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## **India: First convictions for 1984 Union Carbide disaster too little, too late**

Following convictions today of seven Indian citizens for the 1984 Union Carbide gas leak disaster, Amnesty International is calling on the Indian and US governments to take the next step by bringing the US-based Union Carbide Corporation (UCC) to justice.

Seven Indian nationals, who formerly worked for the Indian company Union Carbide India Ltd (UCIL), were today found guilty by the Bhopal Court of causing death by negligence, a charge that carries a maximum two year sentence.

“These are historic convictions, but it is too little, too late. Twenty-five years is an unacceptable length of time for the survivors of the disaster and families of the dead to have waited for a criminal trial to reach a conclusion,” said Audrey Gaughran, Director of Global Issues at Amnesty International.

More than 25 years after the disaster, the site has not been cleaned up, the leak and its impact have not been properly investigated, more than 100,000 people continue to suffer from health problems without the medical care they need, and survivors are still awaiting fair compensation and full redress for their suffering.

US-based UCC and its former Chairman, Warren Anderson, were charged in 1987. However, both have refused to face trial.

“While the Indian employees have now been tried and convicted, the foreign accused have been able to evade justice simply by remaining abroad. This is totally unacceptable,” said Audrey Gaughran.

US-based UCC has been a wholly-owned subsidiary of The Dow Chemical Company (Dow) since 2001. Survivors and human rights groups have been campaigning for Dow to address the ongoing impacts of the disaster, including contamination of water by chemical waste, but the company has consistently ignored these calls, denying any responsibility for UCC's liabilities in Bhopal.

“All too often, complex company structures and the fact that companies operate across multiple jurisdictions are major obstacles to holding companies accountable,” said Audrey Gaughran. “The convictions of the Indian accused in this case are clearly not enough – the governments of India and the US must ensure that the foreign accused, including UCC, are also made to face trial.”

The massive gas leak killed between 7,000 and 10,000 people in its immediate aftermath, and a further 15,000 over the next 20 years. More than 100,000 continue to suffer from serious health problems as a consequence.

Criminal prosecutions in Bhopal have neither been timely nor effective. In the decades between arrests and prosecution, thousands of people have died from gas-related illnesses.

The Indian state has failed to fulfil its international obligations, by allowing criminal prosecutions to drag on for years, denying both victims and the accused the right to have criminal accountability determined promptly and without undue delay.

All efforts to extradite Warren Anderson have been unsuccessful. UCC continues to defy Indian jurisdiction, failing to abide by repeated summons to appear before the Bhopal criminal court. As a result, criminal prosecution of Anderson and UCC has not been possible.

## Background

On 2 December 1984, thousands of pounds of deadly chemicals leaked from UCC's pesticide plant in Bhopal, central India. Around half a million people were exposed. Between 7,000 and 10,000 people died in the immediate aftermath and a further 15,000 over the next 20 years.

Only hours after the tragedy, nine individuals and three corporations were accused. These included 8 Indian individuals working for UCIL or the Bhopal plant, and Warren Anderson, a US national and Chairman of UCC at the time. The companies accused were Indian-based UCIL, its US-based parent company UCC, and UCE, a wholly owned subsidiary of UCC based in Hong Kong but incorporated in the USA. Arrests were made swiftly afterwards, although charges were only pressed in 1987.

In 2005, the Bhopal Court issued a summons for Dow to attend the proceedings and give account as to why it should not produce its fully owned subsidiary and proclaimed absconder, UCC, in court. Dow's subsidiary in India, Dow Chemical India Private Ltd, successfully applied for the summons to be stayed.