

## **CEREMONIAL SITTING OF THE SUPREME COURT**

**IN THE MEMORY OF THE LATE HON. JUSTICE ANDRE SAUZIER THIS DAY WEDNESDAY 21<sup>ST</sup> OF MAY 2014 AT 9 A.M. PRESIDED BY HIS LORDSHIP **JUSTICE D. KARUNAKARAN - ACTING CHIEF JUSTICE** TRANSCRIBED BY MS. S. LABROSSE THE UNDERSIGNED COURT REPORTER**

### **EX PARTE: MEN AND WOMEN OF GOODWILL**

Ex Parte No. 75 of 2014

Court: May it please the Court. Your Excellency Sir James Mancham, Former President of the Republic, His Lordship Ranjan Perera, former Chief Justice, My Lords, the sitting Judges of the Supreme Court, Honorable Attorney General, Distinguished Chairman and members of the Constitutional Appointments Authority, Your Grace the Bishops, Your Worships the Magistrates, Learned Chairman and Members the Bar Association, State Attorneys, Family and Relatives of the late Justice Andre Sauzier, Ladies and Gentlemen, Good Morning to everyone.

The legal world around us today, appears to be slightly darker, for a great legal luminary has left us for heavenly abode. It is with great sadness that we hold this ceremonial sitting of the Full Supreme Court, in the presence of this august gathering, in memory of the late Justice Andre Sauzier, formerly Attorney

General of Seychelles, Judge of the Supreme Court of Seychelles and Justice of the Seychelles Court of Appeal, who sadly, passed away on the 12<sup>th</sup> May this year. First of all, on behalf of the Seychelles Judiciary, I extend a warm welcome to all of you. I would like to extend a special welcome to Mrs Sauzier, Bernard, Chantal, Odile and other members of the late Justice Sauzier's family, particularly those who have travelled from abroad at this distressing time.

Men may come and men may go after completing their ephemeral journeys on this mysterious planet. However, only a handful of them like Justice Sauzier, leave their footprints on the sands of time and continue to live in our memories. As we stroll down our memory lanes, we can witness their indelible footprints that always remind us of who they were, why they were here, what their purpose was and what they really did to us. Justice Sauzier is one among such great souls, who has indeed left his footprints. He made them not by sitting down but walking a long distance-miles and miles before he slept to gain the eternal Freedom - a Freedom from the shackles of physical existence. Justice Sauzier never stopped in his judicial journey. He continued his hard and long walk without compromising along the way his integrity, impartiality and independence as a Judge and as a Jurist until his last breath, to gain that Freedom. He was steadfast in his goal and never swerved from his principles throughout his long walk like Nelson Mandela did, in his political

journey. He never stopped, except for laying many milestones - landmark judgments - along the path of his long judicial journey setting precedent after precedent for the advancement of law, justice and enrichment of our jurisprudence. They all bear testimony to his immortality in the timeless pages of our Law Reports. When precedents are quoted in our Courts, invariably the name of Justice Sauzier is frequently intoned almost daily, if not by the defendant's counsel, then by plaintiff's counsel and if not by any counsel, then at least echoed by the Judge himself in his rulings. Obviously, his name will reverberate in our Courts for Centuries to come. Justice Sauzier fulfilled all his promises during his remarkable journey by adjudicating issues without fear or favour, affection or ill will. Although Justice Sauzier made no stopping by Woods on Snowy Evenings as Robert Frost did, still he frequently stopped to listen to the little bird on his shoulder that was always singing:

*"The woods are lovely, dark and deep,  
But I have promises to keep,  
And miles to go before I sleep,  
And miles to go before I sleep"*

I am really honoured to sit in front of you this morning to share a few thoughts about the great man, who had the courage to listen to that little bird on his shoulder. He called it his "Good Conscience", which as a Judge and as a man of the world, he never betrayed. I can state without any reservation that he was the greatest and the finest Judge the Seychelles Judiciary has

ever been gifted with. These encomia are not empty words of flattery but words pregnant with truth. I have known him personally, professionally and had the privilege of appearing before him as counsel in many cases. I have enjoyed reading his jurisprudence in the past 32 years, for my professional, academic and personal interest. He was an embodiment of the law, a walking library. It only takes a brief reading of his judgments to realize, that not only was he a law reformer on the bench, but also a social reformer to the core, especially in his maverick approach to social justice. He was the best-known and best-loved judge, the people's judge if I may say so, as Mr. Bernard Georges aptly acclaimed him the other day in his Eulogy at the Church, being the "Lord Denning of Seychelles". To a common man, Justice Sauzier was a very friendly and warm human being. He was very humble, generous, compassionate and a religious person. He was always polite and understanding. He would always help out young lawyer, or someone with a hopeless case before him, and with regard to both of these aspects, I can speak of my own experiences with him.

I was a young Barrister. That was in early 1980s. As a beginner I was shy; and nervous especially, when I appeared before the great Justices in the Appellate Courts. During my salad days in the Bar I was always anxious to win - to win my case. No longer now that I am a judge. Now, the tension is gone. But, the anxiety still remains; not to win any case but to do right and win Justice.

Be that as it may, I remember clearly, it was in July 1985. I had the case of **Louis Vs. Central Stores Limited** before the Court of Appeal. I believe, it was my second case if am not mistaken, before the Seychelles Court of Appeal. In those days there were only four chambers of advocates in private practice. I was appearing for the appellant and Mr. Kieran Shah (now Learned Senior Counsel) was for the respondent. The great Attorney Mr. Phillip Boullé, (who was an inspiring Learned Friends of mine then) was providing instructions and advice from South Africa on that particular brief. I told him that the case appeared to be hopeless. I suppose he also had known that fact, as he was the one, who did research and had compiled the points for my arguments. When he asked me about the bench that was to hear the matter, I told him with some trepidation that Justice Sauzier was presiding. Mr. Boullé promptly gave me some confidence by telling that “Justice Sauzier is a good, understanding Judge. He is very courteous and will help a beginner even when you have a hopeless case. I just assumed they were just empty words of consolation and remained very nervous of what lay before me. As I argued the case that day before the Court of Appeal, I found that Mr. Boullé’s statement was indeed, true. Justice Sauzier had seen the facts of the case in a different light. And he interpreted the law differently for the ends of justice. This neither I nor Mr. Boullé had ever thought of. I was pleasantly confused and surprised when I learnt that I had won that appeal, which was later reported in the Commonwealth Law Reports 1987. Not only

had Justice Sauzier helped beginners, but he had also laid down new perspectives in our Law of Contract in that particular case. It was indeed, selected by the Hon. Mr. Justice Bhagwati (formerly the Chief Justice of India) on the Editorial Board, to be published in the International Law Reports. I was amazed of Justice Sauzier's exceedingly sharp legal intellect driven by his heart of gold.

Justice Sauzier is no Nostradamus, but I would not chalk it up to a simple, strange coincidence, that even in the 1970s, he had identified that drug offences were going to be the biggest threat to our society in future. His foresight, bordering on clairvoyance, can be seen in his pronouncements through the judgment in **Republic vs Payet Criminal Appeal No: 15, SLR 1972**. Justice Sauzier, while he was then the Judge of the Supreme Court, proclaimed it a Principle of Sentencing Policy that mandatory imprisonment ought to be imposed for all drug-offences. Besides, he went on to rule and set it as a case law that the said principle shall be binding not only on Magistrates Courts but also on the Supreme Courts. What a phenomenal prospective overruling! This bold and prophetic decision of Justice Sauzier in fact, paved the way for the State subsequently to enact mandatory penal provisions for drug related offences.

Justice Sauzier was a Prometheus who gave us the light to see, that we have a strong and independent justice delivery system with its indigenous jurisprudence, values, customs and tradition

for the efficient and effective administration of Justice. He was a great judge with remarkable legal acumen in the jurisprudence of both the common law and the civil law. He molded together their best parts combining the law, equity and good conscience and introduced them into our very own Seychellois jurisprudence. His plea to us during his lifetime, was to simply keep the path to justice clear of all obstructions that would impede it. It is our solemn duty to nurture it, strengthen it and let it grow for posterity. That is the greatest honour we, the people in the legal and judicial fraternity can do for him.

For the fire that he gave to mankind, Prometheus was reprimanded by the gods, by being chained to a rock. Death had to make a herculean effort to break the shackles that held Justice Sauzier to this earth. Now, he is freed. Though he has gone, there still remains his stardom of light twinkling through many pages of the Seychelles Law Reports.

His demise is an irreparable and irreplaceable loss to all of us. The void it has left is significant. It is true that we realize the value of something only after we have lost it, and perhaps, sadly, that is also true of people as well. A man's full and true worth is realized only after he has left us.

I would like to thank each and every one of you for having come here today to share in the loss of our beloved Justice Sauzier and

help us celebrate his remarkable life, which was so complete and fulfilling. On behalf of all the staff and members of the Judiciary and on behalf of the Chief Justice Egonda-Ntende and on my own behalf, I would like to record our deep felt loss and heartfelt condolences to the bereaved family. We will always cherish his memories and remember him for everything he has bequeathed us. Thank you all for your kind indulgence. As per our program may I now call upon the Honorable Attorney General, Mr. Ronny Govinden to say a few words on this occasion.

Mr. Govinden: Thank you my Lord. President James Mancham, Your Lordship, the Acting Chief Justice of the Supreme Court, former Chief Justice of the Supreme Court, Judges of the Supreme Court, members of the lower judiciary, Chairman of the Constitutional Appointment Authority, members of the bar, Legal Practitioners, ladies and gentlemen, all protocol observed, good morning. A formal ceremony such as the present one would feel well by being from now on ... in our judicial practice and convention, so that it remains as a record of achievement for posterity. I take the opportunity of extending my appreciation to the judiciary and the bar in allowing this to happen. The judiciary should know no better way of celebrating the judicial excellence, service and fidelity of one of its passing member than holding this ceremony in the very forum where it dispenses justice. We welcome the keeping alive of this time honored tradition that on an occasion as the present one fellow



colleagues, members of the bar would robe and be in attendance as a sign of respect, gratitude and homage to a departed colleague and a honorable Judge.

I remember as a young State Counsel years ago I frequented the old Supreme Court library on an almost daily basis. As all you young State counsel, I very eagerly dug in all the law books I could find to try to quench my thirst for the right local jurisprudence. It was then that I occasionally came across an elderly-looking scholar going through the Encyclopedia Laws and the ... He was always deep in his research. Eventually we got acquainted and from then on he will never hesitate to put aside his research materials and give two tips on the tricks of the trade. I was especially keen in picking his brain on the tactics of prosecution. Always in mercy in his work, if you did not know you would not have known the greatness of this man. He was Justice Sauzier.

Much has been said about the intellectual capacity and the judicial proficiency of Justice Sauzier and I have no doubt that we all share this view. Indeed, he had character, the demeanor, the bearing, the toughness, the sense of justice and he the understanding of the people. The Seychelles Law Record is a testament to this fact. However, what I appreciated most of him is his judicial temperament, his humility and his sense of self-restraint. Emphasis, on the adherence of *stare dicisis* and

precedent. He could indeed have been a different man, after all, he was a lawyer, an Attorney General, a Judge, a Justice of Appeal, a Constitutional Framers on more than one occasion. His judicial legal acumen would indeed be very difficult to emulate. Such judicial restraint portrayed by the learned Justice now seems to be ebbing. We are living in an era of judicial activism, in which some jurist pursue openly certain ideas and in so doing reflect their personalities in their decisions. An era where increasingly the predictability of judicial decision is becoming more and more pronounced. A time where the personally traced and philosophy of life of the jurist would be reflected in the dispensation of justice. This is in star contrast, the practice of the departed Justice that we all here stand to commemorate.

The departed Justice served justice for justice's sake and Law for the Law's sake. If he had a private view or even a political view on a cause or a matter you will never know it, or at least not in his dispensation of justice. To many of us his styles seem to arise from the old judicial school but we have lot to learn from the judicial composure of that school. Some people think that as you make your way up the ladder of success you have to choose sides. This ... was not for him. For him there was only one side, the side of justice. More than everything else this is what made him a good Judge. We need more Judge like Justice Sauzier.

On behalf of the President of the Republic of Seychelles, the Republic of Seychelles, the Government, the Official Bar, I wish to express my deepest sympathy to the family and friends of the departed Justice Andre Sauzier and in so doing I wish that you also take solace and courage in the undeniable fact that we all here share the same common belief that though he is no longer with us his presence would forever remain in his outstanding contribution to the legal and judicial development of Seychelles. Thank you my Lord.

Court: Thank you Honorable Attorney General for your valuable contribution. Also, we wish to record that we accept and appreciate the sympathies from the Head of State. Thank you very much. Now may I call upon the Chairman of the Bar Mr. Anthony Derjacques to say a few words.

Mr. Derjacques: Honorable Acting Chief Justice, Honorable Judges of the Supreme Court, Honorable guest Mr. Mancham, Honorable ex Chief Justice Mr. Perera, Senior Counsel, Members of the Bar, guests, family, it is with profound sadness that we have gathered here today in our Palais de Justice to honour and celebrate the life and share our deepest sympathies and condolences with the family of the late Justice Sauzier, his beloved wife Therese and their three children, Bernard, Chantal and Odile.

Francois Marcelin, ... Andre Sauzier was born in Curepipe Mauritius on October the 4<sup>th</sup> 1923. He passed away at his home at Anse Royale on the 12<sup>th</sup> of May 2014 surrounded with his family. The last of five of children, Andre Sauzier was educated in Mauritius at the prestigious royal college of Curepipe where he was a science scholar. His father died when he was only 12 years old. Justice Sauzier wanted to be a lawyer but the Second World War interrupted his tertiary education plans. He joined the royal ... and was billeted at the Mahabourg where he worked as a payroll clerk. Mythically the war ended, Mr. Sauzier make his way to the United Kingdom onboard an aircraft carrier which was returning to England ... for the bar at the Honorable Society of the Middle Temple, London from 1946 to 1949. He returned to his native Mauritius and practiced there as a Barrister for less than a year between 1949 and 1950. In July 1950 at the request of his sister who was married then in Seychelles with a family he came to Seychelles and set up a practice as a private Barrister until 1951, when he joined the Attorney General's chambers as assistant Attorney General. He was promoted to acting Attorney General in 1954 and Attorney General in 1955. He remained the Attorney General of Seychelles until 1970, discharging during that times the duties of Registrar General as well. During this period Mr. Sauzier was instrumental in drafting some of the seminar statute still in force today, such as the Control of Rent and Tenancy Agreements Act and Amendments to Mortgage and

Registration Act, which were purposes to amendments to the Civil Code later.

In 1959 Mr. Sauzier married his beloved Therese Michelle Hoareau. They had three children as named, Benard, Chantal and Odile. I did my A levels with Odile and I quite remember Chantal two years in advance and Bernard four years in advance of I and Odile, where we studied geography and English together. Mr. Sauzier was made Judge of the Supreme Court in 1970 and served in that capacity until 1980 when his appointment was not renewed. This was a big blow to both him and to the profession at the prime of his life. He was only 59 years old and at the peak of his powers, the bench lost its best Judge. Seychelles lost its best Judge. Happily Mr. Sauzier was appointed Justice of Appeal the following year. He served from 1983 to 1987, but was still lost again in 1987, too soon for Seychelles, for his profession, for the bar. He retired to their property at Anse Royale.

Since 1987 Mr. Sauzier has acted as a private legal consultant. He operated out of the chambers of the late Ramniklal Valabhji, who we celebrated a few months ago in this very same Supreme Court. for a few years he worked there but eventually worked from home. He was at his happiest when giving legal advice and numerous were the practitioners who made the trip to Anse Royale to consult him. He would also undertake occasional

arbitrations and only retired from consulting a few months ago well into his 90<sup>th</sup> year. In fact, on the very same Monday I wrote a written submission for a Judge of the Supreme Court based on his points and his analysis and the matter is before the Judge who do not know, but it is such a coincidence.

Justice Sauzier published introduction to the Law of Evidence in Seychelles in 1982, being a short guide for practitioners. He also published Articles on Seychelles Law and edited the Court of Appeal Reports 1978-1987. Mr. Sauzier has reported judgments, allegian. He was a Judge always ahead of his time, wanting to innovate and he patient at a slow pace of Law reform. Numerous are his judgments pushing out at the borders of the Law. Yet despite the fact that he will be remembered principally as a Civil Law Judge, Mr. Sauzier always maintained that he thought of himself as a Criminal Lawyer first.

In 1993, the country again called on Mr. Sauzier at a time when a person of independence and integrity was required to guide our fledging democracy after the return to multi party politics. Mr. Sauzier was appointed First Registrar of Political Parties and then Director of Elections. I remember in that period of time when I was sent by a political party and Mr. Sauzier also was sent as the Director and Registrar, we were in Nairobi and then we went to Bujumbura for a major conference on a transition period for return of countries to multi-party politics. At that time

I was thinking of my future and thinking of getting married and in Nairobi with Mr. Sauzier and it was only I and him we formed the team. We went to all the jewelery shops of Nairobi and finally we chose the engagement ring for my wife Cecilia. Further, in Nairobi and Bujumbura Mr. Sauzier told me unhappily he has lost some confidence with a political party because of the referendum on the no-vote and he had to find a replacement. So we spent much time. We went to numerous persons of integrity, honor, independence and to show how much impact he still had we ended up choosing Honorable Judge Bernadin Renaud who became the next Commissioner of Elections for Seychelles.

The fact that the country did not falter during his initial democratic steps his due in no small parts to the steady hands of Mr. Sauzier. A man of great humility and deep faith, Mr. Sauzier will be remembered as a gentle person, always eager to help and to draw from his deep fountain of knowledge. He managed the fit of marrying his innig conservativeness with a liberal view of the world, often bordering on the radical. Never went to seek the limelight, Mr. Sauzier preferred a quiet family life. His children remember him working late into the night at his judgments. Continually refining them and pruning our unnecessary words so that the final product would be concise and to the point. He was devoted to the Roman Catholic Church,

for which he was a long time legal advisor and wherever possible go on pilgrimage to holy cites.

Mr. Sauzier will be remembered as treasure in the eyes of God, who his own people failed to appreciate at his true value. Mr. Sauzier has been compared to many people, to a saint for a moral rectitude and deep faith, to Lord Denirne for the soundness of his decisions. His spared down language and his initial and his judicial activism came to King Solomon. One remembers when King Solomon came onto his thrown, he called out to God, *"Oh Lord my God, thou hast made thy servant king instead of David my father and I am a little child, I know yet not how to go out or come in and thy servant is in the midst of thy people which thou has chosen a great people that cannot be numbered nor counted for multitude. Give therefore thy servant an understanding path to judge thy people that I may discern between good and bad, for who is able to judge this thy so great the people?"* So God said to him, *"Since you have asked for this and not for long life, for wealth to yourself, now have asked for the death of your enemies, but for discernment in administrating justice, I will do what you have asked."* Mr. Sauzier loved the truth and sought it out. He loved it justice and served it and he loved life and entertained often playing tennis and he swam. Above all, he was wise and enjoyed sharing his wisdom with others.



It is therefore as Chairman of the bar, of which he remain a Barrister and Attorney all his life that again with profound sadness, sympathy, we give all our condolences to the family, to his wife, to Bernard, to Chantal, to Odile. Mr. Sauzier is gone but as the Acting Chief Justice has said, he will always remain, because each and every day one of us brings to the bench one of his judgments and his judgments remain forever. Thank you.

Court: Thank you very much Mr. Derjacques for your very informative and detailed account of his biography. Now may I call upon the great Attorney Mr. Philippe Boullé. I believe he is one of the disciples of Justice Sauzier, to say a few words.

Mr. Boullé: Much obliged your Lordship. Your Lordship, his Acting Chief Justice, my Lords sitting, Excellency James Mancham former President, Chairman of the Constitutional Appointment Authority, my learned colleagues, the wife and children of the late Justice Sauzier, ladies and gentlemen present, it was indeed with immense sadness that I learned of the passing away of Justice Sauzier. As I sat down to reflect upon that troubling departure my sadness deepen for I realized suddenly hat we had not only lost a Judge of Supreme Court or a Justice of the Court of Appeal, we had lost more than that. We had lost for us who knew and appeared before him and read his judgments over the year we had lost a great teacher. Above that, we had also lost our only and true *pater familia* of the profession.

My sadness was greatly aggravated as I learned of this sad event when I was very far away in the Caribbean with no prospect of returning to the Seychelles to attend the funeral service or the burial ceremony. I think you can all realize the great comfort and honour that I have been given by this opportunity to extend my heartfelt condolences to Madam Sauzier, his children, Bernard, Odile and Chantal. A great opportunity for me also to say a few words and express my sentiments about a man who was very close to my heart.

I recall vivid my first case before the Supreme Court. I appeared before of no other than Judge Sauzier. It was a case about trespass. I had eagerness than knowledge. I had more enthusiasm than skill. I felt that I was very weak on the Law, a Law that I had not fully grasped, so I hit very hard on the facts. Even the facts were blurred in my mind, because it was only the night before that the defendant had appeared at my door and requested that I replace his attorney, having heard that I had been admitted two days earlier. To cut a long story short, I left Court that day with a vivid impression. An impression that was confirmed correct as I journeyed through my career in front of Judge Sauzier, that impression was that Judge Sauzier was a very firm Judge, but with an equal measure of kindness. I can assure you it was this kindness that gave me the courage to journey and meet the challenge of my profession. It was that kindness which gave me the perseverance when I faced hard times in a very

hostile second Republic. And it was that firmness that sent a clear message to my mind that idiocracy was not to be tolerated in the Court of Justice Sauzier. That firmness sent another message, that his Court would expect nothing but the very best that an attorney could achieve. The very best that he could deliver.

Over the years as I journeyed through my career I can say that Judge Sauzier shaped my vision of the judicial system, my vision of the judiciary that nothing but the best standard should be upheld. My vision that the judiciary should aim to achieve and maintain the highest standard and of the bar, that it should always maintain the essential attributes of professionalism and ethics. That it should constantly refine its skills and knowledge to meet the duties expected of lawyers. If today we lawyers can understand or believe that we understand the nebulous concepts of French Law, such as “Le Droit de Superficie”, “La Responsabilité du fait de chose”, “Le fait matérielle ou le fait juridique”, “ La possibilité de prescrire la saiette du passage mais non le droit de passage “, “the french concept of promesse de vente within the context of an English Land Law, it is my gifts all due to the enlightening judgments of Judge Sauzier in such cases as *Ventorolie versus Morgand*, *Camille versus Bonte*, *Julienne versus Hoareau* to name but very few in the great multitude of judgments that enlightened us.

Over the years I came to know the man inside the robe and below the wig. I had the opportunity on many occasions to discuss with Judge Sauzier in a casual manner when we met many many times in the library doing research. I had many conversations with Judge Sauzier on social occasions. I learned many stories of him during his time as the Attorney General from members of my family who knew him then, and I should say or knowing the man he was revealed to me may be one of the greatest truths about the bench and the bar. Which is one cannot be a great Judge without being a great man. One cannot write a learned judgment without being a learned man. One cannot be humble Judge without being a humble man. One cannot be a Judge of integrity unless one is a man of integrity. And this was the characteristics of man, of the person that man made him a great Judge.

My Lords, ladies and gentleman, I wish I could share all the cherished and wonderful and pleasurable experience over the many years I appeared before Judge Sauzier and if we say Judge Sauzier this is how we most funnily called him. I always wondered why, I think the reason is that as useful lawyers the impression that was made by Judge Sauzier on the bench remained vivid and cherished as all youthful memories. Such that when he moved as a Justice of the Court of Appeal and excelled so sitting the realities of that time did not override our youthful memories of him sitting in the Supreme Court. My

Lord, I were to share these wonderful memories your Lordship would have had to fix this sitting for at least a week and even then I may have had to ask for an adjournment for a few more days.

My Lords, so saying and standing at the bar, I am of course reminded what Judge Sauzier reminded me so many times. Be short, be clear and be concise. With that ringing in my mind when I was jotting down as I had very little time to do, as I was jotting down my wonderful memories I thought how best to be short, clear and concise and how best in so doing to honour a wonderful memory of Judge Sauzier but after he has written so many judgments for us to write a small judgment in his favour. But rest assured it will be but a very very poor imitation, as it would take at least a few lifetimes to match his skill and reach his standard. May I my Lord, read judgment in his favour in the Supreme Court of Memories of Seychelles?

Court: Motion granted.

Mr. Boullé: Ex Parte: Men and Women of Good Will, the Applicants.

**(Mr. Boullé read the ruling in open Court and filed on record)**

Mr. Boullé: My Lords, may I file the judgment on the record of this honorable sitting. Thank you your Lordship for the opportunity. Much obliged.

Court: Thank you very much Mr. Boullé. Having given careful thought to your submissions and the *ration decidendi* contained in the judgment, this bench fully endorse your judgment and hereby make this following declaration;

1. For the reason stated in the judgment filed by Mr. Boullé on behalf of the members of the noble profession, which I believe reflects the entire view and belief, I hereby declare that this judgment is not appealable. I do not find any grounds, not even to file a notice of motion to seek leave to appeal; and
2. I order this judgment will form part of the proceedings before this Court this morning.

Thank you very much Mr. Boullé.

Mr. Boullé: I am honoured.

Court: I believe there is another devoted disciple of Justice Sauzier, that is Mr. Kieran Shah, the Senior Counsel who is

going to say few words on behalf of the entire members of the legal community in this country.

Mr. Shah: May it please you my Lord the Chief Justice, your Ladyship, my Lords, former Chief Justice, former president, Mon Seigneur, Chairman of the CAA and the Sauzier family. Mr. Sauzier has had a long and illustrious legal career spanning over six decades in Seychelles. He has seen the law from all angles. From both sides in a litigation, as a trial Judge and as an Appellate Judge. I was extremely delighted when Mr. Sauzier accepted my invitation to join our chambers as legal consultant after he has retired from the bench. I had the greatest legal luminary by my side. He gave me and intensive refresher course in law during the many years that we spent together. He gladly related to me what the legal practice was like in the early years of his career, long before many of us became lawyers became lawyers, long before many of us were even born.

As an example he related to me how a criminal appeal from the Seychelles Court of Appeal was in itself a marathon. As Attorney General he would go to Port Victoria to board a steam ship and spend three days on it to get to Mombasa and then spend about a day traveling to get to Nairobi where the Court of Appeal for Eastern Africa sat, which heard criminal appeals from Seychelles. After that there would be the journey back. In those days, he related to me, ships would call in Port Victoria about

once a fourth night. So Mr. Sauzier would have been away from Seychelles for several weeks to attend to an appeal leaving his family behind. Thank you Mrs. Sauzier for these periods. And as attorney General he was also an ex-officio member of the legislative council, where not only did he draft Laws but he also participated in the debates. He often took work home and he told me he could always count on his beloved wife to help, whether for proofreading or whether for sorting out papers. He told me his wife was his private secretary and unpaid secretary at home. Again Madam Sauzier, thank you.

Mr. sauzier had a good sense of savoir vivre and savoir faire, and he related an incident to me, when he was Attorney General attending a cocktail party at Government house, the Governor revealed to him the contents of an urgent cable the Governor had just received concerning Archbishop Macharios liberation. Archbishop Macharios was in exile in Seychelles and it was felt that Archbishop Macharios should immediately be informed of that, and Mr. Sauzier rushed to Sans Soucis where Archbishop Macharios was residing. And Archbishop Macharios was informed of his liberation firstly by Mr. Sauzier and secondly literally a few minutes later on the BBC World News. This was Mr. Sauzier's sense of duty and purpose. What needed to be attended to immediately he did so. Judge Sauzier was a very humble man. On day I was at the Magistrates Court, and Justice Sauzier, he was then a Judge of the Supreme Court of Seychelles,



came to the Magistrates Court informed the Usher that he had been summoned as a witness in a inquest which was going to be heard by the Magistrate and that he came to mark his presence and that he would wait outside the Court until the Magistrate was ready to call him to testify. This was Judge Sauzier. He was a witness, he wanted to be treated like a witness, just like any witness. It was no question that Judge Sauzier would retire to Judges chambers literally upstairs waiting to be called. This incident reminded me of the words of the great writer and poet, Calil Dubrangn who said that it is only the truly great person who can afford to be humble.

Mr. Sauzier told me that he always prayed for God's guidance in his work. He was a very religious man and he looked to the Bible or to other Saints for inspiration and for guidance. Like King Solomon, he loved the truth and justice, and he imparted wisdom as we saw frequently in Court, whether during a hearing or after delivering a judgment, where he would freely give his advice based on wisdom. These Court rooms will long echo with his judgments. We are naturally sad at his demise, but Judge Sauzier would not want us to be sad, he would want us to cherish the memory that we have had of him and to enjoy the legacy and the fruits he has left behind. I wish to tender once again my condolences to the family. Thank you.

Court: Thank you very much Mr. Kieran Shah. You have made us to realize that a man becomes great exactly in the degree in which he works for the welfare of his fellowmen. Thank you very much. If I do not call one of the greatest admirer of Justice Sauzier to say a few words, who is non-else than Mr. John Renaud.

Mr. Renaud: Thank you my Lord. It is an honour. My Lord, Judges of the Supreme Court, the former Chief Justice and indeed Mrs. Sauzier. I have not prepared a text because I had not been on the list of speakers today, but based of what I have heard spoken about Mr. Sauzier this morning, I feel most comfortable in addressing Mrs. Sauzier. Your Lordship, you mention the fact that we can liken late Mr. Sauzier through Lords Justice Denning who was the Master of the Rules in England, perhaps the best and most able Judge that the United Kingdom ever had. I had the privilege to be mentored by Lord Justice Denning.

When I came here from my studies in England obviously I met Mr. Sauzier. I had not studied French, so I had to try and understand French Law. I used to go to Mr. Sauzier all the time for that. One day while he was explaining some principles of French Law to me he suggested I bought a five volumes set of delouse on French Law in Paris. I went to Paris, I bought these volumes and I have them in my chambers. My Lord, from these

volumes coupled with the many hours Mr. Sauzier has spend to assist me, I have now been able to understand French Law a little better and I remain eternally grateful to the late Mr. Sauzier. My learning of French and the law from Mr. Sauzier did not stop after he retired, I used to go to his home, I am sure Mrs. Sauzier would remember the times I came when she received me to go to a small room where the late Justice Sauzier sat and I learned there as well. He is gone but he has left certain things behind, including the knowledge I have acquired from him.

My Lord, the five volume Law on French jurisprudence must have been kept close to the heart of Mr. Sauzier, because less than a year ago he remembered that I had these volumes and he asked to his other, he said to Mr. Bernard Georges to borrow one volume from me. It was an honour of course. I got it back straight after, so they did not go with it. My Lord, there you are. A man tried to help me, he remembered the books he recommended to me where sound books and he himself was ready to use them instead of those huge heavy volumes that we find in the library. They did not tell anymore what my short volumes.

When Mr. Sauzier came to the chambers of Mr. Shah, I was there. I was Mr. Shah's pupil for which I remain eternally grateful. I must have acquired some of the knowledge and experience of Mr. Sauzier that he passed on to Mr. Shah. This

too I treasure. My Lords, I am not able to say more because I do not feel I can manage, but I see Mr. Sauzier for me he has influenced my learning a great deal, and my pride as a barrister. Thank you. My condolences of course to Mrs. Sauzier and the family. Thank you.

Court: thank you very much Mr. John Renaud for your speech with some humorous touch, and also now I learn from what you have said, that wisdom can also be inherited from one generation to another through interaction. Thank you very much. Before we conclude this sitting, may I request any of my noble brothers who would like to make any comments or add anything, I would invite any of you if you have anything to add. I believe there is no comment because everything has been said already. May I now call upon any members of the bar interested to say few words or make any comment, to add anything to what has been said so far. I would welcome this person. Now, may I call upon his Excellency Sir James Mancham if you have anything to add to what has transpired before you in this Court?

Sir James Mancham: Mr. Chief Justice, distinguish members of the bar of Seychelles, to me this has been the most impressive participation in respect to any forum I have attend in Seychelles since I have returned in 1993, after 15 years in exile. I have draft a note to justice that is not only being done in this country but is being seen to be done, and that the judiciary is certainly

dating the matter of justice ... I would like to command the level of oratory that we have heard today, although perhaps we will remember that when we speak about lawyers we also speak of advocacy and therefore perhaps of a parted colleague sometimes we will speak a bit louder than so quiet. As to many wise words of wisdom passed and we were not able to ...

Let us go back now to the reason why we are here. To honour the departure of a great man, if a great Seychellois, of a great Lawyer, of a great Judge. Despite the collection he has collect, your Excellency, Your Lordship, I ... nomination constituting Justice Sauzier as a Judge to our court. Now the manifestation, the recognition which he has obtained this morning makes me realize what a great job I had done, how well I have used my discretion to give Mr. Justice Sauzier the opportunity of being able to show his fellow lawyers and the people at large the level of his integrity and his wisdom and knowledge. As a matter of fact I know the case well that Mr. Sauzier was called to be a Judge in a certain criminal case to which he append a witness by accident. Nostalgia may not be what it used to be, all of us who are here would recall when I myself had the opportunity of practicing at the bar in Seychelles and I must say that there has been enormous progress and I am so happy to be here to see that we are on the path where we can ... the memory of Mr. Justice Sauzier. If we do carry on to ensure that justice is done, we have the spirit to say no when we feel the conditions are not right, like

when he refused to become a Judge because the base of it was not constitutional to his due point, to his condition. These are sight of a great man, of a man with integrity and this sort of men unfortunately will have to leave. Let Mr. Sauzier therefore be a symbol that integrity which we must seek in our little nation if we are going to have a better life for all us in harmony. Thank you.

Court: Thank you very much your Excellency for you kind words of wisdom, we take it as the greatest wisdom from one of the greatest ... Thank you very much. May I request any of you in audience who would like to add anything, comments, remarks, I welcome. It appears we have come to the closing part of the sitting.

Court: Any members of the late Justice Sauzier which to say anything or add to this sitting?

Mr. Bernard Sauzier: My Lord acting Chief Justice, members of the bench, the Attorney General, members of the bar, distinguish guests, ladies and gentlemen, it is a great honour for us the family of the late Justice Andre Sauzier to have been invited to participate in this hostier sitting in honour of his memory. We are indeed grateful and thankful. I believe that everything has been said, but the greatest thing that would be said would be by what he left behind and the example he gave. We have been

blessed, although we did not recognize it ourself at the time possibly, and there I speak for myself, to have been in his presence. I think we should celebrate his life whilst remembering everything he did in service of this great land. He was always very very proud to be in Seychelles and to come back to Seychelles when he arrived. And of course at Anse Royale every time he crested the hill at Fairyland and he says, “what can be better than this view.” Well, he is now there forever. Thank you very much.

Court: Thank you very much Bernard for you words of thanks. Registrar any other matter?

Registrar: No other matter my Lord.

Court: Thank you ladies and gentlemen, now the Court stands adjourned.

**D. KARUNAKARAN**  
**ACTING CHIEF JUSTICE**  
Reporter

Court