



NIA Welcomes Fresh High Court Judgment Upholding Findings on the Irregular Withdrawal of Charges Against Wycliffe Oparanya and Demands the Immediate Arrest of Wycliffe Oparanya

The era of selective prosecution and political protection must end.

PRESS STATEMENT FOR IMMEDIATE RELEASE

Date: 2nd October 2026

The National Integrity Alliance (NIA) welcomes the judgment delivered today, 2nd October 2026, by the High Court in Nairobi in ***Petition No. E004 of 2024 Fredrick Mulaa v Director of Public Prosecutions & another; Wycliffe Ambetsa Oparanya, the Ethics and Anti-Corruption Commission (EACC), Transparency International Kenya, the Kenya Human Rights Commission, and Inuka Kenya Ni Sisi (Interested Parties)*** concerning the decision by the Office of the Director of Public Prosecutions (ODPP) to review and withdraw corruption-related charges against former Kakamega Governor and current Cabinet Secretary for Cooperatives and MSMEs Development, Wycliffe Oparanya.

The Court has once again found that the ODPP's decision to review its earlier decision to charge Mr. Oparanya with offences including conflict of interest, abuse of office, money laundering and conspiracy to commit an offence of corruption was irregular and unconstitutional, and has quashed that decision.

The judgment is particularly significant because it follows a fresh hearing of the matter. In September 2025, the High Court had reached substantially the same conclusion, finding that the ODPP had acted irregularly and unconstitutionally in reviewing its decision to charge Mr. Oparanya and had usurped the investigative mandate of the EACC by considering fresh evidence without referring it to the EACC for further investigation.

Following that judgment, Mr. Oparanya moved the Court to set it aside on the basis that he had not been properly served with the proceedings and had therefore not been afforded an opportunity to be heard. In January 2026, the High Court accepted that the earlier proceedings had not afforded him the required opportunity to be heard, set aside the September 2025 judgment and directed that the petition be heard afresh.

The significance of today's judgment is therefore that, **after the matter was reopened and heard afresh, the Court has again found that the ODPP's decision-making process was irregular and unconstitutional and that the ODPP had usurped the investigative mandate of the EACC.** This provides an important clarification that the findings concerning the ODPP's process were reached again following a fresh hearing in which Mr. Oparanya was afforded an opportunity to participate.

The original proceedings arose from a decision by the ODPP to review an earlier decision to prosecute Mr. Oparanya following representations made on his behalf. The EACC had previously investigated the allegations and recommended prosecution. In its September 2025 judgment, the Court found that the ODPP had considered fresh evidence without referring it to the EACC for further investigation and held that this amounted to an unlawful usurpation of the Commission's investigative mandate.

This judgment is a landmark moment in the fight against impunity and state capture. It sets a crucial precedent affirming that the ODPP cannot operate as a law unto itself. The ***Constitution, the Office of the Director of Public Prosecutions Act, and the 2019 Guidelines on the Decision to Charge*** do not give the ODPP unfettered discretion to terminate cases without due consultation with investigative agencies.

We strongly support EACC's concerns that these withdrawals undermine public confidence in anti-corruption efforts.

Considering this landmark judgment, the National Integrity Alliance DEMANDS:

1. The immediate arrest of Cabinet Secretary Wycliffe Oparanya based on the corruption charges that were unlawfully dropped.
2. That the ODPP immediately files fresh charges in accordance with the EACC's investigative findings and today's court judgment.
3. That the ODPP ceases the unconstitutional usurpation of investigative functions and respects the EACC's constitutional mandate under Article 79 and Chapter Six of the Constitution.
4. That institutional cooperation between the ODPP and EACC be immediately restored and enforced, to uphold the integrity of the criminal justice system and safeguard public trust in the fight against corruption.

This judgment is a victory for accountability, transparency, and the rule of law. It exposes and condemns the backdoor deals that have long shielded powerful individuals from justice. The time for impunity is over. The people of Kenya deserve a justice system that protects the public interest, not the powerful.

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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