

Njonjo inquiry has not been the toughest...

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Experience

And on Kenya's request, Justice Miller became the first African descendant judge of the High Court of Kenya from 1954 to 1978. In 1970 he was honoured with Elder of the Burning Spear (BBS).

Mr Justice Miller is now also a judge of the Kenya Court of Appeal, the post he got in 1978. He is also the chairman of the Kenya Law Reform Commission since 1982.

Mr Justice Miller has a long experience behind him.

In 1959, he was sole commissioner of inquiry into what was known as Kenya Riots of Eastern Nigeria. In 1961, he also inquired into the affairs and administration of the Electricity Corporation, Federation of Nigeria and the Southern Cameroons.

In 1964, Mr Justice Miller was judge-advocate regarding charges of fraud in the Kenya Federation of Nigeria. Then, in 1965, he was also commissioner of inquiry into the affairs of the Kenya School of Law.

He was the first judge of the first judicial inquiry in Kenya in 1968.

His special subject was the constitutional law and the problems arising therefrom. Justice Miller told me:

"I think it is true that I have never spoken for himself. He was baptised his Christian name, 'proceed, please'."

"But before that, I remember the warmest sympathies to be shown by Cecil Miller, whose mother was at St. Mary's School, Nairobi. Keep on teasing him, please, pass in the hall!"

And now, comes my interview with the learned judge, Mr Justice Miller.

Justice Miller during the interview on Saturday. — Picture by SAM OUMA



Mrs Miller

inquiry occasion which perhaps brings us nearer home. You will see from the letters before you that in 1973, at the request of the British Government, conveyed to the then British High Commissioner to Kenya, Sir Anthony Duff, that the then Attorney-General, Charles Njonjo, had consented to my proceeding to the recently ill-fated island of Grenada, West Indies, to take part in the proposed constitutional inquiry following constitutional disturbances of that country.

Q: Judge, you have perhaps forgotten to answer the second part of the previous question which was whether a judge needed special qualities to take part in an inquiry.

Mr Justice Miller: I do not think that a judge needs special qualities with respect to the performance of commissions of inquiries work.

Indeed and in fact, a judge commissioner carries with him the fundamental principles of seeking justice with just appraisal of facts adduced before an inquiry, and to see how far, if at all, those facts, relate to the specific objects of inquiry.

Therefore, in my humble view,

the most that may be said is that judges, by the very nature of their application of law towards the ascertainment of justice through facts, is the basic requirement which they possess.

Q: You appear to enjoy commission of inquiry work. What is it about the job that you find professionally satisfying?

Mr Justice Miller: As I have just said, any professional satisfaction in doing commission of inquiry work can only relate to what probable energies I exert in doing this type of work. And at all events the ultimate judgment thereof is not for me, but for the cases involved.

Q: Is Njonjo the longest inquiry you have been associated with?

Mr Justice Miller: It is true that the Njonjo inquiry has been the longest inquiry in which I have been involved.

Q: And would you say it has been the toughest assignment of your career?

Mr Justice Miller: I do not consider that the Njonjo inquiry has been the toughest inquiry assignment of my career.

The inquiry into the Fyfe riots of Eastern Nigeria and the inquiry into the affairs of the Electricity Corporation of Nigeria

Office, London, and my then association with each of his then co-associates in the birth of the Pan-African Movement, such as the late Kwame Nkrumah, George Padmore and the recently departed Ras Mackoon, also a native of my own home area in Guyana, I decided to attempt to make my own personal humble contribution to the call of Africa, and I am happy to be here.

Q: When in the Royal Air Force as Bomber (Oxfordshire), were you the first black adjutant to serve as adjutant of a Royal Air Force station in Britain. That is RAF Blest, Oxfordshire, with a strength of about 1,300 mixed personnel. That is men and women of the Royal Air Force, including Colonial Royal Air Force servicemen from various countries of West Africa and the West Indies.

Q: After your war service, what influenced you to take up law? Mr Justice Miller: It was not, indeed, that I was influenced to take up law studies after the war. It had always been a burning desire of mine from my early school days. What in Guyana, a number of my best mates, perhaps mistakenly or otherwise conceived the idea that law study and profession of law was a worthy undertaking.

But it is true that a particular lawyer did influence my early impressions of usefulness of the legal profession.

I recall vividly that in my own home area of East Coast Demerara, Guyana, there was in those days an outstanding lawyer and legislator, Edwin Fitzgeraid Fredericks, an African. And I believe that his outstanding prowess at law also influenced the very President of Guyana, Boman, as well as the Secretary-General of the Commonwealth Siridath Ramphal. Both of them also, school-day contemporaries of mine and of the above mentioned district area of Guyana.

Q: The Njonjo inquiry is the sixth commission you have been involved with. What special qualities does a judge need in that type of work?

Mr Justice Miller: It is not correct to say that the Njonjo inquiry was the sixth commission in which I have been involved. If you look at the documents and photographs before you, you will see that even before I undertook my law studies on a British

Mr Justice Miller: It is very kind of you to have sought this personal interview. But I am not fond of occasions where it becomes necessary to repeat the word, "I". Nevertheless, I will try my best to satisfy you in your questions in relation to titbits in which you may be interested.

Q: Where were you born? Mr Justice Miller: I was born in Georgetown, Guyana, in 1916.

Q: Would you say that your stint as a bomber pilot during the Second World War helped mould your character? Mr Justice Miller: I would most certainly say that my stint of duty as a bomber pilot during the Second World War did help me mould my character. Indeed, not only as a bomber pilot, but as a serviceman in the British armed forces, during which time I had opportunity to mix with various servicemen and women of the Commonwealth and from which association, I believe, I inculcated the principle of unity of purpose for a worthy cause.

Q: In which theatre of war did you see active service? Mr Justice Miller: My very short stint of duty in actual hostilities was in the European theatre.

Q: Was your aircraft ever hit by a ack-ack fire or enemy fighter aircraft? Mr Justice Miller: In one of the operations, my aircraft was in fact hit, but not to any disastrous degree and perhaps that is the reason why I am still here before you.

Q: And how did you come to Kenya, judge? Mr Justice Miller: And your question how I came to Kenya is the most interesting one. After qualifying in law on the British Government scholarship, I was placed on the Colonial Legal List and sent directly back on my country of origin, Guyana, where I worked as a crown counsel from 1953 to 1958. My work included constitutional matters.

In 1959, the Colonial Office, London, discussed my transfer to Nigeria into their then legal department, Lagos, to take part in the preparation for that country's independence, in 1960.

After eight and a half years, in Nigeria, I was invited to come to serve in Kenya in 1964 as the first African descendant judge of the High Court of Kenya. Indeed by my prestige association with the late Mzee Jomo Kenyatta during my time serving in the Colonial