



# Association Moruroa e tatou

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## Historic trial in Tahiti

### The victims of nuclear testing call France to account

On Monday 27 April 2009, eight Polynesian victims of French nuclear testing will launch a case against France before the *Tribunal de Travail* (industrial relations court) in Papeete, Tahiti.

For the first time ever in French Polynesia, France will have to take responsibility for the consequences of nuclear testing on the health of the Polynesian people.

Of the eight plaintiffs who are former workers from the Moruroa nuclear test site, three are still alive and suffering from cancers of the blood. The five others have already died, mainly from leukaemia, and will be represented at the trial by their widows.

After months of preliminaries, the date for hearings and speeches for the defence has been set for 27 April, in the largest courtroom of the Papeete Courts. The hearings will be filmed to preserve the memory of this historic moment. On this day, several hundred former Moruroa workers will come to support their comrades and the widows. Representatives of *Moruroa e Tatou* (the association of former Moruroa workers), the Protestant Maohi Church and community organisations from around the country will be present in the court, together with the President of French Polynesia, Mr. Oscar Temaru, who himself worked at Moruroa.

In 1966, France imposed its nuclear test program on the people of French Polynesia, without even consulting them. Even though France halted its nuclear tests in January 1996, after years of international pressure and after 193 nuclear tests, the health and environmental consequences have been disastrous. Polynesian women have the highest rate of thyroid cancer in the world, and Moruroa and Fangataufa Atolls will remain barren and contaminated for thousands of years.

After years of lies and speeches claiming the tests were harmless, Polynesian victims and their lawyers will demand the truth, in spite of France's July 2008 decision to forbid access to the nuclear archives.

The plaintiffs are asking for compensation, due to the suffering they have undergone because of illness which has destroyed their family life or left their wives alone to care for children after their premature death. *Moruroa e Tatou* says that other cases will come before the courts, with other victims waiting for their case files to be finalised so they can lodge a case against the French government.

The trial on 27 April in Papeete gives hope to all the victims of French nuclear testing, especially those in the Sahara desert of Algeria as well as in French Polynesia, who suffered France's nuclear aggression which was imposed on defenceless peoples. This trial must have repercussions at national and international level: victims of nuclear testing around the world must know that the nuclear powers will not remain immune from punishment.

Media from France and around the world are invited to Papeete to cover this event. *Moruroa e Tatou* will set up a press centre with Internet access and provide documentation on the cases. Journalists will be able to meet with the former workers from Moruroa and the widows of those who have died, as well as people who've been involved in campaigning for the rights of nuclear test victims. As much as possible, English-French translation will be provided.

The media are invited to contact the *Moruroa e Tatou* association who will be coordinating this information and activities around the trial.

Association Moruroa e tatou

## **List of former Moruroa workers who are plaintiffs before the Tribunal de Travail, 27 April 2009.**

**Teriitaria AVIU:** died from leukaemia. From Sainte Amelie, Papeete. Worked at Moruroa from 1966 to 1988, as a waterside worker with Cowan. Died in Paris, 1988. Will be represented by his widow Tetua Chantal AVIU. Contact 434296.

**Remi CLEMENTS:** Cancer of the oesophagus, currently at the Gustave Roissy Hospital in Paris. Originally from Faaa, he lives in Moorea. Worked at Hao and Moruroa from 1971 to 1985, as a carpenter with SEGT. Contact 744287.

**Lucien FAARA.** Died from cancer of the pleura. Originally from Faaa, he worked at Moruroa between 1963 and 1967 as a labourer with Thomson-CEA. He died in 2004 and will be represented by his widow Metua FAARA. Contact 822776.

**Hiro MARITERANGI:** Died of leukaemia. Originally from the Tuamotu Islands but lived in Faariipiti, Papeete. Worked at Moruroa between 1966 and 1970 as a driver with GT502 CEP. Died in 2004 and will be represented by his widow Maraiarua Betina MU. Contact 577777.

**Alfred PAUTEHEA:** Died of leukaemia, from Hiva Oa. Worked at Moruroa between 1968 and 1979 as a driver for SOFEL SEGT. He died in 2004 and will be represented by his widow Natua Augustine PAUTEHEA (who is currently in hospital). His daughter Nova PAUTEHEA will be present in court. Contact 287926.

**Teraiwetea Raymond TAHA:** ill with leukaemia. From Papeete, he worked at Hao and Moruroa from 1970 – 73 and 1988-89, as a mechanic and then as a security guard. He was employed by Dumez-Citra, the Pacific Testing Centre (CEP) and the Atomic Energy Commission (CEA). Contact 319912.

**Robert VOIRIN:** ill with a lymphoma. He comes from Arue and worked at Moruroa between 1973-74, and with the Atomic Energy Commission (CEA) at Mahina between 1967 and 1979. He was an operator of electrical equipment for the CEA. Contact 450897

## **JUSTICE FOR THE VICTIMS OF FRENCH NUCLEAR TESTING**

**The trial beginning on 27 April 2009 in Papeete is the first case brought by the Polynesian victims of the French nuclear tests. It is the first opportunity that judges will have to pronounce on these cases, in the country where France undertook its testing program.**

*Why are there only eight plaintiffs?*

In agreement with the views of Mr. Jean-Paul TEISSONNIERE, the lawyer for the *Moruroa e Tatou* Association, it was decided to give priority to the claims of the former workers who had the most likely chance of success in their case, based on the jurisprudence established by court cases launched by nuclear veterans in France.

*What are the grounds for the action lodged by the former workers before the court in Papeete?*

The first cause of action is that the eight former workers are asking for recognition that the workplace illness they contracted on Moruroa is one recognised under Annex 6 of workplace illnesses (i.e. caused by ionising radiation).

The second cause of action is that the eight former workers are asking for compensation based on the negligence of their employer, who allowed them to be exposed to radiation at the nuclear test sites without specific protection or precautions.

*Will there be other Polynesian plaintiffs?*

*Moruroa e Tatou* believes that we are far from being able to evaluate the exact number of victims during the 30 years of French nuclear testing in French Polynesia. So far, the association has begun to compile case files for 222 former Moruroa workers, of whom 146 have already died. Most of the case files of these cancer victims will be placed before the CPS and then the *Tribunal de Travail*. But these 222 case files only amount to one fifth of the membership of our Association *Moruroa e Tatou*. There will certainly be many other cases to be developed in co-operation with the former workers and their families.

*Will the proposed compensation law improve the situation of the victims of nuclear testing?*

Looking at the current draft legislation proposed by the French government, which the local parliament in French Polynesia has been asked to consider, we cannot be sure that there will be an improvement of the situation for those affected. The current draft law and recent statements by the French Minister for Defence leave the impression that there are very few victims who will meet the conditions required to gain compensation. If we look at the types of cancers that the Minister of Defence has verbally suggested might be compensated, 170 from the 222 case files currently being prepared might be able to claim compensation.

*Are the former workers at the Moruroa nuclear test site the only victims of French nuclear testing?*

Certainly not, as radiation does not spare anyone. There are Polynesians and French people, both soldiers and civilians, who are affected by the same illnesses after working at Moruroa, Fangataufa, and Hao atolls. Any future compensation law, as advocated by the associations of nuclear veterans and workers, must also consider the islander communities who lived near to the test sites during the era of atmospheric testing (1966-74). These people, who also have been affected by cancers or are living with disease today, must also benefit from any compensation law. We still have a way to go before all these victims are aware of their rights and have the chance to gain compensation.

*How many court cases have nuclear test victims won so far in France?*

Thus far, at least 15 cases have concluded with a positive outcome for the plaintiff: seven military pensions granted (for former military personnel) and eight cases where civilians were granted compensation on the basis of workplace-related illnesses.