

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

Civil case 2313 of 2016

**BETWEEN:** KIZITO TEILEMB  
**Claimant**

**AND:** FAMILY MALVARU  
**Defendant**

***Date of Hearing:*** 18 August 2021

***Date of Judgment:*** 12 NOVEMBER 2021

***Before Justices:*** Joses LINGI (Chairperson), Walter PHILIP,  
Presilla JOHNETY

***Clerk:*** Collyne Tete Maki

***In Attendance:*** Claimant - Present  
Defendant – Present



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## JUDGMENT

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### 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 tedei. Mr Kizito Teilemb emi toktok long kes blong em nomo and Mr Jean Marie Malvaru emi toktok on behaf blong family Malvaru.

Kleimen emi mekem applikesen I kam long kot mo kleim se papa blong em Loney Meltecos emi adoptem em.

### 2. ISSUE BIFO LONG KOT:

- I. *I tru se olfala man ia Loney Meltecos emi mekem wan kastom adopsen long Kizito Teilemb?*
- II. *Adopsen ia emi follem kastom process blong VAO village or no?*

### 3. BACKGROUND BLONG CASE

#### KLEIMEN

1. Kleimen emi filem kleim blong em mo statem se emi originally blong VAO vilij Northeast Malekula emi mekem applikesen I kam long kot mo filem long namba 18 dei blong manis July 2016 mo claim se taem emi no bon yet adopted papa blong em emi ko luk stret or biological papa blong em mo talem long em se sapos woman blong em i bonem bebe emi boe bae emi blong em.
2. Emi statem tu se Meletecos emi adopted I ko insaed long Latob Untine nakamal mo emi no adoptem any family Malvaru.
3. Taem we emi bon Meltecos wetem wife blong em Levaly tufala i spendem mani blong lukatotem em. Wife blong em i ko stap silip wetem biological mama blong em long hospital blong helpem em blong lukaot long bebe.
4. Taem emi kasem age blong 10 emi rus blong em we long Kastom oli kollem "role nato nahak"
5. Long yia 1996 I gat bigfala Kastom ritual blong adopsen we pablik i kam witnessem. Oli blo long bubu we vilij blong Vao from wan end to nara end oli harem saon blong bubu ia. Meltecos emi mekem Kastom adopsen ia we counsel of jif blong village oli witnessem mo secretary blong jif long taem ia emi Darius Betsai.
6. Emi statem tu se Meletcos oli no adoptem em i ko long Latob Utine Nakamal emi stret blad laen blong family Malvaru stat long generesen tu genersen kasem tedei.

Emi gat 4 witness we 3 long olgeta 1 i stap long Lamap and 2 emi tekem video clip nomo long ol toktok blong olgeta bogn oli witness we kot i no allowem from bae oli no save cross examinem ol clip ia. So bae emi proceed wetem Roberto Meltekneneim.



### **ROBERTO MELTEKNEKNEIM**

1. Emi statem se stret pupu blong em emi Loney Meltecos we pikinnini blong em gel nao i bonem em
2. Emi se emi luk mo emi save we pupu blong em i adoptem Kizito
3. Olsem we Kizito I statem I at tri (3) pat blong Kastom we pupu blong emi mekem long Kizito
4. Emi talem tu se pupu blong em Meletcos emi no adoptem wan mo man or any long ol family Malvaru emi adoptem Kizito nomo wetem wan Bovar.

### **DEFENDAN**

1. Spokesman on behaf blong family Malvaru we emi Jean Marie Malvaru emi filem response I kam long kot long namba 18 dei blong manis August 2021 mo statem se Meltecos emi no blad laen blong Latomb Etine ( Latob Utine) Nakamal.
2. Hemi kam long Breatfrut "Bogh Botmavuret" long Toghvanu mo emi kam sev long Latamb. Taem we olfala Meltecos emi kam blad laen blong Nakamal blong Latomb Etin ( Latob Utine) I form mo breath finis.
3. Emi statem tu se Malvaru emi laef blad blong Latomb Etine (Latob Utine) Nakamal I no adopted olsem we Kizito emi statem long kleim blong em.
4. Emi respon mo statem se Kizito emi talem se oli mekem kastom long em long wan Boware (Bovar) (pig we gat tut) emi no tru mo in o valid.
5. Long dei we blong event ia papa blong em Jean Malvaru wetem mama mo brata blong olgeta Roland oli ko long garen antap long Neginwar we emi far away
6. Event we claimaint emi tokbaot emi no save happen from we papa blong em Jean Malvaru emi no stap so oli sendem 3 jif I ko from em blong emi present blong witnessem adopsen blong Kizito be Jean Malvaru emi se mi no save stap from we emi no acceptem adopsen ia insaed long Nakamal blong em
7. Taem we Jean Malvaru emi kam bak long Karen Meletcos emi ko luk em mo askem long em follem adopsen ia mo Jean Malvaru emi respond mo talem se "emi no acceptem adopsen ia from we ol ancestor blong blad ia oli killem ol family blong em long Nakamal blong em mo yu forget we Melteinehat pupu blong Kisito emi mekem trabol long mama blong yu".
8. Meletcos emi respon mo talem se Marie Dolores nao emi mekem adopsen ia
9. Payment blong Boware we Kisito i talem se oli pem em long em emi no proper follem Kastom.
10. Kastom blong brekem leg blong faol mo ko askem Kisito long olgeta olgeta I no save long emia.
11. Adopsen blong kleiman emi no stret follem VAO Kastom loa.

### **ARTHUR APATUN**

1. Emi witness blong talem se adopsen blong Kizito emi no stret follem Kastom

### **BARTHELEMY GREGOIRE**

1. Emi witness mo talem se Kizito emi no blong Latob Utine Nakamal be emi blong Lalep antap long bush long Walla so emi no save kleim adopsen blong tribe blong Latob Untine.



Defendan emi withdrawem las witness blong em we emi Rolland Malvaru from em tu bae emi kam talem semak toktok nomo olsem tufala nara witness.

#### 4. COURT FINDINGS

##### KIZITO TEILEMB

Kot I faenem maot se:

- 1) Meletcos emi adopted nomo i ko insaed long Latob Utine Nakamal
- 2) Meletcos emi adoptem Kizito Teilemb from we emi no gat pikinnini we emi boe be emi gat 2 gel
- 3) Meletcos emi no semak blad laen wetem family Malvaru mo oli no semak nakamal
- 4) Adopsen blong Kizito Teilemb emi follem kastom blong eria blong VAO stat long taem we emi no bon yet, waef blong Meletcos I ko silip wetem long hospital kasem we adopsen ceremony emi tekem ples taem we emi bigwan
- 5) Ol steps blong adopsen blong blokem doa ( we adopted mama blong em) I mekem long hospital mo Meletcos tufala I stap mekem emi showem se bae tufala I tekem maot Kizito olsem adopted boe blong tufala
- 6) Witness blong em Roberto emi stap mo bin witnessem adopsen ceremony ia we Meletcos i mekem long Kizito
- 7) Adopsen ceremony blong Kizito ol pipol mo sam Jif blong VAO long VAO vilij oli bin witnessem ceremony ia so I minim se adopsen i bin tekem ples
- 8) Kot I faenem maot tu se adopsen ceremony ia Meletcos I bin mekem wetem wan pig we tut I fas we iu showem se I gat real value blong Kastom long adopsen blong Kizito
- 9) Kot I faenem maot tu se ceremony we oli mekem wetem faol mo pig long Kastom I gat value long em

##### FAMILY MALVARU

Kot I faenem maot se:

- 1) Defendan emi no agri long adopsen ceremony ia mo oli no present long ceremony ia mo ron we ko stap long Karen
- 2) I tru se oli save gud se bae gat wan adopsen ceremony we Meletcos bae emi mekem long Kizito be olgeta oli no pat long em
- 3) Defendan oli no agri we Meletcos bae emi adoptem Kizito we oli should ko stoppem odinesen ia be oli no mekem any samting
- 4) Defendan tu emi agri se wan adopsen ceremony we i gat value long em emi taem we pikinnini i jes bon kasem taem oli mekem wetem wan ceremony blong Bovar (***pig we tut ifas***)
- 5) Kot i faenem maot tu se follem VAO Kastom loa section 40 i clearly talem se "***brekem leg blong faol blong pemaot pikinni long family (insaed or aotsaed long family)*** so I minim se adopsen aotsaed long stret blad laen tu I save happen i no olsem we defendan emi talem se yu save adopt insaed long stret family laen nomo



- 6) Witness blong em Arthure Apatun emi confemem tu se em tu i stap long taem blong adopsen ceremony so i minim se adopsen ceremony we Meltecos I mekem long Kizito i bin tekem ples or bin happen
- 7) Defendan mo ol witness blong em tu oli agri se Bovar (***pig we tut i fas***) emi gat value long em long saed blong Kastom


**5. COURT ORDERS**

1. Olfala Loney Meltecos emi adoptem Kizito Teilemb
2. Adopsen we man ia Loney Meltecos emi mekem long Kizito Teilemb emi stret follem kastom blong VAO village, Northeast Malekula
3. 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 NAMBA 12 NOVEMBER 2021**


**BY THE COURT**

**Justice Presilla JOHNETY**



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**Justice Walter PHILIP**



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**Justice Joses LINGI**

**Chairperson**

