



National Integrity Alliance
Leadership With Integrity

Concerns Over the use of Plea Bargain Agreements in Lieu of Full Criminal Accountability in the Okoth Obado Graft Case

Recover the money. Prosecute the offenders. Jail the thieves.

PRESS STATEMENT FOR IMMEDIATE RELEASE

Date: 15th May 2026

We, as the National Integrity Alliance, are deeply concerned and disappointed following the decision by the Milimani Anti-Corruption Court made on 15th May 2026 to uphold the plea bargain agreement entered into between the Office of the Director of Public Prosecutions (ODPP) and former Migori Governor Okoth Obado alongside his co-accused persons in the Ksh. 73.4 million corruption case.

While we acknowledge the constitutional and legal framework permitting Alternative Dispute Resolution (ADR) mechanisms and plea bargaining in criminal proceedings, we strongly question the precedent being set where individuals accused of plundering public resources are **effectively allowed to negotiate their way out of full criminal accountability**.

Corruption is not a victimless crime. The money stolen from public coffers belongs to ordinary Kenyans; the child studying in a dilapidated classroom, the patient denied medicine in a public hospital, the youth without employment opportunities, and communities deprived of roads, water, and essential services. Justice cannot merely be measured in negotiated settlements while the broader societal harm remains unaddressed.

The public must ask: if a person accused of stealing hundreds of millions of shillings can walk free after surrendering part of their assets, what message does this send to future public officers entrusted with public funds? Does it not risk normalising corruption as a low-risk, high-reward enterprise?

Serious offences such as murder do not ordinarily attract such lenient negotiated outcomes that could only impact the nature of sentencing while in corruption cases the accused persons simply surrender property and have charges withdrawn. Why then should economic crimes, which devastate the lives of citizens including causing death and derail national development, be treated with greater flexibility?

The National Integrity Alliance is concerned that overreliance on plea bargaining in grand corruption cases may:

1. Diminish public confidence in the justice system;
2. Create unequal standards of justice between ordinary citizens and politically connected individuals;
3. Weaken deterrence against corruption;
4. Encourage the perception that public theft can be negotiated after the fact;
5. Deny citizens the moral and judicial closure that comes with full accountability.

We maintain that true justice in corruption cases must go beyond negotiated settlements and partial restitution. Public funds stolen from Kenyans must be fully recovered, and all individuals found culpable must face the full force of the law, including custodial sentences where appropriate.

Corruption destroys lives, weakens institutions, and robs citizens of essential services. It cannot be treated as a negotiable commercial dispute where those accused of looting public resources simply surrender assets and walk free.

Anything less risks entrenching a dangerous culture of impunity where public office becomes an avenue for personal enrichment without meaningful consequences.

We emphasize that restitution alone cannot substitute criminal responsibility. Returning assets, particularly after years of benefiting from them, should not automatically erase the need for transparent judicial determination of culpability and appropriate punishment.

The fight against corruption must not only recover assets but also uphold accountability, deterrence, and public trust in institutions.

We therefore call upon:

1. Parliament and the National Council on the Administration of Justice (NCAJ) to review the scope and limits of plea bargaining in major corruption and economic crimes;
2. The Judiciary and the ODPP to ensure that public interest and victims' rights remain central in such agreements;
3. The Ethics and Anti-Corruption Commission (EACC) to pursue stronger safeguards that prevent abuse of negotiated settlements;
4. The Government to strengthen systems for full public recovery, transparency, and monitoring of surrendered assets.

Kenyans deserve a justice system that does not create the impression that corruption can simply be settled as a commercial transaction.

About the National Integrity Alliance (NIA)

The National Integrity Alliance (NIA) is a citizen-centered integrity and anti-corruption coalition comprising Transparency International Kenya (TI-Kenya), Inuka Kenya Ni Sisi! The

Kenya Human Rights Commission (KHRC) and The Institute of Social Accountability (TISA). NIA seeks to breathe life into the constitutional promise on Integrity by catalyzing frontline ethics and anti-corruption institutions, and active citizens to Detect, Deter, Disrupt and Defeat corruption at all levels of society.

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Signed by:

- Kenya Human Rights Commission (KHRC)
- Transparency International-Kenya (TI-Kenya)