

COMPLAINT UNDER ARTICLE 5 OF THE OECD CONVENTION

DEN-OCSE-LSM-2026/09

Addressees. To the OECD Secretariat — Anti-Corruption Division, Directorate for Financial and Enterprise Affairs, 2, rue André-Pascal — 75775 Paris Cedex 16, France; to the Chair of the Working Group on Bribery in International Business Transactions; and, for information, to the organisations that requested the open procedure on the OPL 245 case.

Subject. Complaint under Article 5 of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Paris, 17 December 1997) — Italy, the OPL 245 case and connected proceedings.

Complainant. Avv. Luca Santa Maria, Milan, the sole civil party joined against Eni S.p.A. in criminal proceedings no. 4659/2023 R.G.N.R. — no. 643/2024 R.G. dib., Court of Milan, Third Criminal Division. Contact details appear below; the letters of transmission to the institutions concerned follow under separate cover.

Texts. This complaint exists in two complete texts, Italian and English, with identical numbering of the forty-eight paragraphs. The English text is the operative text before the Working Group, English and French being the official languages of the Organisation; the Italian text is the original. See the Note on the texts, below.

Milan, 26 August 2026

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Part I — The case, the rule, the method

1. The case. This complaint concerns the largest foreign bribery trial ever held, and what happened to it beneath the surface. On the surface: in 2011 Eni S.p.A. — the energy company controlled by the Italian State — and Shell paid approximately USD 1.3 billion for the Nigerian oil licence OPL 245; the money, paid by the Nigerian State to the company Malabu, attributable to the former oil minister Dan Etete, split into two branches: of the approximately eight hundred million transferred in August 2011 to Malabu's Nigerian accounts, some three hundred remained with Etete, and over five hundred and twenty passed to the companies and money changers of Aliyu Abubakar — converted into cash, scattered without traceability, to recipients still largely unknown. The

trial opened in Milan in 2018 against the two companies, their senior officers and others. On 17 March 2021 the Court acquitted all defendants; on 19 July 2022 the Prosecutor General withdrew the appeal, and the acquittal became final. Thus far, what the world saw.

2. The two hidden currents beneath the trial. Beneath the surface, and throughout the decade, two hidden currents were at work. This is the image that governs this document: a trial held in the light, and two underground currents — organised and financed, so far as the documents show, from within the perimeter of the State-owned defendant company, with the benevolence and collusion of the State — which touched that trial’s evidence, its witnesses, its prosecutors and its bench, without ever appearing in the case file. The first current runs from 2014 to 2018 and is today itself the subject of criminal proceedings pending in Milan. The second runs from 2019 to the present, was discovered by the Guardia di Finanza only in the summer of 2025, and forms no part of any charge in the pending trial.

3. The rule and the thesis. Article 5 of the Convention requires the Parties to ensure that investigation and prosecution of foreign bribery are not influenced by considerations of national economic interest, the potential effect upon relations with another State, or the identity of the natural or legal persons involved. The OPL 245 case combined, to the highest degree, all three prohibited factors, and the three factors had a single common name. The national economic interest was the State, controlling shareholder of the defendant company. The identity of the persons involved was the State: the chief executive on trial had been appointed by the Government a few months before the investigation reached him, and was reconfirmed three times while a defendant. And the offices called upon to apply the law were the State’s. The thesis of this document is stated at once, and with it its purpose. The thesis: the OPL 245 trial did not take place under the conditions Article 5 requires, because the two currents conditioned its course, and because the Italian State — in its judicial offices, its apparatus, its political and administrative leadership — did not remain a spectator: some manoeuvres it hosted in its own offices, others it allowed to come to nothing, and to those who denounced them it responded, for a decade, with a constancy of direction that is precisely what Article 5 forbids — those who accused the company punished or struck, the proceedings that touched it protected or dissolved. The purpose: to enable the Working Group to verify, on the documents, the indications of even indirect State intervention in the OPL 245 trial and in the proceedings that followed it — indications that no Italian forum has ever examined as a whole, because no Italian forum has ever had the whole before it.

4. The forum and the moment. The Working Group is the natural forum for this complaint, and this is its moment. On 9 June 2025 three non-governmental organisations filed a formal complaint concerning political interference in the OPL 245 case; the Working Group undertook to examine the matter once the Italian trial of the two OPL 245 prosecutors had concluded; on 18 June 2026 the Court of Cassation concluded that trial by acquitting both “because the fact does not exist”; on 23 June the organisations publicly declared: “We will now hold the Working Group to its undertaking”. In October 2026, finally, Italy must report in writing to the Working Group under Phase 4 monitoring. This complaint stands alongside that of the organisations, autonomous and uncoordinated, and brings what only a party internal to the Italian proceedings

could bring; Part IV will say why the Phase 4 assessments require updating, and Part VI sets out the requests.

5. The method. The reader need not take the author's word. Every assertion in this document belongs to one of three registers, always declared: what is *established* results from an identified document — a transcript, a judicial police report, a judicial order, a metadatum — whose date and location are given; what is *stated* is somebody's assertion, of which it is said who, where and when, without assuming it true; what is *inferred* is a logical step whose premises, rule, and point of possible failure are declared. Relevant absences — the investigations not carried out, the questions not asked — are recorded with the formula "does not appear": it will be seen that they are the most eloquent part of the story, and the questions they impose on the Italian State are listed at paragraph 44.

6. The perimeter. This complaint does not ask that the outcome of OPL 245 be rewritten: the acquittal is final and so remains. It asks that the conditions under which that trial took place be ascertained, and it asks that the response of the State — of its prosecuting offices, its judges, its governing body of the judiciary, its executive — be measured against the progressive discovery of the manoeuvres devised to condition its outcome. Article 5 does not judge outcomes: it judges conditions and conduct. On those this document is focused.

7. The structure. Part II says who the author is and gives the map of the proceedings: the matter is fragmented across at least nine case files, before different offices, and no judicial forum has ever been able — or willing — to see it entire. Part III, the heart of the document, retraces the interference in twenty-three dated moments, from 2014 to the present, each with its registers, and counts the omissions at the end. Part IV measures the State's response against the yardstick of Article 5 and of Phase 4. Part V documents what happened to the only private party who has called Eni to account in court for this story. Part VI places the complaint within the procedure under way and sets out the requests. Part VII closes.

Part II — The author, and the map of the proceedings

8. The author. The author is an Italian criminal defence lawyer, for thirty-eight years a member of the Milan Bar, who on 24 October 2025 applied to be struck off the Roll for the reasons Part V documents. For two decades he was counsel to the Eni group: he assisted Federico Stella in the company's defence in the Milanese investigations known as Tangentopoli; he defended Enichem in the Venice trial concerning the Porto Marghera petrochemical plant, Solvay in landmark trials for public-health and environmental disaster, and Telecom from 2008 in all the group's criminal matters; he was the publisher of "Diritto Penale Contemporaneo", the first online criminal-law review in Italy. And he has not merely followed this story: he has been part of it. Counsel to Vincenzo Armanina — the former Eni executive who became co-defendant and accuser of the company's leadership in the OPL 245 trial — from October 2014 to 2017; target, together with the prosecutor in that trial, of the calumnious email of 9 February 2017 which is one of the pivots of this story; a named target of the anonymous complaints that opened the Trani track; the sole civil party joined against Eni in the "conspiracy" trial; author, since December 2024, of

complaints which anticipated — with calendar dates, verifiable — findings the judicial police reached months later. He knows the company from having served it, and Italian criminal law from having practised it at its highest levels for thirty years: for this reason he is able, as no one else is, to document the entire story, because he has passed through all of it and retains the record.

9. The map. The matter lives in at least nine case files. The first is the OPL 245 trial (Court of Milan, 2018-2021): the target trial, final acquittal. The second is the “conspiracy” trial (no. 4659/2023 R.G.N.R., Court of Milan, Third Division), pending, in which the author is a civil party: the defendants include Eni’s external counsel Piero Amara, the former executive Armanna, the former in-house lawyer Bianco and other former group managers; it adjudicates the first current — the criminal association charged from summer 2014 to December 2019, said to have manufactured the narrative of a conspiracy against Eni’s leadership — and the calumny against the author; the prosecution’s closing submissions were delivered on 25 June 2026, judgment is expected within the year. The third is the Brescia trial of the two OPL 245 prosecutors, De Pasquale and Spadaro: convicted at first instance and on appeal, acquitted by the Court of Cassation on 18 June 2026 “because the fact does not exist”. The fourth is the Potenza trial of the former Chief Prosecutor of Trani and later of Taranto, Capristo, of the lawyer Amara, of the Interior Ministry official Paradiso and others, for corruption in judicial acts: it adjudicates the sale of judicial office of which paragraph 16 will speak. Then come the files the public does not see. The fifth: “Ungheria” — the secret statements made by Amara in December 2019 concerning an alleged lodge of magistrates and State apparatus — transmitted to Perugia and shelved in full on 13 September 2023, with the judge’s observation that the investigation had been compromised by the leak. The sixth: the leak itself, concluded at first instance on 20 February 2026 without a name for whoever circulated the statements from within the Palace of Justice. The seventh: the file arising from the false documents filed by Eni’s defence in 2020 (no. 11191/2020), shelved on 23 January 2024 with the declaration that those documents were false and the account of their “discovery” wholly unreliable, and with transmission of the papers concerning the position of Eni’s General Counsel, Stefano Speroni. The eighth is precisely the Speroni file (no. 25203/2022), in which on 19 March 2026 the prosecutors sought a shelving order, opposed by the civil party; and it is here that the Guardia di Finanza, in its report of 4 July 2025, discovered previously unknown facts: intelligence operations entrusted to internationally prominent consultants, which the Equalize operatives, when questioned, described as unlawful. The ninth is the “Equalize” investigation (no. 10156/2022), the parent inquiry into the Milanese platform for dossier-building and unlawful access to State databases, which has reached the notice of conclusion of investigations; from its trunk was severed file no. 11830/2026, in which counts 51 and 53 charge the General Counsel with having commissioned from that organisation, through the external law firm Dentons, unlawful accesses to the State inter-agency database and a report constructed so that a present defendant in the “conspiracy” trial would be “falsely qualified as belonging to the ‘ndrangheta” — a report then “filed by Eni’s external counsel with the Public Prosecutor’s Office in Milan”. Those notices are not extraneous to the pending trial: both Armanna’s defence and the civil party filed them with the Court in May 2026.

10. The position, and three observations. The author’s position is at once the strength and the limit of this document, and the author applies to himself

the test he asks be applied to others: he has an interest — he is a civil party with a claim in damages, and Part V documents a further and graver one. Precisely for this reason the document is constructed so that nothing depends on his word: the sources are transcripts, judicial orders, Guardia di Finanza reports, filings by opposing counsel, decisions of judges. Nothing travels in secret: the filing of this document was announced in advance to the Court of Milan and to the opposing parties in the closing reply filed at a public hearing. One caution: this document names no instigators; where the documentary chain stops — and it always stops at the same point: the threshold of the leadership — the document does not cross it, and asks something more solid: that someone explain the mechanism. The map, meanwhile, permits three observations. First: no Italian judge has ever had the entire story before him; the civil party's application to join the connected proceedings was rejected on 6 May 2024, and each forum adjudicates a fragment. Second: the files concerning the manoeuvres against the OPL 245 trial are precisely those that have systematically come to nothing — shelved, time-barred, or closed without a name. Third: the only file in which the design has been judged as a whole is the one concerning the first current; and there the prosecution sought conviction of the executants alone.

Part III — The interference, in twenty-three moments (2014-2026)

11. The criterion. This Part retraces the interference in twenty-three dated moments, from 2014 to the present, through to paragraph 35: each rests on sources declared in the registers of paragraph 5, and together they form the documentary backbone of this document. One constant unites them, and it is the constant that concerns Article 5: alongside the facts stand the omissions — the investigations that never appear to have been opened into those very facts. The reader is invited to count, alongside what happened, what was never asked: at the end, at paragraph 35, the omissions counted will be ten.

12. 2014 — The investigation reaches the leadership, and the Government speaks. On 2 July 2014 Eni receives the first production order: the Milanese OPL 245 investigation is moving up towards the leadership. On 30 July Vincenzo Armanna, dismissed the previous year, presents himself voluntarily to the prosecutors: from his statements follows the entry in the register of suspects of the serving chief executive — appointed by the Government a few months earlier, in May 2014 — and of his predecessor. When, on 11 September 2014, news of that entry became public, it was the political leadership of the State that spoke first: on 17 September, in Parliament, the Prime Minister declared that to draw immediate conclusions from an entry in the register “is an act of barbarism”, and that to convey the message that a “scoop” might bring about the end of “the twenty-second company in the world and the first in Italy” “is not worthy of a civilised country” (parliamentary record of 17 September 2014). Words which, in themselves, belong to a legitimate concern for the presumption of innocence; but let the Working Group weigh their structure: six days after the news, before Parliament, the head of the shareholder Government characterised the very publicity of the investigation into its own company as a threat to the country; and that Government, and its successors, would renew the mandate of the

indicted chief executive in 2017, in 2020 and in 2023, with the trial under way. From that moment the State-owned company has a problem no ordinary defence can solve: an internal co-defendant who accuses, and a trial that cannot be stopped. What follows is the non-ordinary response.

13. 2014 — The “spy inside the dog” and the political circle. The pivot of the response is Piero Amara, Eni’s external counsel: almost eleven million euro in fees paid between 2003 and 2014 according to the internal schedule in the 2018 KPMG report on the record; by his own testimony at the pending trial, “all my professional activity was connected to Eni”, with unfiltered access to the leadership. On 28 July 2014, at a meeting in the Rome office of the businessman Bigotti, video-recorded without Armanna’s knowledge — a circumstance acknowledged in the OPL 245 judgment — those present remind Amara that he is “the sensor inside the company”, “our spy inside the dog” — the six-legged dog, the company’s emblem; and at that table sat not company men, but an expert from the private office of a Ministry and the secretary-general of a political foundation, fifteen months later chairman of the public energy company Acquirente Unico; the business on the table concerned assets of the State company’s Nigerian subsidiary. Amara would state (interrogation of 18 November 2019) that it was a senior company executive who had asked him to record Armanna, “to blackmail Armanna”; the company denies it. In a second video, of 18 December 2014, which entered the Milan file only in October 2020, Amara thanks the businessman Andrea Bacci — a “fraternal” friend of the then Prime Minister, by Bacci’s own testimony of 16 April 2026 — for the “very great hand” given “at the time of Descalzi’s appointment”, and describes the executive who lost out as “the sworn enemy of my people”. Around this, the circle documented by the record and by the April 2026 testimony: appointments to the leadership of State-participated companies decided at a weekly political table — thus the witness Verdini: “it was Renzi [...] who wanted Descalzi”; the confidential news of the imminent appointment running to Amara, who carries it to the company’s leadership, who “had rejoiced”; the “Keepwild” memorandum of autumn 2015, found on Amara’s computer and destined — according to the Perugia record — for the Under-Secretary to the Presidency of the Council, Luca Lotti, by Bacci’s hand; the cash which Amara, according to Verdini’s notes confirmed in court, carried “to the party”; and, in the intercepted conversation of 21 May 2019, Lotti’s own voice: “the Eni paper I already have [...] The Eni paper Descalzi handed me last week” — the chief executive of the indicted State company handing over by hand, to a politician, the dossier useful to discredit the deputy prosecutor supervising the Rome investigations into the company’s lawyer. The Perugia Prosecutor’s Office concluded that the seized documents “constitute objective corroboration” of Amara’s relations with Lotti “albeit mediated by Andrea Bacci”, and that the lawyer “operated [...] as a genuine lobbyist” within “a system of relations aimed at interfering in the appointments of the senior judiciary”. None of these elements, alone, proves interference in the trial; together, they say what the trusted lawyer of the State company was: the point at which the company, the governance of the judiciary and political power touched — and served — one another.

14. 2015 — The fabricated complaints to the Chief Prosecutor of Trani who proceeds. On 23 January 2015 the first of three anonymous complaints reaches the Trani Prosecutor’s Office, and the scene is reversed: the conspiracy is said to be not by those who bribed, but against Eni; the named targets are

the internal critics — the independent director Zingales, the director Litvack, the executive Vergine — Armanca himself and his counsel, that is, the author; a handwriting expert instructed by the company would attribute authorship of one anonymous document to the latter, with the effect — reported in court — of blocking professional appointments. The Potenza indictment today states that the complaints had been “drafted by Avv. Amara”, contrived “so that the matter would fall within the jurisdiction of the Trani Prosecutor’s Office”, and set out “the fanciful existence of a supposed (and in reality non-existent) criminal design” aimed “at destabilising Eni’s leadership”: “the intention was to make Descalzi appear the victim of a conspiracy”, “including by calumniating wholly innocent persons and by fabricating ideologically false registration decrees under model 46” — while Descalzi “was on the contrary under investigation by the Milan judicial authority for serious acts of corruption”. On 20 February 2015, when counsel had to be chosen for Eni as “injured party” in proceedings in which no one had yet injured it, a lawyer in the legal affairs department notes: “one idea might be Piero Amara”. On 21 May 2015 the Chief Prosecutor of Trani receives the company’s senior legal officers: the meeting was arranged, at their request, by Amara. On 3 July 2015 Zingales resigns from all his offices: he would testify on 20 February 2025 that he learned he was under investigation in Trani only after resigning.

15. 2016 — Syracuse: calumny wearing the habit of the Prosecutor’s jurisdiction. The file migrates to Syracuse by order of 22 April 2016. On 8 July 2016 the Syracuse prosecutor issues notices of investigation for defamation against Vergine, Litvack and Zingales: Eni had filed no complaint, and there was no procedural act requiring notice — an act which, so far as appears, is explicable only as done to strike, not to proceed. On 14 July a copy of the notice is in the hands of Eni’s legal department hours before it is served on the only one of the three who would receive it. On 21 July, in a meeting, the Chief Prosecutor of Syracuse suggests to the company’s lawyers the complaint that is missing; the draft is prepared the same day; on the 22nd the head of legal affairs informs the leadership, and the chief executive replies “Fine”; the complaint — against persons unknown, for facts yet to come: in blank — is signed on the 28th and filed on 29 July, when the file has already left Syracuse; on 28 July, the same day as the signature, the board of directors removes Litvack from the control and risk committee. Nor was that office new to bending to the lawyer’s friendship: one of its deputies, a “great friend” of Amara in Amara’s own words in the Perugia record, had conducted from 2003 the environmental investigation most feared by the company in Sicily, closed without trial; subjected to disciplinary proceedings in 2012, he was acquitted by the disciplinary division of the Superior Council “contradicting three interim decisions” — an outcome which the Perugia Prosecutor’s Office connects, as a concrete possibility, to a Rome meeting of Amara “with certain members of the C.S.M.”; the final criminal conviction came in 2017, and disbarment only once the system had collapsed. The end came from within the judiciary itself: on 23 September 2016 eight magistrates of the Syracuse Prosecutor’s Office signed a report to the heads of the judiciary — stating, “with profound embarrassment”, that the action of their office is exposed to contamination by “persons bearing specific economic and entrepreneurial interests”; from that report arose the Messina investigation which in February 2018 would lead to arrests and expose the “Syracuse system”. Around it, the machinery of consent and of careers: a press agency remunerated by the company published in 2015-2016 articles

commissioned by Amara lending credence to the conspiracy; a senator, the day after the notices to the three critics, declared that a “conspiracy against Eni and Matteo Renzi”, if true, would be “a most serious action against national security”; and while those targeted departed — Litvack removed, Vergine relocated to Amsterdam “as a precaution”, in a “non-operational” role — those who served the construction rose: with the complaint filed, the head of legal affairs who had signed it was promoted to the operational directorate that had been Vergine’s and to the chairmanship of the group’s trading company.

16. 2015-2020 — The Ministry man who assists Amara step by step. The intermediary between the lawyer and the offices of the State has a name and a transcript. On 22 February 2020 Filippo Paradiso is examined in Milan, a member of the State Police, since 2004 continuously “seconded to various private offices of certain Ministries” — most recently the Ministry of the Interior and, “without remuneration”, the Private Office of the President of the Senate. He states that it was he who introduced Amara to Chief Prosecutor Capristo; he recounts the evening on which the group — “myself, Capristo, Bacci and Amara” — waited for Bacci to track down the member of the Government, Lotti, and then joined him at a Rome restaurant, where the Chief Prosecutor set out his career expectations to the minister; and the introduction to Amara of the Prime Minister’s father. On 3 March 2022 the Potenza Prosecutor’s Office sought committal on the charge here reproduced verbatim, because it is the State speaking of itself: Capristo “habitually sold” to Amara and others “his own judicial function both at the Trani Prosecutor’s Office (to Amara alone) and at the Taranto Prosecutor’s Office”, “Paradiso performing, in that context, the function of intermediary”, “habitually remunerated”; the consideration was “the constant attention of Amara and Paradiso to the progress of his career”, with “an incessant activity of recommendation, persuasion, solicitation” upon members of the Superior Council of the Judiciary. The defendants are presumed innocent until final judgment, and this document so records. But one objective of that season was declared by Amara himself, in an interrogation of 23 April 2018 confirmed in court on 5 February 2026: “the action which, through an official of the Ministry of the Interior, I hoped would issue from the Trani Prosecutor’s Office was precisely the seizure of Armanna’s telephones and devices”. The seizure of the accuser’s devices, sought in 2015 through a friendly prosecutor’s office, would arrive in 2020 by another route: paragraphs 27 and 28 will say with what fruits. And the promise was kept: in 2016 Capristo obtained the Taranto Prosecutor’s Office — the post which the “Keepwild” memorandum had already given as decided by the “currents”; in May 2020 he was arrested at the request of the Potenza Prosecutor’s Office; beneath the spare wheel of his car, the civil party reports, investigative papers concerning Amara were found.

17. 2014-2016 — The internal accuser bought the first time. On the front of the co-defendant who was accusing, the current works with the other instrument: money, and the money begins before the retraction. In the summer and autumn of 2014 Armanna publicly accuses the leadership: the company does not sue him. It pays him. On 21 November 2014, on the margins of a dinner at a Rome hotel — two of those present recount it in their interrogations, and a third dinner guest, examined in court on 15 May 2025, confirms that the three absented themselves together — the agreement is sealed, on the civil party’s reconstruction. On 17 December 2014 the head of the Nigerian subsidiary orders the release, outside procedure and ratified after the event, of

one million seven hundred thousand dollars owed to the Nigerian company Fenog — as that same executive confirmed in court on 29 May 2025; the following day, in the Rome office, Amara was thanking Bacci for the “very great hand”. On 7 January and 4 February 2015 Fenog transfers to Armanina eight hundred thousand dollars in all, “payment for services”, recorded by the company’s own internal audit (report no. 46/2019); and throughout 2015 the “great accuser” is silent. On 27 May 2016, when the war has resumed, the memorandum by which Armanina retracts his accusations against the chief executive is filed with the prosecutors. How that retraction was obtained is a matter for the pending trial; but one date alone measures the distance between coincidence and design: the framework contract between Fenog and Napag — the two channels of the money, of which more below — is created and takes effect on 27 May 2016, the very day the retraction memorandum is filed, and already bears the name of the contract — “Project IDU” — which the Nigerian subsidiary would award almost ten months later (trial testimony of 23 September 2024). The fact is on the record; no defence reconstruction has ever named it.

18. 2016-2019 — Amara as a man of the secret apparatus of power: “Ungheria” and the “system of relations”. Who Amara was, beyond his relationship with the company, has been said by the State itself, and by him. In December 2019, in statements covered by absolute secrecy, Amara describes a network — “Ungheria” — of magistrates and State apparatus which in his account continued the historic P2 lodge: the investigation arising from it would be shelved at Perugia on 13 September 2023 not because disproved, but with the finding that the leak had compromised it at root. At Potenza, in court, he would claim to have moved within a “system of relations” — “high officers of the State and magistrates turned to me as to others to obtain a majority within the CSM”; “90% of the facts on which I reported have been corroborated” — statements of a defendant, which this document treats as such. But around them stand official acts: the memorandum which the prosecutor in charge of the Milan counter-investigation sent to the deputy prosecutor on 22 April 2020 lists, among the “corroborations” of Amara’s statements, “the Verdini chats”, the “Keepwild” memorandum, Calafiore’s recordings, formal confirmation of the nicknames on the encrypted platform Wickr — corroborations described as “important, to be implemented and exploited as soon as possible”. And in court, at the pending trial, on 5 February 2026, Amara was asked: “do you know a CIA officer named Robert Gorelick?”. “Yes”. “And did you meet him through Armanina?”. “I avail myself of the right not to answer” — the only such refusal of that hearing; on challenge, he confirmed what he had stated on 1 April 2022. This document assumes none of these assertions to be true. It records what they say, together, about the man’s position: the trusted lawyer of the State company moved — by his own claim, with official corroborations never disproved — among the Superior Council of the Judiciary, security apparatus and intelligence services, Italian and foreign. Always in the interest of the company, on whose professional instructions — but also on other systems of emolument and on commercial transactions — he depended.

19. 2018-2019 — The fall of the lawyer and the Milan Prosecutor’s Office investigating the leadership. The first current ends with the arrest of its pivot: on 6 February 2018 Amara is arrested, together with the former Syracuse prosecutor, for corruption in judicial acts, including in relation to the Trani-Syracuse “conspiracy” file; both would plea-bargain — and a sentence applied

on the parties' request is, in Italian law, equated to a conviction. The "conspiracy" file, received from Syracuse, had meanwhile reached Milan: on 20 March 2017 prosecutor De Pasquale had sought its shelving with five words worth remembering: "there is no evidence whatsoever". Between February and July 2019 the following happens, in tight sequence: the document requests of the Rome and Milan Prosecutor's Offices concerning Napag and Fenog; the closure by Eni of the corresponding payment channels — the letter terminating relations with Fenog is dated 17 June 2019; the return to accusation of Amara and Armanna, cut off from the flows; the dismissal of the head of legal affairs who had signed the 2016 complaint; and, in July 2019, the entry in the register of suspects of the chief executive and of a senior executive for criminal association and for inducing a declarant to make untruthful statements. The danger, for the company, has never been so high: no longer only the OPL 245 trial, but an investigation into the leadership for having manoeuvred against that trial. And the plan of escape is put on the record in advance by one who knew it: on 2 December 2019 Amara states in Milan that he had been given to understand that, "in order to ease the pressure coming from the Milan Prosecutor's Office it would be useful to unload responsibility for my unlawful activities onto Mantovani and La Rocca" — the two executives already departed from the group. It is a hearsay statement, and is recorded as such; but let the reader hold it alongside the outcomes: in the years that follow, every defence reconstruction by the company will converge in attributing the first current also to the dismissed executive, and the positions of the serving leadership will be shelved.

20. 2017-2019 — Follow the money. The accounts must now be drawn, because money is the connective tissue of the manoeuvres. From December 2016, with the notice of conclusion of the OPL 245 investigations, the company's defence gains access to the file, and in the file is the documentary proof of Fenog's transfers to Armanna: from that moment the company knows. On the record too is the memorandum of 17 May 2016 with the first retraction in favour of the Chief Executive. On 6 March 2017 defence counsel file the calumnious email that completes the retraction (paragraph 22); on 14 March 2017 — exactly one week later — the board of the Nigerian subsidiary awards Fenog the "Project IDU" contract worth USD 70.3 million, with collateral contracts from Fenog for ten per cent each to Armanna and to Napag, the company attributable to Amara's circle — roughly seven million each; and Fenog was not the best bidder: it was the worst, and won on a technical quibble. One who knows that Fenog pays the accuser, and nonetheless awards Fenog such a contract, accepts that the accuser will have his share, the more so because from December 2016 knowledge of the flows from Fenog in his favour in 2014 is available — and the flows actually reaching Armanna exceed, on the record, six million. To Amara, via Napag, went at least eight hundred thousand dollars in performance of the contract of 27 May 2016, and a payment of 25.9 million from the group's trading company, prepaid one hundred per cent and without guarantees, in April 2018 — a transaction later unwound, in 2019, under pressure from the prosecutors. The major channels close in mid-2019, and only after the Rome and Milan Prosecutor's Offices have called for an account of them; minor rivulets would continue until 2021.

21. 2014-2021 — Napag: the rise of a supplier from rags to riches. A story runs parallel to the money of paragraph 20, and shows the system from the side of one who was first its instrument and then its target. Francesco

Mazzagatti, a Calabrian from Polistena, traded in beverages and fruit juices from a warehouse in Gioia Tauro; his Napag Italia had ten thousand euro of capital. It is Eni's own internal audit — report no. 39-2019 of 17 July 2019 on relations with the Napag group companies — that describes his profile: “entrepreneur in the food trade sector, in particular fruit juices and beverages”, “a person active in politics, as former regional president for Calabria of the Fronte Nazionale party and also indicated as adviser for Middle Eastern countries within the Ministry of Defence”. The audit does not sufficiently highlight the impossible leap to legitimisation by the Government of Italy; a few months later, completing the irresistible ascent, someone introduced him to Amara. From February 2015, in the very months when the Trani investigation was taking its first steps, the two visited the Eni group companies together to secure contracts for Napag; the names they invoked, to accredit themselves, were those of Descalzi, Granata and Mantovani, and it does not appear that any of the three ever denied it. Napag obtained accreditation as a group supplier: registered in 2015 among the trading company's authorised counterparties “at low risk” and without any “authorisation escalation” — so the audit itself notes — despite capital of ten thousand euro, six thousand of which not even paid up, a fruit-and-vegetable corporate purpose, no turnover, no employees, no references; from January 2017 its registered office was transferred to Amara's Rome practice. Within a few years it became an international group: 162 million in turnover in 2017, a board appointed in January 2017 which included, among others, the Chairman of Simest of the Cassa Depositi e Prestiti group, Giancarlo Lanna, and a former chief executive of Consip, Danilo Broggi — again per the audit — and in 2018 control of an Iranian petrochemical producer, while — these are the records of the “White Moon” cargo investigation — it traded Iranian crude presented as Iraqi. In 2019 the trajectory broke: Eni suspended Napag from its supplier records on 15 February 2019 because of the Rome Prosecutor's pressing investigations and revoked it in June; on 21 June 2019 it filed a criminal complaint for fraud in relation to the “White Moon” cargo; the charge that arose from it — against, among others, Mazzagatti — was extinguished on 5 October 2023, at the first preliminary hearing, by the Company's own withdrawal of the complaint. Mazzagatti moved to London, where the group, under the name Viaro Energy, acquired in 2020, for some two hundred and fifty million pounds, RockRose Energy, a North Sea field operator, and negotiated with Shell a portfolio of fields worth some half a billion dollars — these last being matters of international press reporting, and reported as such. Then the reversal, which brings the story back within the perimeter of this complaint. The false papers of 20 February 2020 identified precisely companies of the Napag group in Dubai as the origin of the thirty-seven million dollars attributed to the former head of legal affairs — thus the shelving request of 19 March 2026 summarises them, reaffirming their objective falsity; the apparatus commissioned a due diligence on him, and the report that was to qualify him “falsely” as belonging to the 'ndrangheta was filed with the Prosecutor's Office by external counsel for the company (paragraph 9); for the calumny against him, today, the then General Counsel of Eni answers in severed file no. 11830/2026. Of the targets of the dossier factory, he is the third brought to trial in the pending proceedings — alongside Amara and Armanna: the three persons on whom the apparatus had commissioned due diligence are exactly three of the four defendants whose conviction the prosecution has sought.

22. 2017 — The calumnious email and its filing. On 10 January 2017 Eni's defence counsel apply to obtain, for the OPL 245 file, the Syracuse "conspiracy" file — the one "bought" by Amara; the Prosecutor's Office refuses: the papers are covered by secrecy. Having learned of the application and its rejection, Armanna — then assisted by the author — insists that his own counsel make the same request; counsel refuses, and on 9 February resigns his retainer. A few hours later, that same day, Armanna writes the email falsely accusing De Pasquale — the prosecutor in the OPL 245 trial — and the author, his former counsel, of the gravest conduct; it is Eni's defence counsel who file it with the Prosecutor's Office, into the hands of the Chief Prosecutor, on 6 March 2017, and on 10 March the same email is filed a second time, in support of an application for the prosecutor's recusal. The act strikes simultaneously the two men who had just said no. Today that email is count B of the pending trial: the only calumny which the closing submissions of 25 June 2026 acknowledged as "proved and equally time-barred". The point, for Article 5, is not the limitation period: it is that a calumny constructed against the prosecutor in OPL 245, conveyed by the defence of the defendant company, operated within the perimeter of the target trial for years — and that the investigation then opened traced neither how that email had come into being nor the reason it had been filed: on 6 June 2017 the lawyer who had delivered it said he had not enquired into its origin and had not understood why it had been sent to him; no further step was taken. The sense of the operation was fixed, in real time, by the prosecutor conducting the investigation, in two internal documents now on the trial record: "Armanna's calumnies [...] against Santa Maria, plainly committed in Milan with Amara's complicity, were carried out to benefit Eni"; and "the whole Trani and Syracuse affair [...] was carried out to benefit, in the final analysis, Eni". These are the assessments of a magistrate, written by one who was investigating, while investigating, to the head of his office.

23. 2019 — The apparatus. The operational response to the entry of the leadership in the register of suspects is the creation, inside the company, of a formidable intelligence apparatus. The dates and the figures are documentary. On 2 May 2019 Eni instructs the private investigation firm Axerta. On 2 July 2019 — eleven days before the leadership is entered in the register — it is the company itself, through the General Counsel, that awards an investigative mandate, under internal instruction no. MIG/1835/2019, to C&F Partners of Charles Adrian Carr — fifteen years at Kroll, eight at K2 Intelligence; on 22 July, nine days after the entry, trusted defence counsel formalises the instruction under Article 327-bis of the Code of Criminal Procedure; the acquaintance between the General Counsel and Carr, documented by correspondence on the record, dated from November 2016. Two invoices, of 30 July and 4 December 2019, totalling EUR 975,660.17 in four months, passed on to the company by an external law firm in notes in which the supplier's entire fee appears under the heading "expenses incurred". It is the General Counsel himself who names the whole "Operation Grey", and who claims authorship of it in writing in March 2022: the consultants had been "requested by ENI — in my person". The final report — "Project Grey — summary of results", C&F Partners, 3 March 2020, thirty-six annexes — is evidence admitted in the pending trial, produced by the civil party and admitted by order of 10 June 2024. Alongside the international actors, the Italian ones: the Equalize platform — the Milanese hub for dossier-building and unlawful access to databases later exposed by the 2024 investigation, whose engagement, on the statements of its

own operatives, dates from the end of 2021, after the international consultants (paragraph 33) — and the satellite company that signed its products; on counts 51 and 53 of the Equalize notice, it was the external law firm that gave the product its legally presentable form, before filing by external counsel (paragraph 9). An apparatus so composed has a capacity no ordinary trial defence possesses: to produce information — and, where needed, to fabricate it — drawing on private spheres that are otherwise inaccessible. What the apparatus produced in the months it worked is told by paragraphs 24-27; the corporate dimension, meanwhile, is documentary — the invoices, the email “requested by ENI — in my person”, the letter of 16 September 2022 by which Eni undertakes to pay for the defence of the Equalize operatives; what the documents do not say is only how high, inside the company, the chain of command ran.

24. 2020, 23 January — The calumny against Armanna that never reached the courtroom where the allegedly bought witness was to appear. At about 13:15 on 23 January 2020, during a search of Eni’s offices, the General Counsel orally reports to the officers, in the presence of the deputy prosecutor, a precise account: the former head of legal affairs was said to have received thirty-seven million dollars into a Cayman account, and a “Nigerian contact” was said to have “paid to secure the testimony of the witness” whom the OPL 245 Court would hear at the hearing of 29 January — six days later; the payment was attributed to Armanna. No document is produced; the declared source — the internal activity on the “White Moon” affair and the analysis of the English accounts of a company, that is, the analysis of the Napag group which the consultant engaged in July 2019 was in fact carrying out — would later be abandoned by the declarant and replaced by an anonymous source that no one can verify: of the two versions, the one that leads nowhere was kept. The following day the Guardia di Finanza fixes the account in a note “for the file” — not a formal record: the declarant signs nothing — and transmits it to the two prosecutors of the “conspiracy” file alone, and to no one else; it is that same note which, at its foot, identifies the witness referred to: “presumably to be identified as Isaac Eke”. What follows is a list of absences, and every absence is documentary. No record of the statements of 23 January appears. It does not appear that the information — the ongoing contamination of testimony in the largest foreign bribery trial in the world — was communicated either to the prosecutors in that trial or to the Court. No entry in the register appears, nor any verification of the source, in the days when all this would have counted. And not for want of routes: in those very days the channel between the two offices was open and busy — the records of the “conspiracy” file, in redacted versions, were being transmitted to the OPL 245 trial prosecutors, who filed them with the defence. The note of 24 January never took that route. On 29 January 2020 the witness Eke testifies, with outcomes favourable to Eni. The Court that was about to hear him did not know. The “documents” supporting the account, filed on 20 February, would prove false (paragraph 26); the account, judicially, “wholly unreliable”. There remains the question no office has asked itself in more than six years: who was to warn the courtroom, and why did they not.

25. 2020, 5 February — The seventy-six seconds. Causal or casual coincidence? The scene requires two premises, both documentary. The first: from December 2019 Amara was making, under absolute secrecy, the “Ungheria” statements; and on 2 December 2019 he had placed on the record

— hearsay from the in-house lawyer Bianco — disturbing words: “there had been a problem in the composition of the Bench and ... it was a stroke of luck that Tremolada had been designated, to whom, from what Bianco told me, Diodà and Severino had access”. The names are those of a defence counsel of the company and of the defence counsel of its chief executive in the OPL 245 trial. It is a defendant’s hearsay assertion: this document does not assume it true, and no thorough judicial verification has ever tested its foundation. On 4 February 2020 the Chief Prosecutor of Milan transmitted the papers on the point to the Brescia Prosecutor’s Office, competent for Milanese magistrates; that file was closed with extreme speed, without Amara being heard or challenged as a false declarant. The second premise: on 27 January 2020, at an internal meeting, the Milan office divided on whether and how to bring Amara’s statements into the trial; the agreement — reported to Brescia by prosecutor Storari, who called “a filthy operation” the plan to use Amara against the presiding judge — was to transmit only selected parts, without the passage concerning the judge. On 4 February the two trial prosecutors ask the Court to hear Amara; the schedule of evidence, produced on 5 February, has fourteen items, and no. 14 is: “Amara learned of interference by the defence of Eni and of certain defendants with magistrates of Milanese judicial offices with reference to the OPL 245 trial”. Without names. Four judges had dealt with OPL 245. The preliminary-hearing judge had convicted two original co-defendants in summary proceedings. Then the three judges of the Bench. The Bench retires to chambers from 12:21 to 13:18 and returns with a rejection of a few lines: the evidence requested “is not of a decisive character”; the reasons, in the judgment, would declare “from this moment” that it would not deal with the fourteenth item — the only one that named together the company’s defence and the magistrates — because of “the evident procedural irregularity of the request” and because such assessments “are not for this Court”. The question whether the company’s defence had interfered with Milanese magistrates was therefore put to the judge of that trial, and received in reply a declaration of lack of jurisdiction; the criminal forum to which the papers had been transmitted the day before had already closed it, or was closing it, without inquiry; it does not appear that any other forum has since taken it up. Almost two and a half years later, a judicial police report of 30 June 2022 notes a metadatum: on the hard disk of the non-commissioned officer who was sole custodian of the secret statements, the nine files appear to have been opened between 12:35:16 and 12:36:32 on that 5 February. Seventy-six seconds, within the exact window of the deliberation that was deciding whether Amara should be heard. Deputy Prosecutor Pedio, in a chat with her colleague Storari, reveals that Spello, the custodian, on leaving the office on the Friday had asked that, should anything happen to him, his hard disks be taken to Prosecutor Greco. Four days after the hearing, on the Sunday, the custodian dies of a heart attack; a second hard disk of his, encrypted, does not appear ever to have been opened. The metadata are established; the identity of whoever opened the files, the destination of whatever may have left, and the connection with the Bench’s decision do not appear, and the inference linking the opening to the rejection has a declared breaking point: no trace of transmission has ever been found — nor ever sought. And here the observation that stands on its own: it does not appear that any investigation was ever opened into the access of those seventy-six seconds; it does not appear that the custodian’s death gave rise to any inquiry whatsoever; the report that noted the metadatum has lain on the file

since 2022 without prosecutors, defence counsel or the press ever making anything of it. A coincidence may be innocent. The systematic absence of any question about it, in a trial of this magnitude, is not a coincidence: it is a choice of the legal system, repeated for six years.

26. 2020 — Someone deposits false evidence for Eni on the General Counsel’s “doormat”. On 5 January 2020 — the date he himself later gives — the General Counsel finds “under the doormat” of his home foreign bank statements, and destroys them, informing a single external lawyer and saying nothing to his own company for fifty-one days. The oral accusation had already been launched: on 23 January, during the search, he had attributed to Armanna the bribery of the Nigerian witness who was to appear six days later in the OPL 245 trial, and to the former head of legal affairs improper enrichment in foreign accounts — the offences of which the “doormat” documents were supposed to be the proof. On 20 February 2020 those statements — reconstructed — and a chat screenshot are filed on his behalf with the prosecutors by Avv. Alecci: counsel, at the time, to the company, not to him. On 2 March 2020, confronted with the contradiction between his versions on the documents’ origin, he states on the record that he “made a blunder”. How the office treated this source is documented: the first two examinations were conducted by the Chief Prosecutor alone; on the eve of the third, a year later, the internal chat between the two prosecutors on the investigation records the deputy prosecutor wanting to summon him with counsel, “because for a retraction we have to make a formal challenge”, and, faced with her colleague’s resistance, writing: “otherwise for me the investigation collapses. I don’t know with whom you had made arrangements and who has to be told”; the answer is a name: “Avv. Alecci” — the counsel who had filed the false documents on his behalf. During 2020 the financial intelligence units of the Emirates and of the Cayman Islands establish that the banking documents are false: the account does not exist, the payment never took place. On 23 January 2024 Judge Modica, shelving the file arising from that filing, declares the documentation false and the account of its discovery “wholly unreliable” — “implausible above all is the manner of the discovery”; “wholly implausible ... the failure to inform Chief Executive Descalzi” — and transmits the papers to the Prosecutor’s Office for the criminal-liability aspects concerning the General Counsel. It must be stressed that the prosecutors in the “conspiracy” investigation never inform the OPL 245 prosecutors of the Speroni matter, not even after the falsity of all the filed banking documents is established in the autumn of 2020.

27. 2019-2020 — The false chat traced over the true one. This is the most resistant fact in the entire story, the one no alternative explanation can sustain; its links are five. First: on 20 August 2019, on Armanna’s telephone, there exists an authentic chat with one Renda — a transfer to account IBAN AE500351901323869164031, First Abu Dhabi Bank, beneficiary Taha Limited — and with it the file “Untitled 6.pdf” which Armanna transmits to Renda. Second: on 20 February 2020 Eni’s defence files with the prosecutors, as received from an anonymous source, a package containing two distinct extractions from that telephone. The first is a sheet on the “foreign accounts” reproducing the content of the file transmitted to one Francesco Renda — same IBAN, same bank, same company, same representative — under a different date and appearance; the Guardia di Finanza report of 4 July 2025, comparing the two documents, notes that “both documents refer to the same bank account and to the same account-holding company”. The second is the screenshot of a chat

between two anonymous interlocutors speaking, in Italian, of “Vincenzo” — internal date 24 September 2019: a person to be sent to Milan “for November”, presumably as a witness; expenses of seventy-five thousand dollars which others would cover; “the profile of two possible witness[es]”. It is, point by point, the plot of the authentic conversations on the same telephone between Armanna and Timi Ayah on the witness’s arrival — “they will pay for everything”, “I am pressing them”, in the chat of 20 November 2019 (judicial police report no. 218452 of 7 April 2021); and the witness episode begins, in the conversations, on 23 October 2019, when Armanna announces to Ayah an email asking him for “your details as a witness”: whoever manufactured the chat back-dated it to a month before the moves it was copying. The forgery is thus a montage of two distinct private conversations — from one the banking data, from the other the plot: whoever made it did not have an opportunity; he had availability of the raw material for the bricolage. Third: Armanna’s telephone is seized only on 5 November 2020 — request for delivery of 2 November, forensic extractions of 20 and 23 November — the conversations with Ayah enter the judicial police analysis with the draft report of 19 February 2021, and the chat with Renda emerges only with the Guardia di Finanza note of 20 March 2021: whoever manufactured the chat filed on 20 February 2020 therefore had, almost nine months ahead of every public office, real and secret contents of a telephone that the judicial authority did not yet possess. Fourth: on 15 December 2021 the notice of conclusion of the “conspiracy” investigations gives all parties the reference to the authentic chat: from that day the company’s defence can place the two chats side by side. What follows is confirmation that it did: on 11-13 January 2022, in the General Counsel’s office, nineteen versions of a “List of further names” are drawn up — the 2024 seizure would find them; on 13 January 2022 a defence investigative application in his interest seeks new searches of the telephone with keywords including “Renda Francesco” and “Tina Javaheri” — the registry names of the two interlocutors of the authentic chat, who appeared in the contacts under a different name; and what the application does not do, then or ever, is report the identity between the chat filed and the chat extracted, of which the judicial authority had apparently not yet become aware. Fifth: no one — not the prosecutors, not the judicial police, not even when interrogating the copy of the telephone precisely in order to build the accusation of witness payment — ever compares the two chats; the first to do so would be the author, with the complaint of 17 December 2024 (paragraph 33); the report of 4 July 2025 would corroborate its substance, without citing it. The inference is one only, and it is declared: whoever fabricated the false chat knew the telephone’s content before the seizure; anticipated access remains the only explanation that holds all the data together. And it is exactly what emerges from the statements of the Equalize operatives: the General Counsel handed them copies of papers in which — Calamucci states — “there were also scraps of chats” of Vincenzo Armanna, “photocopies of a telephone ... the telephone done on the photocopier”; and Gallo confirms: “I remember them because I leafed through them myself” — papers in his possession, on the declarant’s own account, from January 2020, before the judicial authority acquired the telephone. The channel even has a technical signature: in the iPhone’s memory, the permanent list of trusted computers preserves two machines never identified — a Mac Mini and a host which the prosecution’s expert described as “another very strange one called John Doe” — which had full access to the telephone before the seizure; “John Doe” is not a

code a system generates by itself: it is the formula by which the common law designates one who has no name, and the inference — declared — is that whoever configured that computer typed it so as not to leave his own; the operatives engaged in July 2019 belong to that tradition by language and training. A fact pointing the other way must be recorded with equal candour: the telephone's memory also bears a restore from a backup of 2 November 2020 from a computer attributable to the account holder; the inference remains declared, with its breaking point. In May 2026 the civil party sought the only inquiry capable of giving those two computers a name — comparison of the pairing records with the devices in use, in the decisive four months, at the company's legal affairs department and by the men of Operation Grey: the Court rejected it as irrelevant. And the man at the other end of the authentic chat, Francesco Renda, fully identified by the Guardia di Finanza — whom recent reporting and case papers place in a Rome intelligence agency long kept in the shadows — does not appear ever to have been questioned, not even informally.

28. 2020-2021 — The two tracks and the reversal. The telephone having been acquired on 5 November 2020, an adversarial forensic examination is ordered at once, but the complete copy would succeed only in July 2021: eight months consumed by Eni's defence challenges to the copying technology. Meanwhile, a parallel examination runs without adversarial safeguards, and the two tracks differ not only in guarantees but in object: to the adversarial one, the 2013 chats; to the other, the entire content of the iPhone from which the Nigerian chats are extracted, including the Armanna-Ayah chat, but not Armanna-Renda, from which the accusation would arise. Meanwhile, on 6 and 20 October 2020, the Bank of Italy transmits the findings of the financial intelligence units: the transaction records filed on 20 February are false, the account does not exist. From the parallel examination the Guardia di Finanza draws, on 14 January 2021, a one-hundred-and-two-page note reading Armanna's chats and calls with the Nigerians of Fenog; the chat filed by the company's defence, on the file of those same proceedings for almost a year, does not appear ever to have been used to interrogate the copy. No record is available of the operations carried out by the prosecutor, and such records are indeed missing from the file — including the record of the keywords used by the Guardia di Finanza to extract the chats used for the accusation against Armanna, the Armanna-Ayah chat included. The characterisation that closes the circle — Armanna as having paid the two OPL 245 witnesses — appears in the draft report which the prosecutor in charge transmits on 19 February 2021 to the two OPL 245 prosecutors, enjoining them to file it with Eni's defence so as to prevent an innocent party, Eni, from being convicted in OPL 245 on the word of an unreliable declarant who pays witnesses; and the draft has a silence that judges it: in ninety-eight pages built on the telephone's content to demonstrate the payment of witnesses, the chat filed by the company's defence — the one through which the thesis had entered the office, and which was false — is never mentioned: neither the chat, nor the account, nor the account holder. Nine days later, the office's internal chat records the direction now taken: "We must arrest them. Soon... Mantovani's account statements. He paid the Nigerian witnesses. What more do you want" — the statements invoked were those which the two financial intelligence units had already declared false; an application for pre-trial detention against Armanna was prepared and stopped by the deputy prosecutor. The two OPL 245 prosecutors, to whom the draft is

passed for filing, refuse, and on 5 March 2021 put their reasons in writing, on the merits — the judicial police “did not understand what the discussions were about” and “formulated arbitrary hypotheses”: the money the chats speak of was not the price of testimony — and on method: the draft analysed correspondence between the defendant and his counsel, which Article 103 of the Code of Criminal Procedure removes from “any form of scrutiny”, and constitutes one of those “unjustified interferences” in a trial at its concluding stage which the office has a duty to avoid; conclusion: “the shapeless compendium of hypotheses and erroneous reconstructions” is to be rejected. And what that money was, the two had read in the papers themselves: in the conversations it is written, by name, “[the efcc file]” — Armanna announcing that “my person is flying to see the file and to deliver what was agreed”, complaining of having “delivered 50,000 usd for nothing”, and Ayah replying: “You are the one who requested a file”; and what that file was Armanna had put on the record before that very office as early as 13 July 2016: a report of the EFCC, the Nigerian anti-corruption authority, “of about a hundred pages”, with “a list of persons with at least some thirty beneficiaries” of the bribe. And the final version of the same report, transmitted on 7 April 2021, would remove from the text and from the index the “payment of the witnesses”, writing instead that the “file” cited in the conversations “would presumably be an EFCC document”. Here lies a paradox that measures the whole affair. The Prosecutor’s Office which within a few weeks would see OPL 245 fall for want of evidence had before its eyes — or at any rate the deputy prosecutor investigating the “conspiracy” had — the trace of a document which, if authentic, was the missing proof of the distribution of the bribe; if false, proved a market in non-existent evidence, to be established in any event. In both cases the required step was to look: to question Armanna about the file, to ask the Nigerian authority. No step appears to have been taken in either direction; the prosecutor in charge, questioned on 23 September 2021, would say: “it is not a matter, here, of establishing whether the witnesses were in fact paid ... I laid no charge under Article 319-ter ... deliberately”; he had prepared an application for a precautionary measure in the papers, blocked by Deputy Prosecutor Pedio; no one puts to that prosecutor the question why he did not act in concert with the prosecutors conducting the prosecution in the trial, but rather in the opposite direction, plainly aimed at levelling accusations against colleagues. What the papers described as the price of a piece of evidence had been mistaken for the price of corruption; and the only use made of those conversations remained the one delivered by the General Counsel on 23 January 2020: against the accuser. Twelve days later, the answer of the uninformed Court: acquittal. Then the sequence tightens: on 5 November 2021 the expert in the adversarial examination files the report establishing selective alterations to the 2013 chats alone, with no identifiable author or method — it does not emerge with due clarity that among the machines with full access to Armanna’s telephone there were two without a name, and to the account holder that alteration offered no advantage whatever, given the total procedural irrelevance of chats predating the accusations by a year and therefore necessarily incapable of proving a promise aimed at a retraction, or its opposite; on 10 November, five days later, Armanna — the principal accuser of the leadership — is entered in the register for calumny; on 10 December 2021, a month later, the positions of the leadership are severed and set on course for

shelving. In five weeks, accuser and accused exchange roles, on the basis of a technical corpus which the expert himself attributed to no one.

29. 2021 — The queen of proofs. What the OPL 245 acquittal rested on, for the part that matters here, must be stated precisely, because the circle closes at the most exact point. To deny the accuser's credibility, the judgment of 17 March 2021 writes that "the motives underlying Armanina's accusatory statements emerge incontrovertibly from the video of which mention has been made": the video, that is, of 28 July 2014 — the recording made without Armanina's knowledge, which Amara states he made at the request of a senior company executive "to blackmail Armanina" (paragraph 13). The Court which on 5 February 2020 had refused to hear Amara — the man who had organised and lived that scene and could therefore have described it better than anyone — thus founded the accuser's unreliability, "incontrovertibly", on the film that was that scene's product, assuming its purpose without being able to question its author. The queen of proofs of unreliability was a video manufactured by the pivot of the first current, and its context was never explored in the adversarial process of that courtroom.

30. 2021-2026 — The double use of the same corpus. Part of the material extracted from Armanina's telephone has been: at Brescia, so decisive that the refusal to disclose it to Eni's defence — the refusal put in writing in the note of 5 March 2021 — was charged as a criminal offence against the two OPL 245 prosecutors: tried and convicted at two levels, until the Court of Cassation's acquittal of 18 June 2026, "because the fact does not exist"; at Milan, so unequivocal as to found the indictment of the accuser and the shelving of the accused. For the Italian State the same corpus has been, in one forum, so precious that withholding it from the company's defence constituted a crime and, in the other, so solid as to overturn the trial in the company's favour: the only constant, in the two opposite uses (paragraphs 24-28), is the beneficiary. And the career consequences occurred before the Cassation's word: on 8 May 2024 the Superior Council of the Judiciary denied De Pasquale confirmation in his semi-managerial functions; the Prosecutor's Office organisational chart records him no longer at the head of the Third Department — the international affairs unit that had built OPL 245, the very unit which Phase 4 recommendation 15(b) asked Italy to ensure retained responsibility for foreign bribery cases — but among the deputy prosecutors, on "provisional assignment". When the word arrives — the fact does not exist — none of those consequences appears to have been undone. In the country that tried its own State company for foreign bribery, the only magistrates tried for the manner in which they exercised prosecutorial discretion are those who brought the prosecution. Any Italian prosecutor who tomorrow finds himself assessing an investigation unwelcome to the State company knows this story: no orders need be given, when the example has been made public. It appears from press reports that Dr De Pasquale, after news of the acquittal, left the judiciary.

31. 2023 — The organisation chart. A structural fact, recorded without comment beyond what is necessary. On 9 May 2023 the general in command of the Guardia di Finanza — the corps whose Milanese units conducted the investigations in this story — left that command, which he had held since May 2019. The following day, 10 May 2023, Eni's shareholders' meeting appointed him Chairman of the company: a man whose name appears at number 65 among those given by Amara in the secret "Ungheria" statements. The

appointment is a public act of the shareholder, that is, of the State. The circularity between the investigating apparatus and the investigated company, at the highest level, is not an inference of the author: it is an organisation chart.

32. Counsel as institution. Alongside the organisation chart stands a calendar, which the civil party placed on the record in its closing reply and which is reproduced here with the same caution: none of the offices that follow is, taken alone, unlawful, and the honour of those who hold them is not in question; it is their sum that produces what Italian law calls the appearance of a conflict of interest, and requires to be declared. Professor Paola Severino, formerly Minister of Justice and author of the 2012 anti-corruption law, has throughout been counsel to Eni's chief executive in the OPL 245 trial. In 2018-2020 — the height of the facts described in this document, while her client was a defendant and then under investigation for the most serious facts of the "conspiracy" — she was the OSCE Special Representative on Combating Corruption. In September 2021, six months after the first-instance acquittal, she was appointed President of the National School of Administration — the institution that trains the State's senior civil servants, including in public ethics and the prevention of corruption; in June 2022, a member of the technical-scientific committee of the National Cybersecurity Agency — the very subject matter whose private abuse this document describes. On 11 July 2025 the civil party asked the School, by freedom-of-information application, for copies of the conflict declarations made by its President: the answer was a refusal. On 4 July 2026 — sixteen days after the Cassation's "the fact does not exist" — the Professor relinquished the office at the School, citing supervening personal circumstances; nine days later, on 13 July, her voice opened the closing hearing of the pending trial: she reaffirmed the 2021 framework, and on the rest was silent. And that counsel's name appears also within the case papers: in the record of 2 December 2019, reported at paragraph 25, the assertion — hearsay, never verified, never investigated — that to the presiding judge in OPL 245 "Diodà and Severino had access". This document repeats the register: it does not assume that statement true. It observes what does not depend on it: that the question of access to the judge was declared extraneous by the judge himself, who did not report the possible calumny suffered, and that the potential offence was shelved within days by the competent forum; and that, as to the appearance of conflict, the request for disclosure of the declarations owed received a refusal. In the years in which the State company was on trial for foreign bribery, the defence of its leadership and Italy's international representation in the fight against corruption coincided in the same person: if the Working Group were seeking an archetype of the situation Article 5 fears — the identity of the persons involved weighing upon the application of the criminal law — it would hardly find a clearer one. When that voice rises in the courtroom, it is not only counsel who rises: it is the State that rises, or appears to.

33. 2024-2025 — The discovery, and the silence over the complaint. In the autumn of 2024, with the public emergence of the Milan investigation into the Equalize agency, the press reported intercepted conversations — captured between the end of 2022 and the beginning of 2023 — in which the agency's men spoke of the "doormat" affair, of Descalzi, of Speroni, of an investigation said to have been steered, and of other matters. For anyone who knew the file the reference was transparent: those conversations seemed the missing link in the chain — who had manufactured the 2020 forgeries. On 17 December 2024

the complainant filed a complaint with the Chief Prosecutor of Milan, with the prosecutors in the Equalize proceedings and with the District Anti-Mafia Directorate, in which, among other things, he set out the documentary comparison between the forged chat delivered to the Prosecutor's Office in February 2020 and the authentic chat from which its content had been drawn (paragraph 27). Within a few days the story vanished from the press. Nothing further has been heard of the complaint: so far as the complainant can know, it does not appear in any case file, and no investigative step appears to have followed. The notice of conclusion of investigations in the Equalize proceedings, when it came, carried — for the part relevant here — only facts from 2021 onwards. Six and a half months later, the Guardia di Finanza report of 4 July 2025 would corroborate the substance of that comparison, without citing it; and at pages 130-132 it would leave open three alternative hypotheses as to the hand that manufactured the forgeries, with an indication that investigations should continue — two of the hypotheses carry a logical flaw the report is aware of: to attribute the forgeries to Amara or to Armanna means attributing to the very person who would be accused by them the delivery to the company of the evidence with which to accuse him. The three hypotheses appear to be a concession of fair play to those who, like the Milan Prosecutor's Office through Deputy Prosecutor Storari, had maintained at Brescia, as a witness, that the author of the forgeries and of their placement under the doormat of Eni's General Counsel was Armanna — without, moreover, any investigation. It does not appear, to date, that any further investigation has been carried out. On the contrary, the request to shelve the case against Avv. Speroni for supposed lack of proof of intent, if granted by the judge, would mark the end of every investigation. Even for the prosecutors who framed it, it is obvious that the documents are false and that the statements made by Speroni to Chief Prosecutor Greco were wholly untruthful as to the documents' origin.

34. 2026 — The legal system's response. What the December 2024 complaint asked to be established has in part emerged — but by another route, and with outcomes that measure the cost of the time lost. On the prosecutors' instructions, the Guardia di Finanza filed on 4 July 2025 the one-hundred-and-thirty-six-page report cited repeatedly above; on 23 July 2025 further investigations were ordered; there followed the interrogations of Equalize men, among them Calamucci and Gallo. A double phase emerged: a first operation — "Grey", entrusted to the international consultants — active from July 2019; and the relations with Equalize, which the papers themselves place "not before" 1 September 2021, with a first meeting "at the offices of Dentons". The shelving request of 19 March 2026 in the forgery proceedings, however, never mentions Operation Grey, nor Carr, nor the facts of that two-year period which those same investigations had established: the span from July 2019 to September 2021 is absent from every assessment. The same request acknowledges that the 2022-2023 intercepts on the "doormat" affair "might suggest a role for Equalize in the fabrication of the anonymous documents brought by Speroni to the Prosecutor's Office", but declares them "of at least doubtful procedural usability" under Article 270 of the Code of Criminal Procedure as construed by the Joint Divisions of the Court of Cassation (28 November 2019, no. 51); and it concludes that "the enquiries carried out have not made it possible to trace the creator of those documents" — a conclusion which rests also on two subsequent Guardia di Finanza reports, no. 601747 of 3 October 2025 and no. 747142 of 3 December 2025, neither of which has been disclosed to the injured party or to

the civil party, nor appears in the official index of the file. If the intercepts were unusable, the records of the near-confessional statements made by the two Equalize men certainly are usable. The circle closes on itself: the only material that would identify the authors of the forgery is today procedurally unusable, because the investigation into the papers' origin was not carried out in 2020, in its own proceedings, when the traces were fresh. The delay has not merely postponed the finding: it has made it impossible.

35. The ten omissions. The census promised at paragraph 11 closes by counting the absences, and every absence is documentary. First: no investigation appears into who constructed and caused to be filed the 2017 calumny while it was operating, despite Amara having spoken in his statements of meetings at the highest level to decide on the subsequent use of Armanna's email, including before the CSM against De Pasquale. Second: no warning appears either to prosecutors De Pasquale and Spadaro or to the OPL 245 Court, nor any subsequent investigation into the failure to warn, concerning the information of 23 January 2020 which bore directly on the genuineness of the witness the Court would hear six days later. Third: no investigation appears into the seventy-six seconds, in which the files of Amara's interrogations were opened and closed during the deliberation in which the presiding judge was to decide the application to hear that same Amara — who, knowing the statements, could have established with certainty that it was he — nor any timely forensic examination of the circulation of the secret statements after 17 February, when it became flagrant that they were in circulation. Fourth: no comparison appears between the false chat and the true chat for almost four years, until a private citizen made it. Fifth: it does not appear that the copy of the telephone was ever interrogated with the key the office had held since February 2020 — the filed chat and its technical annex; the examination appears instead to have been targeted on chats relevant to the corruption hypothesis advanced by the General Counsel and used for the exercise of composing the false email. Sixth: the outcome of the instructions of 23 July 2025 does not appear, and the two reports that followed have not been disclosed. Seventh: no acquisition appears of the General Counsel's devices for the decisive 2019-2020 period; the examination of the pairing records, sought by the civil party, was rejected as irrelevant. Eighth: it does not appear that the man at the other end of the authentic chat, Francesco Renda, though fully identified, has ever been questioned; of him it is known from press reports that he belonged to the public defence apparatus and to an agency parallel to Equalize. Ninth: the complaint of 17 December 2024 — which identified the Equalize intercepts as the missing link and produced the documentary comparison between the authentic and the forged chat — does not appear to have been registered, or assigned, or followed by any knowable investigative step. The prosecutors of the 2025 investigation proceeded on their own initiative. The prosecutors in the Equalize investigation, by contrast, who have the 2022 intercepts on their file, made public in the autumn of 2024, have laid no charges on those facts. Tenth: the facts of Operation Grey — from July 2019 to September 2021 — though established by the investigators themselves in the report of 4 July 2025, five years after the events, and in the interrogations that followed, have found their way neither into a charge nor into the shelving request on the forgeries, which never names that operation or its executants: a two-year span of the interference — the most important, the 2019-2021 period — is absent from every judicial measure and from every ongoing line of inquiry.

Twenty-three moments, ten converging omissions, one direction. A legal system may err once, by accident; it may err twice, by carelessness. Ten converging omissions, over twelve years, all in the same direction and all to the advantage of the same subject, do not describe an accident: they describe a condition — the one Article 5 of the Convention forbids.

Part IV — The State's response and the Phase 4 yardstick

36. The three factors, re-read against the facts. Article 5 forbids prosecution from being influenced by national economic interest, by relations with another State, or by the identity of the persons involved. The reader who has followed the twenty-three moments may now re-read the three factors against the facts. National economic interest: the controlling shareholder of the defendant company was the State, and the head of its Government described before Parliament the publicity of the investigation as a threat to the country, while the political table that decided appointments to State-participated companies is described in the record and in the testimony (paragraphs 13, 31, 32). The identity of the persons involved: the government-appointed chief executive, reconfirmed three times as a defendant; the general commanding the investigating corps who became chairman of the company; the counsel to the leadership who represented Italy in the fight against corruption. The conduct of the apparatus: the positions of the leadership, entered in the register in July 2019, severed and set on course for shelving a month after the indictment of their principal accuser (paragraph 28) — and of that entry the defence of those same leaders would say in court, on 13 July 2026: “there was the entry in the register but they did not investigate him... they carried out no investigative activity”; the application to join the three connected trials rejected, so that each judge sees a fragment and none the whole; the shelving request for the General Counsel despite falsity and unreliability judicially declared; the order of 21 May 2026 declaring the material of the second current irrelevant; the closing submissions of 25 June 2026 seeking conviction of the executants of the first alone. And the terminal paradox: the false evidence and the dossiers were directed against Armanna, Amara and Mazzagatti — three of the four defendants whose conviction has been sought are exactly the three persons on whom the apparatus had commissioned due diligence; what is sought, in other words, is the conviction of the targets of the factory, while for the factory a shelving order is sought. The defendants may all be guilty of the charges against them: this document does not discuss that, and awaits the judgment. But a legal system that tries the targets of false evidence and shelves the fabricators is not applying the law with the indifference Article 5 requires: it is choosing, and the choice always runs the same way.

37. The Phase 4 yardstick. The Working Group has already assessed part of this subject matter, and this document respectfully recalls it. The Phase 4 report on Italy (13 October 2022) stated: “There is no indication that Art. 5 factors have influenced foreign bribery investigations and prosecutions in Italy”; and, on the trial of the two prosecutors, that this was not “a case of executive governmental interference” and that “this process has yet to run its course”. The course has run: the fact does not exist. The 2022 assessment was made without knowledge of Operation Grey, which the State itself disclosed

only on 4 July 2025; without the identity between the false chat and the true chat; without the seventy-six seconds; without the Potenza indictment on the sale of judicial office; without the closing submissions of 25 June 2026. And one specific point touches the monitoring under way: recommendation 15(b) asked Italy to ensure that the Third Department of the Milan Prosecutor's Office continued to hold responsibility for foreign bribery cases; on 10 October 2024 the Working Group recorded it as fully implemented, on the basis of the report transmitted by Italy on 1 July 2024 — seven weeks after the magistrate heading that unit had left its leadership, for the reasons described at paragraph 30. It does not appear that the report accounted for this. Updating those assessments is not a concession sought from the Working Group: it is the consequence of its own criteria.

38. The question. There remains the outcome, and it must be looked at whole, because it is the political outcome of a decade. The investigation into the leadership of the State company: reversed, and shelved. The prosecutors who had brought the case: tried for five years, for a fact that does not exist, with their careers marked. Their principal declarant: indicted on the basis of a corpus without an author. The only civil party: professionally destroyed, investigated, searched. The company: acquitted, never touched again, and today a corporate defendant only in a severed file that does not concern the target trial. The general who commanded the investigating corps: chairman of the company. Counsel to the leadership: president of the school of the State's senior officials, until sixteen days after the Cassation. The national media: silent on the pending trial, as they had earlier been — in part documented, for the years 2015-2016 — bought, when the conspiracy needed crediting. If a word exists for such a whole — the investigating apparatus aligned, piece by piece, with the interest of the State's company — that word is capture. This document does not pronounce it as a conclusion: it delivers it as a question. To answer whether the Italian State has maintained, in this case, the independence Article 5 requires is exactly the task for which the Working Group exists.

Part V — The complainant

39. Why this Part exists. This Part documents what happened to the author. It is not a personal appendix: Article 5 protects prosecution from prohibited influences, and the fate of one who sought to set that prosecution in motion — the only private party who calls Eni to account in court for this story — is itself a measure. Let the reader apply the method of this document: the dates are filed calendar; the connection is inference, declared; the repetition of direction is the fact. For thirty years the author practised criminal law in Italy at the highest level, without a single investigation or charge.

40. The sequence. The trial of the “conspiracy” case opens on 30 May 2024, with the author as the sole civil party against Eni; on 10 June the Court admits the evidence. Three weeks after the opening — on 23 June 2024 — his largest client of twenty-five years, from which some ninety per cent of the firm's turnover derived, files a criminal complaint against him with the Milan Prosecutor's Office, concerning past matters; for a month no revocation follows the complaint: the firm continues working, unaware, on the client's most delicate case. On 23 July 2024 the author notifies Eni, by certified email, of the forthcoming civil action against the two counsel who in 2017 had filed the

calumnious email — an action liable to reach up to the leadership. The following day, 24 July, the client revokes all instructions with immediate effect, without notice or reasons; by the end of the month comes the refusal to pay four months' work; the firm's second client is also lost within days. Together they made up 95% of the firm's professional turnover. In seven days, the firm is destroyed. The trigger for the revocation is not the complaint, which had lain silent for a month: it is the communication to Eni — this is inference, declared, and founded on the inertia of the preceding month. Between Eni and that client there are industrial and political interconnections of significance. Both, for example, are engaged in ever more pressing lobbying of the Government to prevent the enactment of restrictive rules on the use of PFAS. Industrial plans of public significance — the construction at Brindisi of a large plant for the production of electric batteries by Versalis, an Eni subsidiary — are of great strategic value to Syensqo, which produces components for electric batteries. These are public investments worth billions, currently the object of intense Government activity. What follows tracks the trial calendar: on 29 May 2025 the civil party's counsel conducts a winning cross-examination of an Eni executive; on 11 June comes the second criminal complaint — attempted extortion — built on a supposed threat in a clause which does not exist in the brief invoked, with seventy-six redacted pages; at the end of November 2025 — the author having filed three complaints seeking investigation of the motive of the operation — the Guardia di Finanza carries out a search and seizure at his home and his office, on a charge alleging invoices for “legal services not rendered”, over a quarter of a century of work. On 24 October 2025, a month before the search, the author — currently under investigation by the Milan Prosecutor's Office for alleged offences across a professional career of unblemished integrity and competence — had applied to be struck off the Roll to which he had been admitted for thirty-eight years.

41. The measure. Against this sequence the author has opposed no interviews: he has filed documents — complaints and reports, all with date and number, verifiable. One fact alone should be retained, because it belongs to Part III more than to this one: the first of those documents, of 17 December 2024, was the first to signal the identity between the false chat and the true chat — the thesis which the Guardia di Finanza report would adopt six and a half months later, without citing it (paragraphs 27 and 33). Two absences close the picture, and are recorded with the formula owed: it does not appear that any of those complaints has produced, to date, an entry in the register; it does not appear that any of their contents has been refuted on the merits, in any forum. Thirty years with nothing; then everything, and all at once, in the days of the trial's opening and in the twenty-four hours following a communication to Eni. The author does not ask the Working Group to believe him: he asks it to have verified whether, in a country party to the Convention, the only private party arrayed in court against the State company could be professionally destroyed, investigated and searched, in the order and on the timing documented, without this saying anything about the conditions under which foreign bribery is prosecuted in Italy.

Part VI — The forum, the calendar, the requests

42. The forum and the calendar. On 9 June 2025 three non-governmental organisations filed with the Working Group a formal complaint concerning political interference in the OPL 245 case — sixty red flags in the first version, forty-nine in the amended version of 7 July 2025; the Working Group undertook to examine the matter once the trial of the magistrates had concluded; on 18 June 2026 the Court of Cassation concluded it; on 23 June 2026 the organisations declared: “We will now hold the Working Group to its undertaking”. This complaint stands alongside that one, autonomous and uncoordinated, and adds what only an internal party could bring: the map of the State within the story; the second current; the identity between the two chats; the seventy-six seconds; the double use of the same corpus; the fate of the only civil party. The calendar makes examination not merely possible but due now: in October 2026 Italy must report in writing to the Working Group on implementation of the Phase 4 recommendations; by the end of 2026 the first-instance judgment in the “conspiracy” trial is expected, and the author undertakes to transmit to the Working Group, upon its delivery, a supplement accounting for the decision, whatever it may be. The judgment will speak of the defendants’ offences; it will not be able to speak — because no Italian trial has this as its object — of the conditions under which the OPL 245 trial took place, nor of the second current, nor of the State’s response. That is why Article 5 exists, and why the Working Group exists. None of this travels in secret: the filing of the present document was announced to the Court of Milan, at a public hearing, in the civil party’s closing reply.

43. First request. That the Working Group include the facts here complained of in the examination it has undertaken to conduct into interference in the OPL 245 case, assessing Italy’s conduct in the light of Article 5 in all three of its components, and in the light of the criterion that the independence of prosecution is measured also by what the State omits to investigate.

44. Second request: the ten questions. That, in the monitoring cycle under way, specific and verifiable questions be put to Italy, of which the following list is suggested. (a) What investigation was ever opened into the access to the nine secret statements during the seventy-six seconds of the deliberation of 5 February 2020, and with what outcome. (b) What inquiry was conducted by the forum to which, on 4 February 2020, the papers concerning the statements about the OPL 245 Bench were transmitted, and for what reason the declarant does not appear ever to have been heard there. (c) What became of the complaint filed by the complainant on 17 December 2024 with the Chief Prosecutor of Milan, the prosecutors in the Equalize proceedings and the District Anti-Mafia Directorate: whether it was registered, to whom assigned, and what steps followed. (d) For what reason the information of evidential contamination reported on 23 January 2020 did not reach the trial prosecutors or the OPL 245 Court, and whether that silence was ever the subject of a check. (e) For what reason the shelving request of 19 March 2026 does not mention Operation Grey or the suppliers who carried it out, thereby leaving the span from July 2019 to September 2021 outside the perimeter of every judicial assessment. (f) What follow-up was given to the three hypotheses of authorship of the forgeries left open by the report of 4 July 2025, what the instructions of 23 July 2025 established, and what is the content of reports no. 601747 of 3

October 2025 and no. 747142 of 3 December 2025, referred to in the papers but never made available. (g) Whether the outcome of the opposition to the shelving of the General Counsel's position will be communicated to the Working Group; whether the examination of the telephone's pairing records — the only one capable of giving a name to the channel of anticipated access — has been ordered; and whether copies of the devices in use by the General Counsel in the 2019-2020 period have been acquired and analysed. (h) Whether the Italian legal system considers the sequence documented in Part V compatible with the Convention. (i) Whether the Government, as shareholder of the company committed for trial as a legal person in severed file no. 11830/2026, intends to report on this to the Working Group, and with what effects on its control arrangements. (j) By what measures Italy intends to ensure that the Third Department of the Milan Prosecutor's Office effectively retains responsibility for foreign bribery cases: that is what recommendation 15(b) asked of it, and what the Working Group recorded as fully implemented on 10 October 2024.

45. Third request. The author declares himself available to be heard by the Working Group or by the Secretariat, in whatever form may be thought appropriate, and to make available every document cited in this document — transcripts, judicial orders, reports, party filings — with a reasoned index. Every assertion contained here is anchored to an identified source; the list of sources, with their procedural location, is ready for transmission, and no investigative secrecy stands in the way. The first of the documents offered is the evidentiary reconstruction of count A — the criminal association of the first current — filed with the Court: the complete, source-by-source reconstruction of the story this document has summarised.

46. Fourth request. That the Working Group follow the judgment expected by the end of 2026 and the subsequent conduct of the Italian State — appeals, enforcement, investigative follow-up on the second current — as a test of Article 5; and that it consider the sequence suffered by the only civil party joined against the State company as an autonomous object of attention in its exchanges with the Italian authorities: not in order to protect one person, but to protect the very possibility that, in a country party to the Convention, someone may still afford to accuse the State company in court.

Part VII — Closing

47. The image closes. The OPL 245 trial ran on the surface for three years, before the world; the two currents worked beneath, for ten; and around both worked what this document has documented part by part: offices, apparatus and careers of the State. The Italian State has shown, in its finest fragments, that it can see: eight magistrates of Syracuse who report their own office in writing; a judicial police force that writes one hundred and thirty-six pages and leaves the real trails open; a prosecution which at Potenza writes “habitually sold”; two prosecutors who reject “the shapeless compendium”; a judge who declares the documents false and the account unreliable; a Court of Cassation that says “the fact does not exist” and frees two innocent men. But every fragment has remained a fragment: the legal system has never been willing to look at the whole river, and every time the whole threatened to compose itself — a joinder of trials, an investigation into the seventy-six seconds, a comparison

of two chats, a follow-up on the open trails, a complaint that closed the circle — the composition was denied, deferred, shelved.

48. The task. The Working Group is not called upon to substitute itself for the Italian judges, and this document does not ask it to. It is called upon to do what Article 5 established it to guard: to ask the Italian State to look at the whole, and to answer. The questions are written at paragraph 44; the documents exist; the dates are calendar. The author has learned, in twelve years inside this story, that every part of it, taken alone, can be explained; it is the whole that cannot be — save in one way. To verify whether that way is the truth is no longer for the author: it is now for the Working Group.

Milan, 26 August 2026

Firmato digitalmente da: Luca

Santa Maria

Data: 26/08/2026 18:47:46

Avv. Luca Santa Maria

formerly defence counsel in the OPL 245 proceedings (2014-2017), civil party in proceedings no. 4659/2023 R.G.N.R. — no. 643/2024 R.G. dib., Court of Milan
(*OECD complaint — v49*)

Note on the texts

This complaint exists in two complete texts, Italian and English, with identical numbering of the forty-eight paragraphs and identical division into seven Parts. The English text is the operative text before the Working Group, English and French being the official languages of the Organisation. The Italian text is the original and is annexed to the complaint. The annexes are Italian judicial records: they are produced in Italian, with a bilingual index giving for each a one-line description in English. Where the meaning of a quotation drawn from an Italian judicial record is in issue, the Italian text prevails, the English rendering being a translation and not the source.

Contact details

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Index of annexes

The annexes are listed in the Index of annexes accompanying this complaint, in eight sections, A to H, each annex bearing a number and a one-line description. The annexes are transmitted in a numbered electronic folder and, on request, in hard copy.

Index of annexes

Proceedings before the OECD Working Group on Bribery — Complaint under Article 5 of the OECD Convention — DEN-OCSE-LSM-2026/09.

The annexes are Italian judicial records and are produced in Italian. Each bears a number and a one-line description in English; the Italian title of the act is retained so that it can be identified in the case file. They are transmitted in a numbered electronic folder and, on request, in hard copy. Where the meaning of a quotation is in issue, the Italian text of the act prevails, the English rendering being a translation and not the source.

★ marks the documents transmitted together with this complaint. The remainder are held at the Secretariat's disposal and can be transmitted within twenty-four hours.

A — The OPL 245 trial (the target trial)

- A.1** Judgment of the Court of Milan, Seventh Criminal Division, 17 March 2021, case no. 54772/13 R.G.N.R. — no. 1351/18 R.G., *c/ Scaroni Paolo + 14*: acquittal of all defendants.
- A.2** ★ Transcript of the hearing of 29 January 2020, same proceedings: testimony of the witness Eke Isaac Chinonyerem (examination by the prosecution; cross-examination by the civil party).
- A.3** ★ Transcript of the hearing of 19 December 2019, same proceedings.
- A.4** Withdrawal of the appeal by the Prosecutor General, 19 July 2022: the acquittal becomes final.

B — The “conspiracy” trial (case no. 4659/2023 R.G.N.R. — no. 643/2024 R.G. dib.)

- B.1** ★ *Ricognizione istruttoria sul capo A* — evidentiary reconstruction of count A, the criminal association of the first current — filed with the Court, final version of 9 July 2025, 143 pages: the complete source-by-source account.
- B.2** Request for committal for trial of 6 April 2023: count A (criminal association) and count B (calumny against the complainant).
- B.3** Order of the Judge for the Preliminary Hearing of 7 February 2022, joining Eni S.p.A. as the party civilly liable under Article 2049 of the Civil Code.
- B.4** Order of 6 May 2024 rejecting the application to join the connected proceedings.
- B.5** Order of 21 May 2026 closing the evidentiary phase and declaring the material of the second current irrelevant.
- B.6** Closing brief of the civil party, 6 July 2026; reply to the closing submissions of 13 July 2026, filed 19 July 2026, in which the filing of the present complaint was announced at a public hearing.
- B.7** ★ Applications under Article 507 of the Code of Criminal Procedure of 14-16 May 2026 for identification of the two unidentified hosts (“John Doe” and the Mac Mini) and of the never-examined digital exhibit; and the order rejecting them.

C — The first current (2014-2018)

- C.1** Anonymous complaints received by the Trani Prosecutor's Office from 23 January 2015, and the papers of the ensuing proceedings.
- C.2** Corporate records on the resignation of the independent director Zingales (3 July 2015) and on the removal of the director Litvack from the Control and Risk Committee (board resolution of 28 July 2016).
- C.3** Notices of investigation issued by the Syracuse Prosecutor's Office on 8 July 2016 against Vergine, Litvack and Zingales.
- C.4** ★ Eni internal correspondence of 21 and 22 July 2016 (exchange between the Director of Legal Affairs and the Chief Executive, 17:17 and 17:19:50) and the criminal complaint of 28 July 2016 with the notarial special power of attorney.
- C.5** Report signed by eight magistrates of the Syracuse Prosecutor's Office, 23 September 2016.
- C.6** Email of 9 February 2017 and the filing note of Eni's defence counsel of 6 March 2017 to the Chief Prosecutor of Milan; second filing of 10 March 2017 in support of the application for the prosecutor's recusal.
- C.7** Records of the statements of Prof. Carlo Federico Grosso, 6 June and 6 October 2017, admitted under Article 512 of the Code of Criminal Procedure.
- C.8** Request for committal for trial of the Potenza Prosecutor's Office, 3 March 2022, on the sale of judicial office (Capristo, Amara, Paradiso and others).
- C.9** Record of the statement of Filippo Paradiso, Milan, 22 February 2020.
- C.10** KPMG report of 2018 with the schedule of fees paid to Avv. Amara between 2003 and 2014; internal audit report no. 46/2019 on the Fenog transfers to Armanna; report no. 39-2019 of 17 July 2019 on relations with the Napag group.
- C.11** Shelving order in the "Ungheria" proceedings, Perugia, 13 September 2023.

D — The second current: the intelligence apparatus (2019-2021)

- D.1** ★ Instruction to Axerta of 2 May 2019; investigative mandate to C&F Partners of Charles Adrian Carr of 2 July 2019 (internal instruction no. MIG/1835/2019); formalisation under Article 327-bis of the Code of Criminal Procedure of 22 July 2019.
- D.2** ★ Invoices of 30 July and 4 December 2019, totalling EUR 975,660.17 over four months, and the external law firm's notes passing them on to the company under the heading "expenses incurred".
- D.3** Correspondence of March 2022 in which the General Counsel claims authorship of the operation: the consultants had been "requested by ENI — in my person".
- D.4** ★ Final report "Project Grey — summary of results", C&F Partners, 3 March 2020, with thirty-six annexes; admitted in evidence by order of 10 June 2024.
- D.5** Letter of 16 September 2022 by which Eni undertakes to pay for the defence of the Equalize operatives.

E — The fabricated evidence and its exposure (2020-2025)

- E.1 ★** Report of the Guardia di Finanza, Milan Economic and Financial Police Unit, no. 48363 of 24 January 2020, recording “for the file” the oral statement made on 23 January 2020 during the search, and identifying at its foot the witness referred to: “presumably to be identified as Isaac Eke”.
- E.2 ★** Filing note of Avv. Nadia Alecci of 20 February 2020 to the Milan Prosecutor’s Office: the reconstructed bank statements and the screenshot of the “vincenzo al.” chat.
- E.3 ★** Record of the General Counsel’s statement of 27 February 2020 (11:15, under Article 362 of the Code of Criminal Procedure); record of 2 March 2020, in which he states that he “made a blunder”; record of 6 March 2021.
- E.4 ★** Second filing note of Avv. Alecci, 3 March 2020, of one hundred and two pages: extracts from Internal Audit reports on ETS, documentation on the London meeting of 30 September 2014, and a USB key with the full reports.
- E.5 ★** Findings of the financial intelligence units transmitted by the Bank of Italy on 6 and 20 October 2020: the banking documentation is false, the account does not exist, the transactions never took place.
- E.6 ★** Report of the Judicial Police Section at the Milan Prosecutor’s Office, Guardia di Finanza detachment, no. 31/2022 of 15 March 2022 (case no. 11191/2020/44 R.G.N.R.): the established falsity.
- E.7 ★** Shelving order of the Judge for Preliminary Investigations, 23 January 2024: false documentation, account of the discovery “wholly unreliable”, transmission of the papers concerning the position of the General Counsel.
- E.8** Report of the Guardia di Finanza no. 218452 of 7 April 2021, with annexes, on the conversations extracted from Armanina’s device; draft report of 19 February 2021 and its final version.
- E.9** Note of 5 March 2021 of the two OPL 245 prosecutors, refusing to file the “shapeless compendium of hypotheses and erroneous reconstructions”.
- E.10 ★** Report of the prosecution’s technical expert, Ing. Maurizio Bedarida, 5 November 2021: selective alterations to the 2013 chats alone, and the presence, in the list of trusted computers, of two never-identified hosts, including “another very strange one called John Doe”.
- E.11 ★** Nineteen versions of the “List of further names” drawn up in the General Counsel’s office between 11 and 13 January 2022, found on the 2024 seizure; defence investigative application of 13 January 2022 with the keywords “Renda Francesco” and “Tina Javaheri”.
- E.12 ★** Report of the Guardia di Finanza no. 415782/2025 of 4 July 2025, one hundred and thirty-six pages: the comparison between the filed chat and the authentic chat, the genesis of the keyword list, and the statements of the Equalize operatives.
- E.13 ★** Records of interrogation of the Equalize operatives: Gallo, 11 December 2024; Calamucci, 16 January 2025 (Carabinieri Lombardy Legion, Investigative Unit).
- E.14 ★** Judicial police report of 30 June 2022 on the seventy-six-second metadatum: opening of the nine files of the secret statements between 12:35:16 and 12:36:32 on 5 February 2020.

E.15 Evidence schedule of 5 February 2020 (fourteen items, no. 14 on interference by Eni's defence with Milanese magistrates) and the Court's order of rejection.

F — The Brescia trial and the double use of the same corpus

F.1 First-instance and appellate judgments convicting the two OPL 245 prosecutors.

F.2 Judgment of the Court of Cassation of 18 June 2026: quashed without remand, "because the fact does not exist". The operative part is known and final; the reasons do not yet appear to have been filed.

F.3 Resolution of the Superior Council of the Judiciary of 8 May 2024 denying Dr De Pasquale confirmation in his semi-managerial functions, and the Prosecutor's Office organisational chart recording his new placement.

G — The Speroni file and the Equalize severed proceedings

G.1 ★ Request for a shelving order of 19 March 2026, case no. 25203/2022, concerning the position of the General Counsel.

G.2 ★ The civil party's opposition to that request, final version of 18 May 2026, addressed to the Judge for Preliminary Investigations.

G.3 ★ Notice of conclusion of investigations under Article 415-bis of the Code of Criminal Procedure in case no. 11830/2026 (counts 45-54), or in its stead the application to the Court of 14 April 2026 reproducing its content.

G.4 ★ Complaint filed on 17 December 2024 with the Chief Prosecutor of Milan, the prosecutors in the Equalize proceedings and the District Anti-Mafia Directorate, with annexes: it performs for the first time the documentary comparison between the forged chat and the authentic chat.

H — The complainant

H.1 Instrument joining the proceedings as civil party in case no. 4659/2023 R.G.N.R. and application of 11 July 2023 to join the party civilly liable.

H.2 ★ Certified-email communication to Eni of 23 July 2024, and the revocation of all instructions by the principal client on the following day, 24 July 2024.

H.3 Criminal complaints of 23 June 2024 and 11 June 2025 filed against the complainant; search and seizure warrant executed in November 2025.

H.4 Complaints and reports filed by the complainant, each bearing a date and filing number, referred to at paragraphs 40 and 41.

H.5 Freedom-of-information application of 11 July 2025 to the National School of Administration and the ensuing refusal.

Documents cited but not produced

The following documents cited in the complaint are not in the complainant's possession and are therefore not produced: Guardia di Finanza reports no. 601747 of 3 October 2025 and no. 747142 of 3 December 2025, referred to in the shelving request of 19 March 2026, were never disclosed to the injured party or to the civil party and do not appear in the official index of the case file; the reasons for the Court of Cassation's judgment of 18 June 2026 do not yet appear to have been filed.

(index of annexes — v1, annexed to the OECD complaint v49)