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Casale Monferrato, July 24th 2015

Today, July 24th 2015 at the preliminary hearing of the Eternit bis trial against Stephan Schmidheiny for the willful murder of 258 victims, Judge Federica Bompiani referred the objection of the defense (on the issue of constitutional legitimacy pursuant article 649 of the code of criminal procedure) to the Constitutional Court. According to the defense the case would not be consistent with the principle of double jeopardy (*ne bis in idem*) upheld by European Union Law, that is to say the prohibition to try a person twice for the same historical fact or event. It is a purely legal procedural matter and the Judge did not refer to the substance of the proceedings. The Trade Unions CGIL-CISL and Uil and the victims' association (AFeVA) see it as a decision which fails to address both the historical situation and the judicial history of Eternit; in fact in its November 2014 verdict the Court of Cassation ruled that the charge of Environmental Disaster came under the statute of limitations (while we all know that the causes and effects of the disaster are still underway). As mentioned, the current case concerns the deaths of hundreds of workers and members of the community caused by Eternit. It is also worthwhile remembering that the day after issuing the verdict the Court of Cassation had specified that it did not refer to the death of the people but merely to the charge of environmental disaster, and therefore had in no way acquitted the defendant. While not agreeing with the decision by Judge Bompieri, as the proverb says, every cloud has a silver lining: the suspension of the case in the preliminary hearing – while awaiting for the decision of the Constitutional Court - will enable the Prosecution to add 94 new recent victims, mainly citizens of the Casale area. Furthermore addressing the issue of constitutional legitimacy at this early stage of the procedure will clear the picture and avoid it being raised at a later stage in the proceedings. In other words, one can hope that once the matter of law has been resolved the case can proceed and reach a conclusion without further interruptions.

We will continue to have complete trust in the justice system and in our struggle so that truth may be recognized in the words of just verdict.

AFeVA , CGIL, CISL e UIL

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