

I'm shocked, says Chief Justice

By ANDREW KURIA

Chief Justice C. H. E. Miller said yesterday he was shocked to find that many senior Kenyan judicial officers were working on contract with the Government.

Mr Justice Miller was admitting two High Court advocates, Mr Dickson Kimaiga Mogere and Mr Elvis Maina Mutahi.

Justice Miller said a few weeks ago the President appointed five Kenyans as acting judges. The next day a non-citizen judiciary officer on contract "and who may certainly become a contract judge, tendered his resignation before retiring age, no doubt in a fit of impatience or loss of control in safari.

"As fate would always weave things, within two weeks of that resignation, I received a legal delegation headed by a member of the race of the resigned judicial officer, bitterly and vehemently complaining," said Mr Justice Miller.

He said the complaint was that
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Miller says he was shocked

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it was unfair to the majority of Kenya citizens practising as lawyers to have very many non-citizens practising lawyers thereby impeding opportunities available to Kenyans.

"I immediately referred this to the Law Society of Kenya who pointed out that the delegation's complaint was not without merit because as far back as the mid-1970s the society had formally suggested the delegation of the phrase 'or ordinary resident in Kenya' in section 11 of the Advocates Act," said Justice Miller.

He said that in selecting the remaining candidates for judicial appointment he was forced to examine their confidential records.

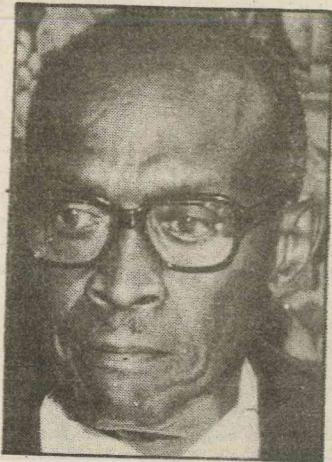
"I am in a state of deep shock at discovering how many high-ranking legal judicial officers who

are born Kenyans are on contract engagement with the Kenya Government," said Mr Justice Miller.

He said faith in one's country could not be compatible with Kenyans "in practice or effect making engagement with our Judiciary nothing short of a summer camp or experimental safari".

He said the Judiciary was the guardian of the Constitution "and it would be truly admirable to see more of young lawyers joining Government service as their firm set careers and specialising in needs of various ministries, corporations and organisations".

The vice-chairman of the Law Society of Kenya, Mr F. Ojiambo, welcoming the two advocates, asked them to observe professional ethics.



Mr Justice Miller: "Judiciary guardian of the Constitution"