

## FAREWELL REMARKS

**The Honourable Justice Anthony Francis Tissa Fernando**

President of the Court of Appeal of Seychelles

*3rd August 2026*

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Good morning and a warm welcome to all of you, for the 2026 August session of the Court of Appeal.

Hon. *Chief Justice Ronny Govinden*; my colleagues Justices —*Fiona Robinson, Samia André, Karuna Gunesh Balaghjee, Nicola Sharpe Phiri and Dominic Sichinga*; Members of the Bar; *Ramya*, my wife, and dear friends, *Anura, Jeewa, Yohan and Deepthika* — thank you for being here today.

The time has come for me to bid good-bye to the bench where I have sat for more than 17 years and the public service in the Seychelles, where I served continuously for more than 35 years. It is the end of an era of commitment, hard work and growth and a new beginning. It is a beginning with a touch of melancholy; for what I leave behind, is a part of my life that I was used to.

### **I. WORDS**

For thirty years I used words to fight cases: to argue a point of view, to prosecute and to defend. And seated on this bench for more than seventeen years, I have used words to draw a line, with as much precision as the law allows, between what is right and what is not.

Words were the instrument of my trade. Words that carried consequences for real people. Words that sometimes changed the direction of a life.

But today I must find words for something far more difficult. Not for a legal proposition, but for something more personal. And I confess that almost fifty years in law has not quite prepared me for that task.

So let me begin simply, and with humility.

## **II. WHERE I COME FROM**

***I am grateful, first, for where I began. For my parents, my upbringing, and the faith I was raised in.***

I was born into a family already steeped in law. My father was a judge, one uncle was a Minister of Justice, and another a constitutional and human rights lawyer of international standing. My mother was a woman of deep Christian faith. In our household the law was revered, truth was absolute, and God was the final adjudicator.

I am grateful to my dear parents who brought me up and instilled in me the true values which have made me who I am today. They gave me as a child the best gift I could ever receive. They believed in me and taught me how to walk the path of truth.

Rabindranath Tagore, the Bengali poet, once wrote that the roots below the earth claim no rewards for making the branches fruitful. My parents were those roots. They have been dead many years now, and everything I have done in this courtroom grew from the ground they prepared.

## **III. ARRIVING AND STAYING**

***I am grateful for the unexpected turns of life.***

I began my career as a young lawyer in the Attorney General's Department of Sri Lanka, at just twenty-two, and there I stayed for eleven years. A reasonable path lay before me and one I could very easily have stayed on.

Then, in February 1991, I came to Seychelles. It was a chance decision, to take on a new experience in another jurisdiction. I came, having obtained no-pay leave from the Attorney General's Department, out of curiosity and a certain adventurous spirit, but fully intending to return.

But fate, as it so often does, decreed otherwise.

I wonder sometimes what I would have thought, if the ghost of my future had met me on that tarmac. If he had whispered that the first step I was taking was not a visit but an arrival, and that this place would become my home.

#### **IV. THE OPPORTUNITIES**

***I am grateful to the people who took a chance on me at the beginning, the ones who gave me the opportunities, and the ones who trusted me to hold this great office.***

It was *Mr. Pesi Pardiwalla* who recruited me as a Senior State Counsel in 1991. The late *Mr. Francis Chang Sam* promoted me as the Principal State Counsel the very next year.

*President France Albert René* appointed me Attorney General in 1999, and I served in that office under him and under *President Michel* for 10 years. I was appointed to the Court of Appeal in 2009 by *President James Michel*; and in June 2020 I was sworn in as President of this Court by *President Danny Faure*. I have held this office under his Presidency, that of *President Ramkalawan*, and now that of *President Dr. Herminie*.

Different people. Different temperaments. Different political backgrounds. But every one of them gave me the respect and the dignity of carrying these roles with impartiality, with integrity, and with absolute independence.

#### **V. THE WEIGHT OF THE OFFICE**

***I am grateful, too, for what these two roles demanded of me.***

The office of Attorney General tests you in ways the bench does not.

As the Republic's chief legal conscience, you have to maintain a delicate balance between serving as the government's chief legal advisor, the chief prosecutor and the ultimate protector of public justice and the rule of law.

You must advise without fear and act without favour. Sometimes you must walk into a room where power is concentrated and say, quietly and firmly, the one thing nobody there wishes to hear, armed with nothing but the Constitution and whatever spine your career has given you. I must state that those who led the country during those years assisted me in getting the balance perfectly right. That matters more than it may seem. I must publicly pronounce that they were always prepared to follow my advice, although sometimes they had initial disagreement with it.

The office of a Justice of Appeal requires a different strength: that of holding the weight of justice in your hands.

Let me say what it truly means to sit on this bench. Not the gown, nor the ceremony, but what it feels like from the inside.

By the time a matter reaches us, it has already been tried. Someone has already listened, weighed and decided. The parties have already waited, sometimes three or four years, since the events that brought them here. They arrive exhausted. Sometimes bewildered. Always carrying weight. They are not case numbers. Behind every number in that registry is a beating heart; a family; a business; a dispute that has consumed somebody's money, somebody's sleep, somebody's peace of mind.

Our task is not to add to that weight. Our task is to lift it correctly, carefully, fairly, and without unnecessary delay. The impact of judicial decisions on the lives of ordinary citizens must be the driving force behind a judge's work. The moment it stops being so, we have lost the thread that connects us to the purpose of everything we do here.

According to Socrates, four things belong to a judge: to hear courteously; to answer wisely; to consider soberly; and to decide impartially. To decide impartially — including when that decision is against the State. Especially against the State.

And so, again, for the record: in the last seventeen years, no one has ever interfered with my judicial functions. For that I am grateful, and I beg the people of this court to continue to hold that line. Because for anyone to interfere with judicial decision-making, and for any judge to yield to it, would sound the death knell for this Judiciary, for the separation of powers, for the rule of law, and for the reputation of this Republic in the international arena.

## **VI. THE WORK OF THESE YEARS**

***I am grateful to this office, and for what we have been able to do in it.***

When I took this chair in June 2020, more than 200 appeals were pending. That is no reproach to anyone; backlogs afflict judicial systems the world over. But it was the first thing I saw when I sat down, and it set the terms of everything that followed.

We cleared it. Since June 2020 and with the delivery of the judgments listed for hearing at this session this Court would have disposed of 766 appeal cases. Thus every party who came before us would have received a judgment. When we deliver the judgments listed for this August session, this Court will be left with thirteen appeals — all filed since April of this year. I am proud of that. Not for my own sake. Because behind each of those numbers stood a real person, and a real life waiting to move forward. We must always heed Gladstone's warning that justice delayed is justice denied. A judgment that arrives too late is not justice arriving slowly. It is justice that never arrived at all.

The cases heard in this court have not only informed the jurisprudence of Seychelles; they have contributed to the broader Commonwealth. All of my judgments are on SeyLII, and thirty-eight of them have been published in the Law Reports of the Commonwealth. It is a reminder that though we may be a small country, the issues that come before this Court are as real and as pressing as those heard by the largest courts in the world. What we decide here can inform the thinking of another court, in another country.

And this Court has adapted to changing times. I amended the Rules of this Court, untouched since 2005; created a pool of Justices of Appeal, at a real saving to the Government; and secured promotions for staff who had served fifteen years without one. Small steps, each of them but steps towards a court that works as those who depend on it deserve.

## VII. THE PEOPLE

*Next, I am grateful to the many people who make up the fabric of this court and this judiciary.*

To my colleagues on this bench — *Justices Robinson, André, Gunesh Balaghjee, Sharpe Phiri and Sichinga; Justice Janak De Silva*, who is not with us today; *Justice Matilda Twomey-Woods*, who recently resigned; and *Justices Lillian Tibatemwa Ekirikubinza and Oagile Key Dingake*, who have left us — sitting with you has been among the great privileges of this appointment.

A collegial court is not one where everyone agrees. And it really should not be. It is one where our collective reasoning exceeds what any one of us could reach alone. Scripture tells us that iron sharpens iron, and one man sharpens another. You questioned my reasoning. You tested my conclusions. And for that every judgment I have signed is the better for it.

To the *Chief Justice, the Honourable Ronnie Govinden*, I would like to say something personal. Ronnie was my Deputy when I was Attorney General. I watched him grow into a formidable lawyer and a fine jurist. There is a kind of professional relationship that begins in mutual respect and deepens into kinship. That is what we have. Ronnie, thank you for your support and partnership in this Judiciary.

Then there are those whose names never appear in a law report, but without whom not one of those judgments could have been delivered. *Ms. Vavidelo, Ms. Gaetane Gonthier, Mr. Denis Hermit*, who has left us, and *Mr. Solo*, who joined us recently, *Ms. Marie Claire, Ms.*

*Juliana Esticot, Ms. Marie Angel, Ms. Nicolle Mathurin, Ms. Peggy Nasib, Mr. Paul Derjacques, Ms Sasha Lee-Marivel and Mr. Christopher.*

You are the engine of this institution. Without you, nothing moves. Files do not reach judges. Notices do not go out. Parties do not know when to appear or where to go.

The court does not simply function administratively, it presents itself to the public as the institution it is meant to be, and that presentation begins with you. I have never taken that for granted, not for a single day.

And to *Dr. Simon Mutungi*, and *Ms Situ* my Judicial Research Counsels; you have assisted me with the research in complex legal questions that we discussed. You have often looked at issues from a different angle which helped me to come up with a more comprehensive judgment.

And let me also acknowledge the security officers and the cleaning staff, who open this building in the morning and close it at night. When counsel and parties walk through those doors, this place looks and feels like a court of law. That is your work. The dignity of these proceedings begins, with the dignity of this building, and that dignity is in your hands every single day.

Special mention needs to be made of *Mr. Hansel Commettant* and *Mr. Rolly Hoareau*, who kept me safe and got me to court on time. And to those whose names I never learned, who greeted me each morning with a smile. Thank you all.

*To the members of the Bar:* you have appeared before me for seventeen years, and for seventeen years before that you opposed me in court. You have pressed your cases with skill, with persistence, and occasionally with spirited tenacity. When I stopped you, mid-submission — and I did stop you — I hope you understood it was never impatience. It was engagement. A judge who stops an advocate is a judge who is listening. The advocate who knows how to use that interruption is the one who wins.

## VIII. MY FAMILY

*And I am grateful, more than I have words for, to my family.*

Now let me say in public what is essentially private.

*Ramya* — None of this was possible without you. Not a single day of it. There is an old saying that public service is never carried by one person alone. If that is true, then no one has carried more of this journey with me than you. When we arrived in 1991 with our two-and-a-half-year-old elder daughter, neither of us could have known what lay ahead. Through every stage of this life, you have been my constant companion, my wisest counsellor, my greatest source of strength. You endured the long hours, the interrupted evenings, the holidays rearranged around court sittings, and the countless nights when my mind was still in a courtroom I had left hours before — all of it with a patience I can never repay.

*Udeshika and Christmarine* — you grew up sharing your father with the law. Court files occupied the dining table. Judgments competed with family plans. But you grew up with that same spirit of justice, and I could not be more proud.

Behind every judgment delivered and every honour received stands the quiet steadfastness of my family. I have been fortunate in many things; in nothing more than in the three of you.

This farewell is as much yours as it is mine, and I want everyone in this courtroom to know it.

## IX. WHAT THE LAW DEMANDS

*So, with that, let me close with some reflections, which I hope will carry through to the next generation of lawyers, of judges, and of all who walk through these doors.*

I have spent forty-seven years in the common law — in Sri Lanka, in Seychelles and in Fiji, and in international forums on criminal justice, maritime piracy, constitutional law and arbitration. I have conducted four commissions of inquiry, taught in law schools, and

examined candidates for the Bar. All of it animated by a single conviction I held as a law student in Colombo and hold standing before you now: the law is not merely a technical exercise. It is a moral duty.

Justice Ruth Bader Ginsburg once told a room of law students that a lawyer who merely practises the profession has a skill rather like a plumber. The true professional does something outside themselves: "something to repair tears in your community. something to make life a little better for people less fortunate than you" That is what the law demands of all of us privileged to practice it.

Justice Ginsburg was also the source of another piece of wisdom that I have applied not just in my personal life, but specifically and deliberately in this court and in every institution I have served. She said: When a thoughtless or unkind word is spoken, best tune out. Reacting in anger or annoyance will not advance one's ability to persuade. Like her, I state, that I have tried to apply this lesson in my personal life but also throughout my time on this bench. A judge presides not only over the legal arguments placed before the court, but over the atmosphere of the courtroom itself. And a judge who reacts to provocation loses his composure loses far more than the moment. He loses the authority that is the invisible foundation of everything a court does.

Chief Justice Chandrachud said at his own farewell that judges are birds of a short passage of time; that the institution outlasts any individual who serves within it, and that this is not cause for sadness but for reassurance. He is right. This Court will continue. The cases will keep coming. The bench will sit, counsel will rise, and someone will have to decide.

***So let me leave you not with nostalgia, but with a charge.***

***To the Bench:*** guard your independence as though the Republic depended on it because it does. Independence is not a privilege granted to judges for their comfort. It is a protection held in trust for the weakest citizen who will ever stand before you. Decide the case in front

of you, on the law and on the evidence, and let the consequences fall where they may. Fiat justitia ruat caelum “let justice be done, though the heavens fall”.

***To the Bar:*** you are not merely advocates for clients. You are officers of this court and the first line of defence for the rule of law. When the rule of law is threatened, it is rarely announced. It arrives quietly, dressed as convenience, as urgency, as an exception just this once. Refuse the exception. Say so out loud. Say so early.

***To those who hold public power:*** the restraint your predecessors showed this Judiciary is the reason Seychelles enjoys the reputation it does. It cost them something. It was worth every cent. Keep it.

***And to the people of Seychelles:*** the rule of law is not the property of lawyers. Judge Learned Hand warned that liberty lies in the hearts of men and women, and that when it dies there, no constitution, no law and no court can save it. Courts can only protect what a people are determined to keep. Care about it. Insist upon it. Notice when it goes missing. Institutions are not made of buildings. They are made of habits - repeated, defended, handed on. I hand you mine.

Dr. Martin Luther King reminded us that the arc of the moral universe is long, but that it bends towards justice. It does not bend on its own. It is bent by ordinary people doing careful, unglamorous, honest work, day after day, in rooms exactly like this one.

For thirty-five years I have been among you. I go; you will remain, and you will continue to serve. Bend the arc.

I will not pretend that leaving is easy. Thirty-five years is not a chapter; it is a book. It is the majority of my working life. And I am conscious that what I leave behind is not only a body of work but a community of people: colleagues, officers of the court, members of the Bar, the staff of this building with whom I have shared, day after day, the improbable and genuinely demanding project of keeping justice alive.

And in closing I bid you farewell. For thirty-five years I have constantly been with you. I go, but you, my friends, will continue to serve. Adieu, my friends.

To this beautiful country that took me in, that trusted me, that shaped me far more than I imagined, thank you, Seychelles.

It has been the honour of my life.