

Brasília, 6 September 2026

Ms. Kathleen Roussel
Chair, OECD Working Group on Bribery
Organisation for Economic Co-operation and Development (OECD)
2 rue André Pascal
75775 Paris Cedex 16
France

Dear Ms. Roussel,

I hope this letter finds you well. The 30 below-listed civil society organizations from 21 countries, including from 9 signatories of the OECD Anti-Bribery Convention, are writing today to the Working Group on Bribery (WGB) to seek the WGB's action described below in respect of a judicial decision taken in Brazil in 2023 that has threatened efforts to combat foreign bribery around the globe.

Today, September 6th, 2026, marks the 3rd anniversary of the decision by a single judge from the Brazilian Supreme Court determining the annulment of all the evidence originated in the leniency agreement signed between Odebrecht/Novonor and Brazilian authorities. In practice, this has dismantled the largest and best documented transnational corruption case on record, driving wholesale annulments in Brazil and abroad, obstructing mutual legal assistance, and even reversing asset recovery outcomes.

As previously noted by TI Brazil, at least 28 individuals/companies, from 8 countries, have sought and obtained rulings in the Brazilian Supreme Court to prevent local authorities from cooperating with foreign law enforcement officials.¹ More recently, a decision of this type was issued to benefit another former Peruvian President, who has been convicted to 20 years in prison for receiving bribe payments from the Brazilian construction company.²

On the other hand, a court in the United Kingdom has decided to disregard the decision and continue civil proceedings to forfeit funds connected with bribe payments in the country.³ While this is an important precedent in favour of foreign bribery enforcement, there is still very little information about how different jurisdictions have dealt with this highly unusual and problematic ruling.

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<https://transparenciainternacional.org.br/posts/transparencia-internacional-denuncia-brasil-por-descumprimento-da-convencao-contra-o-suborno-transnacional-da-ocde/>

² <https://veja.abril.com.br/brasil/toffoli-anula-provas-da-odebrecht-contra-mais-um-ex-presidente-do-peru/>

³

<https://static.poder360.com.br/uploads/2026/08/justica-inglaterra-confisca-valores-lava-jato-20.mai.2026.pdf>

Although the original ruling was issued by a single justice, amid conflicts of interest and relying on claims later disproved, none of the three appeals filed against Justice Dias Toffoli's decision has been heard by the full bench of the Supreme Court. Considering the wholesale and global consequences of this ruling, this is profoundly problematic.

In October 2023, the WGB noted with concern that the decision might affect the legal certainty of leniency agreements in foreign bribery matters in Brazil, as well as the country's ability to provide and obtain mutual legal assistance in foreign bribery cases⁴. Since then, however, nothing has effectively changed as it relates to the validity of the decision and its impacts, as noted above, have only gained greater consequences.

We, thus, request that:

- a letter be sent out from the WGB to the Brazilian Supreme Court, noting the detrimental and systemic impacts of the single-justice decision annulling evidence from the Odebrecht foreign bribery scheme and requesting that appeals against this decision be put to trial by the full Court;
- a consultation be made with all WGB members to assess if and how this judicial decision has impacted pending investigations and cases connected to the Odebrecht case;
- a recommendation be made to all WGB members that investigations and cases based on information originated in the Odebrecht hard drives should be preserved and, if necessary to abide by domestic rules, cooperation requests can be made to other possible sources of this information, including the Swiss government.

We are confident that these measures will contribute greatly to the implementation of the OECD Anti-Bribery Convention and to efforts to combat foreign bribery around the globe.

Sincerely,

1. Transparência Internacional Brasil, Brazil
2. Associação OMUNGA, Angola
3. EthosGov - Governance & Development, Portugal
4. Centro de Integridade Pública, Mozambique
5. Centro de Integridade Pública, São Tomé and Príncipe
6. Civil Forum for Asset Recovery (CIFAR)
7. Instituto Não Aceito Corrupção, Brazil
8. Spotlight on Corruption, United Kingdom
9. Observatório de Imprensa, Angola

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<https://www.oecd.org/en/publications/implementing-the-oecd-anti-bribery-convention-phase-4-report-brazil/fd55d063-en.html>

10. RE-ACT, Italy
11. Accountability Lab
12. Transparency International EU
13. Association Guinéenne pour la Transparence, Guinea
14. EG Justice, Equatorial-Guinea
15. Whistleblowers of America, United States
16. Fundación para el Desarrollo de la Libertad Ciudadana, Panama
17. Transparência Venezuela, Venezuela
18. Acción Ciudadana, Guatemala
19. Fundación Ciudadanía y Desarrollo, Ecuador
20. Participación Ciudadana, Dominican Republic
21. Fundación Poder Ciudadano, Argentina
22. Transparencia por Colombia, Colombia
23. Costa Rica Integra, Costa Rica
24. Fundación Nacional para el Desarrollo, El Salvador
25. Asociación para una Sociedad más Justa, Honduras
26. Movimento Cívico Mudei, Angola
27. Handeka, Angola
28. Iniciativa para la Recuperación de Activos Venezolanos (INRAV), Venezuela
29. Transparency International U.S., United States
30. Foro Ciudadano para las Relaciones CELAC-UE, Peru