

ANTHONY FRANCIS TISSA FERNANDO

Date of Birth: 07 August 1956

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ACADEMIC QUALIFICATIONS AND HONOURS

2013 **McGill University, Montreal, Canada**
McGill Centre for Human Rights and Legal Pluralism
O'Brien Fellow in Residence

1975-1978 **University of Colombo, Sri Lanka**
Admitted to the Degree of Bachelor of Laws on *1st September 1978*

Sri Lanka Law College
Passed the Preliminary, Intermediate and Final Examinations for the admission of Attorneys-At-Law

PROFESSIONAL QUALIFICATIONS

1979 **Attorney –At –Law**
Admitted and enrolled as an Attorney-At-Law of the Supreme Court of the Republic of Sri Lanka on *02 February 1979*

EMPLOYMENT RECORD AS AN ATTORNEY AT LAW

07/09/15 – to date **Justice of the Court of Appeal of Fiji (Non Resident)**

01/01/09 - to date **Justice of the Court of Appeal of Seychelles (Appointment until 6th August 2026)**

01/01/99 - 31/12/08 **Attorney General of the Republic of Seychelles**

01/10/92 - 31/12/98 **Principal State Counsel, Attorney General's Chambers, Republic of Seychelles**

07/02/91 - 30/09/92 **Senior State Counsel, Attorney General's Chambers, Republic of Seychelles**

02/10/89 - 31/12/91 **Acting Senior State Counsel, Attorney General's Department of Sri Lanka**

02/11/79 - 31/08/95 **State Counsel, Attorney General's Department of Sri Lanka**
(From 15/1/1991 - 15/7/1995 on overseas no pay leave. Resumed duties on 15/7/1995 while on vacation after the expiry of the second contract with the Government of Seychelles and retired from Government service on 31/8/1995.)

02/02/79 - 02/11/79 **Attorney –at – law, Unofficial Bar, Sri Lanka**

EMPLOYMENT RECORD AS A LECTURER, CONSULTANT AND OTHER

<i>2017 – to date</i>	Member of the Steering Committee of the Africa Regional Judges' Forum on HIV/TB, Human Rights & the Law
<i>2016 -to date</i>	Member Specialist Consultancy Pool for Rule of Law Projects in the Commonwealth Secretariat
<i>2016 - to date</i>	Nominee for a position as an International Judge in the Extraordinary Chambers in the Courts of Cambodia (ECCC) Selected by the Assistant Secretary-General in charge of the Office of Legal Affairs, United Nations to be included on a list of nominees with the ECCC.
<i>2015 - to date</i>	Chairperson of the Sentencing Advisory Committee
<i>2013 - to date</i>	Chairperson of the Advisory Board of the Judicial College of Seychelles
<i>2013 - to date</i>	Peer Reviewer for the Commonwealth Law Bulletin
<i>2013 - 2015</i>	Lecturer in Criminal Law & Procedure, Constitutional & Administrative Law For the University of Seychelles, Post Graduate Diploma in Legal Practice
<i>2010 - 2015</i>	Lecturer in Criminal Law, University of Seychelles For the University of London, LLB Programme
<i>2011 - 2015</i>	Lecturer on the Constitution of Seychelles, for the Young Leaders Programme Conducted by the University of Seychelles for the National University of Ireland, 'Masters in Social Leadership Programme.'
<i>2008 - to date</i>	Examiner for the admission of Attorneys at Law, Seychelles
<i>1992 - 1993</i>	Lecturer in Business Law, Seychelles Institute of Management For students preparing for the examinations conducted by the Association of Accounting Technicians (U.K.) and in the subject of Legal Environment for students preparing for the Certificate in Banking (U.K.)
<i>1985 - 1991</i>	Visiting Lecturer in Law and Examiner for Bachelor of Laws programme, Open University of Sri Lanka Lectured on Constitutional law, Administrative law, Law of Contract and Mercantile law
<i>1990</i>	Lecturer in Criminal Law, Sri Lanka Law College
<i>1985 - 1989</i>	Lecturer in Business Law at the Institute for Accounting Studies, Jayasekera Management Centre and London Institute of Sri Lanka For students preparing for the examinations conducted by the Chartered Institute of Management Accountants (UK), Association of Accounting Technicians (UK and Sri Lanka), Institute of Chartered Accountants of Sri Lanka
<i>1987</i>	Tutor in the Law of Evidence, Sri Lanka Law College

WORK DESCRIPTION AS JUSTICE OF APPEAL IN SEYCHELLES (2009 – To date)

- (1) Hear and determine appeals from judgments or orders of the Supreme Court and the Constitutional Court.
 - a. All judgments have been published on www.seylii.org.
 - b. Some of my judgments have been selected to be reported in the Law Reports of the Commonwealth (LRC) and the Commonwealth Law Bulletin in recognition of their jurisprudential value – [2018] 1 LRC pp. 356-379; [2018] 1 LRC pp 380-408; [2017] 3 LRC pp. 558-572; [2017] 1 LRC pp. 744-762; [2017] 1 LRC pp. 763-777; [2016] 5 LRC pp. 627-649; [2016] 4 LRC pp. 139-164; [2016] 4 LRC pp. 735-746; [2016] 1 LRC pp. 25-46; [2016] LRC pp. 47-59; [2016] 1 LRC pp. 274-287; [2015] 5 LRC pp. 462-472; [2015] 4 LRC pp. 140-155; [2015] 3 LRC pp. 265-282; [2015] 2 LRC pp. 798-812; [2015] 1 LRC pp. 341-354; [2014] 5 LRC pp. 683-693; [2014] 3 LRC pp. 665-681; [2013] 3 LRC pp. 199-205; [2013] 3 LRC pp. 159-173; [2013] 3 LRC pp. 110-125; [2012] 5 LRC pp. 109-123; [2012] 3 LRC pp. 155-166; [2012] 2 LRC pp. 400-422.

- (2) Appointed by the President under the Commissions of Inquiry Act to hold an inquiry and report into:
 - (i) The circumstances associated with the death of two persons and the police response to the incidents (March 2009);
 - (ii) The circumstances associated with the arrest, detention and death of a person in Police custody (July 2009);
 - (iii) The circumstances associated with the death of a pregnant woman and the twins she was carrying in at the Victoria hospital, Mahe (January 2010).
- All Commission of Inquiry Reports have been published on www.seylli.org.

WORK DESCRIPTION AS JUSTICE OF APPEAL IN FIJI (September 2015 – To date)

- (1) Hear and determine appeals from judgments or orders of the High Court.
 - a. Judgments have been published on www.paclii.org/fj/cases/FJCA/ and some in LRC

WORK DESCRIPTION AS ATTORNEY GENERAL (1999 -2008)

- (1) Head of the Department of Legal Affairs with overall responsibility for the Attorney General's Chambers Division, including the Litigation Division; Legal Drafting Division (Drafting and Law Reform Sections) and the Registration Division (Land Registration, Companies and Intellectual Property Sections).
- (2) Continued performance of the functions listed below under (1) to (7) as 'Work description in the Attorney General's Department, Seychelles (1991 – 2008)'.
- (3) Performed the functions of Parliamentary Counsel and drafted legislation. Appointed by the President in 2008, as a member of the Constitutional Review Committee.
- (4) Involved in the delimitation of maritime boundaries with the neighbouring states and led Seychelles delegation at the negotiations with the United Republic of Tanzania for the delimitation of the EEZ between Tanzania and Seychelles (24th - 25th May 1999) and with France for the delimitation of the EEZ between Seychelles and Iles Glorieuses and Iles du Lys (27th – 28th June, 2000).
- (5) Appeared for the Government of Seychelles at International Arbitrations conducted by the International Centre for Settlement of Investment Disputes (ICSID Case No. ARB/02/14 – CDC GROUP PLC of UK VS THE REPUBLIC OF SEYCHELLES) and the Swiss Chambers of Commerce (BUY AND SELL TRADING COMPANY, PHILIPPINES VS THE GOVERNMENT OF THE REPUBLIC OF SEYCHELLES – July 2007 FK/pm 18'785).
- (6) The Central Authority for the purposes of Mutual Assistance in Criminal Matters and Extradition and Contact Person for Seychelles in the Commonwealth Network of Contact Persons (CNCP).
- (7) Chief Accounting Officer for the Department of Legal Affairs

WORK DESCRIPTION IN THE ATTORNEY GENERAL'S DEPARTMENT, SEYCHELLES (1991 -2008)

- (1) Appeared in Criminal Cases in original and appellate courts.
- (2) Appeared for the Government in Civil cases and Administrative writs, in the original and appellate court.
- (3) Appeared before the Constitutional Court of Seychelles and the Court of Appeal in Constitutional and Fundamental Human Rights cases.
- (4) Advised all Government departments including the Police in criminal and civil matters.
- (5) Drafted and vetted agreements and various other legal documents.
- (6) Negotiated with the owners of foreign fishing vessels in disputes arising in the EEZ and took necessary legal action when negotiations failed.
- (7) Attended to Applications for Mutual Legal Assistance in Criminal Matters and Extradition from Commonwealth and other jurisdictions.

- (8) Pupil Master to Junior Counsel and in charge of the Training Programme for them.
- (9) Head of the Litigation Division (Criminal, Civil, Public and Constitutional Law and International Law Sections) of the Attorney General's Chambers as Principal State Counsel, from 01 October 1992 - 31 December 1998 and had supervision over State Counsel and Public Prosecutors.

WORK DESCRIPTION IN THE ATTORNEY GENERAL'S DEPARTMENT, SRI LANKA (1979 -1990)

- (1) Conducted prosecutions in the Magistrate's Courts, High Courts and Courts Martial and appeared in appeals there from to the High Court, Court of Appeal and Supreme Court.
- (2) Appeared for the Government and Public Corporations in civil actions in original and appellate courts.
- (3) Appeared in Labour Courts on behalf of Public Corporations.
- (4) Appeared in Administrative Writs, Election Petitions and Fundamental Human Rights cases before the Court of Appeal and Supreme Court.
- (5) Advised Government Departments including the Police in criminal and civil matters.
- (6) Drafted and vetted agreements and various other legal documents.
- (7) From September 1982 - September 1983 attached to the Special Presidential Commission of Inquiry, which inquired into the misdeeds and abuse of power by Ministers, Members of Parliament and Public Servants.
- (8) Appointed by the Attorney General on 12 August 1986 to assist the Presidential Commission of Inquiry into the destruction of an Air Lanka aircraft at Colombo airport, Katunayake on 03 May 1986 by terrorists and make recommendations for better security at the Colombo Airport.

PUBLICATIONS

BOOKS

An Insight into Piracy Prosecutions in the Republic of Seychelles,
(Judicial College of Seychelles, October 2014)

The Law Relating to Presidential and National Assembly Elections in Seychelles,
(Victoria: Department of Legal Affairs, Seychelles, 2006)

ARTICLES

An insight into Piracy Prosecutions in the Republic of Seychelles - Commonwealth Law Bulletin – Volume 41, No 2, 06/15 (ISSN 0305-0718)

Intoxication as defense to the offence of murder in Seychelles - Commonwealth Law Bulletin – Volume 40, No. 2, 06/14

Procedure for the removal of superior court judges in Sri Lanka and the issue of 'quis custodiet ipsos custodes?' - Commonwealth Law Bulletin – Volume 39, No. 4, 12/13

Strengthening Public Confidence in the Criminal Justice System - Commonwealth Secretariat Paper LMSCJ (10)11, October 10

International and Regional Co-operation in Criminal Justice Matters - Commonwealth Secretariat Paper LMSCJ (10)12, October 10

Piracy under International Law - Seychelles Weekend Nation, 26/09/09

Rule of Law and the 1993 Constitution - Seychelles Weekend Nation, 10/05/08

The Doctrine of the Separation of Powers and the 1993 Constitution - Seychelles Weekend Nation, 03/05/08

Does the Defiance of an Improper Order of Injunction amount to Contempt of Court? A Case Study of Contempt vis-a-vis Freedom of Publication from the Seychelles - Commonwealth Law Bulletin – Volume 31, No 1, 08/05

The Requirement to Provide a Bank Guarantee, in Return for a Continuation of the Provisional Stay of Enforcement of the Award under Article 52(5) of the ICSID Convention – Can this be justified? Transnational Dispute Management Volume 2 Issue, 01/05

INTERNATIONAL CONFERENCES ATTENDED

- 12/2011 International Anti- Corruption Public Service Announcement, Video Competition and Workshop, organized by the Hong Kong Independent Commission Against Corruption – *Hong Kong, China*
Adjudicator for the Competition
Invited as a Guest Speaker on the topic of ‘Cultural Divergence and Convergence in Mass Communication’
http://www.icac.org.hk/icac/iaac/pdf/w3_fernando.pdf
- 10/2011 The 5th Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (“**IACCA**”) – *Marrakech, Morocco*
Invited as a Guest Speaker to speak on the “Return and Disposal of Assets under the United Nations Convention against Corruption (UNCAC)”
- 11/2010 The 4th Annual Conference and General Meeting of IACCA- *Macau, China*
Invited as a Guest Speaker to speak at the Plenary Session on “International Co-operation under the United Nations Convention against Corruption (UNCAC)”
- 11/2010 Undergraduate Laws Programme Providers’ Conference 2010 conducted by the University of London- *London, UK*
- 10/2010 Meeting of Law Ministers and Attorneys General of Small Commonwealth Jurisdictions, Commonwealth Secretariat – *London, UK*
Invited by the Commonwealth Secretariat to present two papers titled:
“Strengthening Public Confidence in the Criminal Justice System” and “International and Regional Co-operation in Criminal Justice Matters”
- 03/2009 The Third World Summit of Prosecutors General, Attorneys General and Chief Prosecutors- *Bucharest, Romania*
Speaker at the Summit – ‘The Prosecutor General’s Role in Strengthening the Public Confidence in the Criminal Justice System’ and ‘Proposals for Strengthening International and Regional Co-operation in Criminal Justice Matters.’
- 11/2008 A Learning Event for Anti-Corruption Agencies – ‘Using Communication Approaches and Techniques to Support Anti-Corruption Efforts’, organized by the World Bank and UNODC – *Vienna, Austria*
Speaker and Panelist at the meeting – ‘Tackling Everyday Corruption’
- 10/2008 10th Anniversary Celebrations of the European Judicial Network (EJN) - *Madeira, Portugal*
Speaker and Representative of the Commonwealth Secretariat – ‘The Role of the Commonwealth Network of Contact Persons (CNCP)’
- 10/2008 The 3rd Annual Conference and General Meeting of IAACA - *Kiev, Ukraine*
Speaker at the Plenary Session on ‘Criminalisation and Law Enforcement’ and elected as a member of the Executive Committee of IAACA
- 10/2007 Meeting of Law Ministers and Attorneys General of Small Commonwealth Jurisdictions – *London, UK*
Intervener at the Session on Small Arms and Light Weapons
- 02/2007 Meeting of Commonwealth Network of Contact Persons (CNCP) – *London, UK*
Appointed Contact Person for Seychelles

- 12/2006 Eighth Annual Meeting of National Authorities of the Organisation for the Prohibition of Chemical Weapons – *The Hague, Netherlands*
- 10/2006 The First Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities – *Beijing, China*
Speaker at the Workshop – ‘Getting Civil Society Involved’
- 11/2005 The Second World Summit of Attorneys and Prosecutors General - *Doha, Qatar*,
Speaker at the General Meeting – ‘The Role of Prosecutors in Promoting and Strengthening the Rule of Law’
- 10/2004 Meeting of Law Ministers and Attorneys General of Small Commonwealth Jurisdictions- *London, UK*
Presented a Paper and Speaker at the Meeting:
‘The Requirement to provide a Bank Guarantee, in return for a continuation of the provisional stay of enforcement of the award under article 52(5) of the ICSID Convention – Can this be justified?’ [Commonwealth Secretariat Paper LMSCJ (04) 8a]
- 02/2004 World Summit of Attorneys and Prosecutors General - *Guatemala*
Speaker at the Plenary Session on ‘The Role of the Civil Society in the fight against Corruption’
- 02/2003 Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law - *London, UK*
- 02/2001 Meeting to consider implementation of the Principles to Combat Corruption organized by the Global Coalition for Africa, the World Bank and the U.S. State Department-*Washington DC, USA*
- 05/1999 Meeting of Commonwealth Law Ministers - *Trinidad*

WORKSHOPS, SEMINARS AND MEETINGS ATTENDED

- 05/2016 Delivered a lecture and participated in a panel discussion on ‘Prosecuting Maritime Pirates in the Seychelles and Elsewhere’ co-organized by the Cleveland-Marshall College of Law and Case Western University, School of law – *Ohio, U.S.A.*
- 04/2016 Meeting of Experts to review draft Handbook on the Fundamentals of the law applicable to Maritime Crime – Basic Guide for lawyers, police and maritime crime policy advisers; organized by the UNODC Global Crime Programme – *Vienna, Austria*
- 02/2013 Talk on “The Importance of Separation of Powers: The Impeachment of Sri Lanka's Chief Justice” organized by the University of McGill – *Montreal, Canada*
- 07/2012 Participant at Judicial Decision Making Course conducted by the National Judicial College- *Reno, Nevada*
- 04/2012 Biennial Meeting of Commonwealth Judicial Educators organized by the Commonwealth Judicial Education Institute – *Mahe, Seychelles*
- 09/2011 Seminar on prosecuting and adjudication of Money Laundering Cases organized by the World Bank in conjunction with the Financial Intelligence Unit of Seychelles – *Mahe, Seychelles*
- 08/2011 Workshop on Counter- Piracy organized by the EU and UNODC – *Mahe, Seychelles*
- 07/2011 3rd IAACA Seminar on “International Corporation on Anti-Corruption” – *Shanghai, China*
Invited to be a Speaker on the subject matter of Extradition, MLA, Transfer of Criminal Proceedings and Sentenced Persons and Joint Investigations under UNCAC

05/2011	Executive Committee Meeting of IAACA – <i>Doha, Qatar</i>
06/2010	Commonwealth Anti-Corruption Workshop – <i>Mauritius</i> Invited by the Commonwealth Secretariat to be a Speaker and Trainer
08/2009	The meeting of the Contact Group on Piracy off the Coast of Somalia, Working Group 2 on Legal Issues – <i>Copenhagen, Denmark</i>
12/2007	Commonwealth Training Workshop on Asset Recovery and International Cooperation in Anti-Corruption Investigations – <i>Jaipur, India</i>
09/2007	Workshop for Capacity Building on Functions, Practices and Procedures of the National Assembly <i>Seychelles</i> Delivered a speech on the Constitutional Jurisdiction and Authority of the National Assembly
08/2007	RECSA workshop on Barriers against Proliferation of Small Arms and Light Weapons – <i>Seychelles</i> Delivered the Opening Remarks
04/2005	Commonwealth Expert Group Meeting on the Draft Model Bill on Competition for the African Region – <i>Seychelles</i> Delivered the Opening Remarks as published in the Report of the Commonwealth Secretariat of May 2005
02/2002	Workshop on Implementation of the Rome Statute of the International Criminal Court- <i>Dar es Salaam, Tanzania</i>
08/1998	Workshop on Drug Related Case Work conducted by the United Nations Office for Drug Control and Crime Prevention and SADC- <i>Rustenburg, South Africa</i>
03/1997	Workshop on Delimitation of Maritime Boundaries conducted by the Commonwealth Secretariat – <i>Seychelles</i>
12/1996	Workshop on Trade Related Aspects of Intellectual Property (TRIPS) organized by the African Regional Industrial Property Organization and the Commonwealth Secretariat – <i>Livingston, Zambia</i>

ACHIEVEMENTS AT SRI LANKA LAW COLLEGE

1975	Winner of the Hector Jayewardene Gold Medal for the Address to the Jury
1975	Leader Sinhala Debating Team and Deputy Leader English Debating Team
1977	President, Law Students Union
1977	Selected by the Minister of Justice in consultation with the Principal, Sri Lanka Law College and the Dean, Faculty of Law, University of Colombo to represent Sri Lanka as the Student Delegate to the 'World Peace through Law' Conference in Manila, Philippines.