

THE TWO SMALLER ETERNIT CASES

By **Silvana Mossano**

The Turin – Cavagnolo Case in the Court of Assizes

Although the verdict was expected, the court of appeal announced extra time to January the 25th, 2023. The trial phase of the Eternit Bis trial, for the two victims from Cavagnolo, which (Turin Court of Appeal- chief Judge Flavia Nasi- with additional judges Maria Alvau and Ivana Pane) reopened one specific aspect of the case.

The defendant is Swiss entrepreneur Stephan Schmidheiny, the last surviving owner of the Eternit company. In fact, the plant in Cavagnolo then known as Saca, was still part of the Eternit group. Let me recap: this trial had started in a preliminary hearing, by the Turin investigating magistrate, who reclassified the crime of wilful murder into manslaughter. This decision had resulted in the case being 'unpacked': one, for two victims of Cavagnolo (one for asbestosis, the other for mesothelioma), had ended up before a single judge court in Turin and now in the Court of Appeal. The defendant had already been sentenced to four years in first instance. The Court of Appeal verdict was expected on November the 29th but they decided they needed further technical investigation regarding one of the two victims: former worker Giulio Testore, who died in 2008 at the age of 72 from asbestosis. In particular, the court wants to hear the PP's experts (Donata Bellis and Massimiliano Bugiani) and the defence ones (Massimo Roncalli and Canzio Romano), on the following point: given that the victim worked at Saca between 1955 and 1982, the Court wants to understand whether it is possible to ascertain how much the exposure to asbestos between 1976 and 1982, i.e. when the defendant was the manager of the Eternit company, affected him. Schmidheiny is not called to account for earlier exposures.

After the in-depth examination with the consultants, another date is likely to be set to allow the prosecutor Carlo Maria Pellicano (who had already asked for the confirmation of the first instance sentence to four years) and the parties' lawyers (for the defence: Astolfo Di Amato and Guido Carlo Alleva, and Laura D'Amico and Laura Mara for the plaintiffs), to re-discuss this issue only. A verdict will follow. The other victim in Cavagnolo was Rita Rondano, who lived in the village and also died at the age of 72, in 2012, from mesothelioma.

Naples

The 8 Bagnoli (Naples) cases went to the Naples Public Prosecutor's Office that insisted on the charge of wilful murder, but the Court of Assizes, reclassified it as manslaughter with the aggravating circumstance of wilfulness. As a result, 6 of 8 fell under that statute of limitations, since too much time had passed since the closure of the plant. For one case, of doubtful diagnosis, Schmidheiny was acquitted. The sentence of three years and six months was instead imposed for a single, more recent death case, for which the statute of limitations has not yet run out. Now, the defence has appealed the verdict and is waiting for the date of the appeal trial to be set.

Vercelli (Casale 392 cases)

The biggest trial, for 392 deaths in Casale and Monferrato, was transferred to the Vercelli Public Prosecutor's Office where the public prosecutor called for wilful murder which is the indictment the Swiss businessman is being tried for. The trial ended in front of the Novara Court of Assizes with territorial jurisdiction, Chief Judge Gianfranco Pezone, with Dr Manuela Massino and six members of the Jury. Proceedings are ongoing and the trial phase is in its final stages.