

JANUARY THE 10TH 2022, ETERNIT HEARING

by

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The powerful and threatening Omicron variant casts its shadow on the Eternit Bis trial. Monday, January 10 hearing, the first after the Christmas break was not held due to the absence of one of the six members of the jury (*popular judges*) currently self isolating. In addition, one of the plaintiffs expert witnesses, who should have been on cross, is also suffering from Covid.

"What shall we do?" asked Gianfranco Pezone, the Chief Judge of the Assize Court, addressing prosecutors and lawyers. The defense lawyer Astolfo Di Amato (with Lawyer Guido Carlo Alleva) answered: "The papers write we are heading for the peak of the fourth wave of pandemic, with thousands of new cases a day, and this is expected to continue throughout January and mid-February. Would it not be best to wait till it's over and resume later?". When?

The public prosecutor Dr Gianfranco Colace (with his colleague Dr Mariagiovanna Compare) queried suspending it and referred to procedure: "Currently there are no government guidelines for trials during pandemic. And in any case how long would we suspend it for? Until the end of the emergency that the government has indicated on March 31?".

That's not all. Judge Pezone added on second thought: "Here (in the main University Lecture Hall, used as a courtroom.) we are guests, thanks to an agreement, and I would not like to overstay our welcome".

Yes, it is realistic to think that Omicron will spread in the next critical weeks, it will not spare judges, juries, lawyers, witnesses and experts (to be heard in the next month and a half).

So it's back to the original question, "What shall we do?"

TRIAL PHASE: STILL 10 HEARINGS

How long is the Eternit Bis trial expected to last? Lawyer Di Amato summarized it: "We will still need ten-twelve hearings. We have listed about one hundred witnesses, ninety of whom are family members of the victims. Witnesses could require two hearings, at most three". Then there are the defense expert witnesses: "We believe they will require five hearings plus a possible three for cross-examination by the prosecutors and plaintiffs".

In all just under three months to complete at least the preliminary phase of the trial (which will be followed by the discussion) where the Swiss business man Stephan Schmidheiny is called to answer for the voluntary murder (with possible willfulness) of 392 people from Casale who died of mesothelioma caused by asbestos dust spread by Eternit.

JANUARY 17 HEARING

President Pezone sighed and told the clerk: "Considering the period of health emergency which does not allow us to proceed regularly with the hearing...". The first step is this: it is confirmed the hearing of Monday, January 17 where genetic pathologist Prof Irma Dianzani, consultant of the

prosecution will be crossed, with Dr Pietro Gino Barbieri (Industrial Hygiene and Medicine) and the pathologist Prof Mauro Giulio Papotti (one of the plaintiffs' expert witness) and the Dr Edoardo Bay (if he recovers in time from Covid), expert for Democratic Medicine . On the 17th of January if need be the Court will decide whether to interrupt the Eternit Bis trial due to Covid.

All the victims' families who have already received the summons for January 17th or for other hearings, will receive a registered letter replacing those dates and will be re-summoned.

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