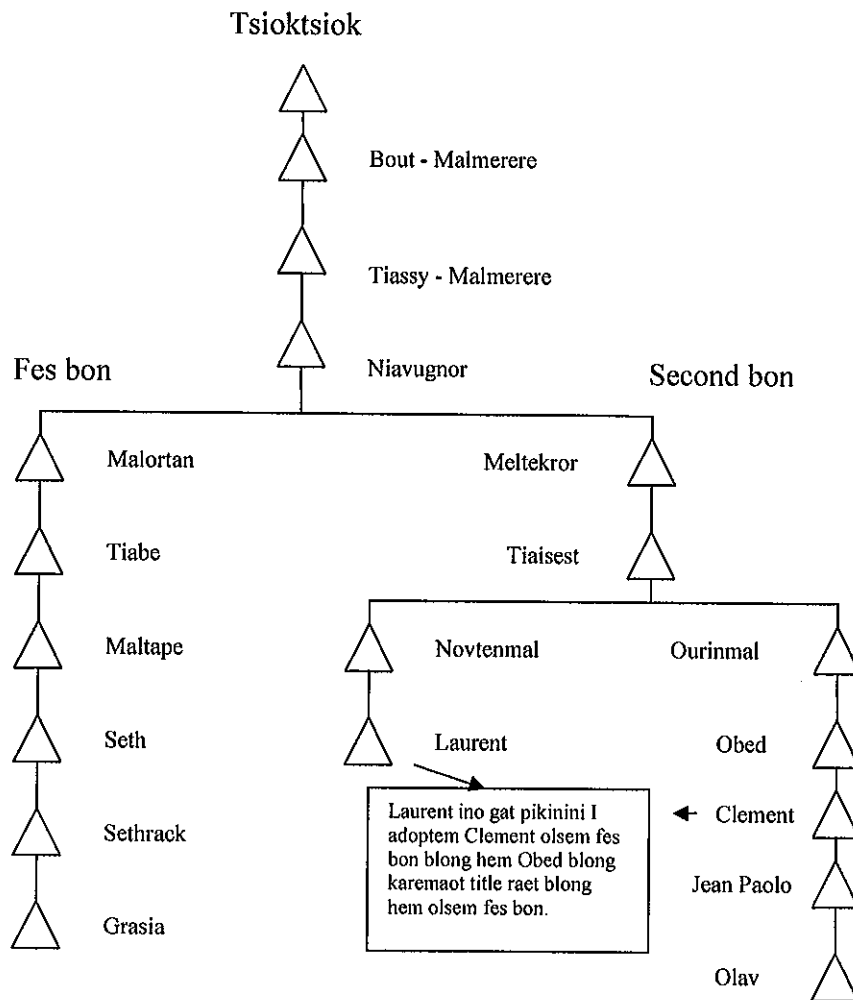




Mi bon long haos blong papa blong mi Obed long Noblep. Taem mi bon, bigfala brata blong Obed hemi Laurent hem nao iadoptem mi from hemi no gat pikinini.

- fes step long kastom we taem mi bon, papa blong mi Laurent hemi go talem long Kombe blong kilim tamtam blong talemaot se mi wan smol boy long nasara Ameltra.
- Namba five deis blong mi papa blong mi Laurent hemi mekem wan bigfala kaekae long mama we ilukaotem mi.
- Namba ten deis blong mi papa blong mi Laurent hemi mekem wan bigfala kakae blong talem tank yu, mo pemaot Marie Jeanne we hemi doctor blong mi. Long taem ia tu papa blong mi Laurent hemi pemaot mi long really papa blong mi Obed long wan big Liutsip.
- Papa blong mi Laurent hemi workem wan bigfala la fete bakegen blong mi we oli callem la fete ia Marvalval naten (kastom playplay).
- Papa blong mi Laurant imekem mi go long circumcise long Noblep. Long taem ia Uncle blong mi Malsleng mo Isaac tufala itekem mi long Potoria blong go long Noblep blong circumcise. Mi nao mi openem blong go long circumcise imin se – Botbae. Namba tu we emi go emi Pascal Lapenmal.
- Taem we mi maret papa blong mi Laurent hemi ded finis. Papa blong mi Obed hemi stanap wetem mama blong mi Marie Bastiana taem hemi pemaot woman blong mi.
- Taem we mi pem bak mi igo long Wopo (netsel enak) papa blong mi Obed istanap wetem mi long kastom ceremony ia.
- Family tri blong tsioktsiok



*Witness 1 – Ferno Ninimbal of Potko, Atchin M/Land.*

Mi family blong Tomeken, mi wantem talem se Tomeken istap istap wok wetem papa blong mi long Epi. Tomeken imaretem wan woman Rano – Marsisil, (Lilalbuee). Tufala igat 2 pikinini long Epi, Sermen wetem Leimael.

Taem Leimael ino bon yet Tomeken ided long Atchin, Abu Marsisil itekem wan nara man S/W Bay. Long Epi man S/W Bay ided, afta olgeta long Epi oli kam long Malekula wetem Apu blong mi (Apu Waron) we pikinini blong hem Samuel. Olgeta nao oli lukaotem Sermen mo Leimael long ship.

Apu Warkon mo Samuel oli go mekem custom long Arnold long Atchin, kasem tedei olfala mo Apu oli ded finis mo mifala ineva harem se Clement iblong Tomeken. Mi neva harem se mifala igat relationship wetem Clement, blong harem long saed blong maret, circumcise etc..

1990s nao mifala ijtes stap harem se Clement ipikinini blong Tomeken.

*Witness # 2 – Albeney Lapenmal, of Rano*

Mi witness olfala Clement wetem Joella. Papa blong mi Pascal italem se hemi laef wetem tufala parti ia long Rano smol Island long Potoro. Taem hemi smol kasem ibigwan nao hemi jes out long ol family Ourinmal.

Papa ineva harem se bae tufala iraorao wan dei. Papa iluk Obed, neva Obed bae igat question long Clement mo Joella blong talem se wan ino pikinini blong hem.

Papa istap taem Obed ipem woman blong Clement mo Joella. Long taem Clement ipem hem ikam long ol uncle be taem ia Obed istap mo istanap wetem em.

### ***Case blong Defendant – Joella Ourinmal***

Mi Joella Ourinmal we mi stap mekem statement ya blong respond long claim blong Clement we emi claim taetol raet blong Obed Ourinmal. Follem dispute wei istap between Clement mo mi. Mitufala ibin Court long village Court tu taem finis mo mi bin winnim tugeta Court ia.

Fes decision hemi, hemi shud stap anda long Paramount Chief blong mitufala long Nakamal Melnabu, Chief Maltape, from Court ifaenemaot sei hemi no bikinini blong Obed Ourinmal.

Second Court Decision blong Court hemi ko olsem sei Clement imas stap anda long authority blong Joella. Reason from sei Court ifaenemaot sei Clement ino stret pikinini blong Obed Ourinmal. Follem decision blong Rano Council of Chief oli givim 30 deis blong appeal iko long North East area council of chief. Sapos oli no glad long decision. Be oli fail blong aooeal (chief Jackbel, Theirhule Kilecteir mo Rith Socken).

So follem castom mo culture blong North East Malekula taaem yu spend or berem wan man eventhou emi no bladline blong yu, yuk at raet long evri property blong em. Be case blong mi dedei mi mi stret bladline mo mekem evri expenses long ded blong papa wetem help blong paramount Chief blong mi Maltape.

Hemi no tru sei Clement hemi fes bon blong Obed. From mama hemi maret wetem Tomeken blong Atchin. Tufala igat 2 pikinini, Sermer mo Leimael mo hem Clement wei stap yet long bel blong mama.

So taem tufala istap long Epi, tufala imekem decision blong Tomeken bae ikam fes taem long Atchin blong mekem haos blong tufala. So taem mama ikam behaen hemi karem wetem hem tufala bigwan Sermer mo Lemail mo clement wei stap yet long bel blong hem.

Mama ikam long Epi wetem olfala Deni long Rano mo Maltaos blong Atchin long ship Lolita. So taem ship Lolita ikasem Rano, mama ikam daon long Rano, ino mo ko long Atchin. Hemi kam daon long pasis wron mo hemi ko bak long ol famili blong hem Lapenmal long nasara blong Wopo attan. So taem olfala Maltaos iko bak long Atchin hemi talem long Tomeken se mifala ikam bak nao mama olgeta oli go daon long Rano. So long wan Sunday Tomeken ikarem wan bigfala canoe blong karem mama wetem ol pikinini blong hem. So Tomeken iaskem mama blong olgeta blong ko bak long Atchin, mama ino wantem so Tonuken italem long mama sei be olsem wanem long ol pikinini

blong mi mo hemia long bel blong yu. Mama italem long Tonuken sei yuk o bak sapos ibon bae bae mifala ijes kam biae nomo long Atchin. So Tonuken iko bak long Atchin, ino long taem hemi sik mo ded. So taem Tonuken ided ino long taem Clement ibon long Wopo attan. So mama inomo karem olgeta pikinini blong hem blong go bak long Atchin olsem wei italem long Tonuken.

Clement ibon long haos blong Malsling Lapenmal nasara blong wopo attan. So hemi no pikinini blong Obed.

Hemi stret blong mi tekem raet blong Obed Ourinmal from we mi stret bikinini blong hem. Follem ded blong papa Clement hemi no ever spendem 10 vatu long taem ia. Evri expenses long ded mi wan mi mekem mo mi berem papa blong mi Obed. Mi sendem Sethack Maltape 3 taem mo oli refuse mo ko sellout copra long bush. Stret dei wei papa ided long hem.

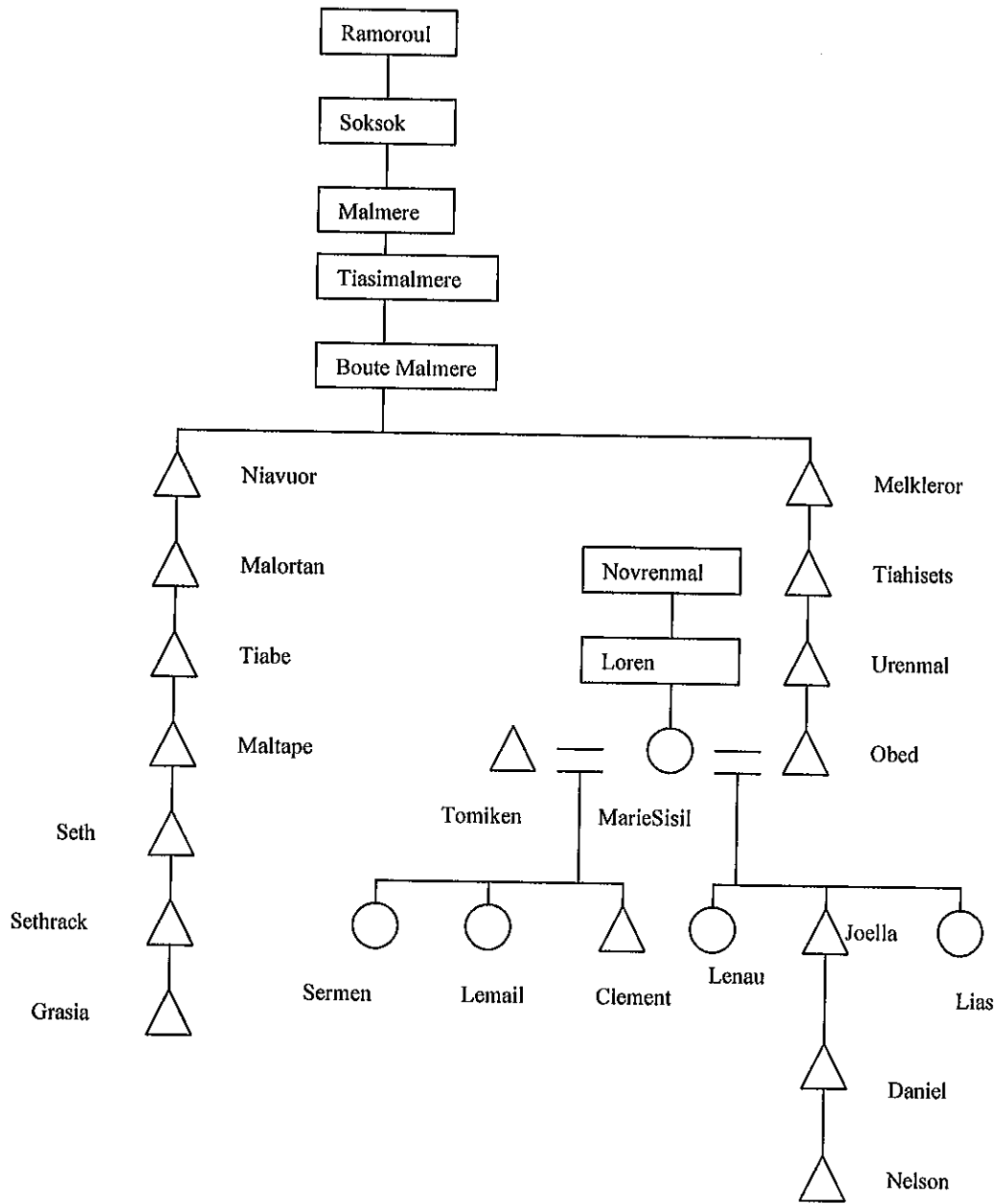
Mo taem papa ilaef yet Clement imekem i pem bak evri kaekae we istap givim long hem long ol evri dei.

Hemi no tru se Kombe ikilim tamtam taem Clement ibon from Kombe hemi blong Ameltra be in oblong Wopo atan. Hemi impossible follem castom blong wan man blong different nasara ikilim tamtam blong wan pikinini wei bon long nasara blong hem. Kombe hemi blong nakamal Petewin be ino blong Melnambu. So hemi no gat raet blong kilim tamtam.

Hemi no tru se Laurent iadoptem Clement. Laurent iadoptem Lias nomo mo pem out Lias long two pigs wetem haos mo graon. Marie Bastiana we hemi wife blong Laurent nomo hemi lukaotem Clement. Marie Bastiana hemi bigfala sister blong mama mo hemi lukaotem Clement from Obed hemi no wantem lukaotem hem. From hemi pikinini blong Tonuken wei hemi man Archin. Mo hemi ded fes taem afta Clement ijes bon.

Hemi no tru sei Lorent hemi mekem kaekae long hem long 5 deis mo 10 deis from taem ia mama hemi no kam wetem long Ameltra yet. So mama istap long Wopo attan sam ples long 6 or 6 manis olsem. Afta we igat arrangement blong mama bae ikam bak long papa blong mi. So mi min sei 5 mo 10 deis ia mama istap yet long Nasara blong Wopo attan. Follem kastom blong North East Malekula boe imas ko long circumcise. From reason ia nao Larent imas mekem Clement iko long circumcise mo hemi duty blong ol uncle blong oli go wetem olgeta.

Reason why Obed hemi stand up wetem Clement long taem blong maret mo taem wei Clement ipem bak hemi go long uncle hemi from se Clement igru up long nasara Ameltra, mo hem wan long olgeta trifala pikinini wei mama ikarem fes taem. Famili tree iwrong long sam nems. Reason why hemi wrong long family tree ifrom whu ya bae itokbaot histry long hem. Family tree blong mi I wan nomo wetem Maltape we hemi Jif blong mi mo mitufala isave gud long famili tree blong mitufala long nakamal Melnabu nasra Ameltra.



*1<sup>st</sup> Witness – Grassiere Seth Setrack of Rano (nasara Ameldra)*

Mi mi paramount Jif blong tufala, Clement mo Joella. Fes bon hemi putum mi Malotank, second bon hemi putum tufala, Maltegru. Raet blong Meltegru nao tufala istap faet from.

Ol apu, Seth, Clement mo Joella mifala nao istret line blong Jif mo mifala igat ol equal share finis we mifala ilaef long hem istap tedei, mo follem rao se Clement ipikinini blong Obed or no gat hemi issue blong nakamal. Oltaem tufala nomo istap rao from Jifly title bo mifala istap quite.

Obed, pikinini blong hem stret hemi Joella. Clement mama ibonem hem aotsaed finis nao hemi jes kam insaed long Nasara mo stap wetem Obed.

*2<sup>nd</sup> Witness – Emile Lapenmal of Rano*

Olfala Clement ibon long Wopoatan (nasara blong mi). Olfala blong mi iputum nem long hem Marcel, olfala blong mi nem blong hem Malselin, oli stap gogo Masisil iout igo long Obed (Ameldra). Masisil iout igo ibonem Lemana, Joella mo Leias mo wan ided.

Papa blong Clement, Tomeken.

*3<sup>rd</sup> Witness – George Kelep of Rano*

MI witness se mama blong mi hemi las bon long tufala uncle ia, Clement mo Joella. Mummy blong mi ilukaotem pupu man – Obed mo pupu woman – Marsisil kasem tufala ided.

Uncle Clement ibon long nasara wopatan, hemi wokbaot finis nao oli jes tekem hem wetem mama blong hemi oli kam long Ameldra.

*4<sup>th</sup> Witness – Jean Louis Kombe of Rano*

Long wan taem, long wan Sunday long Melsingo wan rao ibin tekem ples between Tomekem mo Marsisil.

Tomeken irao wetem Marsisil from se Marsisil ise bae Tomeken ikam long Atchin mo mekem haos mo bae Marsisil wetem ol pikinini ikam behaen. Long taem ia Marsisil ino wantem go bak long Atchin, nao Tomeken ise yu lukaotem pikinini ia long bel blong yu spos hemi gel bae hemi blong yu be spos hemi boy bae ikam bak ikam bak long mi – afta taem pikinini ibon hemi Clement – wan boy.

*5<sup>th</sup> Witness – David Ourinmal of Rano*

Mi witness se Jean Paulo hemi brata blong Desire wetem William wetem Jif Rolland, Kombe, Paul Patunvanu. Mifala nao Jean Paulo ikarem mifala.

Jean Paulo hemi fes bon blong Clement mo hem nao ikarem mifala igo long Atchin blong lukaotem history blong Clement. Mifala igo long Juie Manwo wetem Peterson Manwo from tufala istret nephew blong Tomitil.

Tomitil italem stret se Clement ipikinini blong hem, graon blong Clement nao Berlo istap long hem.

**Ol findings blong case:**

Case ia hemi difficult, especially blong connectem relationship blong Clement Ourinmal wetem Joella Ourinmal whether tufala ireal cousins or no gat. Tufala witnesses blong Clement tufala ino even supportem hem or tufala ino even save gud about history blong Clement tu. For instant taem Court iaskem long Ferno Ninimbal se “yu save se Clement ipikinini blong whu?” hemi ansa se hemi no save. Court ieven askem long Albeney Lapenmal se “tufala ia Clement mo Joella tufala irelated? Hemi ansa se – Yes, wan papa, wan mama mo oli blong Ameldra” then Court ifurther askem se spos oli related then whu ia long tufala ifes bon, witness ansa blong hem se “mi no save”.

However, Court itekem into consideration toktok blong fes witness blong Joella – Mr Grassiere Seth Setrack. Rison from ino gat eni long tufala claimant italem se Mr. Grassiere hemi no paramount Jif blong olgeta. Tufala tugeta iagri se Mr. Grassiere hemi paramount Jif. Ino hemia nomo but famili tree blong tugeta claimant isoem se yes itru

Mr. Grassiere hemi the only existing blad nao ia we hemi entitle long title ya blong paramount Jif from se hemi kam out long line blong fes bon blong family. Since tugeta claimant ino disputem rank or title blong Grassiere, Court itekem se this Mr. Grassiere hemi wan reliable witness and from se hemi kamaot long line blong fes bon, ol toktok blong hem Court itekem into seriously. Wan main point we hemi talem nao se "...Obed, pikinini blong hem stret hemi Joella. Clement, mama ibonem hem out saed finis nao hemi jes kam insaed long nasara mo stap wetem Obed..."

Nara question raise hemi "taem oli pem woman wei gat bel finis outsaed ikam insaed long nasara, hemi gat raet long taetol blong Jif? Answer – "no, hemi kam in olsem adoption, bladline fes taem afta ijies adoption".

Olgeta nara witness blong Joella oli stanap strong tu blong supportem paramount Jif Grassiere blong talem se Clement ino stret pikinini blong Obed but Joella nao hemi stret pikinini blong Obed.

Wan nara point long ples ia we Court inotem se why nao bae Kombe ikilim tamtam taem Clement ibon, from tufala ia Clement mo Kombe tufala iblong tu different nasara. Kombe bae ikilim tamtam nomo spos wan bebi boe ibon insaed long nasara blong hem for example taem Court iaskem Jean Louis Kombe se from wanem bae oli mas kilim tamtam taem wan pikinini ibon mo hemi ansa se "oli kilim tamtam spos babe hemi wan boe mo spos hemi pikinini blong nakamal blong yumi stret".

#### **Law we Court I applaem:**

CAP 167 (s.10) – Application of customary law

Subject to the provisions of this Act, an island court shall administer the customary law prevailing within the territorial jurisdiction of the court so far as the same is not in conflict with any written law and is not contrary to justice, morality and good order.

Translate:

CAP 167 (s.10) – Kot hemi mas applaem kastom

Subject long seksen blong Act ia, aelan kot hemi mas aplaem kastom we istap insaed long eria blong paoa blong hem, spos oli no gat conflict wetem eni loa we oli stap raetem, mo no gat konflik tu wetem jastis, morality mo gudfala orda.

#### **Apply Law igo long fact:**

Section blong Law we Court ia istap applyem tudei hemia antap – CAP 167 (s.10).

Common practice mo custom insaed long nasara ya, long bifo ikam kasem tudei hemi oltaem fes bon son nao hemi stap inheritem title ia blong Jif. Ino eni fes bon but fes bon follem bladline. Pikinini boe we mama igat bel long hem finis afta ikam in long wan nasara bae pikinini boe ya imas putum hem daon mo kam andanit long authority blong ol stret bladline.

Olgeta points ya nao oli ol gudfala orda we hemi ol custom practice blong long taem finis ikam.

Court inotem se Clement hemi part insaed long family Ourinmal follem nomo ol toktok blong hem se long ol custom ceremony we hemi stap performem ol famili Ourinmal mo



ol man long nasara Ameltra nao oli stap stanap wetem hem. Be long reality olsem we ol witnessis oli talem finis se oli mas stanap wetem hem nomo from papa blong hem ided finis – we hemi Tomeken

**Las toktok:**

Dispute ia hemi causem plante division between olgeta Clemens, Court iwantem se bae peace imas stap ol taem. Eni wan insaed long family we bae itraem blong brekem order ia hemi save pass long Court from contempt blong Court Order or fine or go long kalabus.

**DECISION:**

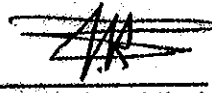
**Afta we Court iharem ol toktok blong tugeta claimant mo harem ol toktok blong ol witnesses, Court istap mekem ol orders olsem:**

- **Court istap declare tedei se yu Joella yu bon insaed long family Obed, yu kam olsem second bon mo yu entaetol blong tekem rank blong Jif insaed long famili blong yutufala. Bae yu stap andanit long paoa blong Paramount Jif blong yufala Mr. Grassiere Seth Setrack.**
- **Court irule se yu Clement yu yu part insaed long family Ourinmal thru long adoption mo yu no save karem taetol blong Jif.**
- **From tedei 27<sup>th</sup> February, 2008 sapos eni parti ino agri long decision yu kat 14 deis blong mekem appeal blong yu igo long higher Court.**

Dated long Lakatoro this 27<sup>th</sup> dei blong February, 2008

  
Jastis Pierre Kar

  
Jastis Douglas Fatdal

  
Jastis Robert Niptick

