

When a Murder Case Moves Toward Reconciliation, What Place Do Reparations, Compensation and Victim Impact Have Within Criminal Justice?

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Between Justice and Reconciliation

The conviction of former Migori Governor Okoth Obado for the murder of Sharon Otieno has brought renewed attention to a question in criminal justice: what happens when a family seeks both justice and reconciliation after losing a loved one to murder?

Sharon was abducted and killed in September 2018 while she was pregnant, and on 23 July 2026, the High Court found Obado guilty of her murder alongside his co-accused.¹ As the matter moves towards sentencing, Sharon's family has reportedly expressed a willingness to forgive while simultaneously seeking compensation for the substantial financial and emotional costs arising from her death and the nearly eight-year court process.²

In the victim impact statement, the family reportedly sought approximately Ksh 4.7 million for expenses associated with the funeral, travel, accommodation and court proceedings,³ noting that it had been forced to dispose of property to meet some of these costs.⁴ It has also raised the continuing needs of Sharon's three children and other dependants.⁵

Kenya's criminal justice framework expressly recognizes victims' rights to compensation and restitution for economic loss and certain expenses resulting from an offence.⁶ The question therefore goes beyond whether a family can forgive an offender to whether reconciliation, reparations and compensation can form part of the justice owed to victims without diminishing accountability for a murder conviction.

¹ *Republic v Obado & 2 others* [2026] KEHC 11351 (KLR).

² Dzuya Walter, Sharon Otieno family seeks compensation after eight-year court battle, <
<https://citizen.digital/article/sharon-otieno-family-seeks-compensation-after-eight-year-court-battle-n388513> >
Accessed 25 August 2026

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Victim Protection Act 2014, s 23 (1), (2)

Compensation in Criminal Proceedings: Between Legal Entitlement and Morality

The case of Obado has sparked criticism from the public, particularly following reports that Sharon's family is seeking reconciliation and compensation. **The reaction to the Obado case demonstrates the tension between legal entitlement and morality.** Public criticism of the family's reported decision to seek reconciliation and compensation appears to arise from the perception that the death of a human being, particularly through an alleged deliberate act of violence, should not become the subject of financial negotiation. Mwachere, commenting on the matter, raises the concern:

*"Is it Sharon's justice, or is it becoming a negotiation over compensation?"*⁷

The concern reflects a broader societal understanding of murder as an offence whose seriousness cannot be reduced to economic loss. Sharon's death cannot be reversed through payment, nor can compensation restore the life that was lost.⁸ **The moral difficulty therefore arises when compensation is perceived not as a remedy for the consequences of an offence, but as a measure of the value of the life taken.**

This is particularly evident in Mwachere's argument that Sharon was neither a property dispute nor a financial transaction and that no amount of money can replace a daughter, mother or sister.⁹ Such criticism illustrates the tension between **compensation as a legal remedy and compensation as a perceived moral valuation of human life.**

However, the moral objection to compensation must be distinguished from the legal question of whether compensation is permissible. The fact that society may regard the pursuit of compensation following a murder as morally uncomfortable does not necessarily render the claim to compensation legally illegitimate. The law recognizes that victims and their families may suffer financial consequences as a result of an offence,¹⁰ including expenses directly connected to the death and the criminal proceedings.

⁷ Mwachere shuma, Sharon's Justice Cannot be Bought, < <https://www.kwaela.co.ke/sharons-justice-cannot-be-bought/> > Accessed 3 September 2026

⁸ Ibid.

⁹ Ibid.

¹⁰ Victim Protection Act 2014, s 3 (b) (i), (ii), (iii)

This, however, does not mean that public morality should determine whether compensation is awarded. Rather, it raises the question, **where does the law permit compensation, and, to what extent should societal moral expectations influence the court's assessment of a compensation claim?**

The position becomes particularly difficult where the victim's family voluntarily expresses forgiveness or a desire for reconciliation. Society may perceive forgiveness in a murder case as inconsistent with the demand for accountability.¹¹

The family's willingness to forgive does not necessarily mean that the offender should escape criminal consequences. Equally, the family's request for compensation does not necessarily mean that it regards Sharon's life as having a financial price. **The purpose of a compensation order is not necessarily to place a price on the deceased's life but to recognize expenses and losses arising from the offence.**

Kenya's Criminal Justice framework provides for guidelines through which courts may award compensation to victims. However, the award of compensation in criminal proceedings has historically been exercised with caution and is subject to limitations depending on the circumstances of the case and the jurisdiction of the court.¹² The award is therefore not automatic, but remains subject to the applicable legal framework and the discretion of the court.¹³

The legal recognition of compensation raises an important question in the administration of criminal justice: **what is the purpose of compensation in a criminal case, particularly where the offence is murder?** Compensation is fundamentally concerned with addressing the consequences of an offence suffered by the victim or the victim's family. It does not, in principle, erase the criminality of the offender or substitute financial payment for criminal punishment.¹⁴

The Victim Protection Act 2014 expressly recognizes reparations and compensation as mechanisms through which victims may obtain redress for harm suffered as a consequence of an offence.¹⁵ The Act further recognizes restorative justice as encompassing reconciliation, restitution

¹¹ Mwachere Shuma (n 7)

¹² Douglas Brown, The Award of Compensation in Criminal Cases in East Africa, Journal of African Law <<https://www.jstor.org/stable/745044?seq=1>> Accessed 3 September 2026.

¹³ Ibid.

¹⁴ Victims Protection Act 2014, s 25 (a)

¹⁵ Ibid, s 3 (b)(i)

and responsibility, as well as responses aimed at healing injuries resulting from an offence.¹⁶ Section 26 empowers the court to order restitution or compensation for expenses connected to the offence and the proceedings leading to conviction.¹⁷ Importantly, compensation is additional to the sentence and does not constitute a substitute for the punishment imposed upon the offender.¹⁸

This distinction is significant in the context of murder. The payment of compensation does not mean that the offender has purchased freedom from criminal responsibility. Rather, it provides a legal mechanism through which some of the tangible consequences of the offence may be addressed. Consequently, compensation should not necessarily be understood as placing a monetary value on human life or as purchasing forgiveness. It is instead a means through which the justice system recognizes that an offence may produce consequences extending beyond the immediate act itself.

The High Court in *Chandi v Republic* similarly recognized that victims' rights to restitution, compensation and reparations form part of Kenya's transformative criminal justice framework and must be respected.¹⁹ This position demonstrates that while punishment remains an essential element of criminal accountability, justice may also require consideration and compensation of the harm suffered by victims and their families. This does not necessarily translate to replacing accountability with compensation.

Victim Impact and the Role of the Victim in Compensation

The position of the victim is particularly important in determining the consequences of an offence. A victim impact statement allows the criminal justice system to move beyond the offence itself and consider the physical, psychological, emotional, economic and social consequences suffered by the victim and, where the victim is deceased, the immediate family.²⁰

Under the Criminal Procedure Code, a "family victim" includes members of the deceased victim's immediate family, while a victim impact statement may set out the impact of the victim's death

¹⁶ Ibid, s 2

¹⁷ Ibid, s 26

¹⁸ Ibid, s 25(a)

¹⁹ *Chandi v Republic* [2025] KEHC 12042 (KLR).

²⁰ Victim Protection Act 2014, s 2.

upon those family members.²¹ The court may receive and consider such a statement after conviction and before sentencing, and where the primary victim has died, the court is required to receive a statement from a family victim.²²

The High Court in *Tobias Wanjala Kalenda v Republic* affirmed that **victim impact statements may encompass economic, psychological and emotional harm and form part of the broader protection of victims within the criminal justice process.**²³ Victim participation therefore enables the court to appreciate the consequences of the offence from the perspective of those directly affected by it.

This is particularly relevant to Sharon Otieno's family. Their victim impact statement reportedly details the financial and emotional consequences of her death and the prolonged court proceedings.²⁴ The family has reportedly sought compensation for funeral expenses, transportation, accommodation and other costs incurred during the nearly eight-year proceedings, while also highlighting the continuing needs of Sharon's three children and other family members.²⁵

The importance of the victim impact statement therefore extends beyond determining whether compensation should be awarded. It gives the family an opportunity to communicate the continuing consequences of the offence to the court. In this sense, victim impact strengthens the recognition of the victim within the sentencing process while ensuring that the court does not lose sight of the human consequences of the crime.

The victim, however, is not the only actor in the compensation process. **The State** retains its responsibility to prosecute criminal offences and uphold the public interest in accountability. **The court**, on the other hand, must independently determine the appropriate sentence and any compensation or restitution that may lawfully be awarded. The victim's wishes are therefore relevant but do not necessarily determine the outcome.

²¹ Criminal Procedure Code, s 329A

²² Ibid, s 329 C (1) – (3)

²³ *Tobias Wanjala Kalenda v Republic* [2019] KEHC 9975 (KLR).

²⁴ Dzuya Walter (n 2)

²⁵ Ibid.

Between Legal Entitlement and Morality

The Obado case demonstrates the difficult intersection between criminal accountability, victim rights, compensation and morality. The public discomfort surrounding Sharon Otieno's family seeking reconciliation and compensation reflects a deeply held moral understanding that a human life cannot be replaced or valued in monetary terms. The moral impossibility of replacing a human life does not necessarily eliminate the legal possibility of compensating the consequences of its loss. Kenyan law recognizes compensation, restitution and reparations as legitimate components of victim protection, while maintaining that such measures are distinct from and additional to criminal punishment.²⁶

The central lesson emerging from the Obado case and Sharon Otieno's family's pursuit of compensation is that justice in a murder case should not end with establishing the offender's guilt and imposing punishment. But it must also recognize and address the continuing harm suffered by the victim's family. Reconciliation, victim impact statements, reparations and compensation do not diminish the seriousness of murder or absolve the offender of criminal accountability. Rather, they complement the function of criminal justice by introducing a restorative dimension that gives victims and their families a voice and provides mechanisms through which the consequences of the offence can be formally acknowledged and, where possible, remedied. Ultimately, the pursuit of compensation should not be construed as placing a monetary value on human life, but as an attempt to address the tangible consequences arising from its loss while preserving the fundamental principle that accountability for murder cannot be bought or negotiated.

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