

SILVANA MOSSANO July 19th 2021

The list of witnesses and experts that the defence wishes to call at the Eternit Bis trial was "superabundant", a list of more than 120 pages that needs to be cut, as otherwise the trial could be endless: the Prosecutor's office pointed this out to the Court of Assizes of Novara. True, some names are sometimes repeated in the various chapters, that state what they would be called to testify about; and true some of the people on the list are dead; true that the defence lawyer Guido Carlo Alleva who represents Stephan Schmidheiny with Lawyer Astolfo Di Amato admitted that it will not be easy to trace everyone and therefore "the list will be reasonably reduced ". But there are still several hundred.

Unless the defence decides not to call him, Mr Mario Draghi, *pro tempore* Prime Minister, will also receive the summons to testify, as the Council of Ministers is a plaintiff; likewise, Mr Maurizio Landini, national general secretary of the CGIL Union; and Franco Bettoni, president of the National workers' compensation agency (Inail).

The Swiss entrepreneur, the last Eternit owner alive, must answer the charge of voluntary homicide, with possible intent, of 392 people from Casale who died of asbestos related diseases. The Court has listed some criteria to streamline the list: 63 are former workers of the Casale plant, 329 are members of the community who became ill due to an "*uncontrolled and still enduring exposure to the fibers*," as written in the indictment read out yesterday (Monday, July 19), after the president of the Court, Gianfranco Pezone, declared the trial open. The exposure also involved "children and teenagers during play activities", according to the prosecution (PPs Gianfranco Colace and Maria Giovanna Compare). And again: an exposure due to the "the behaviour of the defendant as an entrepreneur for a decade (1976-1986, ed.) when he effectively managed ", and who "systematically availed himself of a communications expert to remove suspicion from himself and conceal his responsibilities". On the contrary, the defendant "reassured the community with unfounded news", promoting a methodical "work of disinformation" on the real danger and carcinogenicity of asbestos.

The reading of the indictment took twelve minutes, most of which were marked by the painful listing of the 392 names. And they are not just names: each one has their own story, a frightening and almost instantaneous metamorphosis from a life full of projects to the monster diagnosis. And now those who remain with a list of loved ones who died, will also have to bear the burden and the suffering of proving that it was mesothelioma to annihilate their loved ones and not just any undefined accident in the hands of the mythological Parches that hold the fate of men and women in their hands.

After having listed the witnesses and consultants that he intends to hear, the prosecution complained about the length of the defence's list: The Court established some criteria. The prosecution asked to question Schmidheiny too, if he accept to come to the trial (as the plaintiffs' lawyers of have requested), but it is unlikely that this will happen since the defence when asked by Judge Pezone, answered: "No, we do not ask for the defendant to be called to the trial".

For each so-called "chapter of evidence", the judges admitted a precise number of witnesses and consultants. In particular, with regard to the victims' families, no more than two members each. That, multiplied by 392, still makes just under 800 people. "But we could not hear them all" said the defence lawyers. In short, the number still hangs in the balance, although there is hope and that lists will be further reduced.

In the meantime, the Court has said that the defence expert (anatomo-pathologist) Prof Massimo Roncalli, be authorized to analyse of the samples. "We have not been granted access to them,"

attorney Alleva had complained, documenting a sequence of unsuccessful requests. The Court stigmatized this lack of access, stressing that "the defence has the right to carry out the technical investigations with its own consultants on a par with what the Prosecution experts have already done". Of course, the president observed, "those *preparations* or *tissue samples* (the so-called "slides", which are "body of crime" of the trial) cannot be removed from the place where they are stored (At the Prosecution in the Turin Courts)". Therefore, the examination will have to be carried out on the spot and with the guarantee that the total integrity of the findings will be respected, in the presence of adequate surveillance and, according to Pezone's indication, and in the presence of the prosecutor's consultants. Work will take about three months.

In the meantime, however, the trial will go on. The next hearing is scheduled for Sept. 13.

The prosecution will bring the first witnesses before the Assize. The first witness will be Nicola Ponderano, a former employee of Eternit in Casale and then a trade union official who, together with Bruno Pesce (called to a later hearing), led the first trade union disputes and, then the subsequent battles, then carried on with the foundation of Afeva (Associazione famigliari e vittime amianto, the victims' association)

All other objections by the defence were rejected:

The translation from Italian to German was considered inadequate and not understandable? According to the Court, however, "it is reasonable that the defendant understood" the accusation, especially since, his defence lawyers (and Stephan Schmidheiny has at least two) should also inform their client, especially on the most technical issues, so it was up to them. "The approximation of the translation or the errors do not invalidate the acts". Therefore, the defence's request to consider the case null and void was rejected.

A similar answer was given on the question of "*ne bis in idem*" (double jeopardy) raised by lawyer Di Amato. "The cases of injuries and deaths in the other process (Eternit One, ed.) have not been the subject of specific dispute and investigation," said President Pezone, so much so that the evidence for the wilful disaster were based on epidemiological investigations involving groups of people and not individuals. Therefore, "the thesis of the defence is not convincing," concluded the Assize Court, "and the request is rejected".

<https://www.silmos.it/eternit-bis-i-legali-di-schmidheiny-chiamano-a-testimoniare-anche-il-premier-draghi-e-landini/>