

**IN THE TRADITIONAL RIGHTS COURT  
OF THE  
REPUBLIC OF THE MARSHALL ISLANDS**

HENSEY H. SORIMLE, BERTINE )  
LAKJOHN, and EMTY SORIMLE )  
 )  
Plaintiffs, )  
 )  
V. )  
 )  
LIWOJ JERBAL )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

CIVIL ACTION NO. 2016-143

**DISSENTING OPINION**

**FILED**

MAY 03 2019

  
ASST. CLERK OF COURTS  
REPUBLIC OF THE MARSHALL ISLANDS

**RO UAAN PANEL EO:** Nixon David  
Iroij Member

Walter K. Elbon  
Alap Member, (Dissenting Opinion)

Grace Leban  
Dri Jerbal Member

**JIKIN RONJAKE EO:** Majuro Courthouse

**RAN IN RONJAKE KO:** February 11, 12, 13, 14, 19, 20, 21, 26, & 27

**IAKWELEL KO IKOTAN PARTY KO:**

Dri Abnono ro rej ba bwe ekkar im jimwe bwe en er eo rej kabjor maron eo an Irojlaplap ilo Aerok, Maloelap Atoll im Bikien Island ilo Aur Atoll. Rej ba bwe jikin kein rej Marujinkot lands (Bok Iman Madre in Botoktok) im Iroj Lobeia im Iroj Lailik rar wini kin tarinae. Rej ba bwe Lobeia im Lailik rej jen Kabinmeto ilo Ralik.

Dri Jumae Abnono ro rej ba bwe Aerok Island ilo Maloelap im Biken Island ilo Aur rej jikin ak imon Bwij. Rej ba bwe Imon Bwij in ear ijino ibben Lijekwa einwot an kein kamol eo aer Defendant Exhibit-E kwalok.

**KAJJITOK EO KAR LETOK NAN TRC EO BWE EN UAAKE:**

Won iaan rein Hensey Sorimle im Liwoj Jerbal ej armej eo ekkar bwe en kabjor maron eo an Irojlaplap im Iroj Edrik nan Biken Island, Aur Atoll im Airok Island, Maloelap Atoll, Marshall Islands?

**UAAK NAN KAJJITOK:** Hensey Sorimle

**MELELE KO IM UAAK EO EJ BEDBED IOOER:**

Ilo kar iien ronjake eo an case in elon ro im kar kir er bwe ren kamol. Bareinwot elon kein kamol ko ilo jeje kar jakimantak nan Panel eo im kar buki einwot kein kamol. Dri Jumae Abnono ro rej ba bwe ekkar nan Menmenbwij eo aer, Defendant Exhibit "E", ejimwe bwe en er eo rej kio kabojor maron eo an Irojlaplap nan Aerok Island, Maloelap im Biken Island, Aur Atoll. Un eo rej ba kake bwe ej eindrein ej konke Aerok im Biken rej imon bwij. Dri Abnono ro rejjab erra konke rej ba bwe Iroj Beia im lomaro jatin jen Ralik rar tarinae im win im Iroj Jortake im Murjel rar lelok jikin kein Aerok im Biken bwe en jikier. Dri Jumae Abnono ro rej ba bwe imon bwij in ear jino ibben Lijekwa im rojjab jela won eo ear iroj moktalok jene. Einwot rar jab maron komeleleiki etke Iroj Jortaka im Murjel rar jab iroj nan Aerok im Biken im etke ejjab ber iumin mojen eo aerro, an Jortaka im Murjel. Ear bar alikar jen ronjake eo bwe ejjelok juon jikin, ene ak weto ruo iroj rej jimor iroj nane. Dri Jumae Abnono ro rej ba bwe ewor ruo

iroijlaplap nan Biken Island ilo Aur, Leiroj Liwoj Jerbal im Iroj Boklon Zakios. Ilo kar nan in kamol ko ejjelok juon jikin ewor ruo iroj ro rej iroj in.

Dri Abnono ro rejjab erra ilo menmenbwij eo an an Dri Jumae Abnono ro konke rej ba armej ro rej ellajrak ie im rej ba kar jinen Lobeia im Lailik rej, Liwarelik im Likakom. Dri Abnono ro rej ba kar jinen Lobeia ej etan Mamjilang im jinen Lailik etan Wanlur, jatin Mamjilan. Iroj Lobeia im lomaro jatin rej jen Ralik im ej walok etaeir ilo menmenbwij eo an iroj in Ralik Chain Plaintiff Exhibit 7. Ebar lon melele ko rar walok ilo ien ronjake eo im jen kein kamol ko ilo pepa ak jeje. Ijowotke jab erra in ikkijen uaak im melele (dissenting opinion) ej bedbed wot ion wawen kein:

Aerok Island, ilo Maloelap Atoll im Biken Island ilo Aur Atoll rejjab bed iumin mojan eo an Irojlaplap Jortoke im Murjel im ro elkier. Ear jab bwe melele ko nan kalikare.

Armej ro wot jen tulikin Marshall Islands rar jeje kin ta ko rar walok ilo ailin kein ilo yio ko romootlok. Einwot ilo kar yio eo 1885 kien eo an Germany ilo kar Marshall in ear je im kwalok kin Treaty of Friendship between the Marshallese Chiefs im kab Empire eo an Germany. Treaty in ej kwalok bwe Lobeia ear Iroj ilo Aur im Maloelap. Alikar ke ear iroj nan Aerok, Maloelap Atoll im Biken, Aur Atoll Plaintiff Exhibit P-6. Land Tenure Marshall Islands jen J.A. Tobin ilo page 31 ej kwalok bwe juon ian lomaro jatin Lobeia im etan Tonuwia ear ear iroj in Aerok ilo Maloelap Atoll. Jen bwebwenato kein ej kalikar bwe Lobeia im lomaro jatin rar iroj ilo Aerok, Maloelap im Bikien, Aur Atoll.

#### **DRI KAMOL RO AN DRI ABNONO RO:**

1. Liwoj Jerbal
2. Bertine Sorimle Lakjohn

3. Empty Sorimle
4. Hensey Sorimle
5. Namdrik Labi
6. Walter Tartios
7. Philomena Asma Muller
8. Martha Sorimle
9. Mike Zackhras

**DRI KAMOL RO AN DRI JUMAE ABNONO RO:**

1. Rebecca Jello
2. Hemly Benjamin
3. Tijen Dick
4. Liwoj Jerbal
5. Boklon Zackious

**KEIN KAMOL KO AN DRI ABNONO RO:**

1. Plaintiff Exhibit P-1, leta nan Iroj Kotak Loeak
2. Plaintiff Exhibit P-2, leta nan Jiba Kabua, Secretary Foreign Affair
3. Plaintiff Exhibit P-3, leta nan Iroj Kotak Loeak, Chairman House of Iroj
4. Plaintiff Exhibit P-4, leta nan Hon. Hiroshi Yamamura, Minister of ISW
5. Plaintiff Exhibit P-5, Menmenbwij
6. Plaintiff Exhibit P-6, Marshall Islands History Sources No. 18, Treaty of Friendship
7. Plaintiff Exhibit P-7, The Royal Geneology of the Marshall Islands Ralik Chain
8. Plaintiff Exhibit P-8, maps of Maloelap and Aur Atolls
9. Plaintiff Exhibit P-9, Jibikbik in kakobaba an Namidrik Jeik
10. Plaintiff Exhibit P-10, lajrak ewor 5 mottan ak part ko ie &
11. Plaintiff Exhibit p-12 -Lobeia & Limejiko Genealogy

**KEIN KAMOL KO AN DRI JUMAE ABNONO RO:**


1. Defendant Exhibit "A" Memorandum
2. Defendant Exhibit "B" Certificate of Death, Laelang Lelwoj
3. Defendant Exhibit "C" Biken Island Lease Agreement
4. Defendant Exhibit "D" Memorandum
5. Defendant Exhibit "E" Lobeia Tonuwia #17
6. Defendant Exhibit "F" Final Judgment Civil Action 2008-238
7. Defendant Exhibit "G" Affidavit of Rebecca Jello
8. Defendant Exhibit "H" Affidavit of Brojki Edmond

9. Defendant Exhibit "I" Affidavit in Support/Lewoj Jerbal
10. Defendant Exhibit "J" Affidavit of Boklon Zackios
11. Defendant Exhibit "K" Land Lease Payment
12. Defendant Exhibit "L" Biken Land Payment
13. Defendant Exhibit "M" Certificate of Death, Namdrik
14. Defendant Exhibit "N" Certificate of Death, Andrew Benjamin
15. Defendant Exhibit "O" Certificate of Death, Menasse Benjamin
16. Defendant Exhibit "P" Certificate of Death, Oduj Benjamin
17. Defendant Exhibit "Q" Certificate of Death, Ronald Lelwoj
18. Defendant Exhibit "R" Birth Certificate of Luwoj aka Lelwoj
19. Defendant Exhibit "S" Papa jen Tojeie
20. Defendant Exhibit "T" Namdrik name shown on law book
21. Defendant Exhibit "U" Land Use Agreement
22. Defensdant Exhibit "V" Paper in Kalimur
23. Defendant Exhibit "W" Check History-Bank-Progress all checks
2. Defendant Exhibit "X" Check History-Bank-Progress all checks
25. Defendant Exhibit "Y" The Marshall Islands in 1921

**WAWEN KO JET REKAR NON KONONO KAKI AK KWALOKI:**

Dri Jumae Abnono ro rej bar kwalok melele in ke rar kabjor maron in an Irojilaplap ilo Aerok, Maloelap Atoll im Biken ilo Aur Atoll iumin elon iio ko. Ej alikar jen kar nan in kamol ko im pepa in kamol ko bwe Dri Abnono ro rar kajjeon bokmantak abnono in aer. Mike Zackhras eo ear kamol ilo etan Dri Abnono ro ear ba bwe rar kajjeon bokmantak abnono in aer nan Nitjela eo ilo jikin eo me ear ber ie mokta, emaron kar jemlokin lok 1970 ko. Plaintiffs exhibits P-1 nan P-4 rej kwalok bwe Dri Abnono im ro moktalok rar kajjeon abnono ak ejjelok ear jiban er. Hemon Sormile ear bokmantak an abnono ilo kar 1999 eo im late counsel Ruben Zackhras ear jab lorlorjake case eo im court ear jolok (dismissed) case eo ilo 2008 eo.

Dated: May 3, 2019

  
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 Walter K. Elbon  
 Chief Judge, TRC  
 (Dissenting Opinion)