

**IN THE MALEKULA ISLAND COURT
OF THE REPUBLIC OF VANUATU**
(Civil Jurisdiction)

CIVIL CASE 04 OF 2015

BETWEEN: AISEN WILLIAM

Claimant

**AND: CHIEF KALRAN ATI
CHIEF GIBEON ATI
CHIEF KALRAN ATI
ROBERT TOAME
JEFFREY WILLIAM**

Defendants

Date of Hearing: 21 July 2021
Date of Judgment: 06 August 2021
Before Justices: Douglas FADAL (Chairperson), Johnsen Frazer, Patisson PETER
Clerk: Collyne Tete Maki
In Attendance: Claimant - Present
Defendant - Present

ORDER



1. INTRODUCTION

Kot emi welkam ol parties mo ol famile memba we oli present blong listen long kes. Jeaman blong kes em i talem maot olgeta tri (3) jastis we oli sit daon long kes mo I no gat any objection we wan long olgeta parties I mekem long olgeta. Kot em i letem ol parties oli save se decision blong olgeta bae em i follem nomo ol toktok blong olgeta we bae I kam maot long kot.

Claimant emi mekem applikesen I kam long kot blong tekem maot papa blong em Jeffrey William blong emi no wan party blong kes mo emi infomem kot se wan long ol defendan Robert Toame emi pass away finis so bae emi no stap olsem wan defendan long kes ia. Kot emi grantem mo proceed wetem kes.

2. ISSUE BIFO LONG KOT:

1. *Follem Kastom from wanem nao ol jif long miting blong olgeta oli bin no luk save custom raet blong claimant?*
2. *Follem Kastom Claimant emi gat raet blong tekem maot raet blong papa blong em or no?*

3. BACKGROUND BLONG CASE

KLEIMEN

Claimant emi originally blong Tautu vilij Central Malekula emi mekem applikesen I kam long kot mo filem long namba 19 dei blong manis February 2015 mo claim se:

1. *Long wan Nakamal miting long namba 4 dei blong manis December 2014 olgeta 3 jifs ia oli bin hollem miting mo tekem maot wan raet we papa blong em I givim or blessem em long em finis;*
2. *Emi talem tu se long Kastom sapos yu blesem or baptisem wan man long wan kastom nem finis yu no save karem maot.*

Emi submittem kleim blong em I kam long kot mo statem se I bin gat wan Kastom ceremony we I takem ples long yia 1998 we papa blong em Jeffrey William mo uncle blong em Anatol Lingtamat tufala I organisem mo papa blong em emi bin gem nem ia long uncle blong em blong emi slappem baksaed blong em wetem nem ia "Meltekrelnaur". Killem or slappem baksaed emi wan pat blong Kastom taem we yu wandem givim nem long wan man.

Emi claim se follem sam smolsmol raorao insaed long family blong mi nomo we oli talem se nae mi nomo jif, we I mekem emi filem kes long vilij kot mo ol jajem kes mo talem se bae raet we papa blong em I givim long em bae I ko bak long Jeffre William fastaem we emi no agri long em from emi no follem Kastom blong olgeta.

Witness blong em Daniel Openi Harry blong Anuatak vilij blong Nortwest blong Malekula emi talem long kot se follem Kastom sapos emi gat wan boe follem blad laen blong em emi jif finis mo sapos boe blong em I pefomem namangi emi no gat raet blong emi ko tekem maot nem ia long boe blong em bakegen.

DEFENDAN

Ol defendan Oli tekem wan spokesman we emi Kensie Ati emi respon mo talem se oli no filem any response I kam long kot be emi submittem vilij kot decision nomo we emi deited 04 December 2014 we ol Jif oli mekem decision mo tekem maot raet ia long Aisen William mo putum I ko bak long



Jeffrey William from we pig killing ceremony we Aisen emi mekem emi no valid. Follem risen ia nao i mekem nao kleimen emi kam filem kes I kam long kot.

Kot emi letem spokesman emi save se bae oli no question decision blong vilij kot ia from kes emi stap naia long kot bae kot I proceed nomo wetem witness blong ol defendan we emi papa blong kleimen Jeffrey William.

Witness Jeffrey William emi talem long kot se namangy we Aisen emi mekem lon yia 1998 emi blong kam wan assessor I no blong tekem nem Meltekrelaur. Emi talem se risen why bae emi mekem namangy blong kam assessor from we David Apia emi ded mo bae Aisen nao emi tekem ples blong em.

Kot ia emi mekem ol findings ia follem Kastom blong Malekula.

4. COURT FINDINGS

- 1) Kot I faenem maot se Kensie Ati we emi spokesman blong trifala Jifs ia we emi Kalran Ati, Gibeon Atimo Robert Toame emi no ansarem kleimen long taem blong cross examinesen we ui showem long kot se emi no save gud backraon blong kes ia mo emi no save long issue long kes ia
- 2) Kot I faenem maot se papa blong kleimen we emi Jeffrey William emi witness blong ol defendan mo emi talem long kot se namangy ceremony we Aisen emi pefomem emi blong tekem raet blong kam wan assessor nomo I no blong kam wan jif
- 3) Kot I faenem maot se Jeffrey William emi agri se follem Kastom ol assessor oli no save killem or pefomem namangy
- 4) Kot I faenem maot se Jeffrey William emi confemem long kot se blong putum or kam wan jif bae jif Ia emi mas killem or pefomem namangy
- 5) Kot emi faenem maot se emi no stret follem Kastom blong ol defendan oli tekem maot raet long kleimen we emi Aisen William, afta we uncle blong em I tajem em or blessem finis
- 6) Daniel Openi Harry we emi witness blong kleimen emi confemem long kot se follem Kastom sapos wan papa emi gem wan taetol long son blong em blong em I kam jif bae papa ia em I nomo gat raet blong tekem maot long son blong em bakgegen.
- 7) Kot I faenem maot tu se follem Kastom wan Jif I mas passem raet blong em long fes bon son blong em. Sapos we emi no gat wan son then emi save passem long surviving blad laen blong em, mo emi no save tekem maot or tekem bak raet ia bakegen.

5. COURT ORDERS

1. Decision we ol Jif oli mekem long namba 04 dei blong manis December 2014 mo deniem and tekem maot kastom raet blong Aisen William we papa blong em emi givim long em finis emi no valid mo stret follem Kastom
2. Eni long ol parties I no hapi long decision ia emi gat 30 dei blong emi apil ko long Magistret kot



ODA IA KOT I MEKEM LONG 06 BLONG MANIS AUGUST 2021

BY THE COURT



Justice Patisson PETER



Justice Johnsen FRAZER



Justice Douglas FADAL

Chairperson



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Emi submittem kleim blong em I kam long kot mo statem se I bin gat wan Kastom ceremony we I takem ples long yia 1998 we papa blong em Jeffrey William mo uncle blong em Anatol Lingtamat tufala I organisem mo papa blong em emi bin gem nem ia long uncle blong em blong emi slappem baksaed blong em wetem nem ia "Meltekrelnaur". Killel or slappem baksaed emi wan pat blong Kastom taem we yu wandem givim nem long wan man.

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- 3) Kot I faenem maot se Jeffrey William emi agri se follem Kastom ol assessor oli no save killem or pefomem namangy
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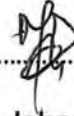


ODA IA KOT I MEKEM LONG 06 BLONG MANIS AUGUST 2021

BY THE COURT



Justice Patisson PETER



Justice Johnsen FRAZER



Justice Douglas FADAL

Chairperson

