to the heaviest and most painful consequences because they were the directly and most heavily sprayed upon by Agent Orange.

Many decades had passed since the end of the Vietnam War, the U.S. still refused to participate in solving this legacy of war. Therefore, on Jan. 30<sup>th</sup>, 2004, the Vietnam Association for Victims of Agent Orange/Dioxin and Vietnamese victims, decided to file a class action in the U.S. District Court against those American chemical companies which produced and supplied toxic substances to the U.S.

military. Recognizing that justice and fairness is owed to the Vietnamese victims, Vietnamese people and international friends, including organizations and individuals in the U.S., the Great Britain, France, Germany, Japan and in many other countries, have, right from the beginning, supported the lawsuit of the Vietnam Association for Victims of Agent Orange/Dioxin.

Notably, the American Public Health Association (APHA) adopted a policy in November 2007 demanding that the U.S. Congress, government and chemical companies bear responsibility in providing comprehensive assistance to all Agent Orange effected victims. At the House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, a hearing was held on May 15<sup>th</sup>, 2008 entitled “Our forgotten responsibility: What can we do to help victims of Agent Orange?”

The U.S. courts have erred seriously in characterizing Agent Orange as simply a herbicide, and refused to recognizing it as a poison that is harmful to human beings. If so, then why did the U.S. banned its use in 1975? They have even erred seriously in asserting that its use was not intended to hurt the Vietnamese people, while acknowledging that it hurts the American GIs. The U.S. courts have therefore repudiated the objective facts confirmed by various Vietnamese and international scientists about the harmful consequences of the spraying of toxic Agent Orange/dioxin in Vietnam.

The Vietnam Association for Victims of Agent Orange/Dioxin greatly regrets the decision. It is ironic, that the U.S. Supreme Court decided not to review this lawsuit at a time when the U.S. Congress and government have recently demonstrated certain preliminary steps in resolving the consequences of Agent Orange/dioxin in Vietnam. The U.S. Supreme Court has lost a good opportunity to demonstrate its judicial impartiality, its respect for justice, and the American people’s inherent love of human rights.

The pain caused by Agent Orange/dioxin is, minute by minute, stealing the lives of Vietnamese exposed and imposing tremendous suffering on our victims. We are completely disappointed with the decision made by the U.S Supreme Court! The Vietnam Association for Victims of Agent Orange/Dioxin and the Vietnamese victims earnestly call upon the Vietnamese people at home and abroad, and conscientious peoples the world over to stand side by side with us in demanding that the U.S. shoulder its legal and moral responsibility to resolve the consequences of Agent Orange/dioxin in Vietnam. Reason is always on the side of our Agent Orange/dioxin victims! Justice must be respected! We are determined to advance this struggle, by every means possible, until justice is won!