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Italian Supreme Court Quashes Convictions of Prosecutors in Case against Eni and Shell

New chapter in Nigerian oil field saga opens as OECD promises to investigate Italian state interference in trial of oil companies

We welcome and celebrate the decision by the Italian Supreme Court on 18 June 2026 decisively to overturn the conviction of Fabio de Pasquale and Sergio Spadaro, the two lead prosecutors in the Milan trial of oil multinationals Eni and Shell and others for alleged bribery in the acquisition of Nigeria's OPL 245 offshore oil field.

The prosecutors had wrongly been accused and sentenced by lower courts for "refusing to perform an official act," based on alleged failure to file documents by a deadline – even though the cited documents were never actually in the possession of the two prosecutors

The Supreme Court rejected the allegations, ruling that "the facts do not exist." In effect, the Court found that the prosecutors had no case to answer and the convictions were unlawful.

The ruling vindicates the prosecutors who had always defended their innocence, and shames former Nigerian Attorney General Mohamed Adoke and various associates of Shell and Eni who have sought to argue that the prosecutors' convictions bolstered their case that no bribes were paid in the OPL 245 deal. We call on those who have made such statements to issue an immediate apology and retraction.

The prosecution of the prosecutors had all the hallmarks of a politically-motivated witch hunt. The disciplining and criminal conviction of the prosecutors (on charges that an independent judicial expert long prior to the Supreme Court ruling described as "questionable conjectures") effectively dismantled prosecutorial discretion in anti-corruption cases, making it harder to proceed with such cases.

Far from bringing to an end the OPL 245 story, as some news reports have suggested, the Supreme Court ruling merely opens a new chapter.

In response to a dossier documenting 60 red flags in Italy's handling of the OPL 245 case, the Working Group on Bribery of the international Organisation for Economic Co-operation and Development (which acts as guardian of the OECD's Anti-Bribery Convention) has given an undertaking to non-governmental organisations that it would investigate concerns over

political interference in the OPL 245 case once the case against de Pasquale and Spadero had reached its conclusion.

The OECD Working Group has already ruled that the acquittal of Eni, Shell and other defendants in the OPL 245 trial did not accord with the OECD Anti-Bribery Convention. Any finding that there was political interference in the OPL 245 trial would place Italy in breach of Article 5 of the Convention.

The *prima facie* evidence for such a breach is considerable. Associates of Eni have already been convicted for conspiring with state officials to “pollute” the prosecutors' investigation into the OPL 245 deal, and a former senior legal counsel for the company is currently being prosecuted for the same offence.

One of those convicted has alleged that the aim of the “pollution” scheme was explicitly intended to terminate the OPL 245 prosecutions; to discredit and discipline the trial prosecutors; and to reduce the effectiveness of the specialist anti-corruption unit within the Milan Prosecutors' Office. These outcomes have all come to pass, but the Supreme Court ruling holds out the hope that they can be reversed.

The public record also shows that Italy's handling of the OPL 245 prosecutions was characterised by departures from applicable procedural rules that would appear to have been necessary precursors to decisions that resulted in or that are alleged to have resulted in: the termination of the OPL 245 prosecutions on grounds that were overtly political and which, in one instance, failed to take account of new jurisprudence favourable to the prosecution; the prevention of the two lead prosecutors at the Court of First Instance from joining the team leading the State's appeal against the acquittal of the defendants, which they had filed, thereby sabotaging the appeal; and the evisceration of the specialist anti-corruption unit at the Milan Prosecutors' Office, lauded for its performance prior to these events, in the WG's Phase IV review of Italy.

We will now hold the Working Group to its undertaking. The OPL 245 saga is far from over.

For further commentaries on the prosecution of the prosecutors and the OPL 245 case, readers are referred to the following links:

- Drago Kos (Former Chair, OECD Working Group on Bribery), “Prosecutors fighting major corruption cases in Italy now risk criminal charges”, <https://euobserver.com/section/opinion/>
- Daniëlle Goudriaan (Former Chair, OECD Working Group on Bribery), “A Judgment at odds with the OECD Anti-bribery Convention”, <https://youtu.be/owqZTg05GUY>
- Mark Pieth (Former Chair, OECD Working Group on Bribery), “Inaction on Italy – an Act of Cowardice?”, <https://youtu.be/XmHDsFjH2Dw>
- Daniëlle Goudriaan (Former Chair, OECD Working Group on Bribery), “The critical importance of prosecutorial discretion”, <https://youtu.be/tmq0UVJsxtk>

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