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## **India: Court decision requires Dow Chemical to respond to Bhopal gas tragedy**

US chemical giant The Dow Chemical Company (Dow) must acknowledge its responsibility towards survivors of the devastating Bhopal industrial disaster, Amnesty International said after the company was summonsed to appear before a court in Bhopal, India.

The company has been ordered to explain why its wholly-owned subsidiary, Union Carbide Corporation (UCC), has repeatedly ignored court summons in the ongoing criminal case concerning the 1984 Bhopal disaster, where UCC is accused of “culpable homicide not amounting to murder”.

“Today’s court decision is an important step in ensuring corporate accountability for the devastating consequences of the Bhopal gas leak,” said Audrey Gaughran, Director of Global Issues at Amnesty International.

“Dow has always tried to claim it has nothing to do with UCC’s liability for Bhopal, but the court has today made it clear that Dow itself has a responsibility to ensure that UCC faces the outstanding charges against it. Dow can no longer turn its back on the tens of thousands still suffering in Bhopal.”

Almost three decades after the Bhopal disaster, victims and their families have yet to receive adequate compensation from UCC or the Indian government.

“The summoning of Dow is potentially a giant step towards establishing the criminal liability of Union Carbide Corporation for one of the worst corporate disasters in world history,” Satinath Sarangi, a member of Bhopal Group for Information and Action, a local campaign group, said.

“As 100% owner of Union Carbide, Dow will now have to find a way to explain Union Carbide’s absconding from serious criminal charges for the last 21 years to the Bhopal Court,” said Hazra Bee, a survivor-activist who lives right across from the former Union Carbide plant in Jaiprakash Nagar.

The impacts of Bhopal continue to be felt today. Some 100,000 people continue to suffer from health problems. Ongoing pollution from toxic waste at the former factory site has never been addressed.

Research conducted by Amnesty International in December 2012 found that, since the gas leak, women in Bhopal have reported ongoing serious health issues including gynaecological and reproductive health disorders.

UCC held a majority share in Union Carbide India Limited, the Indian company that operated

the pesticide plant responsible for the 1984 Bhopal gas leak, which it is estimated has killed more than 22,000 people.

In 1987, the Indian government brought criminal charges of “culpable homicide not amounting to murder” against UCC and its former chairman Warren Anderson. Since then, UCC has repeatedly ignored court summons in India and has yet to face justice for its role in the Bhopal disaster. Anderson escaped trial by simply living abroad. A request by the Indian government for his extradition is still pending with the US government.

Dow has owned UCC since 2001 but has consistently denied responsibility for any UCC liability in relation to Bhopal, ignoring calls by survivors and human rights groups to address the ongoing environmental and health impacts of the disaster.

Dow has always maintained that it did not own UCC at the time of the disaster and that the two are separate companies. But today’s court ruling means Dow must explain to the Bhopal chief judicial magistrate why it has failed to ensure its subsidiary appears in court.

“Dow’s attempt to distance itself from its wholly-owned subsidiary UCC has always ignored the reality of the relationship between the two companies. Today’s court summons has confirmed that Dow itself must ensure that UCC faces up to its responsibilities,” said Gaughran.

“Dow should publicly recognise this responsibility and address the ongoing human rights impacts in Bhopal. Dow also needs to explain why UCC has failed to show up in court, and to release publicly all information about the gas leak that UCC has withheld previously.”