

JUSTICE WEERAMANTRY: 50 YEARS OF GLORIOUS SERVICE

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His Excellency President Maithripala Sirisena, His Lordship the Chief Justice, K. Sripavan, Hon Minister of Justice Dr. Wijedasa Rajapaksa, Hon Attorney General, Hon. Solicitor General, His Lordship Justice Vijith Malalgoda, their Lordships and Ladyships of the Superior Courts, President's Counsel, distinguished Judges, distinguished invitees, Your Excellencies, dear Colleagues and above all '*Sri Lankābhīmānya*' Judge C.G. Weeramanthy and Mrs. Weeramanthy.

On behalf of the Bar Association of Sri Lanka which also I believe includes members of the Official and the Unofficial Bar, it gives me great pleasure to welcome you to this felicitation of '*Sri Lankābhīmānya*' Christopher Gregory Weeramanthy or Judge C.G. Weeramanthy as he is known to many of us.

'A prophet they say is not known in his own country'. We sometimes fail to recognize persons who have contributed significantly towards our betterment and enrichment though they are or because they are too close to home. Perhaps it's because we become all too familiar with them and fail to realize their worth.

We often praise and extol the virtues of people after they are no longer with us and even establish foundations for the departed which struggle along to perpetuate their memory after they have gone. We seldom acknowledge and celebrate the living and so we are here to pay tribute to Judge Weeramanthy, not only for what he is but for what he stands for and what should be his lasting legacy to us.

We will have eminent speakers referring to Judge C G Weeramanthy and his contribution to the judiciary and to jurisprudence both locally and abroad. Therefore, I will not elaborate on those details now.

Judge Weeramanthy has had an illustrious career as a practitioner, as a scholar and jurist of local and international repute and truly adorned the Bench in the Supreme Court of Sri Lanka or Ceylon as it was then known and as a judge of the International Court of Justice.

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This speech was delivered at the Bandaranaike Memorial International Center Hall (BMICH) on the 25th November 2015, felicitating '*Sri Lankābhīmānya*' Judge C.G. Weeramanthy on his completing 50 years since appointment as a judicial officer.

We of the Bar, should treasure events such as these, where we felicitate Judge Weeramantry today. These events recall the past and the lessons we can learn from them apart from reminding us of the proud traditions of the Bench and Bar. In the hustle and bustle of our day to day activity and professional life, especially in this fast moving world when technology coupled with a belief in everything instant from Maggi noodles to fast foods or to instant IT solutions is the fashion, we sometimes forget the age old indispensable values of courtesy, humility, transparency and the basic sense of right and wrong when discharging professional responsibilities. Often expedience, success, and fame or position at any cost, appears to be what appears to matter.

It's not that we must dwell or wallow in the past or necessarily go back to the old ways or methods but we must realize that there are values fundamental and perennial which are at the foundation of professionalism and above all that they are fundamental requisites for a decent existence.

In Judge C G Weeramantry, we see humility, simplicity, inoffensive frankness which perhaps bed rocked in his deep religiosity. In fact it was at his request that we kept this felicitation somewhat low key. His religiosity is not one merely stemming from his belonging to a particular faith or in his being a regular church goer or in performing or his attending religious functions regularly. Such would be cosmetic, superficial and for public consumption.

His religiousness stems from the need to 'walk the talk'. He, I believe lives by precepts and the deep values of religion; 'by their fruits you shall know them'; In other words; As all adherents of a religious faith are expected to be true to the precepts of their religion so too I believe he journeys on.

Judge Weeramantry goes beyond. On my several conversations with him, I was privileged to learn that he is deeply convinced that there is a commonalty in all religions when it comes to basic human values such as equality, respect for the environment and the fundamental dignity of all persons. To him human rights engraved in our religions and culture are not an import of an alien system but very much a part of us.

I had no intention of delivering a religious sermon, especially on a Tuesday of all days' of the week!! But I believe that the law like religion has to be lived in the proper spirit if it is to be worthwhile. The letter of the law will otherwise have no meaning.

As a judge, one of his memorable contributions to the system is that his judgements were scholarly and well considered. I recall late Justice Mark Fernando in the course of a seminar mentioning that when Justice Fernando was a senior member of the unofficial Bar and a junior to one of our legal luminaries of days gone by and when they too were opposed or pitted against eminent legal luminaries for the opponent, Judge Weeramantry, then a Judge of our Supreme Court had politely reprimanded the inadequate assistance of both sides in not providing comprehensive submissions and that he had to do his own extensive research to write the judgement. This was though,

as Justice Fernando insisted, *the research and submissions of both sides had been painstakingly done.*

Judge Weeramantry, therefore strives for excellence. Additionally, he also believes that there should be collegiality and brotherliness among judges no matter whether or not they strenuously disagree on aspects of or interpretation of the law or deliver dissenting judgements. The functions of the judge are official functions which should not erode or colour personal relationships. He considers the role of a judge as sacred like a priest's office.

Judge Weeramantry has been respected for his steadfast search for the upholding of truth and justice. During the height of the Apartheid Regime in South Africa, when invited to deliver a lecture, he agreed to do so on the condition that he cannot be restricted or directed in his content or physical movement. His wishes, Judge Weeramantry informed me, were respected and he was given access to any location he requested and to say anything he wanted. Obviously, he spoke unfavourably against the Apartheid Regime and had no adverse consequences upon him.

His demeanor and conduct on the bench, it is widely reported, were dignified in keeping with his judicial office. He was not known to use harsh words or entertain suspicion or bias against parties. Neither was he open to suspicion or hints of bias in his conduct. He could be dignifiedly stern and forthright. He could stand against the odds being only dictated to by his conscience. This has earned him respect both here and abroad though sometimes, as was seen in his dissenting judgements whilst in the world court on the nuclear arms issue, he also earned the annoyance of some.

Judge Weeramantry in that case, i.e. the World Health Organization Nuclear Weapons Case dissented on the premise that there was no exception under any circumstances, including the claim that it was needed for the survival of the state, to the general principle that the use of nuclear weapons was and is illegal.

His recent writings on Law and Buddhism, Law and Christianity and Law and Hinduism and the lessons for the system of justice to be elicited from these religions demand consideration. He has and continues to extol the deep values and commonality in all religions which are compellingly relevant to law and especially legal fundamentals such as Human Rights. He is a strong advocate of peace education which is a crying need for reconciliation in our Country. He believes that peace education should be imparted to little children in schools to catch them young before their minds are polluted. Perhaps he is mindful of the sentiments of Nelson Mandela that great Statesman whose sentiments were that all are born to love, they are not born to hate but are taught to hate. It is those innocent little minds who yearn for love who are polluted by the evils of us in society.

"National Integration is born in the hearts of the citizens, When it dies there, no army, no government, no constitution, can save it. States of mind precede States".

- Nani A. Palkhivala, We the Nation, 1994

We have the privilege today of giving you the writings by Judge Weeramantry, related to Buddhism, Hinduism and Christianity as handouts. Unfortunately, his writing on Law and Islam is not available with us as it is only going to press this weekend in the Sunday Times for which I may have to advise you to purchase a copy of this Sunday's edition of the Sunday Times, but I also assure you that Sunday Times is not sponsoring this felicitation!

Judge Weeramantry, may you continue to enrich our traditions and systems especially now more than ever as a peace educationist and jurisprudential thinker.