

SPEECH BY MR. SALIYA PIERIS PC, PRESIDENT OF THE BAR ASSOCIATION OF SRI LANKA AT THE CEREMONIAL SITTING TO WELCOME JUSTICE PRIYANTHA FERNANDO, PRESIDENT OF THE COURT OF APPEAL AND JUSTICE BALENDRAN SASI MAHENDRAN, JUDGE OF THE COURT OF APPEAL

5th August 2021

My Lord, the President of the Court of Appeal, Your Lordships and Ladyships the Justices of the Court of Appeal, Hon. Attorney General, Hon. Acting Solicitor General, Learned President's Counsel, Hon. Judges of the High Court, District Court and the Magistrate's Courts, my colleagues at the Bar,

We gather here today to welcome Your Lordship Justice Priyantha Fernando as the President of the Court of Appeal and Justice Balendran Sasi Mahendran as a Judge of the Court of Appeal. As the President of the Bar Association of Sri Lanka, it is my privilege to welcome Your Lordships at this ceremonial sitting.

Your Lordships take office in this court, the second highest court in the land, which in terms of the Constitution, is apart from the Supreme Court, the only other court of record. Although this court has had a shorter history than the Supreme Court, during these four decades the Court of Appeal and its judges have played a vital role in the legal history of this country.

My Lords, it is the Court of Appeal, which exercises many of the powers which were first vested in the Supreme Court from 1801 to 1974.

My Lords although the Supreme Court is described as the court of last resort, in reality for most litigants it is here in the Court of Appeal that their quest for justice ends. As such Your Lordships and Ladyships play a key role in deciding the fate of the lives, rights and properties of the people who come before this court and hence the importance of the responsibilities that Your Lordships assume.

Your Lordships Justice Fernando and Justice Mahendran bring to this court varying and vast experiences in the original courts as well as overseas and it is our prayer that you will enrich this court and contribute to the quality of justice that is meted out.

May Your Lordships have the wisdom, the integrity, the strength and the courage to perform the duties entrusted to you by the Constitution.

Your Lordship Justice Priyantha Fernando, brings to the office of the President of the Court of Appeal a rich and diverse experience in both the civil and criminal areas, within and outside Sri Lanka.

Your Lordship had your early education at Maris Stella College, Negombo and De Mazenod College, Kandana and thereafter entered Sri Lanka Law College in 1982. Your Lordship was admitted to the Bar on the 21st of October 1985. Your Lordship apprenticed and thereafter was as a junior in the Chambers of the late Mr. Tivanka Wickremesinghe, President's Counsel.

In 1988 Your Lordship joined the Sri Lanka Navy as a Legal Officer in the rank of a Lieutenant. From 1990 to 1991 Your Lordship was a junior in the Chambers of Mr. Denzil Gooneratne President's Counsel, prior to joining the judiciary in December 1991.

As a career Judge Your Lordship served in many areas in the country serving in Trincomalee, Polonnaruwa, Colombo Magistrate's Court, Balapitiya, Kegalle, Colombo Fort, Horana, and the Colombo District Court. During this time Your Lordship built a reputation as a Judge who was quick on the uptake, cut and dry, firm in his views, who brooked no nonsense but who also was willing to listen and understand a different perspective.

In November 2008 Your Lordship was appointed as a High Court Judge serving in the Civil Appellate High Court of Galle and the High Courts of Balapitiya, Negombo, Kurunegala, Puttalam, and Gampaha.

During this period Your Lordship gained much valued experience in the judiciary of Fiji where you served as Puisne Judge of the High Court from 2010-2012 and 2015-2016, whilst simultaneously serving as a Justice of Appeal in the Court of Appeal of that country. From May 2016 to June 2016, Your Lordship served as the Acting Chief Justice of Fiji, whilst functioning simultaneously as the President of the Supreme Court of Fiji in June 2019.

On the 9th of January 2019, Your Lordship was appointed as a Judge of the Court of Appeal, serving the next two and a half years in the Courts of Criminal Appeal and the Writ Courts.

Your Lordship received training at the City University of Hong Kong in 2004, followed the World Intellectual Property Organization course on Intellectual Property Rights in 2008, participated in a training course on “Judicial Reform and Excellence” at the Civil Service College in Singapore in 2014, Participated in a workshop held for Sri Lankan judges at the Chandigarh Judicial Academy in 2018 and 2019, and at the Department of Justice, Criminal Division, Washington D.C, United States of America in 2019.

In June 2021 Your Lordship was appointed as the President of the Court of Appeal. As the President of the Court of Appeal, one of the early achievements of Your Lordship was the launch of the virtual hearings to clear the backlog of cases which was building up owing to travel restrictions. I am aware that Your Lordship was particularly sensitive to the issues faced by the members of the profession during these times.

My Lord, it is the hope of the Bar that these modern innovations launched during these turbulent times, will continue and progress as they offer a realistic and viable solution for work amidst the difficulties and challenges of the pandemic.

Justice Balendren Sasi Mahendren on behalf of the Bar, I welcome you on Your Lordships’ appointment as a Judge of the Court of Appeal.

Your Lordship brings to the Court of Appeal experience in both the official and unofficial bars and in the judiciary. The unique experiences Your Lordship has had in the North and East of Sri Lanka will no doubt contribute towards Your Lordship’s tenure in the Court of Appeal.

Your Lordship had your early education at Methodist College, Trincomalee at St. Thomas College Guruthalawa & Hindu College, Trincomalee. At school Your Lordship was the Captain of the basketball team and Scouts Leader and the first person to receive the first class badge from the Trincomalee District.

Your Lordship was admitted to the Bar on the 03rd of November 1989 and enrolled on the roll of Solicitors of the United Kingdom in April 1991.

Your Lordships holds a Master's Degree in Commercial Law from the University of Colombo, a Post Graduate Diploma in Banking and Insurance Laws from the Institute of Advanced Legal Studies and a Diploma in Forensic Medicine, University of Colombo.

Upon entering the Bar Your Lordships served as a Legal Assistant at Suntharalingam & Associates, Attorneys at law, Solicitors and Notaries Public between 1990 and 1991 and as a Solicitor at Silva & Co. Solicitors, of the United Kingdom between 1992 and 1994.

Your Lordship joined the Attorney General's Department as an Acting State Counsel on 03rd February 1997, rising to the rank of Senior State Counsel in 2007. Your Lordship served in the Criminal Division of the Attorney General's Department serving in the Northern and the Eastern Provinces at a challenging time. Thereafter from 2004 Your Lordship functioned in the Civil Division of the Department appearing as Counsel in litigation before a range of courts and providing advice to the state on a variety of subjects.

In May 2010 Your Lordship was appointed as a High Court Commissioner and thereafter as a High Court Judge on 10th April, 2012 serving in the Civil Appellate High Courts and the Criminal High Courts including Kalmunai, Batticaloa, Trincomalee, Vavuniya, Colombo, Negombo and Jaffna. One of the noteworthy cases presided over by Your Lordship was as the President of the High Court-at- Bar in Jaffna relating to the rape and murder of a young girl named Viththiya, disposing of the case within three months. Your Lordship also functioned as the President of the permanent High -at-Bar in the Western Province.

Your Lordship was also the Vice President of the High Court Judges Association. Your Lordship attended many workshops and training programmes in Sri Lanka and overseas.

My Lords Justice Fernando and Justice Sashi Mahendran on behalf of the Bar I wish Your Lordships all blessings and a happy, fulfilling tenure in this Court.

Dr. H.W.Jayewardene QC, the then Emeritus President of the Bar Association on the occasion of the ceremonial farewell to Chief Justice Victor Tennekoon QC on the 18th of August 1977 stated as follows:

“The courts of this country are the constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our constitution, whatever race, creed or persuasion. No higher duty, no more solemn responsibility rests on a judge than that of translating into living law and maintaining this great guarantee of human freedom. That, you have endeavoured in your term of office to maintain the best of your ability..... During your tenure of office you have not only striven to secure the independence of the judiciary but also recognized the importance of the independence of the Bar.”

My Lords, it is our sincere wish that the Bar will be able to say the same of Your Lordships’ tenures in the apex courts of this country.

Thank you,