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"OPL 245" CASE NO. 3 · PART 2

OPL 245, the Largest Foreign Bribery Trial and Its Reverse Side

The OPL 245 case in twelve dates, from the licence of 1998 to the OECD meeting of December 2026. For newcomers.

whitecollarcrimes.it · 27 October 2026

Whoever opens the documents of the OPL 245 case finds thirteen years of records, four Public Prosecutor's Offices, three levels of judgment, two complaints in Paris and more names than an ordinary memory can hold. This part is meant to keep the reader from getting lost. It tells the case in twelve dates and says, for each statement, whether it is established by a record, whether someone declares it, or whether it is a reading by the writer. The guarantor of this site is a civil party in the Milan trial of the so-called conspiracy and the author of the complaint to the OECD of 26 August 2026; the reader should know this before beginning.

1. April 1998. The licence

The offshore oil block OPL 245 is one of the richest in Nigeria. In 1998, in the last months of Sani Abacha's military dictatorship, the petroleum minister Dan Etete awards it to a company set up a few days earlier, Malabu Oil & Gas, which is attributable to Etete himself. In the following years the licence is revoked, reassigned to Shell and returned to Malabu through a settlement; in 2011 it is still in the hands of the man who had awarded it to himself. In the decisions cited these steps are not disputed; the dispute, in the trials, concerned what the companies knew.[1]

2. 29 April 2011. The 1.3 billion

Eni and Shell buy the licence. They pay approximately USD 1.3 billion to the Nigerian government, which passes most of it on to Malabu: approximately eight hundred million reach the company's Nigerian accounts in August 2011. Of that money, approximately three hundred million stay with Etete; more than five hundred and twenty go to the companies and bureaux de change of Aliyu Abubakar — an intermediary whom the organisations report as being known in Nigeria as "Mr Corruption" — and become cash, distributed without traceability to recipients who are for the most part unknown. The trial that will follow is, for the complaint, "the largest foreign bribery trial ever held", and the measure is the amount of the alleged bribe. The Milan Court reconstructed these steps and the judgment of acquittal does not deny them. It denies something else: that the two companies knew, at the moment of paying, that the money would be used to bribe.[2]

3. 9 September 2013. The criminal complaint

Three organisations, Re:Common (Italy), The Corner House (United Kingdom) and Global Witness (United Kingdom), file a criminal complaint with the Milan Public Prosecutor's Office. On 4 November 2013 the Office registers proceedings no. 54772/13 against Eni and others for foreign bribery; on 4 June 2014 it notifies Eni. The investigation, and then the prosecution at trial, are led by Fabio De Pasquale, in Milan since the years of Mani pulite, and Sergio Spadaro. On 30 July 2014, according to the records referred to in the complaint, a former Eni executive dismissed the year before, Vincenzo Armanna, who had followed the OPL 245 negotiations in Nigeria, presents himself to the public prosecutors without anyone having summoned him and accuses the company's top management. His statements lead to the registration as suspects of the chief executive then in office, appointed by the Government in May 2014, and of his predecessor.[3]

4. 2015-2016. The "conspiracy against Eni"

Two days before presenting himself to the public prosecutors, on 28 July 2014, Armanna had been filmed without his knowledge in the Rome office of a businessman, at a meeting with Eni's external lawyer Piero Amara and two political figures; Amara would say in 2019, under examination, that the recording had been made "to blackmail Armanna" and that he had agreed it with an Eni executive, who denies it. From January 2015 three anonymous complaints reach the Trani Public Prosecutor's Office and the scene is turned upside down: the conspiracy, they say, is against Eni, hatched by troublesome directors and executives of the company, by Armanna himself and by his lawyer. In July 2016 the Syracuse Public Prosecutor's Office issues notices of investigation for defamation against two independent directors and an Eni executive; in September 2016 eight magistrates of that Office report to the governing bodies of the judiciary the outside pressure on their files; in February 2018 Amara and the Syracuse public prosecutor are arrested for judicial corruption, and plea-bargain. That the "conspiracy against Eni" was fabricated to protect the top management from the OPL 245 investigation has been, since 2023, the charge brought by the Milan Public Prosecutor's Office in a trial still pending, in which Eni appears as injured party and, at the request of the civil party, as the party civilly liable; the guarantor of this site is the only civil party to have joined the proceedings against it. A charge, until there is a judgment; the defendants are presumed innocent.[4]

5. 20 December 2017. The committal for trial

The Milan preliminary hearing judge commits Eni, Shell and thirteen individuals for trial, among them Eni's chief executive then in office, his predecessor and Dan Etete. On 20 September 2018 two intermediaries in the deal, tried separately under the fast-track procedure (rito abbreviato), are convicted at first instance and sentenced to four years; the Court of Appeal will acquit them on 24 June 2021, without opposition from the Prosecutor General's Office. The main trial opens on 14 May 2018 before the Seventh Criminal Division of the Milan Court, presided over by Marco Tremolada, and lasts almost three years.[5]

6. 17 March 2021. The acquittal

The Court acquits all the defendants "because the act did not occur". The reasons, filed on 9 June 2021, hold it unproven that the two companies knew of the corrupt destination of the money, find Armanna unreliable, use against him the video of 28 July 2014 and reproach the public prosecutors

for not having filed it. On 19 July 2022 the Milan Prosecutor General's Office withdraws the appeal — through a deputy other than the two public prosecutors of the trial, who had asked to take part in the appeal and had not been allowed to — and the acquittal becomes final. In the Phase 4 report on Italy, adopted on 13 October 2022, the OECD Working Group questioned whether the interpretation of the offence followed in that judgment, and in other recent acquittals, was consistent with the Convention, and described as "unfortunate" some of the expressions used by the deputy prosecutor general in withdrawing the appeal; with two subsequent judgments, the first of 31 May 2022 (Sixth Division, no. 28988/2022), the Court of Cassation changed course on the point of law that had decided the trial, as the 2024 follow-up report records.[6]

7. 3 June 2021. The public prosecutors on trial

Six days before the Court files its reasons, the Brescia Public Prosecutor's Office, which has jurisdiction over Milan magistrates, registers De Pasquale and Spadaro as suspects for refusal to perform official acts. The proceedings arise from the statements of a colleague, Paolo Storari, who since 2020 had been conducting the investigation into the "conspiracy" and who in February-March 2021, at the last hearings of OPL 245, had asked them to bring into the trial some chats extracted from Armanna's telephone; the two had informed the Chief Prosecutor and the Deputy Chief Prosecutor in writing of their assessment not to acquire them, leaving the decision to them. On 8 October 2024 the Brescia Court sentences them to eight months; on 16 October 2025 the Court of Appeal upholds the conviction. In the meantime De Pasquale stepped down, in May 2024, as head of the department that had built OPL 245; according to the press, after the judgment of the Court of Cassation he left the judiciary.[7]

8. 2020. The doormat and the second current

While the OPL 245 trial moves towards judgment, within the investigation into the "conspiracy" there occurs what the complaints call "the second current". On 20 February 2020 an external lawyer of Eni files with the Public Prosecutor's Office, on behalf of the company's head of legal affairs, a package which the executive says he received anonymously (a first envelope, he recounts, he had found under the doormat of his home and destroyed). Inside: bank statements attributing millions in the Cayman Islands to a former Eni executive, a sheet of foreign accounts, the screenshot of a chat about the payment of a witness. By October 2020 the Bank of Italy establishes that the statements are false. The Dubai account written on that sheet, however, is real — and it will resurface in 2021 in a 2019 chat found on Armanna's telephone, handed over to the public prosecutors in November 2020. Who fabricated the package has not been established in any known decision. For the executive, the Public Prosecutor's Office requested in March 2026 that the case be dismissed for lack of intent; the civil party has opposed, and the hearing is set for 15 December 2026. In July 2025 a report of the Guardia di Finanza, filed in the record of the Milan trial, described engagements and invoices from which the complaint infers that from July 2019 Eni allegedly financed, through two law firms, a private intelligence apparatus aimed at its own accusers. To read these papers as an operation to overturn the investigation is the thesis of the civil party and of the complaints, an inference declared as such.[8]

9. 9 June 2025. The organisations in Paris

Three organisations, The Corner House, Hawkmoth (Netherlands) and HEDA Resource Centre (Nigeria), ask the Chair of the OECD Working Group for a review of Italy under Article 5 of the Convention. They bring sixty “red flags” from 2013 onwards: from the Trani complaints to the withdrawal of the appeal, from the trial of the public prosecutors to the hollowing out of the anti-corruption unit of the Milan Public Prosecutor’s Office. The Chair replies, according to the organisations, that the review must wait for the end of the trial of the two magistrates; on 7 July 2025 the organisations submit an amended version, with forty-nine red flags, which takes that reply into account.[9]

10. 18 June 2026. The Court of Cassation

The Sixth Criminal Division of the Court of Cassation quashes without remand the convictions of De Pasquale and Spadaro “because the act did not occur”. The reasons, filed on 29 September 2026, state that the obligation to file those chats did not exist, that the communication to the heads of the office was “an act not of refusal but of objective, due, transparency”, and that the acquisition requested by the colleague would have been — that one, indeed — “undue”. Five years and two convictions had passed since the registration in Brescia. The judgment does not mention the OECD and does not judge the OPL 245 trial: it concerns the offence of refusal to perform official acts, and that alone. The full Italian text, the English translation and the commentary are on this site.[10]

11. 26 August 2026. The civil party’s complaint

Avv. Luca Santa Maria files with the OECD Secretariat a complaint under Article 5, independent of that of the organisations: forty-eight paragraphs and thirty-three annexes, all judicial records. The complaint retraces in twenty-three dated moments, from 2014 to 2026, what the complaints call the interference; it counts ten investigations which, as far as the complainant can tell from the records in his possession, were never opened; it makes four requests, among them ten verifiable questions to be put to Italy. On 9 September a Synthesis in twenty points follows; on 11 September the Chair of the Working Group replies that the Group and the lead examiners for Italy, Germany and the United States, will consider the complaint in December 2026, together with Italy’s follow-up report; on 9 October the complainant transmits the reasons of the Court of Cassation with a full English translation and a covering note. All the documents are collected on the case page; the complaint, the Synthesis and the note are also available in English.[11]

12. December 2026. The calendar

In October 2026 Italy must report in writing to the Working Group on the implementation of five recommendations of 2022; in December 2026 the Group will examine that report and, with it, the two complaints. In the same month, in Milan, the hearing on the opposition to the dismissal of the case against the executive who filed the package is scheduled, and the judgment in the “conspiracy” trial is expected, the prosecution’s closing speech having been delivered on 25 June 2026. In Paris the Italian State will not have to answer for what its judges decided, but for the conditions in which they decided it; the documents collected on this page are those with which it is asked to do so.[12]

Notes

1. Request for Article 5 review by Working Group on Bribery of the Republic of Italy, The Corner House, Hawkmoth, HEDA, 9 June 2025, §§ 16-21 and table 1; complaint DEN-OCSE-LSM-2026/09, 26 August 2026, § 1. The events concerning the licence between 1998 and 2011 are reconstructed in the judgment of the Milan Court, Seventh Criminal Division, 17 March 2021, no. 3055 (reasons of 9 June 2021), annex A.1 to the complaint.
2. Complaint, cit., § 1 (the two branches of the money; the figures are those of the reconstruction at trial, in dollars); Request, cit., §§ 17-19 (Abubakar's nickname is reported by the organisations as used "locally"). That the companies did not know is the finding of the Milan Court, now final.
3. Request, cit., table 1, entries of 9 September 2013, 4 November 2013, 4 June 2014 and 28 July 2014 (sources: criminal complaint of Re:Common, Corner House and Global Witness; statement of De Pasquale to Southwark Crown Court, 4 September 2014); complaint, cit., § 12, and Synthesis, 9 September 2026, point 1 (Armanna "is not summoned" by the public prosecutors: he presents himself spontaneously).
4. Complaint, cit., §§ 12-19 (the video of 28 July 2014, recorded without Armanna's knowledge, a circumstance acknowledged by the OPL 245 judgment; Amara's words are from his examination of 18 November 2019, the statement of a defendant, which the Eni executive concerned denies; the Trani complaints from 23 January 2015, the Syracuse notices of 8 July 2016, the complaint of the eight magistrates of 23 September 2016, the arrests of 6 February 2018); Synthesis, cit., points 3-8. The Milan trial is no. 4659/2023 R.G.N.R., no. 643/2024 R.G. dib., Milan Court, Third Criminal Division, opened on 30 May 2024; the fabrication thesis is in the request for committal for trial of the Milan Public Prosecutor's Office and in that, for the Trani events, of the Potenza Public Prosecutor's Office of 3 March 2022 (annexes B.2 and C.8). For the "False conspiracy" case file, in preparation, see the page of the "Ungheria" case.
5. Request, cit., table 1 and note 8 (decree of the Milan preliminary hearing judge, Dr Barbara, 20 December 2017, proceedings no. 54772/13); entries of 20 September 2018 (conviction under the fast-track procedure of the intermediaries Obi and Di Nardo), 22 March 2021 and 24 June 2021 (the Prosecutor General's Office does not oppose the appeal; the Court of Appeal acquits them).
6. Milan Court, judgment no. 3055/2021, cit., in particular pp. 326-331 on the video and on the public prosecutors; Request, cit., table 1, entries of 26 January 2022 (the Prosecutor General's Office rejects De Pasquale's request to take part in the appeal) and of 19 July 2022 (the withdrawal of the appeal by the deputy prosecutor general Gravina, with the expressions reported by the press: "neocolonialist", companies that "had made the wealth of Nigeria"); complaint, cit., annex A.4. The Working Group's assessment of the interpretation of the offence is in the Phase 4 report on Italy (13 October 2022), §§ 100 and 116, and its assessment of the "unfortunate" expressions in § 111, as cited by the organisations (Request, notes 9 and 183); the change of direction of the Court of Cassation is recorded by the follow-up report of 10 October 2024, § 29.
7. Court of Cassation, Sixth Criminal Division, judgment no. 34812/2026, pp. 2, 32-34 (the registration following the statements of Dr Paolo Storari; the communication of 5 March 2021 to the heads of the office); Brescia Court, judgment no. 3178/2024 of 8 October 2024; Brescia Court of Appeal, judgment no. 1375/2025 of 16 October 2025; complaint, cit., § 30 (his stepping down as head of the department in May 2024; on his resignation from the judiciary the source is the press of August 2026, as stated in the complaint).
8. Complaint, cit., §§ 23-29 and 31-35; Synthesis, cit., points 11-15 and 20; filing note of 20 February 2020 and record of 27 February 2020 (annexes E.2 and E.3); findings of the financial intelligence units of 6 and 20 October 2020 (annex E.5); Guardia di Finanza note no. 155349 of 10 March 2021 (the Dubai account in the chat of 20 August 2019); Guardia di Finanza report of 4 July 2025, 136 pages (annex E.12); request for dismissal of 19 March 2026 and opposition of the civil party (annexes G.1 and G.2). All the persons named or referred to in this section are presumed innocent; the description as "second current" is the complaint's.
9. Request, cit., §§ 58-61 (the requests) and table 1 (the sixty red flags); Amended Complaint, 7 July 2025, §§ 1, 12 and 14 (the Chair's reply, as reported; forty-nine red flags). Both texts are published on the Global Anticorruption Blog and on the case page.
10. Cass., Sixth Criminal Division, no. 34812/2026, hearing of 18 June 2026, filed on 29 September 2026, pp. 25-26, 28, 33, 36-37 and 41. On this site: the text of the Court, the unofficial English translation and "The Public Prosecutor: a Character in Search of an Author?" (7 October 2026).
11. Complaint DEN-OCSE-LSM-2026/09, §§ 7, 11-35, 42-46; Synthesis, 9 September 2026; letter from the Chair of the Working Group, 11 September 2026; covering note to the reasons of the Court of Cassation, 9 October 2026. The lead examiners for Italy in Phase 4 are Germany and the United States (follow-up report of 10 October 2024, note 1).
12. OECD Working Group on Bribery, Italy: Phase 4 Two-Year Written Follow-Up Report, 10 October 2024, § 53; letter from the Chair of 11 September 2026; for the Milan hearings, complaint, cit., § 42, and records of proceedings no. 25203/2022 (opposition admitted on 31 August 2026, hearing of 15 December 2026). Register. Established on the records cited: the dates, the figures, the decisions. Declared: the words of Armanna and of Amara, the expressions reported by the press, the reply of the Chair of the Working Group as reported by the organisations, De Pasquale's resignation. Attributed: to the

OECD reports of 2022 and 2024, the assessments of the OPL 245 trial, cited through the complaints. In this English edition, quotations from English-language sources are given in the original; quotations from the Court of Cassation follow this site's English translation, and those from the complaint and the Synthesis follow their English texts. Inferred, and declared as such: that the "conspiracy" was fabricated (a charge of the Public Prosecutor's Office, not a judgment) and that the second current was an operation to overturn the investigation (the thesis of the civil party and of the complaints). The Milan trial is pending; every person named is presumed innocent.

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