

PROSECUTION OF UCC, UCE & WARREN ANDERSON

ABSCONDERS FROM THE LAW:

Warren Anderson, Chairman of Union Carbide Corporation at the time of the 1984 gas disaster in Bhopal has been summoned - along with Union Carbide itself - to appear before a court in Bhopal to face criminal charges of culpable homicide in the case of the Bhopal Gas Disaster. Since 1992 both have refused to appear and have been declared "absconders from justice". A non-bailable warrant has been issued for his arrest. Belated efforts by the Government of India to extradite him from the US have been rebuffed by the US State Department.

NECESSARY ACTION:

In order for the Bhopal case to attain justice and legal closure, the Government of India must ensure that Union Carbide and Warren Anderson cease to abscond from the Chief Judicial Magistrate's court in Bhopal and that authorized representatives of Dow-Union Carbide face trial in the Bhopal Court.

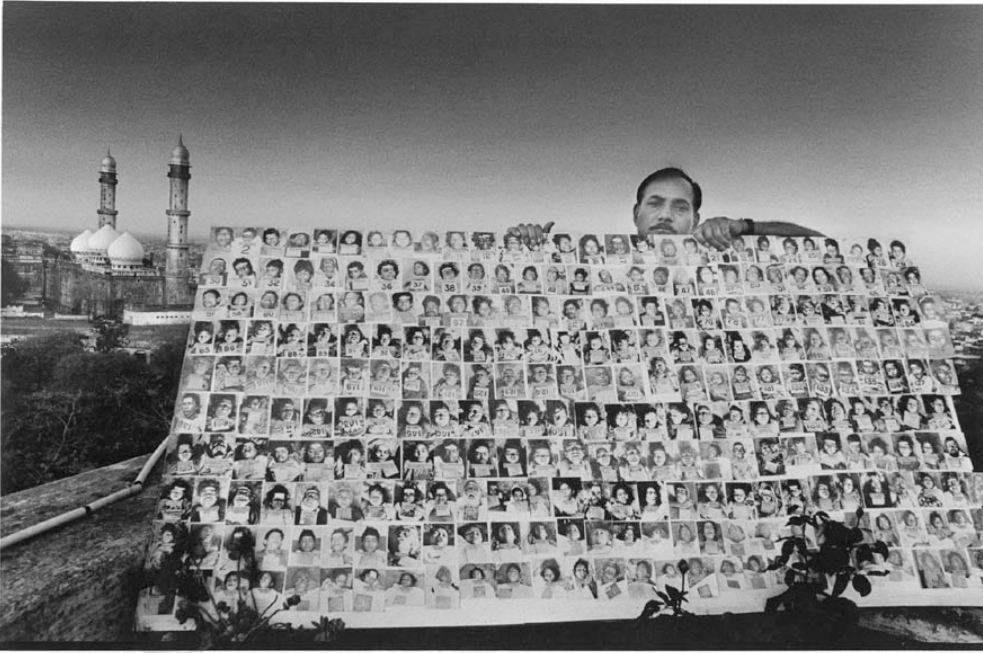
The Government of India must also take immediate steps to send an amended request for extradition of Warren Anderson and for extradition of the authorized representative of the Union Carbide Corporation, and set up a special prosecution cell in the Central Bureau of Investigation to expedite the pending criminal case against the Indian subsidiary, Indian officials of Union Carbide, and foreign accused.

The Government of India should send a new request to the US Department of State, with appropriate changes made to correct the technical issues with the first request.



LEGAL TIMELINE

- Dec. 3, 1984:** First information report on the disaster filed at Hanuman Ganj police station in Bhopal.
- Dec. 7, 1984:** Anderson, along with Indian officials, was arrested in Bhopal, charged under criminal sections of culpable homicide, grievous assault, assault, and killing and poisoning of animals. Anderson released on bail bond of Rs. 25,000 on the same day.
- Dec. 1, 1987:** Central Bureau of Investigation files charges against Warren Anderson, UCC USA, Union Carbide Eastern Hong Kong, and other Indian accused.
- February 14, 1989:** Settlement between the government of India and Union Carbide includes quashing of criminal charges against Union Carbide Corporation and its officials.
- October 3, 1991 -** Supreme Court of India revoked criminal immunity granted to UCC and all other accused in the Bhopal gas leak disaster case in response to review and writ petitions filed by survivors groups and others.
- November 11, 1991 -** Criminal cases against all the accused revived in the Chief Judicial Magistrate's Court at Bhopal.
- Jan. 1, 1992:** Proclamation for Anderson's appearance in the court of the Chief Judicial Magistrate in Bhopal published in the *Washington Post*.
- April 10, 1992:** Chief Judicial Magistrate of Bhopal issues non bailable warrant of arrest against Warren Anderson and directs the government of India to seek extradition of Anderson from the United States.
- April 20, 1992:** Chief Judicial Magistrate directs confiscation of UCC's shares and properties of Union Carbide in India.
- April 30, 1992 -** In the light of their continued non-appearance in court, magistrate in pending criminal proceedings attaches the shares and properties of Union Carbide India Limited (UCIL) held by UCC.
- May 22, 1992:** Proclamation declaring UCE Hong Kong as an absconder was published in the South China Morning Post.
- February 14, 1994:** Supreme Court allows sale by Union Carbide of confiscated shares.
- May-June 2003:** The Indian Government sends requests for extradition of Warren Anderson to the U.S. State and Justice Departments
- July 13, 2004:** The U.S. government rejects India's request for Anderson's extradition. The rejection is made on technical grounds such as the non-framing of charges against Anderson in the ongoing criminal case in Bhopal District Court.



INACTION:

In 1992, Union Carbide Eastern Hong Kong, which was a wholly owned subsidiary of Union Carbide Corporation and registered in Delaware, United States, de-registered itself and reappeared as two new companies: Union Carbide Asia, and Union Carbide Asia Pacific. Instead of "following the assets," the CBI has given up on the prosecution of UCE, saying they cannot prosecute a company that has de-registered itself. We are asking for a special prosecution cell because the CBI has allowed UCC to get away, rather than following an effective course of action. It has been almost two years since the United States rejected the extradition request and the government of India has still not sent a revised request.

The government of India has never even begun proceedings for extradition of the authorized representative of Union Carbide Corporation.

CBI IGNORES PROBLEM:

In January 2005, the Chief Judicial Magistrate summoned Dow Chemical Company, of whom UCC is a fully owned subsidiary, to produce Union Carbide in the Bhopal District Court in the ongoing criminal case. Subsequently, Dow's Indian subsidiary moved the High Court to Madhya Pradesh and managed to get a stay on the summons issued against Dow USA. The CBI has made no effort to have the stay vacated and to ensure that Dow USA responds to the summons of the district court.

For these reasons it is necessary that a representative of the Ministry of Foreign Affairs handle the extradition issues rather than the CBI.



WE DEMAND that the Government of India prosecute Union Carbide and Anderson: That they set up a Special Prosecution Cell in the Central Investigation Bureau with representatives from the Ministry of External Affairs for speedy prosecution of Union Carbide Corporation, Warren Anderson, and other accused in the criminal case of the December '84 disaster

This padyatra is our march for justice and dignity until our last breath. 21 years is enough!

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