

Intermittent Innocence

Acquittal in the Court of Cassation “because the act did not occur”. Innocent? It depends. Depends on what? On whether you are a “friend” or an “enemy”. The tribalisation of the system now under way.

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1. The facts

On 18 June 2026 the Sixth Criminal Division of the Court of Cassation quashed without remand the convictions of Fabio De Pasquale and Sergio Spadaro, the two public prosecutors in the Eni-Nigeria trial. The formula: *perché il fatto non sussiste*, because the act did not occur. [1]

It was not a contested decision. The deputy prosecutor general, Cristina Marzagalli, had asked for acquittal, and had asked for it on both limbs: “there was no refusal and the procedural choices made were well founded”; “the conduct of the two magistrates was anything but inert and omissive”; “the material object of the refusal did not exist in the case file and there is no rule requiring disclosure at that stage”. [2] Defence counsel, Massimo Dinoia and Fabio Federico, commented that the Prosecutor General’s submissions had been “total and final”: “he could not have said more than that”. [1]

Before that day the two had twice been sentenced to eight months. At first instance by the Brescia Court on 8 October 2024, with written reasons filed on 19 November. On appeal on 16 October 2025, with written reasons filed on 13 January 2026, one hundred and thirty-two pages. The charge was refusal to perform an official act: failing to disclose to Eni’s defence teams material those teams could have used, and in particular the video of 28 July 2014 which undermined the credibility of the prosecution’s principal witness, the former Eni manager Vincenzo Armanna. [3]

Four years of proceedings. Two convictions. A final acquittal on the merits: not a limitation period, not a procedural defect, not a downgrading of the charge. The act did not occur.

This is the case of two innocent men convicted and then saved. In the grammar of Italian public debate over these past years, it ought to have been front-page news and the subject of a moved editorial.

It was not.

This article does not discuss the judgment of 18 June, whose written reasons, at the time of writing, do not appear to have been filed. It does not discuss the procedural conduct of the two

magistrates in the Eni-Nigeria trial, on which we have written and will write elsewhere. It discusses one thing only: the words the Italian newspapers used before, and the words they used after. It is an exercise in lexicography. It has the advantage of being verifiable line by line.

2. Before: the din

To measure a silence you must first measure the noise.

On 8 October 2024, when the Brescia Court convicted the two prosecutors, the Ansa wire went out under this headline: “‘They hid the evidence’, eight months for prosecutors De Pasquale and Spadaro” (*“Nascosero le prove”*). [4] The same day: Il Tempo, “Eni-Nigeria case, prosecutors De Pasquale and Spadaro convicted. ‘They hid evidence’”. [5] Il Foglio, “Prosecutors De Pasquale and Spadaro convicted for hiding evidence from the defendants in the Eni-Nigeria trial”. [6] Affaritaliani, “eight months for prosecutors De Pasquale and Spadaro for concealing evidence”. [7] Fanpage, “‘They hid evidence from the defence’”. [8]

The next day, Libero: “Eni-Nigeria, the anti-Berlusconi magistrate sentenced to eight months: which evidence he hid”. In the body, over the byline of Giovanni M. Jacobazzi: “A sentence that is, all things considered, not excessive given the gravity of their conduct”. And: “What was supposed to be the largest international corruption trial ever held in Italy has thus turned out to be a boomerang for the Milan bench”. [9]

Also on 9 October, in Startmag, Francesco Damato ran the headline: “Eni, Nigeria and the magistrates’ whingeing about the ‘suffering of injustice’”. [10]

On 11 October Il Sussidiario described the conviction as “a tsunami that may change the course of justice in Italy”, and headlined it “a conviction that ‘overturns’ the outcome of Tangentopoli”. [11]

Then came the written reasons, and with them the vocabulary that would remain in place for two years. Il Foglio, 22 November 2024: “‘They hid evidence surgically’”. [12] Il Fatto Quotidiano: “They left out the elements damaging to their own case”. [13] Milano Finanza: “evidence in favour of Claudio Descalzi and Paolo Scaroni was suppressed”. [14] QuiBrescia: “they withheld material favourable to the defence”, conduct of “particular gravity”. [15] Out of the judgment came the formulas that would become slogans: the “reasoned selection of only those pieces capable of enriching the prosecution mosaic”, the “quadrilateral” protecting the case, the “travel and holidays department” as colleagues jokingly called De Pasquale’s third department. [12] [13] [14]

After the conviction was upheld on appeal, on 18 October 2025 Maurizio Belpietro devoted his editor’s leader to the affair. Headline: “Magistrates who conceal evidence cannot go on serving as prosecutors”. Strapline: the conviction “must push Nordio to remove them”. In the text: the two “not only feel themselves above the law, but believe that evidence contrary to the prosecution case they have advanced can and must be hidden in the name of a higher interest”; De Pasquale “should be gently shown the door”; and the comparison: “it would be as if a doctor, convicted at first instance and on appeal of deliberately botching an operation and still stand-

ing by what he did, were sent off to work abroad”. Conclusion: “proceedings to remove them must be started as soon as possible”. [16]

The day before, in the same paper, Alessandro Da Rold had summed up the balance sheet in a line worth rereading today: “Twelve years after the investigation began, the bribe of more than a billion dollars never existed: the only conviction left standing is that of the prosecutors who led the case”. [17]

In il Giornale, on 17 October 2025, Luca Fazzo wrote that the two had kept “in their drawers the material that cleared the defendants”, that De Pasquale was paying for the “competitive fury” with which he had conducted the Eni trials, and that he was by now “the living demonstration that keeping the careers of judges and prosecutors together does not guarantee that prosecutors also have the defence’s case at heart”. [18]

Why this last sentence matters: between the first conviction and the second, the De Pasquale-Spadaro case stopped being a judicial affair and became a political argument. On 5 November 2025 Il Foglio ran the headline: “Why prosecutor De Pasquale is the best testimonial for justice reform”. [19] On 15 January 2026, when the appeal reasons were published, La Verità headlined: “The judgment convicting De Pasquale and Spadaro is a great advertisement for the Yes”, and in the text: “With its 132 pages, it has written a new chapter in favour of Yes to justice reform”. [20] The constitutional referendum on the separation of judicial careers was to be held on 22 and 23 March 2026.

Let us put the count on the record, because it is the premise for everything that follows. In the corpus we examined, the verb *nascondere*, to hide, and its direct synonyms — to conceal, to stash, to suppress, to keep in a drawer — appear in the headlines of at least six national newspapers, and in the body text of almost all of them. An editor’s leader expressly demands that the two magistrates be removed from the judiciary. Two newspapers build a referendum campaign argument on their conviction.

This must be said with equal precision, because otherwise the argument does not hold: none of this was illegitimate. A first-instance conviction is news. A leader is an opinion, and an opinion may be extremely harsh. Those who wrote these things wrote them on the basis of two concurring judgments on the merits, with written reasons filed and available to be read, and in Italy that may be done. We are not denouncing severity. We are taking its measure.

Because the severity of 2024 and 2025 is the unit of measurement for 2026.

3. After: the lexicon of the acquittal

On 18 June 2026 the news broke in mid-afternoon. Everyone carried it. We read the press of 18, 19 and 20 June and the comment of the days that followed, up to 24 August. The result is a sample book of formulas worth setting out in a row, because the lexicon says more than the opinions.

Il Giornale headlines: “the Court of Cassation ‘saves’ prosecutors De Pasquale and Spadaro” (“*salva*”). With the inverted commas around “saves”. The inverted commas are a

judgment: they signal to the reader that the word is not to be taken seriously, that this is a rescue and not a finding. [21]

The next day, again in *il Giornale*, Luca Fazzo: “Hidden evidence. Prosecutor De Pasquale safe in the Court of Cassation”. The headline holds the accusation and the acquittal together, and puts the accusation first. In the body: “Even though the acts committed have been established, and merely interpreted differently by the judgment handed down yesterday by the Sixth Criminal Division of the Court of Cassation”. [22]

On the same day, in the same paper, a comment piece by the same writer. Headline: “A bad message: a free hand in trials”. Inside is the sharpest sentence in the whole corpus: “To all the De Pasquales of Italy the Court of Cassation said yesterday: well done, carry on”. And just above: “Precisely for that reason the Court of Cassation, with yesterday’s decision, has taken on no small responsibility”. [23]

Il Riformista, over the byline of Giovanni M. Jacobazzi: “The Eni-Nigeria investigation was a joke, the Court of Cassation lenient with De Pasquale and Storari, the only prosecutor convicted is Davigo”. Lenient (*clemente*). Not correct, not careful, not rigorous: lenient, that is, indulgent towards a guilty man. The piece calls the Prosecutor General’s argument “bizarre, to say the least”, and closes thus: “one might legitimately begin to suspect that in this country acts of clemency are granted not only by the President of the Republic”. [24]

In passing, and without malice: the headline and the closing line of that article write “Storari” where the names were “Spadaro”. Paolo Storari is the magistrate who has nothing whatever to do with the defendants in that trial: he is the colleague who had transmitted the material, and he is a defendant in an entirely different set of proceedings. The body of the article gets it right. The headline does not. It is a detail we mention only because it helps one understand with how much care those two names were being handled.

Il Foglio, in a leader on 19 June: the judgment demonstrates that “the prosecutor’s duty to seek evidence that also exculpates the suspect, with all due respect to the ANM, exists only on paper. In reality it does not exist”. And: “there is no sanction whatever for the prosecutor who not only fails to investigate in order to find evidence in the suspect’s favour, but does not disclose that evidence even when a fellow prosecutor finds it by chance and hands it to him on his desk”. [25] The next day, a second leader, strapline: “The Court of Cassation’s acquittal may not be enough to spare the two prosecutors disciplinary sanctions. Some facts remain established”. Closing line: “In what way, for the CSM, can De Pasquale (still at the Milan prosecutor’s office) and Spadaro (now at the European Public Prosecutor’s Office) go on serving as prosecutors?”. [26]

La Verità headlines “*ribaltone*”, a dramatic reversal, and writes: “The ‘suffering’ invoked by Dinoa, however, forgets a far wider story”. [27]

Il Dubbio, the newspaper of the Italian bar, is the most explicit in separating the two levels, and it is also the most honest. Errico Novi writes that the acquittal “ought to be jealously guarded. As a precious value for the rule of law”, because it “certifies that no one, whether a magistrate or a mafioso, may be convicted by virtue of a moral judgment”. In the same piece the strapline recalls that the two “hid evidence useful to the defence”, and further on one

reads that this was conduct “deplorable in any event”, albeit not criminally punishable. Headline: “the law is never a moral judgment”. [28]

Il Post carries the news in a dry and accurate manner; explains the formula, does not comment. [29] Tgcom24 headlines that the Court of Cassation “overturns everything”. [30] Ansa is the most empathetic source of the whole day: it speaks of “an extremely grave accusation for a prosecutor”, and of the “stain that would have been indelible on their careers”. [1] Repubblica takes up that register: “A stain on their careers. Which yesterday was removed”. [31]

Now the question. In this entire corpus, how many times does the word *innocenti*, innocent men, appear with reference to De Pasquale and Spadaro?

Not once.

What appears is *salvi*, safe; *salvo* in inverted commas; *salvati*, saved; *assolti*, acquitted; *annullamento*, quashing; *ribaltone* and *ribalta tutto*, overturning; *clemente* and *clemenza*, lenient and clemency; *macchia cancellata*, the stain removed; *spazza via*, sweeps away; *incolume*, unscathed; *pietra tombale*, a tombstone. What does not appear is *innocenti*. What does not appear is *errore giudiziario*, miscarriage of justice. What does not appear is *vittime*, victims. What does not appear is *gogna*, the pillory. What does not appear is *per fortuna*, thank goodness. What does not appear is the vocabulary that is used in Italy every day, on every other occasion, to describe exactly this: a citizen convicted twice and found to have had nothing to do with the act.

The word *innocenza*, innocence, appears in the corpus four times. Always with reference to other people. In il Giornale of 19 June it denotes “the evidence proving the innocence of Eni’s senior management”. [22] In Il Riformista it denotes the “material proving the innocence of the defendant” and the prosecutor’s freedom “to have the innocent convicted”. [24] In Il Fatto it is the two prosecutors’ own counsel who says that those documents were not “absolute proof of the innocence of someone accused of international corruption”. [32] In all four instances the innocent are the defendants in the Eni trial. Never the two men acquitted on 18 June.

There is more, and it is the part that becomes visible only when the two press corpora are set out side by side. Several newspapers that had given ample space to the convictions — among them Libero, Il Tempo, Milano Finanza, Fanpage, il Giornale di Brescia and QuiBrescia — do not appear to have published anything on the final acquittal. We write this with the caution it deserves: not being indexed is not the same as not having published, and our press corpus is a body of material examined, not a census. But the asymmetry of attention, where it can be verified, runs in the same direction as the asymmetry of vocabulary.

And then there is the figure of speech that holds the whole thing together. We counted eleven occurrences, across eight different newspapers, of the same structure: acquitted, but (*assolti, però*). Il Foglio: “some facts remain established”. Il Giornale: “even though the acts committed have been established”. Il Riformista: “it is not clear, however, to what ‘well-founded choices’ the Prosecutor General can be referring”. La Verità: “forgets, however, a far wider story”. Il Dubbio: “conduct which, according to the CSM, was in any event deplorable”. It is the dominant formula of the corpus.

And it is, word for word, the formula that Italian *garantismo* — the due-process camp — has been fighting for thirty years.

4. The four big dailies

The count made so far concerns above all the newspapers that have a declared editorial line on justice. It remains to be seen what was done by the four dailies that in Italy determine what counts as news: the *Corriere della Sera*, *la Repubblica*, *La Stampa* and *il Fatto Quotidiano*. The picture is more instructive than that of the leader columns, precisely because here there is no battle to be won.

The *Corriere della Sera* is the paper that did the work. The two pieces of information everyone else used to report 18 June — the composition of the panel, with Gaetano De Amicis presiding and Pietro Silvestri as rapporteur, and the content of the deputy prosecutor general's closing submissions — came from there. *Il Riformista* cites it as “the well-informed *Corriere*”; Affaritaliani attributes to it the version of defence counsel's words. [33] From the *Corriere*, then, the corpus preserves the specimen of a well-made news report. What the corpus does not show is any return to the case: neither a comment of its own in the following days, nor a piece on De Pasquale's departure from the judiciary, which was after all the natural sequel to its own story.

la Repubblica. On 19 June, in the print edition, Rosario Di Raimondo bylines “The Court of Cassation acquits the prosecutors in the Eni-Nigeria case. ‘They did not hide the evidence’”. It is, together with Ansa, the text closest to an understanding of what had happened to those two men: “A stain on their careers. Which yesterday was removed. The Court of Cassation sweeps away two instances of judgment”. [31]

And yet look at the verb. A stain is removed. It is the metaphor of fabric and the laundry: something that was soiling is no longer there. Even in the most benevolent register of the entire corpus, what is being taken away is a charge, not an injustice. The subject of the sentence is not an innocent man. It is a stain.

La Stampa is the paper that gave the country the last line of this story. On 21 August it reported ahead of the field that De Pasquale had left the judicial order on 9 July, and carried the sentence everyone then repeated: “There was no longer any point in continuing and I no longer recognise myself in this judiciary”. [34]

It is worth pausing for a moment, because this is the point at which the language of the whole affair becomes clearest. That is not a statement: it is a confidence to friends, relayed at second hand, and it circulates in three different variants depending on who is copying it. The only sentence De Pasquale left the public after his acquittal was not uttered in public. And on that reported sentence, the following day, a leader built a headline telling him he was right: right to go.

Il Fatto Quotidiano. Here the picture changes in kind, because *il Fatto* is not just any newspaper in this story. It is the paper that followed the Eni-Nigeria case from the beginning, and it is the paper that in 2013, when the attacks on De Pasquale were at their height, reconstructed his

career in full and recalled that the proceedings opened against him over the death of Gabriele Cagliari had ended in a dismissal. [35]

In the season of the convictions too, *il Fatto* held a recognisable position. On 8 October 2024 it is the only big daily to put the defence in the headline: “Counsel: ‘A dangerous precedent’”. [36] On 21 November 2024, on the written reasons, it carries the defence’s replies at length. [13] On 16 October 2025, after the appeal conviction was upheld, it is the only newspaper to publish in full the spontaneous statements made by the two defendants. [37]

Then comes 18 June 2026, the day on which that line is confirmed by a final judgment.

And *il Fatto* publishes a newsroom report: precise, technical, complete, without a word of comment. [38] The next day Gianni Barbacetto bylines the only authored piece of the entire period, and it is not a leader: it is an interview with defence counsel. [32] The headline gives the defence’s version — “they hid nothing” — but it is the defence speaking. And when Barbacetto puts the question that comes closest to the missing word — “is this in any case proof that Italian justice ultimately has within it the antibodies to correct itself even when it gets things wrong?” — he frames it as a question, and it is the lawyer who answers.

On 21 August, on the resignation, a newsroom note of a few lines. [39] Which nonetheless contains two things almost nobody else put together: that De Pasquale was not confirmed in post by the CSM “because of that affair”, and that he is the man who obtained Craxi’s conviction in the Eni-Sai trial and who launched the investigation out of which came “the only final conviction of Silvio Berlusconi”.

In the whole period examined, then, the newspaper that had more reason than anyone else to write the word *innocenti* puts its own byline to the story once only, and to interview a lawyer.

We do not write this as a reproach, nor as an insinuation. We write it because it is the specimen that completes the demonstration. The vocabulary of the punished innocent was not missing out of hostility: it was missing even where there was no hostility. When the acquitted man is a public prosecutor, the paper closest to him does not celebrate. It files a news report. Nobody, anywhere, treated the acquittal of two public prosecutors as good news for the rule of law.

5. The epilogue: the man walks out

On 9 July 2026, three weeks after being finally acquitted, Fabio De Pasquale left the judiciary, more than a year ahead of compulsory retirement, which would have fallen in September 2027 on his seventieth birthday. The news came out on 21 August, a month and a half later, reported ahead of the field by *La Stampa*. The reason circulates as a confidence to friends, relayed at second hand: “There was no longer any point in continuing and I no longer recognise myself in this judiciary”. [34]

Let us see how it was reported.

Il Giornale, 22 August, Luca Fazzo. Headline: “De Pasquale leaves the judiciary and in retirement escapes punishment”. Sub-heading: “this annuls the CSM’s disciplinary proceedings. In

the trial he had hidden evidence favourable to the defendants”. Opening line: “An immaculate career”, ironically. Then: “Unscathed before the criminal courts, thanks to the Court of Cassation’s judgment quashing the conviction in June. And unscathed on the disciplinary front too”. And further: “Conduct documented by the investigation, which the Court of Cassation (nobody knows how, the written reasons are not yet available) has held ‘not to constitute an offence’, but which the CSM would have found it hard to regard as ethically proper”. [40]

Milano Post, 23 August: “Prosecutor Fabio De Pasquale leaves the judiciary and avoids the CSM’s disciplinary proceedings”. “A pre-emptive move”. [41]

Il Dubbio, 21 August, Tiziana Maiolo: “Acquitted by the courts, disowned by the CSM”. Strapline: “he takes the Di Pietro line and decides to remove himself from the ‘snares’”. Closing line: “De Pasquale has taken the Di Pietro line and has wisely removed himself”. [42]

Radio Libertà, 21 August: “Bye bye De Pasquale! The anti-Craxi, anti-Berlusconi prosecutor hangs up his robes”. [43]

And then there is Il Foglio of 22 August, an unsigned leader, which deserves to be read in full because it is the text in which the operation can be seen with the naked eye. Headline: “De Pasquale was right: there was no point in continuing”. Strapline: “The resignation of the prosecutor who ran the Eni-Nigeria trial does not cancel what the CSM said about his exercise of the judicial function”.

The central passage is this:

“De Pasquale’s career is marked by the investigations that led to the convictions of Craxi and Berlusconi and is indissolubly bound up with Eni, to which he devoted particular attention for thirty years, until his (De Pasquale’s) total loss of credibility.”

And the closing line:

“There was no longer any point in continuing; on this De Pasquale is right.” [44]

Let us read it slowly, because it is a well-built sentence.

First: it lists exactly the three targets — Craxi, Berlusconi, Eni — and lists them in the correct chronological order. We shall come back to this, because it is the point.

Second: it says “until his total loss of credibility”, and does not say how that credibility came to be lost. The reader who does not know the story understands that it wore itself out on its own, by attrition, like a battery. The reader who does know it knows that a decisive part of that loss was produced by two convictions which, two months earlier, the Court of Cassation had quashed without remand because the act did not occur. The leader does contain that fact — it says that after two convictions “the Court of Cassation reversed the verdict” — but it never connects it to the lost credibility. The two things sit in the same text and never touch.

Third, and this is the point of technique: the departure from the judicial order of a man just declared to have had nothing to do with the act is recorded as a confirmation. He was right to go. A headline, that is, which takes the consequence of a miscarriage of justice and uses it as proof that there was no miscarriage.

One need not attribute intentions to anyone to notice that this is, literally, the obverse of the argument on which the entire Italian campaign for the victims of miscarriages of justice rests. That argument says: the harm does not end with the acquittal. It says: by the time the right judgment arrives, the life is already ruined, the career is already over, and the judgment does not rebuild it. It is the founding argument. It is the reason Parliament is establishing a national day.

Applied here, nobody uses it. Applied here, it becomes: he did well to go.

And the bare fact remains: the disciplinary proceedings, opened on the initiative of the Prosecutor General at the Court of Cassation and of the Minister of Justice and suspended since 2024 pending the criminal case, lapse with the resignation. They will never be decided. Neither one way nor the other. Sergio Spadaro, who is still in the judiciary as a European Delegated Prosecutor, is left as the only one with proceedings open. The surviving disciplinary charge, as *il Giornale* reports it, is this: “in breach of the duties of impartiality, correctness and procedural loyalty, they engaged in seriously improper conduct towards the parties, their counsel and the Court”. [40]

6. Why him

Let us return to *Il Foglio*’s sentence, because it contains the answer to the question this whole article poses: why those two in particular.

“The investigations that led to the convictions of Craxi and Berlusconi”, and Eni.

They are three verifiable facts, and it is worth setting them out again with their dates, because over thirty years they have turned into an aura and have stopped being acts on a file.

On 20 December 1993 De Pasquale applied for the committal for trial of Bettino Craxi and twelve other defendants in the Eni-Sai case: a bribe of seventeen billion lire paid by SAI. On 6 December 1994 the Milan Court sentenced Craxi to five years and six months. The Court of Appeal upheld it on 2 May 1996. The Court of Cassation made the conviction final on 12 November 1996: five years and six months, together with eight other convictions. It is the first final conviction recorded against Bettino Craxi. [45]

In 2001 De Pasquale opened the investigation into the trading of Mediaset television rights. In 2005 he applied for committal for trial together with Alfredo Robledo. On 18 June 2012 he delivered the closing submissions together with Sergio Spadaro. On 26 October 2012 the Milan Court sentenced Silvio Berlusconi to four years for tax fraud. The Court of Appeal upheld it on 8 May 2013. On 1 August 2013 the Court of Cassation made the conviction final. It is the only final criminal conviction recorded against Silvio Berlusconi in thirty years of trials. [46]

Then Eni. And here the register changes, because it is no longer a matter of a politician but of Italy’s second-largest company, in which the State holds a stake.

He paid the price in full. Vittorio Sgarbi, according to Gianni Barbacetto’s account, called him a “murderer” over the death of Gabriele Cagliari in prison on 20 July 1993 — an accusation on which, in 1996, the judiciary dismissed the proceedings against him with a formula that de-

serves quoting: “no hypothesis of an offence is discernible”. [35] Silvio Berlusconi, again according to the same account, called him “notorious”. [35] In 2022 *il Giornale* devoted to him a profile entitled “the battering-ram magistrate who launched the assault on the Forza Italia premier”, in which one reads — and we quote it in full because it is a piece of rare honesty — that he is credited with “personal honesty above all suspicion” and a “good faith equally granite-like”, and at the same time that “the powerful who ended up in his sights, from Gabriele Cagliari to Silvio Berlusconi to Eni’s top management, have from time to time embodied for him a sort of absolute evil”. [47]

We are not saying he is a hero. We are not saying it because that is not the point and because it is not for us to say: the assessment of the way he exercised the judicial function was made by the High Council of the Judiciary, and we shall come to it shortly. We are saying something simpler and harder to refute: that the hostility which has accompanied this man for thirty years has a starting date, a trajectory and names attached to it, and that this trajectory was written out in plain letters by *Il Foglio* at the very moment it was announcing its end.

A man who prosecuted Craxi, then Berlusconi, then Eni is not, in Italy, an ordinary citizen when he is acquitted.

7. The missing chapter: what the trial actually was

None of the reports of the acquittal explains to the reader what, exactly, the trial that produced all this was about. This is not a neutral omission, because without that fact the whole affair shrinks to a quarrel among Milanese magistrates.

The prosecution case concerned the consideration of €1,092,040,000, plus a signature bonus of \$207,960,000, paid by Eni and Shell in 2011 to obtain the licence over oil block OPL 245, off the coast of Nigeria: money that passed through the accounts of the Nigerian government and was destined, according to the prosecution, for Malabu Oil and Gas, a company linked to the former petroleum minister Dan Etete. Defendants: fifteen, among them Eni’s chief executive Claudio Descalzi and his predecessor Paolo Scaroni. On 17 March 2021 the Milan Court acquitted them all. In July 2022 the Prosecutor General withdrew the appeal, and the judgment became final without eight judges at appeal and cassation level ever examining it. [48]

Outside Italy that trial had a name. Global Witness described it, in 2017, as “one of the biggest corruption scandals in the history of the oil sector”. [49] The Associated Press, opening its report on the first hearing in March 2018, wrote of a trial “billed as the biggest in history” in the field of corporate bribery. [50] The daily *Domani* called it “the trial of the century”. [51]

And then there is the Organisation for Economic Co-operation and Development, which has written two documents on Italy that none of the Italian reporting of these two years has considered relevant.

The Phase 4 report on Italy, adopted by the Working Group on Bribery on 13 October 2022, contains this finding: the practical application of Italian rules of evidence “has resulted in an extremely onerous evidentiary standard in foreign bribery cases, due to a systematic rejection of circumstantial evidence”; and, instead of considering the totality of the indicia simultan-

ously, “each individual piece of circumstantial evidence is generally only considered individually”, with an “alternative, exculpatory interpretation” adopted for each. The examiners write that they have “the utmost respect for the independence of Italian judges” and that they do not criticise “the outcomes of these cases”; but the reasoning, they add, reveals “a worrying pattern”. [52]

On the OPL 245 case in particular, the report is blunter: the interpretation of Italian law adopted in that trial “would not be in conformity with the Convention”. [53]

The same report contains explicit praise for the office headed by De Pasquale: “the creation of the 3rd Department in the Milan prosecutor’s office to address foreign bribery attests to Italy’s commitment to implementing the Convention and is a good practice that should be maintained”. [54]

The follow-up report, adopted on 10 October 2024 — two days after the two prosecutors’ first-instance conviction — measures what happened next: “in the two years following the Phase 4 report, activity has fallen to a single new investigation, no new prosecutions and four convictions”; “the number of acquittals at trial remains disproportionately high”; and of the forty-eight recommendations, eighteen are found to have been implemented, seven partially and twenty-three not implemented. [55]

Here we must stop and say something that cuts against our own thesis, because there is no way of conducting an argument like this one without saying it.

The OECD has never written that the Brescia trial of the two public prosecutors was a reprisal. It wrote the opposite. The 2022 report states that “there is no indication that Article 5 factors have influenced foreign bribery investigations and prosecutions in Italy”, and that “both proceedings against the trial prosecutors were initiated by members of the judiciary”, so that “this is therefore not a case of executive interference”. The concerns about the chilling effect of those proceedings are recorded by the OECD as the view of non-governmental organisations, and are not adopted as its own. [56] Anyone who maintains that the OECD denounced a persecution of the two prosecutors is attributing to that text something it does not contain, and we shall not do so.

We have no need to. Our thesis does not require a conspiracy. It requires a dictionary.

8. The words existed. They were in another language

And this is where the matter becomes genuinely interesting, because the vocabulary that no Italian newspaper used for De Pasquale and Spadaro was not missing out of reticence, for want of arguments, or because it was hard to come by. It already existed. It had been written, and repeatedly, between 2024 and 2026. Only, not in Italian.

On 9 October 2024, the day after the first-instance conviction, the Argentine daily Clarín published a piece by Eva Joly — the investigating magistrate in the Elf case, later a member of the European Parliament — entitled “In Milan the fight against corruption is at stake”. In it one reads that De Pasquale is “a figure highly respected in his own country and on the international scene”, and that he “may soon be sentenced to eight months in prison, simply for having

done his job”. A little further on: “The reaction of real power is unforgiving”. And the closing line: the trial “is taking place in a degraded institutional context, in which tensions, suspicions and even the settling of scores appear to form the backdrop”; “beyond the personal future of two talented magistrates, what is under threat is the credibility of the entire Italian judicial system and the future of the fight against corruption, in Italy and well beyond”. [57]

On 10 October 2024, while the Working Group on Bribery was meeting in Paris, an open letter to the working group was published, signed by serving and retired anti-corruption prosecutors and investigators, academics and campaigners. In it one reads that “aggressive and multi-pronged attacks, including what appears to have been a concerted and connected media campaign, directed at two public prosecutors, were in all likelihood launched as an exercise in discrediting them”. And, on the verdict expected in those very days: “predictably, the prosecutors have been found guilty”. The letter speaks, in terms, of a “ludicrous prosecution”. [58]

On 20 January 2025, on the Global Anticorruption Blog, the conviction was described in the headline as “a travesty of justice”, on the strength of the technical analysis published in *Questione Giustizia* by Nello Rossi. [59]

On 1 August 2025 the same publication recorded that the Federación Latinoamericana de Fiscales — the federation of Latin American prosecutors’ associations — had written to the court trying the two Italian magistrates, to point out that those proceedings were “undermining the sense of security and institutional confidence that all prosecutors must have” in order to discharge their duties. [60]

On 23 June 2026, five days after the acquittal, four organisations — The Corner House, Hawkmoth, HEDA Resource Centre and ReCommon — published a joint statement: “We welcome and celebrate the decision of the Italian Supreme Court of 18 June 2026”; “the Court rejected the charges in their entirety”; “in substance, the Supreme Court held that the prosecutors had absolutely no case to answer and that the convictions were entirely unlawful”. And the description: “the trial of the prosecutors has all the hallmarks of a politically motivated witch-hunt”. [61] The chair of HEDA, Olanrewaju Suraju, speaks of “a vindication of the prosecutors who devoted years of their professional lives to pursuing one of the most significant corruption cases in the world”. [62]

Let us sum up the specimen, because it is the heart of this article.

The words “innocent”, “vindication”, “witch-hunt”, “concerted media campaign”, “convicted simply for having done his job” were written, were published, were spoken by judges, prosecutors and recognised organisations — in English, in Spanish, in Nigeria.

In Italian, none of them.

And it cannot be said that Italian newspapers did not know, because one of the few occasions on which the Italian press dealt with those voices, it did so in order to refute them. On 16 October 2025, the very day of the appeal conviction, *Il Foglio* devoted a piece to the *Financial Times*, which had given space to the suggestion that the two prosecutors were “paying the price for having tried to prosecute Italy’s largest company”. Headline: “To defend De Pasquale, the *Financial Times* attacks the judiciary and insinuates a conspiracy that does not exist”. [63]

The international vocabulary, then, had reached Italy. It was read. It was discussed. It was rejected. What never happened is that anyone adopted it after 18 June 2026, when the Court of Cassation said that the act did not occur.

Let us state the other half too, because it is needed. Those organisations are interested parties: some of them lodged the complaint out of which the Milan investigation arose, and some of their assertions are not borne out by the documents they invoke — the OECD, for instance, never gave the undertaking to investigate that is attributed to it, and the claim that the Milan anti-corruption department was “dismantled” is contradicted by the very follow-up report of October 2024, which records that department as maintained. [64] The reader must know this.

But the Italian leader writers are interested parties too: they have conducted a political battle over justice for years, and on these two convictions they built a referendum argument, saying so openly. The difference does not lie in the interest. It lies in the dictionary. The same people, on the same case, have two dictionaries, and use only one at a time.

9. Six weeks later: the National Day

On 4 August 2026 the Chamber of Deputies approved the bill establishing 17 June as the “Enzo Tortora National Day” in memory of the victims of miscarriages of justice. One hundred and seventy-eight votes in favour, none against, ninety-seven abstentions: in favour the centre-right, Italia Viva and Azione; abstaining the Democratic Party, the Five Star Movement and Alleanza Verdi e Sinistra. The text passes to the Senate, where at the time of writing consideration has not begun: the law, that is, does not yet exist. [65]

It is a single article in five subsections. It does not establish a civil solemnity and it entails no cost to the public finances. It provides that schools shall promote activities on liberty, personal dignity, the presumption of innocence and due process. The date is 17 June because it was on 17 June 1983 that Enzo Tortora was arrested. [65]

The words spoken on that occasion are exactly the ones we are looking for. Enrico Costa: “This is a historic battle of Forza Italia, a liberal and due-process battle”; “far too often we have heard it said that miscarriages of justice do not exist”; and, to the abstaining opposition, “let them go and explain that choice to 100,000 innocent people who unjustly lost their liberty”. Maurizio Lupi: “since 1992 almost 950 innocent people a year have been deprived of their liberty”. Gaia Tortora, on the abstention: “You are pathetic. You are beyond comment”. [66]

The figures exist and they are serious. According to the analysis by errorigiudiziari.com of the answers given by Minister Nordio to a parliamentary question, between 1991 and 31 October 2025 the cases of wrongful detention and miscarriage of justice number 32,484, at a cost to the State of more than one billion euros. The Ministry of Justice’s official data record 505 cases of wrongful detention finally recognised in 2024 alone, for €26.9 million paid out. Over the same seven-year period in which 3,233 cases were recognised, disciplinary sanctions against magistrates numbered five. [67]

We are not concerned here to discuss those figures, which deserve separate treatment. We are concerned with the language, because it is the same language that never once appears in the June corpus.

Let us set the two dates side by side.

17 June: the date Parliament wishes to consecrate to the innocent person destroyed by the justice system.

18 June 2026: the day on which the Court of Cassation establishes that two Italian citizens, sentenced to eight months at first instance and on appeal, did not commit the act.

Between the acquittal and the Chamber's vote, six and a half weeks pass. In the reports of that sitting there is no mention of the most recent and most striking case of a double conviction quashed by the Court of Cassation. None of the newspapers that have waged that battle for years wrote that on 18 June the Italian system had just produced, and then corrected, two miscarriages of justice.

And now the qualification that makes the observation stronger, not weaker.

We are not asking for De Pasquale and Spadaro to be included in the 17 June National Day. That would be a ridiculous request, and it does not cross our minds. We have no intention whatever of turning two magistrates into martyrs, and those who have read us for some time know that we hold our own views on their trials.

We are observing something different and more radical: that the question did not arise. Nobody had to decide to exclude them. Nobody, in the whole parliamentary and journalistic debate on the punished innocent, thought for a moment that two public prosecutors convicted twice and acquitted by the Court of Cassation might belong to the category under discussion.

This is not an oversight. It is a rule of operation. The category "punished innocent" is not, in Italy, a legal category. It is a category of belonging.

10. The objection, and why it does not hold

The objection is already familiar, and it has been set out clearly by *Il Foglio* and *Il Dubbio*: a criminal acquittal is not a moral rehabilitation. The disciplinary level is autonomous. There remain established facts which the criminal court held not to constitute that particular offence, and which remain assessable in any event from an ethical standpoint. There remains the assessment already made by the High Council of the Judiciary in 2024.

Taken on its own, the objection is a serious one. It is well founded in law. And in Errico Novi's version in *Il Dubbio* — which acquits in law and at the same time openly declares its own moral dissent, without confusing the two levels — it is also intellectually honest, far more so than much of what was written elsewhere.

But it must be looked at for what it is: the formula "acquitted, but".

It is the formula Italian *garantismo* has been fighting for thirty years. It is the argument against which the conferences are built, and the reforms on the presumption of innocence,

and the protests about trial by media. It is the reason Legislative Decree no. 188 of 8 November 2021 exists, Article 2 of which provides that “public authorities are prohibited from publicly designating as guilty a person under investigation or a defendant until guilt has been established by an irrevocable judgment or criminal decree of conviction”, and for which Article 115-bis was introduced into the Code of Criminal Procedure. [68] It is the reason the Italian Criminal Bar Association writes that “the ‘media trial’ is a virus that strikes not only the person directly concerned but the whole of society”. [69] It is the reason Enrico Costa waged, and won, the battle over the ban on publishing precautionary custody orders, explaining that “the content of the order is a communications bomb”, that “judicial marketing has nothing to do with the trial” and that “for much of the press, suspects are not people but news items”. [70]

When the acquitted man is an entrepreneur, a politician, a doctor, a mayor, writing that “the facts remain established, and are merely interpreted differently” is regarded as the textbook example of extra-judicial conviction. It is exactly what those rules prohibit public authorities from doing and what those conferences reproach the newspapers for.

When the acquitted man is a public prosecutor, the same formula becomes clear-sightedness.

Then there is the question of consequences, and this is the part that must be stated with the greatest precision, because it is the one point at which a wrong word would ruin everything.

De Pasquale and Spadaro were not disciplinarily sanctioned. The proceedings existed — brought by the Prosecutor General at the Court of Cassation and by the Minister of Justice — and were suspended in 2024 pending the outcome of the criminal case. After the acquittal they could have resumed. With De Pasquale’s resignation, they have lapsed as far as he is concerned. For Spadaro they are still open. [40] [26]

But the professional consequences arrived all the same, and they arrived before any final finding. On 8 May 2024, by twenty-three votes in favour and four abstentions, the plenum of the High Council of the Judiciary declined to confirm De Pasquale in the office of deputy chief prosecutor of Milan, departing from the opinion of the Lombardy Judicial Council, with this reasoning: “It is demonstrated that Dr De Pasquale lacks the prerequisites of impartiality and balance, having repeatedly exercised the judicial function in a manner neither objective nor even-handed as between the parties, and without a sense of measure or moderation”. The resolution speaks of a “settled *modus operandi*”. [71] His appeal to the Lazio Regional Administrative Court was dismissed in April 2025. [72] Since then De Pasquale had gone back to being an ordinary assistant prosecutor.

And there is the procedure for “environmental incompatibility” — the compulsory transfer of a magistrate who can no longer perform his functions impartially in a given place — opened against him some five years ago and never concluded. In March 2026 *Il Tempo* described it as a case of “inertia” and put a question that reads differently today: “could it be that someone has decided to wait until De Pasquale has first retired?”. [73]

Let us restate the exact shape of what happened to these two citizens, because it is more unusual than it seems.

The criminal finding arrived, and declared them to have had nothing to do with the act. The disciplinary finding did not arrive and, for one of the two, now never will. The professional sanction, by contrast, did arrive, arrived first, and stands.

Anyone, in any other Italian case, would recognise this sequence. It is the sequence the criminal bar associations describe when they speak of punishment inflicted in advance of judgment. It is the sequence 17 June is meant to commemorate.

11. The obverse: the other side did not say it either

The symmetry completes the picture, and it is the reason this article is not a partisan piece.

Nor did the camp that defends the judiciary speak of innocence.

When the first-instance conviction was criticised, it was criticised by way of technical analysis: Nello Rossi, editor of *Questione Giustizia*, wrote on 7 January 2025 that the Brescia Court had “forcibly simplified” a story that was “rich in nuance and extremely complex”, that the material transmitted was “incomplete and still evolving”, and that there was no “a priori and unconditional obligation on the two magistrates to disclose the material transmitted to them”. [74] These are solid arguments, and the Court of Cassation substantially accepted them. But they are arguments of professional category and of legal doctrine: they defend the function of the public prosecutor, not two persons. In the corpus we examined, *Questione Giustizia* published nothing on the acquittal of 18 June.

We found no statement from the National Association of Magistrates. We found none from the Minister of Justice, who is after all the holder of one of the two disciplinary actions. We found none from Enrico Costa, who six weeks later would speak in the Chamber of a hundred thousand innocent people. We found none from the Italian Criminal Bar Association. We found none from Eni. [75]

The only person who came close to the word was the two men’s counsel, interviewed by Gianni Barbacetto in *il Fatto*. Asked whether the affair showed that Italian justice has “the antibodies to correct itself even when it gets things wrong”, Massimo Dinoia replied: “I am convinced of it. [...] indeed, in the end we obtained justice”. [32]

Self-correction. Not error. The closest formulation the corpus offers is still a formulation that avoids the word.

On one side it is said: acquitted, but guilty. On the other it is said: acquitted, and the function is safe. In between, nobody says: they were innocent, and it was established after two convictions.

And that “nobody says” is the answer.

Innocence, in Italian debate, is not a principle. It is a position on the field. It counts if the innocent man is one of ours.

12. The yardstick

For those who read this site the point is neither to acquit nor to convict two magistrates. The point is the yardstick.

On 22 and 23 March 2026 Italians voted in the constitutional referendum on the separation of judicial careers, and No won. [76] The campaign, on both sides, was fought in the lexicon of protecting the innocent and of the abuse of prosecutorial power. That lexicon is today the official language of Italian justice politics, and the 17 June National Day is its monument under construction.

On this, something uncomfortable for everyone must be said. The De Pasquale-Spadaro case was used as an argument in the referendum campaign while the two convictions were pending before the Court of Cassation. They wrote it in the headline: “a great advertisement for the Yes”, “the best testimonial for justice reform”. [19] [20] The referendum was held on 22 and 23 March 2026. The quashing came on 18 June 2026, less than three months later. The testimonial was innocent. The act had not occurred. Not one of those newspapers went back to the point.

A language that applies to everyone is a principle. A language that applies only to the innocent who are on the right side is a weapon.

The De Pasquale-Spadaro case is the laboratory test, because it offers two innocent men whom neither camp had any wish to claim: too much the public prosecutors for the *garantisti*, too much the convicted men for the judiciary. It is the case in which the principle, if it is a principle, must stand on its own, with no sense of belonging to hold it up.

And the test has produced its result.

Nobody will ever celebrate 18 June. Nobody will ever write that on that day the system corrected an error. Nobody will ever put De Pasquale and Spadaro on the list of ruined lives, even though one of the two left the judicial order three weeks after being declared to have had nothing to do with the act, and even though the newspaper that fought him longest wrote, of that departure, that he was right.

The day on which the newspapers that today write “lenient” and “safe in inverted commas” write “thank goodness” about a public prosecutor acquitted after two convictions, that day Italian *garantismo* will have become a principle.

Until then, it remains what it is: a weapon. And you can tell from where it is pointed.

13. Coda: the trial nobody is watching

One last fact remains, and it is the one that makes the formula on which the whole corpus rested untenable. Before setting it out, a declaration.

The guarantor of this site, Avv. Luca Santa Maria, is a civil party — a claimant for damages within the criminal trial — in the proceedings we are about to write about. We say so here, at the opening and not in a footnote, because throughout this article we have reproached others

for writing as interested parties without declaring it, and we do not intend to do the same. What follows, moreover, is not a thesis on the merits of that case. It is two observations on the way it has been ignored.

In Milan, before the Third Criminal Division of the Court, a trial has been under way for two years concerning the so-called conspiracy against Eni, curiously so named since the conspiracy is entirely pro-Eni: the proceedings arising out of the investigation by public prosecutor Paolo Storari, that is, the investigation from which came the material De Pasquale and Spadaro did not disclose. [37]

It is the first case in which that material is being examined for what it is. It is there, before a panel of judges and in adversarial argument, that the reality and the lawfulness of the evidence are being litigated — the evidence which, according to the Brescia Court and the Brescia Court of Appeal, the two public prosecutors deliberately and maliciously kept in a drawer in order to deny it to Eni's defence teams: in order to refuse it, in the language of the charge that has since fallen away.

Two observations, and we close.

The first. That trial has been running for two years, and the Italian media have stayed away from it. The same newspapers that devoted headlines, written reasons quoted from memory, leader columns and referendum campaign arguments to what the two prosecutors were said to have hidden did not think it worth going to see what, in truth, it was that they were said to have hidden.

The second, which is the more important. "Some facts remain established", it was written on 20 June. "Even though the acts committed have been established", it was written on 19 June. [26] [22]

Established where, and by whom?

Facts are established by a judge, in a trial, after the taking of evidence and in adversarial argument between the parties. They are not established by a set of written reasons that presupposes them. In the Milan trial the taking of evidence is now closed, and not one of the journalists who used that participle — *accertati*, established — is in a position to say with what result it closed, because none of them was in the courtroom. [77]

The two Brescia trials treated as settled precisely what is now in issue before the court competent to try it. On that premise two convictions were pronounced, and the Court of Cassation quashed them because the act did not occur.

On that same premise, which nobody has yet verified, there continues to rest the only thing that has stuck to Fabio De Pasquale and Sergio Spadaro: the moral judgment.

Note on method and sources

We distinguish, as always, three levels.

First level, the judicial facts. The acquittal of 18 June 2026 is final and on the merits, with the formula “the act did not occur”, pronounced in accordance with the Prosecutor General’s submissions. The two earlier convictions were quashed without remand. At the time of writing the written reasons of the cassation judgment do not appear to have been filed, and its number is not known: this text is based on the operative part, on press reports and on the records of the earlier instances. The first-instance judgment is that of the Brescia Court, First Criminal Division, no. 3178/2024, decided on 8 October 2024 and filed on 19 November 2024, presiding judge and rapporteur Roberto Spanò; the appeal judgment is that of the Brescia Court of Appeal, First Criminal Division, 16 October 2025, presiding judge and rapporteur Anna Maria Dalla Libera, written reasons filed on 13 January 2026.

Second level, the disciplinary aspect. It is distinct from the criminal. The proceedings against the two magistrates had been brought by the Prosecutor General at the Court of Cassation and by the Minister of Justice and suspended in 2024 pending the criminal case; they appear to have lapsed as regards De Pasquale following his resignation and to be still pending as regards Spadaro. The failure to confirm De Pasquale as deputy chief prosecutor is an administrative act of the High Council of the Judiciary of 8 May 2024, distinct from the disciplinary proceedings, reasoned on the ground of a lack of impartiality and balance, upheld by the Lazio Regional Administrative Court and not swept away by the criminal acquittal. Those who write that the two levels do not coincide are right. The point of this article is not that they are wrong: it is that the same criterion is not applied to everyone.

Third level, our own assessment. It is ours and we put our name to it. It concerns the way the Italian press handled the news, not the merits of the judgment nor the procedural conduct of the two magistrates in the Eni-Nigeria trial.

Four necessary qualifications, because an article built on an absence must declare the limits of what it looked for.

On the press corpus. We do not maintain that no newspaper carried the news of the acquittal: they all carried it, on the day. We maintain that in the corpus examined — the principal national newspapers, the wire agencies and the legal journals, from 18 June to 24 August 2026 — no newspaper told the story as the rescue of two innocent men, and that the vocabulary normally reserved for the victims of miscarriages of justice was systematically avoided. Some sources — *Corriere della Sera*, *La Stampa*, *la Repubblica* in the print edition — were not fully accessible to us: where we have used them, we have cited them through third-party reports, and said so.

On the single exception. There is one, and it must be stated, because otherwise our thesis would be more comfortable than reality. On 27 June 2026, in *Il Domani d’Italia*, Michele Russo wrote that the magistrate on trial “is likewise entitled to the presumption of innocence, to respect for the decision in his favour, to be spared public lynching”, and that “due-process protection cannot be intermittent. It cannot apply only to those close to us, nor cease when the defendant belongs to an organ of the State”. [78] The same text argues that the criminal acquittal does not dissolve the institutional problem — it is therefore, in its own way, an “acquitted, but” as well. But the right words, in the whole corpus, were written by him. It was not a national daily. It was an online journal. It is the only occurrence we found.

On the OECD. We have cited the Phase 4 report of 13 October 2022 and the follow-up of 10 October 2024 for what they say, and we have reported in full what they say against our own thesis. The OECD did not characterise the Brescia trial as a breach of Article 5 of the Convention, and it expressly ruled out the hypothesis of governmental interference. The only Article 5 censure contained in that report concerns another State Party, the Russian Federation, over a letter from Minister Lavrov of 8 October 2018 relating to an intermediary. The superlatives about the OPL 245 case are not the OECD's, which calls it neutrally the "Oil Prospecting (Nigeria) Case": they belong to Global Witness, to the Associated Press and to the newspapers we have cited, and we attribute them to those sources.

On the trial referred to in the coda. These are proceedings pending before the Third Criminal Division of the Milan Court, in which the guarantor of this site is a civil party, as declared in the text. The stage we indicate — the taking of evidence closed — is the one known to us at the date of publication, and nothing we write anticipates or purports to anticipate the Court's decision. The point we make does not concern the merits of that case: it concerns the fact that it is under way, and that it has been described as already decided by people who have not followed it.

On the international voices. The organisations cited in paragraph 8 are interested parties, some of them at the origin of the complaint out of which the Milan investigation arose. Some of their assertions are not borne out by the documents they invoke. We report them as documented statements of position, not as findings.

All the case records cited and not covered by secrecy will be published on this site.

Notes

[1] Ansa, "Caso Eni-Nigeria, i pm De Pasquale e Spadaro assolti in Cassazione", 18 June 2026.

[2] Closing submissions of the deputy prosecutor general Cristina Marzagalli, hearing of 18 June 2026, as reported by *il Giornale*, 19 June 2026, and by *La Verità*, 19 June 2026. The composition of the panel (presiding judge Gaetano De Amicis, rapporteur Pietro Silvestri) is reported by the *Corriere della Sera* and taken up by *Il Riformista*, 20 June 2026, and by *Il Dubbio*, 19 June 2026.

[3] Brescia Court, First Criminal Division, judgment no. 3178/2024, decided 8 October 2024, filed 19 November 2024, presiding judge and rapporteur Roberto Spanò; Brescia Court of Appeal, First Criminal Division, 16 October 2025, presiding judge and rapporteur Anna Maria Dalla Libera, written reasons filed 13 January 2026. The video of 28 July 2014 is the one referred to by the Milan Court in the acquittal judgment of 17 March 2021.

[4] Francesca Brunati, "Nasconsero le prove, 8 mesi ai pm De Pasquale e Spadaro", Ansa, 8 October 2024.

[5] *Il Tempo*, "Caso Eni-Nigeria, condannati i pm De Pasquale e Spadaro. 'Hanno nascosto delle prove'", 8 October 2024.

- [6] Ermes Antonucci, “I pm De Pasquale e Spadaro condannati per aver nascosto prove agli imputati al processo Eni-Nigeria”, Il Foglio, 8 October 2024.
- [7] Affaritaliani.it, “Caso Eni-Nigeria: condannati a 8 mesi i pm De Pasquale e Spadaro per aver occultato prove”, 8 October 2024.
- [8] Fanpage.it, “Caso Eni-Nigeria, condannati a 8 mesi i pm De Pasquale e Spadaro: ‘Hanno nascosto prove alla difesa’”, 8 October 2024.
- [9] Giovanni M. Jacobazzi, “Eni-Nigeria, il magistrato anti-Cav condannato a 8 mesi: quali prove ha nascosto”, Libero Quotidiano, 9 October 2024.
- [10] Francesco Damato, “Eni, Nigeria e i piagnucolii dei magistrati sulla ‘sofferenza dell’ingiustizia’”, Startmag, 9 October 2024.
- [11] Antonio Pagliano, “Caso Eni-Nigeria / De Pasquale e Spadaro, una condanna che ‘ribalta’ l’esito di Tangentopoli”, Il Sussidiario, 11 October 2024.
- [12] Ermes Antonucci, “‘Hanno nascosto prove chirurgicamente’. Le motivazioni della condanna dei pm del caso Eni-Nigeria”, Il Foglio, 22 November 2024.
- [13] Il Fatto Quotidiano, “Eni-Nigeria, le motivazioni della condanna ai pm De Pasquale e Spadaro: ‘Tralasciarono gli elementi nocivi alla loro tesi’”, 21 November 2024.
- [14] Angela Zoppo, “Eni-Nigeria, la sentenza di condanna dei pm: taciute le prove a favore di Claudio Descalzi e Paolo Scaroni”, Milano Finanza, 21 November 2024.
- [15] QuiBrescia, “Caso Eni-Nigeria: ‘De Pasquale e Spadaro omisero atti a favore della difesa’”, 21 November 2024.
- [16] Maurizio Belpietro, “I magistrati che occultano le prove non possono continuare a fare i pm”, La Verità, 18 October 2025.
- [17] Alessandro Da Rold, “Eni-Nigeria, confermate in Appello le condanne a De Pasquale e Spadaro”, La Verità, 17 October 2025.
- [18] Luca Fazzo, “Eni, condanna confermata. Otto mesi a De Pasquale”, il Giornale, 17 October 2025.
- [19] Ermes Antonucci, “Perché il pm De Pasquale è il miglior testimonial della riforma della giustizia”, Il Foglio, 5 November 2025.
- [20] Giacomo Amadori, “La sentenza di condanna di De Pasquale e Spadaro è un grande spot per il Sì”, La Verità, 15 January 2026.
- [21] il Giornale, “Eni-Nigeria, la Cassazione ‘salva’ i pm De Pasquale e Spadaro: annullata la condanna a 8 mesi”, 18 June 2026.
- [22] Luca Fazzo, “Prove nascoste. Il pm De Pasquale salvo in Cassazione”, il Giornale, 19 June 2026.
- [23] Luca Fazzo, “Un brutto messaggio: mano libera nei processi”, il Giornale, 19 June 2026.

[24] Giovanni M. Jacobazzi, “L’inchiesta Eni-Nigeria era uno scherzo, Cassazione clemente con De Pasquale e Storari, l’unico pm condannato è Davigo”, *Il Riformista*, 20 June 2026.

[25] *Il Foglio*, leading article “Inchiesta Eni-Nigeria, assolti definitivamente De Pasquale e Spadaro”, 19 June 2026.

[26] *Il Foglio*, leading article “Il Csm e il caso De Pasquale-Spadaro”, 20 June 2026.

[27] Alessandro Da Rold, “Processo Eni, ribaltone in Cassazione. Dopo le due condanne, assolti De Pasquale e Spadaro”, *La Verità*, 19 June 2026.

[28] Errico Novi, “L’assoluzione dei pm di Eni-Nigeria: il diritto non è mai giudizio morale”, *Il Dubbio*, 19 June 2026 (taken up by *Mondo Professionisti*, 22 June 2026).

[29] *Il Post*, “I magistrati Fabio De Pasquale e Sergio Spadaro sono stati definitivamente assolti per il caso ENI-Nigeria”, 19 June 2026.

[30] *Tgcom24*, “Eni-Nigeria, la Cassazione ribalta tutto”, 18 June 2026.

[31] Rosario Di Raimondo, “La Cassazione assolve i pm del caso Eni-Nigeria. ‘Non nascosero le prove’”, *la Repubblica*, 19 June 2026, print edition.

[32] Gianni Barbacetto, “L’avvocato dei pm De Pasquale e Spadaro dopo l’assoluzione definitiva: ‘Ribadita l’autonomia dei magistrati, non hanno nascosto nulla’”, *Il Fatto Quotidiano*, 19 June 2026.

[33] *Il Riformista*, 20 June 2026, cited above, referring to “il ben informato *Corriere*”; *Affari italiani*, 19 June 2026, attributing to the *Corriere della Sera* the version of defence counsel’s statements. The *Corriere*’s articles from the period appear in the corpus through these two secondary reports.

[34] *La Stampa*, 21 August 2026, taken up by *Il Fatto Quotidiano*, *Sky TG24*, *il Giornale*, *Il Giorno*, *Il Dubbio* and *Il Foglio* on the same day and the following one. The sentence circulates in three variants (“questa magistratura”, “questa giustizia”, “non mi riconosco più”): none of them is a direct statement.

[35] Gianni Barbacetto, “Fabio De Pasquale, chi è il pm che ha condannato Bettino Craxi e Berlusconi”, *Il Fatto Quotidiano*, 2 August 2013. The dismissal of the proceedings concerning the death of Gabriele Cagliari dates from 1996.

[36] *Il Fatto Quotidiano*, “Processo Eni Nigeria, condannati a 8 mesi i magistrati De Pasquale e Spadaro per rifiuto di atti d’ufficio. L’avvocato: ‘Precedente pericoloso’”, 8 October 2024.

[37] *Il Fatto Quotidiano*, “Eni-Nigeria, confermata in appello la condanna dei pm De Pasquale e Spadaro a 8 mesi”, 16 October 2025. This is the source that publishes in full the spontaneous statements of the two defendants and that identifies the undisclosed material as the three files of 88 pages entitled “falsità Armana”, originating from the investigation by prosecutor Paolo Storari into the so-called false Eni conspiracy.

[38] *Il Fatto Quotidiano*, “Eni-Nigeria, la Cassazione assolve i pm De Pasquale e Spadaro. Annullata la condanna a 8 mesi: ‘Il fatto non sussiste’”, *Redazione Giustizia*, 18 June 2026.

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[40] Luca Fazzo, “De Pasquale lascia la magistratura e in pensione sfugge alla punizione”, il Giornale, 22 August 2026.

[41] Milano Post, “Il pm Fabio De Pasquale lascia la magistratura ed evita il procedimento disciplinare del Csm”, 23 August 2026.

[42] Tiziana Maiolo, “Assolto dai giudici, sfiduciato dal Csm. Fabio De Pasquale lascia la toga”, Il Dubbio, 21 August 2026.

[43] Radio Libertà, “Ciao ciao De Pasquale! Il pm anti Craxi e Berlusconi lascia la toga”, 21 August 2026.

[44] Il Foglio, leading article “De Pasquale ha avuto ragione: non aveva senso continuare”, 22 August 2026.

[45] Historical Archive of the Senate, Studio legale avv. Enzo Lo Giudice collection, Craxi case papers, “Eni-Sai” file; Milano Finanza, 13 November 1996. That this was Craxi’s first final conviction is the account given by Gianni Barbacetto, cited at note 35.

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[47] il Giornale, “De Pasquale, il magistrato testa d’ariete che lanciò l’assalto al premier forzista”, 9 February 2022.

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[50] Associated Press, “‘Biggest bribery trial in history’ opens against Eni, Shell”, 5 March 2018.

[51] Domani, “Il processo del secolo. Guida alla sentenza del caso Eni-Nigeria”, 16 March 2021.

[52] OECD, Working Group on Bribery, Implementing the OECD Anti-Bribery Convention. Phase 4 Report: Italy, adopted 13 October 2022, § 103, p. 34, and the Commentary following § 112, p. 36.

[53] Ibid., § 128, pp. 40-41.

[54] Ibid., Executive Summary, p. 6.

[55] OECD, Phase 4 Two-Year Follow-Up Report: Italy, adopted 10 October 2024, §§ 1, 4, 51-53.

[56] OECD, Phase 4 Report: Italy, cited above, §§ 182-186, pp. 53-54.

- [57] Eva Joly, “En Milán se juega la lucha contra la corrupción”, *Clarín*, 9 October 2024.
- [58] “Open letter to OECD Antibribery Convention’s Working Group on Italy’s Noncompliance”, published on the Global Anticorruption Blog on 10 October 2024.
- [59] Richard Messick, “Italian Prosecutors’ Criminal Conviction Called A Travesty of Justice”, Global Anticorruption Blog, 20 January 2025, on Nello Rossi, cited at note 74.
- [60] Richard Messick, “Pressure Growing on OECD Antibribery Working Group to Review Italy’s Noncompliance”, Global Anticorruption Blog, 1 August 2025.
- [61] Joint statement by The Corner House, Hawkmoth, HEDA Resource Centre and ReCommon, 23 June 2026.
- [62] HEDA press release, “OPL 245: HEDA Hails Acquittal of Italian Prosecutors”, June 2026.
- [63] Luciano Capone, “Per difendere De Pasquale, il Financial Times attacca la magistratura e insinua un complotto che non c’è”, *Il Foglio*, 16 October 2025.
- [64] OECD, Phase 4 Two-Year Follow-Up Report: Italy, cited above, § 42: recommendation 15(b) on maintaining the third department is declared “fully implemented”. The point is also made by Simone Lonati, “Italy under OECD Scrutiny: Foreign Bribery and the Rule of Law”, NYU School of Law, Program on Corporate Compliance and Enforcement, 28 July 2025.
- [65] Chamber of Deputies, A.C. 441, “Istituzione della Giornata nazionale ‘Enzo Tortora’ in memoria delle vittime di errori giudiziari”, first signatory Davide Faraone, tabled 24 October 2022, approved 4 August 2026 by 178 votes in favour, none against and 97 abstentions.
- [66] Ansa, Agenzia Dire and Sky TG24, 4 August 2026; *Il Riformista*, 4 August 2026, for Gaia Tortora’s statement.
- [67] *errorigiudiziari.com*, analysis of the Minister of Justice’s answers to a parliamentary question, data as at 31 October 2025; Ministry of Justice, report “Misure cautelari personali – anno 2024”.
- [68] Legislative Decree no. 188 of 8 November 2021, Art. 2(1), and Art. 4, introducing Art. 115-bis of the Code of Criminal Procedure.
- [69] Observatory on Judicial Reporting of the Unione delle Camere Penali Italiane, notes of 28 September 2021, in *Diritto di Difesa*.
- [70] Interview with Enrico Costa, *Domani*, 24 December 2023.
- [71] Resolution of the plenum of the High Council of the Judiciary, 8 May 2024, as reported by Ansa, *Il Fatto Quotidiano* and *Il Giorno* of 8-9 May 2024 and quoted verbatim by *Il Foglio* on 20 June and 22 August 2026.
- [72] Lazio Regional Administrative Court, appeal dismissed; report of 8 April 2025 (*Il Giorno*).
- [73] Giovanni M. Jacobazzi, “Giustizia, l’inerzia del Csm sul pm De Pasquale: condannato ma resta al suo posto”, *Il Tempo*, 14 March 2026.

[74] Nello Rossi, “La sentenza nei confronti di Fabio De Pasquale e Sergio Spadaro. Un’analisi critica”, *Questione Giustizia*, 7 January 2025.

[75] Searches carried out over the period 18 June – 24 August 2026. The absence of a document from the indexes is not proof that it does not exist: we report the outcome of the search, not a negative finding.

[76] Confirmatory constitutional referendum on the constitutional law “Norme in materia di ordinamento giurisdizionale e di istituzione della Corte disciplinare”, 22 and 23 March 2026. The final results are in the record of the Central Referendum Office at the Court of Cassation of 30 April 2026.

[77] The stage of the proceedings is the one known to us at the date of publication. See the Note on method.

[78] Michele Russo, “Il pubblico ministero, la prova e il dovere del limite”, *Il Domani d’Italia*, 27 June 2026.

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