

**FILED**

FEB 05 2016

ASST. CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

IN THE TRADITIONAL RIGHTS COURT  
OF THE  
REPUBLIC OF THE MARSHAL ISLANDS

ANOOP KUMAR, )  
 )  
 PLAINTIFF, )  
 )  
 VS. )  
 )  
 TOLLE KOJAR, LABWILLE CARMEL, AND )  
 MILLIE LEVITICUS, )  
 )  
 DEFENDANT(S). )  
 \_\_\_\_\_ )

CIVIL ACTION NO. 2006-041

OPINION AND ANSWER OF THE TRADITIONAL  
RIGHTS COURT

**MEMBERS OF THE TRC PANEL:**

CHIEF/PRESIDING JUDGE WALTER K. ELBON  
ASSOCIATE JUDGE NIXON DAVID  
ASSOCIATE JUDGE GRACE LEBAN

**DATE OF HEARING(S):** August 11 & 18, 2015

**PLACE OF HEARING(S):** ULIGA COURTHOUSE, MAJURO ATOLL

**ACTION TAKEN:**

The question put before the Panel of the Traditional Rights Court for answer is:

AS BETWEEN DICK CARMEL AND CAMILLA TARKWON, AND ALL THOSE IN SUPPORT OF THEIR CLAIMS, UNDER MARSHALLESE CUSTOM AND THE TRADITIONAL PRACTICE IN THE MARSHALL ISLANDS, WHO IS THE PROPER PERSON TO HOLD THE SENIOR DRI-JERBAL RIGHTS AND ALL MATTERS CONCERNING THIS RIGHT ON MILBAR WETO, RAIROK ISLAND, MAJURO ATOLL, MARSHALL ISLANDS?

**ANSWER TO REFERRED QUESTION:** CAMILLA TARKWON

## **INTRODUCTION:**

This case arises from a dispute as to who is the Senior Dri-Jerbal on Milbar Weto, Rairok Island, Majuro Atoll.

Defendant Camilla Tarkwon, who is now taking the place of her deceased mother, Millie Leviticus, claims that she is the Senior Dri-Jerbal title holder on Milbar Weto. According to Tarkwon, she claims that she inherited the Senior Dri-Jerbal title from her mother, Millie Leviticus, who held the title when she was alive. According to Defendant Dick Carmel, he claims that Milbar Weto is bwij land and, therefore, Camilla Tarkwon cannot inherit the title of Senior Dri-Jerbal because she is not a member of the bwij.

## **ISSUE(S) IN THIS CASE:**

The Senior Dri-Jerbal title for Milbar Weto went only to Millie Leviticus, and after she had passed away, then it should be returned to the bwij of Milbar Weto for it is a bwij land: This was stated by the Defendant Dick Carmel, stated during his closing argument. However, after listening and looking at all evidence presented, the court finds that there is nothing on Tarkwon Exhibit 2, or on Lewele Jorene's letter in which she wrote on April 4, 1971, indicating that the right of dri-gerbal ends with Millie Leviticus. According to Tarkwon Exhibit 3, or the Affidavit of Labwillie Carmel, it states that Millie Leviticus is the dri-gerbal on Milbar Weto and not Tolle Kojar, and it does not mention that after Millie the right shall be given back to the bwij.

This Court agrees that Milbar Weto is bwij land, however, it also agrees that a change was made during Alab Liwele Jorene's time, when she informed Irojilaplap Joba Kabua that she was giving the dri-gerbal right to Millie Leviticus for the reasons which she listed on Tarkwon Exhibit 2. After Lewele, Alab Labwille Carmel took over the Alab title and continued to recognize Millie Leviticus as a dri-gerbal on Milbar Weto. Alab Labwille Carmel did not oppose the arrangement made by his predecessor, Lewele Jorene, but went ahead and recognized it. The Defendant Dick Carmel stated in his testimony that an Alab can change the dri-gerbal descending line under reasonable conditions, and in the letter written by Lewele to Irojilaplap Joba Kabua, it states the reason why she recognized Millie Leviticus to hold the dri-gerbal title on Milbar Weto. Lastly, the Court decided that there was lack of evidence by the Defendant, Dick Carmel to show that Camilla Tarkwon could not hold the dri-gerbal title after her mother, Millie Leviticus.

## **NAME(S) OF WITNESSES FOR PLAINTFF:**

1. Ted Tarkwon

**NAME(S) OF WITNESSES FOR DEFENDANT:**

1. Dick Carmel

**IMPORTANT ITEMS AND TANGIBLE AND DOCUMENTARY EVIDENCE RECEIVED:**

1. Tarkwon Exhibit 1 – Lease Agreement of Milbar Weto (March 4, 2002)
2. Tarkwon Exhibit 2 – Letter to Irojilaplap Joba Kabua from Lewele (April 4, 1971)
3. Tarkwon Exhibit 3 – CA No. 2006-041 UAK EO AN LABWILLE CARMEL
4. Carmel Exhibit A – Menmenbwij
5. Carmel Exhibit B – 1959 Majuro Land Determination
6. Carmel Exhibit C – Court Order of CA 2006-070

**OTHER MATTERS THE COURT PANEL DEEMS IMPORTANT TO MAKE KNOWN:**

The Defendant Dick Carmel stated his disagreement against Ted Tarkwon, representing his wife, Camilla Tarkwon, in court during the trial. After consulting with the High Court, the TRC Panel went ahead and disregard Carmel's disagreement since this is a civil matter and the Plaintiff Camilla Tarkwon has the right to decide whether or not she be present during the hearing of this case.

Dated: 12/10/15

/s/

Walter K. Elbon  
Presiding Chief Judge  
Traditional Rights Court

/s/

Nixon David  
Associate Judge  
Traditional Rights Court

/s/

Grace Leban  
Associate Judge  
Traditional Rights Courts