

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

**CIVIL CASE 1909 OF 2020**

**BETWEEN: JOSES LINGI TUNMAL**

**Claimant**

**AND: KALONDAK MELE**

**ROY HAROLD**

**SETHY AIMAN**

**Defendants**

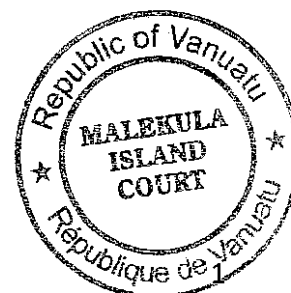
***Date of Hearing:***            ***28 March 2024 to 03 April 2024***

***Date of Judgment:***        ***05 April 2024***

***Before Justices:***         ***Douglas FATAL (Chairperson), Max  
ARNAMU, Johnwesly TAWI***

***Clerk:***                        ***Collyne TETE MAKI***

***In Attendance:***            ***Claimant: Joses Lingi - Present***  
***Defendant 1: Kalondak Mele,***  
***Defendant 2: Roy Harold &***  
***Defendant 3: Sethy Aiman – Present***



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## JUDGMENT

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Kot emi welkamem everi parties we oli present bifo long court long hearing blong paramon jifly taetol kes blong Nejeng long Lareveth village, Malekula Island.

Kes blong Nejeng ia emi registered bifo long Malekula aelan kot follem *Island Courts ACT CAP 167 section 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 wrüten law and is not contrary to justice, morality and good order mo tu;*

Bifo kot I harem jifly taetol kes ia claimant emi raisem question se I gat wan Application for struck off we Defendan # 1 emi filem I kam long kot. Be taem kot I askem defendan 1 emi agree blong Island court I proceed blong harem case blong jifly taetol mo leko Application blong struck off mekem hearing I proceed.

### ISSUE BIFO LONG KOT:

1. *Whu long olgeta parties ia kleimen or ol defendans nao em i stret man blong tekem tateol blong Paramon Jif blong Nejeng?*
2. *Follem kastom blong Lareveth wanem nao stret fasin follem kastom blong karem wan paramon jifly taetol?*
3. *Follem kastom I possible blong gat 2 paramount jif long nasara blong Nejeng or no?*

### BACKGROUND BLONG CASE

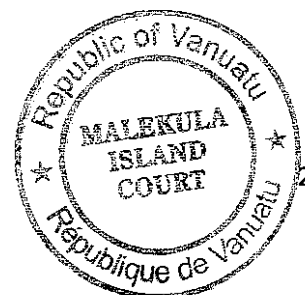
Mr Joses LINGI emi filem kes ia long Thursday 25 July 2019 long 1:44pm long afternun mo putum long kleim blong em se emi kleim paramon Jifly taetol blong Nejeng long Larveth village, Malekula.

Defendan 1 Kalondak MELE emi respond long kes ia mo filem response blong em long Monday 05 August 2019 long 2:58pm long afternun.

Defendan 2 Roy HAROLD emi respond long kes ia mo filem response blong em long Friday 09 August 2019 long 9:13am,

Defendan 3 Sethy AIMAN emi respond long kes ia mo filem response blong em long 14 August 2019 long 2:37pm long aftenun.

Kot I askem nem blong ol witness blong olgeta parties mo semak taem talem long ol witnesses blong ko aot long kot rum from we bae kes ia emi proceed long lo risen se ol defendans oli no agri long claim blong Joses.



## KLEIM BLONG KLEIMEN

Kleim blong kleimen we emi filem I kam long kot emi tokbaot kastom history blong em mo talem se emi stret blad laen blong paramon jif we emi holem taetol nem ia "TUNMAL". Follem histri blong em I travel mo kam sho long pasis blong Varea. Benmal wetem papa blong em nao oli kam sho long pasis long Varea ong canoe blong em wetem family blong em mi tufala wokman blong em.

Papa blong Benmal emi sendem maot Benmal wetem woman blong em mo tufala wokman blong em blong oli I ko markem graon blong olgeta. Sapos oli markem graon finis kasem mark blong olgeta bae oli mekem wan sign blong showem long em.

Benmal emi fes man blong settle long hed blong wota long Momvar mo follem I kam antap long hill long Momvar. Em wetem woman blong em tufala I stap kaekae fruit blong nemel nomo. Tufala kam settle antap long hila ia. Afta samtaem tufala I finemaot se I no bin gat man long ples ia. Tufala I ko tekeem tu nlang mo rubbem tugeta blong mekem wan fire long em. Fire ia emi wan special fire blong mekem sign blong talem maot long papa blong em long solwota mo tufala boe blong em se emi oraet nao blong kam mitim em.

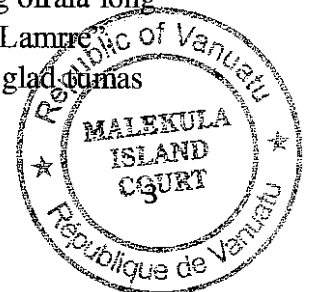
Tufala wok boy blong jif Benmal emi pupu blong papa blong Nikodamis we emi papa blong Willie mo pupu blong papa blong Namasing we emi papa blong Smethen. Tufala I luk fire, tufala I kam blong talem aot ples we tufala I bin stap settle long em. Oli follem gud nao finem se emi sem creek nomo oli serem olgeta olsem we papa blong jif I advisem olgeta blong oli ko mekem, we em I creek blong Momvar.

Olfala papa blong jif Benmal I luk smok blong fire nao em I karem solwota I kam meetim olgela long ples we oli mekem fire long em, we em I long hil long Momvar we oli singaotem "Tenmial" mo hollem wan stik fire I ko bak blong talem maot long ol family blong em se evri samting em I oraet olsem we em I talem.

Olfala papa blong jif Benmal I kam wetem pig mo tufala boi blong jif, pupu blong papa blong Nomasing we emi papa blong Smethen mo pupu blong papa blong Nikodemis we em I papa blong Willie tufala tu I kam wetem pig blong registerem lan boundary mo sem taem oli stanemap fes nasara blong Benmal mo nemem se em I "Nejeng" we emi minim 'sit daon antap'

Taem Benmal I kasem white rooster faol we emi identity blong tribe we I follem em I karem feta blong em putum long hed mod anis wetem, ale papa blong jif Benmal I putum taetol blong nem I we emi "Benumal", semataem jif Benumal I mekem tufala boe blong em tu I putumap ston blong tufala mo tekemap taetol blong tufala we emi smol fire blong jif Benumal long Nejeng.

Sam taem I pass wan olfala laen blong Mele I kam tru long pupu blong papa blong Nokodemus. Mo pupu blong papa blong Nomasing, tufala I tekem I ko long jif Benumal mo jif benumal I askem long tufala se "whu ia nara man we I kam wetem yutufala?" na tufala I talem aot storian blong olfala laen blong Mele mo oli serem fire wetem hem. Oli storian long rod blong olfala long laen blong Mele mo finemaot se em I kam maot long wan creek blong wota we emi "Lamre Hemi luk fire nao em I follem I kam maot long olgeta. Olfala long laen blong Mele I glad olmas blong joenem olgeta.



Olfala long laen blong Mele em I kam stap wetem jif Benumal mo jif I putum em I kam tambu fire blong em. Jif Benumal I mekem olfala long laen blong Mele I putum stone blong em we I soemaot se emi kam settle wetem jif olsem tabu fire mo nemem em “Telis” we I minim se “em I jes kam”. Long laen blong Mele em I gat wan stone ia nomo we I stap klosap long bigfala nasara blong mi” Nejeng”

Long Tenmiel yet oli gat ol pikinnini blong olgeta mekem oli plante. Afta Samtaem I pas oli stanemap namba 2 nasara blong jif Benumal we em I killem pig mo stanemap stone blong em mo putum nem blong em “Harven” we I minim se “oli plante”.

Afta sam taem olfala long blong Mele I mekem problem long woman blong jif Benumal mekem se oli raorao moo li seseraot. Olfala pupu blong Nikodemas we em I papa blong Willie I aot I muv I ko long Alemp, olfala blong laen blong Mele I ko long Momplit(lanir) we em I graon blong tufala we jif Benumal I bin givim long tufala. Be pupu blong Nomasing we em I papa blong Smethen nomo I stap wetem jif Benumal.

Long Aleimp pupu blong Nikodemis we emi papa blong Willie em I putumap tri (3) stone blong em we tedei Kalondak Mele I stap kleim se em I nasara blong em.

Afta we oli seraot, jif Benumal mo pupu blong Nomasing we em I papa blong Smethen oli muv I ko daon long hill blong Mendereng mo papa blong jif Benumal I kam stap wetem tufala blong stanemap namba tri (3) stone we jif Benumal I kilim pig blong talemaot se no mata long problem em I stap olsem hae jif blong olegta yet. Em I nemem nasara ia “Tembimn” we I minim se I smol I stap, long Tembimn nao boe blong jif Benumal I bon oli putum nem blong em “Dasdamp” we I minim se “ples I empty”. Oli stap long ples ia kasem olfala Benumal mo wife blong em I ded.

Nao Dasdamp wetem papa blong Nomasing we em I pupu blong Smethen oli muv aot ko long Tevic, long ples ia evriwan oli kam bak tugeta bakegenmo mekem peace wetem Dasdamp mo evriwan oli pulum pig mo putumap Dasdamp I kam jif blong olegta, mo nemem nasara ia em I “Lemnembel” I min se “ples blong bigfala son o ples blong pigeon blong faol”. Oli kam luk save mo respectem jif Dasdamp olsem ia nao. Dasdamp nao I killem pig long namba fo (4) nasara “Lemnembel” blong tekem taetol rank blong jif blong Nejeng. Long Lemnembel nao gospel I kam nao oli sakem hidden laef blong olgeta bifo oli ko daon long solwota.

Afta evriwan oli move I ko daon long solwota stret long Varea. Afta sam taemi pas wetem relationships we man Negeng I gat wetem Vara mo olman tape, evriwan I wok tugeta blong stanemap ston mo Desdamp I kilim pig blong kohed bogn leftemap taetol blong em olsem jif blong Nejeng. “Amelnevet” em I nem blong nasara we I min se “nakamal blong ston” long Varea ia yet Urenmal wan (1) boe blong Dasdamp I bon.

From gospel I kam I mekem se naoia evriwan I ko hed blong muv follem solwota nomo. Taem Urenmal I bigwan, em I stap leadim ol man bong danis kastom nao emi stanemap wan smol nasara we nem blong em “Nkansghagns”. Nasara I gat big hol long medel, ples we oli danis long em.

Oli kohed blong mekem ol kastom bisnis tugeta be one long Lalie long line blong Mele I ko hed blong stap raorao from taetol blong jif mo trim blong putum daon Urenmal mo tokova olsem jif



blong Nejeng. Be ol jif long Tabe tribe we oli stap klosap we oli kam part long ol kastom tingting ia. Ol apu long Vare mo tufala smol fire blong Nejeng we emi apu blong Willie mo apu blong Smethen, oli kam tugeta mo stanemap stone mo mekem "Urenmal" I killem pig blong karem taetol blong jif blong Nejeng mo nem blong Urenmal I we I minim se "putumap jif" Nem blong nasaraia emi "Amelsnef" we I minim se nakamal long wan "smol level ples".

Long taem ia nao I gat plante line blong Tape tribe oli kam blong oli stap move tugeta wetem tingtingblong kastom mo church, skuls mo planem cotton trees oli kam plante. Oli move I kam long Laharteremp mo mkem Urenmal I stanemap lass ton blong em we emi "Amelperif" we I minim se "tufala nakamal."

Urenmal I maretem wan woman Hartelembe mo tufala I gat tri boy nem blong ogeta emi Buel fes bon, Venubel sekon bon mo las bon emi Lingi. Buel mo Venubel tufala I ded mo tufala I no gat pikinnini, las bon we emi Lingi mama blong I bonem em afta I ded. Lingi I smol mo no gat man blong lukaotem emmekem Urenmal, papa blong Lingi I karem em I ko long ol uncle blong emlong Hartelembe blong oli lukaotem em. Emi life long han blong ol uncle blong em taem Ia oli live long Lendo mo Ameliakus we emi bigwan, emi kam bak. Be emi kasem big leg mo emi blaen mekem emi no killem pig blong karem taetol, be ol pipol we oli liv long Larveth long taem ia mo Tapet tribe oli save se Lingi em blood line blong jif blong Nejeng.

## **RESPONSE BLONG OL DEFENDANS**

### ***DEFENDAN # 1 KALONDAK MELE***

Defendan em filem wan claim or putum wan statmen I kam long kot long Monday 05 August 2019. Emi respond mo talem se tudei we chiefly taetol blong Nejeng cases blong em I kasem Island court klosap I tekem six-page blong readim be mo than 80% long ol statemen blong em I no tru from we emi gat 2 witness nomo mo emi statem tu se Joses I wokem changem statemen blong em long everi court hearing we oli stap ko long em.

Emi mekem clarification se Nejeng nakamal I no kam long wan country or travel kam long canoe samples I kam sho long Nejeng. Emi statem tu se foundation blong Nejeng long histri blong em I gat 1 pig we I gat 3 pikinnini we fes pikinnini blong pig emi bigfala jif mo scond pig emi smol fire mo las bon blong pig emi tambu fire we emia nao emi governing system we I blong Nejeng we I stap bifo finis kasem tedei.

Emi statem tu se histri blong Lingi Jack Huren someples long yia 1920's ol man blong Nejeng oli ko long wan kastom ceremony antap long Lendo mo Lambumbu during long ceremony iaoli faenem se boy ia Lingi I bin ko long toilet insaed long nakamal moo I man long nasara ia oli decide blong killem em, be long taem ia ol man Nejegoli decide blong tekem em I kam long Larevat mo tekem gud care long em kasem taem emi bik wan mo ol man Nejeg oli mekem emi circumcise.

Samples 1940 emi statem tu se wan woman biknambas long vilij blong Wial nem blong em Laihari blong I maretem wan man Larvat we nem blong em Sesai mo taem oli stap mekem arrangmen Ia Sesai I finem maot se woman ya Laihari I gat bel finis klosap seven (7) manis mo emi refus blong stap wetem woman ia from we emi gat bel finis blong wan man Amok long



nakamal blong Nipima mo man ia ne, blong em Yalai so taem Sesai I refuse blong tekem woman ia oli askem long Lingi blong tekem woman ia mo emi agri blong tekem em. Emi statem se Lingi emi no pikinnini blong Lingi be Grem nomo emi pikinnini blong Lingi.

Emi further statem se Jif Joel Yalea oli no wan chief but place we leadership ia I transfer hemi taem bifo we jif Johnnie mo Mele tufala I holem tu taetolwan emi real jif blong Nejeng nakamal mo bakegen tufala I appointed olsem Asessa then long 1975 Mr Wilkin I askem Mele blong sapos I save faenem wan blong I replacem em. Long taem ia nao Mele I appontem Joel Yalea blong I kam new assessa blong I replesm em. During long appointment ia Mele ino givim out jifly taetol blong Nejeng but I handem ova nomo leadership we tufala council I givim long hem olsem ASSESSA. Emi statem further se raet blong paramon jif blong Nejeng late Mele Dura long yia 1984 I performem wan kastom mo hand ova taetol blong jif blong Nejeng I ko long boe blong em mo nemem Harden Dura. Emi statem tu se sam year I pass Jif Joel emi mekem wan kastom ceremony mo hand ova taetol blong Jif I ko long boe blong em Joses.

Emi statem tu se Samtaem long yia 2018 elder Jepeth Harry I bin mekem wan kastom I ko long family Mele mo talem sorry from wanem we em wetem olgeta man kam oli mekem agensem family Mele mo talem maot long taem ia se family Mele nao oli jif blong Nejeng.

#### *DEFENDAN # 2 ROY HAROLD REPRESENTING APU WILLIE NEJENG*

Defendan emi filem claim blong em long Friday 09 August 2019 mo statem se Harol emi bon long wan woman big nambas we nem blong hem Tnupa. Woman ia emi mama blong Harol. Tnupa I out long big nambas I ko stap wetem Sami long Mbaros. Taem apu Willie Nejeng I harem news ia emi sendem Kara we emi brata blong woman ia blo ko askem long Sami.

Taem Kara emi askem long Sami blong tekem woman ia Sami I se istret, afta I askem se bae olsem wanem long smol boe ia? Willie Wengin I se tekem hem I kam. Apu Willie Nejeng emi lukaotem gud Harol olsem pikinnini blong em mo taem em I putum em long circumcise.

Afta long circumcise apu Willie Wengin I pem nambas I ko long uncle blong em Kara. Apu Willie Nejeng I pem wan woman blong em we nem blong Susan oli pem em long house blong Apu Peter we emi papa blong elder Kapi.

Harol mo Susan tufala I stap sam years afta tufala gat fes bon boe blo tufala we nem blong em Wasande Harol. Wasande Harol emi stap wetem apu Willie Nejeng kasem taem emi ded. Apu Willie emi ded long dremdrem afta mifala I berem em long Bakaret.

#### *DEFENDAN # 3 SETHY AIMAN*

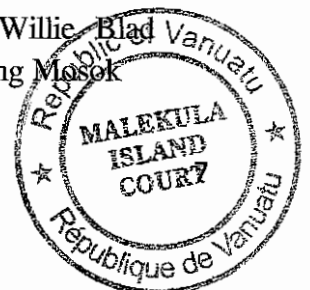
Defendan emi filem claim blong em long 14 August 2019. Family Aiman Swelle Maternal, Paramount jif blong Mosok boundary defendem statement blong em akensem claim blong Joses Tunmal Lingi taetol blong Nejeng.

1. Family Aiman Swelle emi fes man we I arrive long Utar, Mosok land boundary long eria long Losenwe. Olgeta ancestors blong family Aiman oli kam maot long family bladlaen blong hae jif we emi paramount tumas insaed long Mosok eria. Afta we Maternal hae jif blong Utar, ol traebz blong hem oli arrive mo laef long Utar, oli sitemap nasara blong



olgeta. Long taem bifo 1800's bladlaen blong Maternal hae jif blong Utar oli bin stap mo risivim samfala traebis mo laef long Utar.

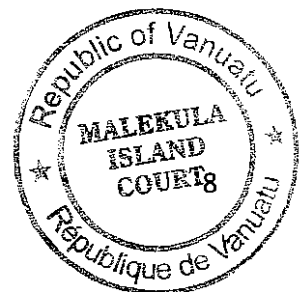
2. Hae Jif Maternal emi okanesem wan namangi pig killing ceremony blong sitemap ston blong em mo recivim wan narafala hae ranking o jifly taetol mo nem we emi karem emi "Maternal". Hae jifly nem ia emi minim "jif we I strong, I stap mo save karem problem we oli pass long solda blong em. Mo tu long narafala taem boe blong hae jif blong Utar we emi Swelle Maternal emi sitemap stone blong em during long wan namangi pig killing ceremony mo recivim jifly taetol blong em. Wan ston we emi sitemap long moten saed long Utar I longfala long wan haed blong 6 mita. Ston ia emi fesem Mosok kastom lan boundary long Saot.
3. Afta long namangi ceremony ia emi sitemap kastom boundary blong em we bifo mo tedei oli kollem Mosok kastom lan boundary we olgeta bladlaen traebis blong em moo 1 pipol blong em oli laef insaed.
4. Hae Jif Maternal emi setempa wanfala kastom governance truaot long kastom baondri blong Mosok from we emi hae jif mo emi save long olgeta traebis we oli laef I stap mo ol traebis blong em nao I bin seraot ol smol kraon I ko long olgeta. Maternal emi save I gud ol traebis blong Utar we oli laef I stap long Mosok Boundri. Mo tu I gud blong clearem long honorable kot ia se paramon jif blong Mosok kastom land boundri oli laef bladlaen blong em oli still laef tedei we emi family Aiman Swelle Maternal. Long kastom governance we hae jif blong Utar emi bin sitemap insaed long boundary blong Mosok I gat smol smol boundris we oli stap insaed long bigfala Mosok kastom lan boundri.
5. Insaed long ol smol boundris ia blong Mosok I gat ol smol jif wetem ol traebis blong ol oli one mol baondris ia. Olgeta smol smol jif ia olio 1 smol faea blong paramon jif blong Utar. Be ol smol boundris ia ol smol jif blong em I ded mo I no gat generation blong olgeta I laef tedei except hae jif blong Utar, blad laen blong em oli still laef yet tedei we I kam maot long family Aiman Swelle Maternal.
6. Long kastom governance setap hae jif blong Mosok long taem bifo kasem tedei emi save hu emi tru mor aet jif long ol smol baondri ia mo tedei long honorable kot ia , mi olsem bladlaen blong paramon hae jif blong Mosok kastom lan baondri I tekem taem ia blong mekem decleren blong olgeta rightful jif blong ol following baondris ia follem kastom ruls blong bifo;
  - A) Long denmel baondri emi Philip we kastom nem blong em emi Maternal we emi bladlaen blong family Aiman. So, family Aiman jif blong Utar emi laef yet blong tekem bak graon ia mo I kam jif blong Denmel tedei. Mo from rul blong kastom emi allowem blong paramon jif long baondri I save karem bak graon blong baondri taem blad I nomo laef. Be interestingly se family Aiman emi still laef blad tedei mo tekem bak baondri follem laef blad laen blong jif Maternal tru long wei we jif Swelle I maretem sista blong Maternal jif blong Denmel.
  - B) Secondly long Nejeng, Nejeng boundris mo jif blong em emi jif elder Willie Blad laen blong em I no gat wan I laef blad I laef tedei. So paramon jif blong Mosok



boundri we emi jif Aiman Swelle Maternal I gat kastom raet blong karem bak boundary ia mo I kam sem taem hae jif blong boundry blong Negeng follem kastom governance we hae paramon jif I bin sitemap. Joses Tunmal Lingi emi no blad blong jif blong Nejeng from emi man Marakus Northwest Malekula mo tedei emi stap mislidim honourable kot ia.

- C) Thirdly long Tenmiel boundary hae jif blong baondri ia emi Smethen Nomassing. Jif Smethen Nomassing I nomo gat wan laef blad blong continue blong tekemap jifly taetol ia mo save ownem kraon. Late Smethen emi adoptem mo givim full raet blong em long jif Aiman Swelle Maternal long 1952 from emi haf blad blong Smethen. Second reason blong givim maot will mo adopsen ia from emi no wandem lusum raet blong blad long Mosok kastom governance I ko aotsaed. Mi wandem presentem evidence blong point ia wtness mo document signed.
- D) Finally long Varea boundary o boundary blong man Atchin oli kollem Varvaras (honet) emi man blong faet blong Mosok. Emi ded long skin disease mo emi no gat pikinnini. Oli berem em long nakamal royal grave blong family Nimbwen. Therefore wetem evidence we mi gat mi glad blong presentem family Nimbwen olsem jif blong Varea. Spos emi relevant long honourable kot ia bae mi prsentem witness blong mi jif Willion Nimbwen we I sapotem defens statement blong mi.
- E) Family Aimani wandem confemem long honourable kot se ol evidence blong defendence statement blong family Aiman I stap long olgeta following points ia:
- Family tree
  - Fasen blong maretem olgeta bakegen insaed long baondri blong Mosok
  - Adoption mo will we Smethin jif blong Tenmiel I givim long jif Sande Aiman
  - Mo present occupation blong Denmel baondri long corner point we family Aiman I bin karem bak kastom rul I bin providem
  - Long 1800's taem missionary blong press I kam, emi fes araev long Utar mo hae jif emi givim graon long em mo later on raet blong mov I long long Larvet village.

Long olgeta baondris insaed long Mosok olgeta jifs mo bladlaen oli nomo laef except blong Utar we emi family Aiman. Olgeta oli save kud baondri blong Nejeng, Denmel, Tenmiel mo Varea blong pruvum mo putum bak stret mi refer long sketch map blong moa explenesen. Finally wetem olgeta evidence mi presentem insaed long defens statement blong family Aiman oli tru olsem paramon jif/hae jif blong Utar kastom governance blong Mosok baondri.





## CROSS EXAMINATION BLONG OL PARTIES LONG KOT

### KLEIMEN:

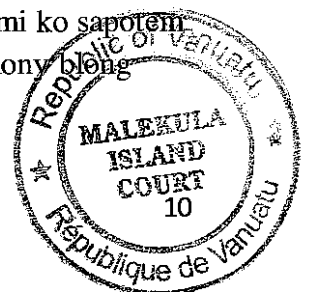
- Emi confemem long kot se long kastom ceremony blong em blong tekem nem ia Tunmal fulap jif oli pulum pig blong sapotem ceremony ia we emi wan kastom process we ol jif I mas sapotem yu blong tekem wan jifly taetol nem we Defendan # 1 Kalondak Mele tu I bin pulum wan pig blong sapotem ceremony ia
- Ceremony blong karem taetol nem ia Tunmal wan jif blong Varemeth nasara nao emi gem nem ia long em
- Emi confemem tu long kot follem kstom histri blong em se em mo Willie mo Smethen tufala smol jif blong em oli travel tugeta mo kam settle tugeta
- Emi talem tu se Roy Harold emi no blad blong jif Willie blong lukaot long Nasara blong Willie from I no gat wan kastom adopsen blong pruvum long kot se Willie I adoptem Roy Harold
- Emi talem tu se Sethy Aiman emi no blad blong jif Smethen blong lukaot long nasara blong Smethen from I no gat wan kastom performance blong pruvum long kot se Smethen emi adoptem Sethy Aiman. Mo further talem se Will tu I no gat wan proper paper long kot blong talem se emi ownem ol kastom raets blong Smethen.
- Emi confemem tu long kot se I gat 3 fire long Nejeng anda lo em we emi Willie, Smethen mo tambu fire we emi jif Mele
- Witness blong em Lui Ross emi confemem long kot se Tunmal emi nem we emi blong em we emi givim long Joses blong emi odein blong tekem nem ia
- Emi confemem long kot tu se Willie I no gat any laef blad I stap
- Witness 2 emi confemem long kot se emi bin stap long odinesen blong Joses we emi mekem ceremony blong tekem nem ia Tunmal be I no follem bilif blong ol man se tru long odinesen
- Emi talem tu se jif blong Varemeth nao odeinem Joses
- Emi confemem tu se sam welknown jif oli sapotem ceremony ia wetem bigfala pig emi jif Kalman Hapsai, jif Sato Kilman, jif Owen Rion mo sam nara wan
- Emi confemem long kot se ol parties tu oli sapotem ceremony ia mo no gat wan I disputem bifo or afta long ceremony ia mo,
- Emi confemem long kot se nasara blong Kalondak Melee mi Teles

### DEFENDAN # 1:

- Eemi confemem long kot se ol brata jif blong Nejeng emi Willie mo Smethen we I no gat laef blad blong Willie mo Smethen I laef I stap
- Emi confemem tu se Varameth emi brata jif blong Nejeng
- Emi confemem long kot tu se Willie emi smol jif blong Harven, mo Smithen emi jif blong Tenmel



- Emi confemem tu long kot se olgeta I ko tekem Lingi I kam bak long Nejeng from emi uncle blong Mele
- Emi confemem tu se taem emi mekem kastom ceremony blong tekem nem ia Dura I no gat man I pullum pig be oli kam witnessem nomo. Em nomo emi putum pig blong em wan
- Emi confemem long kot se emi kam maot long pig and emi still kaikai pig nomo
- Emi confemem long kot se tambu fire blong em emi Smethen mo Willie emi smol fire blong em
- Emi confemem long kot se Lingi mi circumcise insaed long Negeng we Mele nao emi mekem
- Emi no save confemem long kot se from wanem nao oli no tekem Lingi emi ko bak long Vintetak olsem we oli talem se em blong Vintetak
- Emi confemem tu se kastom ceremony blong Joel emi pulum wan pig I ko
- Witness blong em Kaltip emi confemem long kot se emi kam maot long nasara blong Varemeth mo emi smol faea
- Emi confemem long kot se emi no save long kastom ceremony we Kalondak emi pefomem mo emi no ko odeinem Kalondak blong tekem nem ia Dura
- Emi confemem long kot se Lui nem blong em nao Tunmal e I gem long Joses
- Robert Abel we emi witness mo talem se Lingi emi blong Vintetak be emi no confemem long kot from wanem oli no ko tekem em I kam bak long Vintetak be emi stap nomo long Nejeng
- Robert Abel emi kam blong witnessem tu family tree we oli mekem long wan calico presentation we emi contradictem family tree we Kalondak I filem I kam long kot
- Robert Abel emi talem tu long kot se emi no bin stap taem we Kalondak emi tekem nem ia Dura
- Robert Abel emi talem long kot se Lingi emi blong Vintetak be every kastom ceremony emi mekem long Nejeng we olgeta I neva stoppem or challengem em from long wan kot
- Walter Kilman emi confirm long kot se I no save gat 2 paramon jif long wan nasara I mas gat 1 nomo
- Walter Kilman emi confemem long kot se emi wok wetem jif Joses long community we I minim se emi wan recognise jif long community
- Walter confemem long kot se Sato Kilman brata blong em tu ko sapotem Joses long kastom pefomens blong em
- Walter Kilman we emi brata jif blong Negeng emi no save confemem long kot se whu jif emi ko witnessem ceremony blong Dura
- Setla Amil emi confemem long kot se taem Kalondak mekem ceremony emi no sapotem blong pulum wan pig even blong witnessem ceremony ia
- Setla emi confemem long kot se taem Jose emi mekem kastom ceremony emi ko sapotem
- Shem Ruben emi confemem long kot se emi no bin stap long kastom ceremony blong Kalondak



- Kapi Peter we emi spokesman blong jif long Varemeth we emi smol fire nomo
- Kapi Peter emi confemem long kot se emi no pulum any pig I ko long kastom ceremony blong Kalondak, be emi saptom blong Joses
- Kapi Peter emi agri se Tunmal emi property nem blong Varemeth nasara

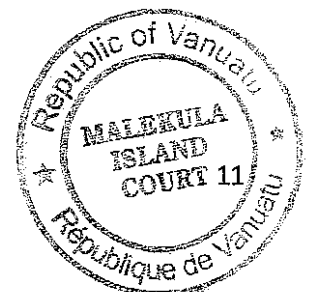
**DEFENDAN # 2:**

- Emi confemem long kot se emi no dispute from taetol be graon blong Willie Nejeng from we papa blong em nao lukaotem Willie
- Emi confemem tu long kot se ol stone we Kalondak Mele I stap kleim e no blong Kalondak emi blong em
- Emi confemem long kot se ol stone ia long nasara emi no ol stone blong Joses blong Jose emi difren
- Emi confemem tu long kot se samples long yia 2001 lo wan vilij kot blong olgeta em nao I bin preparem histri blong Kalondak Mele from we emi no save long histri blong em
- Emi confemem long kot se long yia 1986 bigfala brata blong em I stap blong saptom kastom ceremony blong Joses blong tekem nem ia Tunmal
- Emi confemem long kot se Willie adoptem Roy
- Emi confemem long kot se paramon jif blong Nejeng emi Joses
- Emi confemem tu long kot se jif blong Varemeth nasara nao gem nem Ia Tunmal long Joses
- Emi confemem long kot se nasara blong Kalondak Melee mi Teles

**DEFENDAN # 3:**

- Emi confemem long kot se emi jif blong Utar be I jifly taetol blong Utar emi still stap long dispute bitwin em mo Setla Amil
- Emi confemem long kot se emi stap kleim tru long maternal side
- Emi confemem long kot se emi kleim tru woman ia Livamp we I maretem Swelle e I bonem Aiman mo taen Swelle I ded, Livamp I liv wetem Nomassing mo bonem Smethen we emi no stret blad wetem Aiman
- Emi confemem long kot se olfala ia Smethen emi no stret blad wetem Aiman
- Emi confemem tu se kastom ceremony blong Joel emi witnessem
- Emi confemem long kot se I no gat any adopsen tru long Smethen ko long Aiman be tru long Will mo raet nomo

**AFTA LONG 2 TO 3 DAYS COURT SITTING BLONG YUMI COURT I KAM BLONG GEM MAOT DECESION BLONG EM TEDEI 05 APRIL 2024.**



Kes blong Nejang paramon jifly taetol emi registered bifo long Malekula aelan kot follem *Island Courts ACT CAP 167 section 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.*

Taem kot emi sit daon long kes ia ol issues we kot emi wandem finem maot mo save mo long em emi:

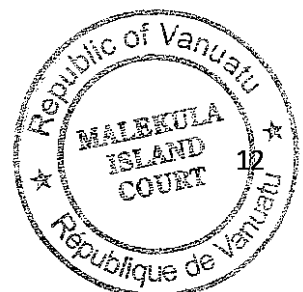
1. Wanem nao process Blong kam wan paramon jif long nasara blong Nejang?
2. Finem maot wanem kastom I talem blong kam wan paramon jif?
3. Wanem kastom ceremony performance blong mas mekem blong kam wan paramon jif long Nejang?
4. Follem kastom I save gat 2 paramon jif long wan Semak nasara or no? mo,
5. Follem kastom I save gat 2 nasara wetem Semak nem long wan boundary, or no?

**AFTA WE KOT I HAREM TOKTOK BLONG OL PARTIES KOT I MEKEM OL FINDINGS LONG CASE IA MO KOT ODA BLONG CASE IA FOLLEM OL TOKTOK BLONG OL PARTIES MO OL WITNESS BLONG OLGETA LONG TAEM BLONG KOT HEARING BLONG YUMI**

**Bae yumi harem festaem findings blong kot long Defendan 3 SETHY AIMAN**

**Long Defendan 3:**

1. Kot I faenem maot se Sethy emi stap kleim tru long olfala woman ia Livamph we emi wan woman blong Tenmiel Nasara I no Nejang



2. Kot I faenem maot se SETHY Aiman emi kleim will mo raet nomo blong Smethen tru long woman ia Livamph
3. Kot emi faenem maot se Livamph emi kam maot long nasara ia Tenmiel we emi wan difren boundary long Nejeng
4. Livamph emi stap wetem man ia Sewelle blong Utar fes man blong em we I bonnem ol family Aiman
5. Livamph emi stap wetem namba tu (2) man blong em bakegen Nomasing blong Tenmiel we I bonem Smethen mo Weines we tugeta I ded mo no gat laef blad blong tufala istap
6. Kot I faenem maot se Nomassing blong Tenmiel emi nomo gat wan laef blad
7. Kot I faenem maot se raet mo will ia I we SETHY Aiman emi stap kleim tru long em I no gat any kastom ceremony or kaikai we I pruvum se bae em i gat raet mo will blong olfala Smethen

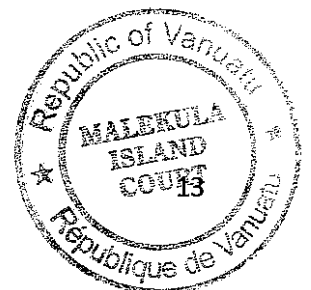
### **Findings blong defendan 2 Roy Harold**

#### **Long Defendan 2:**

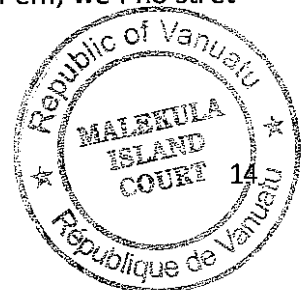
1. Kot I faenem maot se Roy Harold emi confemem long kot se Joses Lingi nao emi parmon jif blong Nejeng mo Willie emi smol jif blong Nejeng, so I pruvum long kot se emi no tekem paramon jifly taetol ia tru long taetol blong wan assessor
2. Kot I faenem maot tu se Roy Harold emi sapotem Joses Lingi blong pulum wan pig long taem blong kastom ceremony ia blong tekem nem ia TUNMAL
3. Kot I faenem maot se Roy Harold emi kleim tru long Willie we oli Samtaem kollem em Willie Nejeng
4. Kot I faenem maot se emi kleim tru long wan adopsen we Willie emi mekem long Roy Harold
5. Kot I faenem maot se I no gat any kastom adopsen ceremony blong pruvum se Willie I adoptem Roy
6. Kot I faenem maot se yes, I tru Willie emi wan long ol jif blong Nejeng be bae emi no Roy Harold from em I no stre blad blong Willie
7. Kot I faenem maot se Kalondak Mele mo Joses Lingi tu I confemem long kot se Roy Harold emi no save ownem nasara blong Willie from we emi no laef blad blong Willie

### **Findings blong defendan 1 Kalondak Mele**

#### **Long Defendan 1:**



1. Kot I faenem maot se emi filem response nomo long ol toktok blong Joses Lingi long kleim blong em mo tokbaot smol nomo kastom histri blong em
2. Kot I faenem maot se long taem blong cross examenesen long kot emi talem histri blong em I stat long wan pig we I bonem 3 pikinnini we fes wan emi Big Jif Maljef, second wan emi smol jif we emi Willie mo namba tri emi Smethen
3. Kot I faenem maot kastom histri blong em I no complete from we emi nomo talem ples we emi muv ko settle long em
4. Kot I faenem maot tu se long taem blong cross examenesen emi no save talem meaning blong sam long ol kastom jifly taetol nem we emi talem long kot olsem Dalref, Maljivie, Harden Dura, Johnnie mo Mele
5. Kot I faenem maot se emi confemem long kot se emi ko tekem Lingi long Vintetak blong kam stap wetem em blong sevem em
6. Kot I faenem maot se Lingi emi gro ap wetem Mele BE, Mele emi neva tekem em I ko bak long Vintetak blong showem se emi related family I ko long Vintetak
7. Kot I faenem maot se witness blong em Robert Abel emi kam talem long kot se Lingi emi blong Vintetak nasara be emi neva mekem wan kastom blong ko bak tekem em I kam bak laef long Vintetak nasara
8. Kot I faenem maot se taem we Joses Lingi emi pefomem kastom ia long yia 1988 blong tekem nem ia TUNMAL we emi blong Nejeng nasara, Vintetak nasara oli neva kam stoppem kastom ceremony ia mo blong talem se Joses Lingi emi blong Vintetak nasara
9. Kot I faenem maot se taem blong Lingi emi ko tru long circumcision blong em follem kastom bae ol stret uncle blong em nao oli pefomem kastom ia
10. Taem ol stret uncle oli no stap I minim se Lingi emi no blong Vintetak nasara
11. Kot I faenem maot se witness blong em Setla Amil emi talem long kot se Joel emi blong bignambas be i no gat wan stret man blong witnessem toktok ia I mas gat wan blong big nambas emi kam confemem toktok ia blong pruvum long kot
12. Kot I faenem maot se I no gat wan man long big nambas emi kam disputem se Joel emi blong bignambas even taem we emi pefomem kastom ceremony blong namangy long yia 1984
13. Kot I faenem maot se witness Shem Ruben emi talem long kot se emi brata jif blong Nejeng we emi wok wetem Mele be,
14. Kot I faenem maot se Mele long cross examenesen emi no talem maot se brata jif blong em emi Lawang nasara mo emi no confemem tu long kot se em I kam witnessem raet ceremony ia
15. Shem Rueben we emi brata jif blong Mele taem we Mele emi tekem raet blong nem ia Dura, emi no ko witnessem mo i no pullum wan pig blong ko sapotem em, we I no stret follem kastom from we emi brata jif em nao I mas sapotem bisnis ia

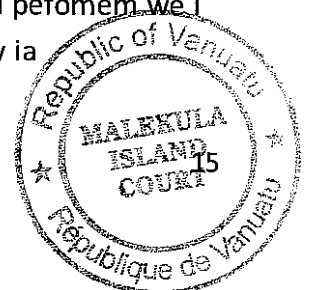


16. Kot I faenem maot se witness blong em Walter Kilman emi kam witness on behalf blong Starkey we emi wan mo brata nasara blong Nawelep
17. Walter Kilman emi talem se Nasara nawelep nao I putum nem ia Dura long Kalondak we emi no Semak toktok we Kalangis i talem long kot. Toktok blong Kalangis se papa blong em Mele nao emi putum nem ia Dura long Kalondak blong mekem se nem ia I no lus long family blong em.
18. Kot ie fainemaot se Kalti Bue we emi representem Varemeth nasara em tu emi brata jif blong hemi Nejeng be taem Kalondak i mekem kastom ceremony lo 1984 hem ie no stap blong supportem kastom ceremony ya we long kastom I no stret from long kastom emi mas stap blong sapotem
19. Kot I faenem maot tu se taem we Jif Lui Ross blong Varemeth tu emi ko blong putum nem long Joses Lingi blong tekem TUNMAL Kalti Bue emi no stoppem ceremony ia
20. Kot I faenem maot se Witness Kapi Peter emi talem long kot se Johnnie nao em I jif we I signem wan document blong ol missionary blong allowem gospel I kam long bignambas
21. Kot I faenem maot se yes, I true nem blong Johnnie I kam maot se emi sign be long document ia emi no talem se emi paramon jif emi talem Johnny nomo
22. Kot I faenem maot se ceremony we Mele I mekem long Kalondak emi blong tekem nem ia DURA blong nem ia emi no lus
23. Kot I faenem maot se Kalondak afta we emi tekem raet ia follem kastom emi neva pefomem wan kastom ceremony or killem namangy blong wan jif I kam putum or slappem bak blong em mo singaot nem ia DURA
24. Kot I faenem maot tu se ceremony ia emi no follem kastom fasin from we long taem blong ceremony ia ol neighbor paramon jif tu oli no kam blong sapotem em

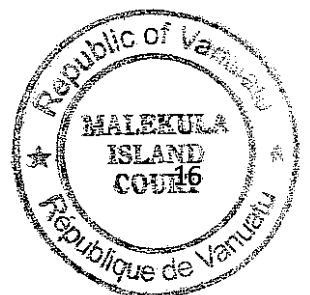
### **Findings blong kleima Joses Lingi**

#### **Long Kleimen:**

1. Kot I faenem maot se long kastom histri blong em em I talem se emi kam sho long Varemeth we I no gat wan long ol parties ia I disputem even jif blong Varemeth emi no disputem
2. Family blong Joses Lingi we I stat long Urenmal 1, Urenmal 2 mo kasem claimer Joses Tunmal oli pefomem ol namangy ceremony blong karem ol taetol nem blong olgeta blong kam ol paramon Jif
3. Kot I faenem maot se las namangy emi long yia 1988 we Joses Lingi emi pefomem we I gat fulap jif I kam blong witnessem em mo sapotem namangy ceremony ia



4. Kot I faenem maot se sam long ol paramon jif ia olsem Sato Kilman, Kalman Hapsai, Rion Edwin mo sam narafala jif mo, oli pulum pig blong kam blong sapotem em blong pefomem ceremony blong kam paramon jif blong Nejeng
  5. Kot I faenem maot se long taem blong namangy ceremony ia blong Joses Lingi, Kalondak Mele emi kam sapotem ceremony ia we Joses i pefomem
  6. Kot I faenem maot se namangy ceremony ia emi blong Joses Lingi emi karem kastom nem ia TUNMAL
  7. Kot I faenem maot se brata jif blong Nejeng we emi Varameth em nao emi kam pefomem kastom ceremony ia mo putum mo singaotem kastom nem ia TUNMAL long Joses Lingi
  8. Kot I faenem maot tu long cross examenesen witness blong Joses we emi Mickel Aki emi confemem long kot se em tu I stap long taem blong kastom ceremony blong Joses Lingi blong tekem nem ia TUNMAL
  9. Kot emi faenem maot tu se Roy Harold emi confemem long kot long taem blong cross examinasen se Joses Lingi emi paramon Jif blong Nejeng
  10. Kot I faenem maot se bifo ceremony ia I tekem ples mo afta long ceremony blong namangy ia I no gat wan long olgeta parties I disputem ceremony we emi pefomem blong karem taetol nem ia TUNMAL blong Nejeng kasem tedei
  11. Kot I faenem maot se Joses Lingi emi talem long kot follem structure blong em se I gat sam nasara we emi anda long Negeng we ol parties ia tu Roy Harold, Mo Kalondak Mele I agri long em
  12. Kot I faenem maot se taem we Joses Lingi emi stap pefomem namangy ceremony ia long yia 1988, I no gat wan paramon jif even ol parties bifo long kot ia naoia I ko blong stoppem em, mo talem long em se emi no save tekem paramon taetol ia from we papa blong em I bin wan assessor long taem blong Mr Wilkin mo I tekem taetol blong paramon jif ia
- Kot I faenem maot se follem kastom raon long Vanuatu I no save gat 2 paramon Jif long long wan semak nasara
  - Kot I faenem maot tu se I gat wan Nejeng nasara nomo insaed long Mosok boundary
  - Kot I faenem maot se follem kastom bae I mas gat wan paramon jif nomo long Nejeng Nasara
  - Kot I faenem maot se taetol blong assessor raon long Malekula fulap man I tekem taetol ia tru long Mr Wilkin follem save blong olgeta (save samting) mo even olsem wan Jif we emi gat save (save samting)

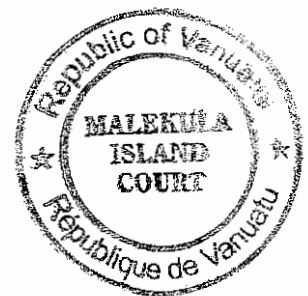




**WETEM OL FINDINGS WE KOT I MEKEM KOT I MEKEM OL ODA OLSEM:**

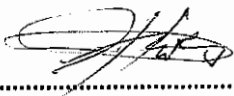
**Deklarasen**

1. I gat wan (1) Nejeng Nasara nomo we I stap insaed long boundary blong Mosok tribe long Larveth village, Malekula island
2. Long Nejeng nasara bae I mas gat wan paramon jif nomo blong governem nasara ia
3. Ol nasara we I stap anda long Nejeng bae oli stap long aunthority blong paramon Jif
4. Paramon Jif blong Nejeng nasara fedei emi JOSES LINGI TUNMAL
5. Any parties I no agree long decision ia emi gat 30 dei blong apil I ko long Magistrate court
6. Every parties bae yuk am pikimap decision ia long clerk long 19 April 2024



**Dated at Lakatoro this 05 day of April 2024**

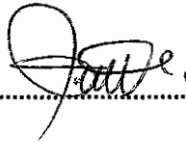
**BY THE COURT**



**Justice Johnwesly TAWI**



**Justice Max ARNAMU**



**Justice Douglas FATAL**

