

DEC 28 2007

C. White
ASST. CLERK OF COURT
REPUBLIC OF MARSHALL ISLANDS

IN THE TRADITIONAL RIGHTS COURT
REPUBLIC OF THE MARSHALL ISLANDS

LUCKY JUDA,)	H/C CIVIL ACTION NO. 2000-023
)	
Plaintiff,)	
)	
vs.)	
)	<u>OPINION IN ANSWER</u>
HOSEIA JOSEIHA,)	
)	
Defendant.)	
_____)	

High Court Civil Action No. 2000-023 had its trial before the Traditional Rights Court (TRC) at the courthouse in Uliga, Majuro Atoll, Republic of the Marshall Islands, on April 3rd and ended on April 11th, 2007. The members of the panel of this court of custom were Honorable Berson Joseph, Chief Judge; Honorable Botlang Loeak, Associate Judge; and Honorable Kalemén Jinuna, Associate Judge.

This case, High Court Civil Action 2000-023 was referred to this court of custom to resolve the dispute between the parties. The main issue in this case is about who the proper person is to hold the ri-jerbal right on Monunnar Weto on Bikini Atoll, and the small portion on the southern end of Kili Island.

This court of custom gives its opinion in this case based solely on the Marshallese custom. This court of custom greatly recognizes the importance of custom and its role in bringing the fairest and best resolution to the parties without any bias to either of the parties in this case.

I. THE DISPUTE:

A) Question Number 1 as Presented: Who is the proper person to hold the ri-jerbal right on Monunnar Weto in Bikini Atoll, and the small portion on the southern end of Kili Island?

B) Opinion in Answer to Question Number 1 as presented: Mr. Lucky Juda.

C) Brief Summary of the Reasoning on which the Opinion in Answer to Question Number 1 is based: Plaintiff's Exhibit No. 2 - The Land Ownership of Bikini Field Station. According to the plaintiff's testimony, at one point in time all the men of Bikini Atoll went to the atoll, including Mr. Hoseia Joseiha and himself Lucky Juda. The purpose of the trip to Bikini was to conduct a survey and set up boundaries on the lands, and to identify the successors to each of the wetos on Bikini Atoll. He also told this court that what they did then was very important and valuable because their children and grandchildren in this generation now know which lands belong to them.

The trip to Bikini was also not only for the purpose of establishing boundaries on the lands but was for them to know who the proper persons were to hold alab and ri-jerbal rights on Bikini Atoll. Monunnar Weto, the subject weto herein, belonged to Joseph, according to what the men who went to Bikini said, and what the Bikini Council states. This was the testimony given before this court by the plaintiff. These facts or information have been recorded in the Bikini Atoll Book.

Joseph's genealogy chart, Plaintiff's Exhibit No. 3, shows that he had no children. It's true, however, that he had older and

younger siblings but they don't have any rights to Monunnar Weto because they have their own lands. His siblings cannot succeed him if he dies. Joseph had two adopted children, Lucky Juda and Jeladrik. All the people of Bikini Atoll know and understand that Lucky Juda is Joseph's adopted child. Since after the time Joseph passed away, Lucky Juda started receiving the payments for Monunnar Weto. Please see Plaintiff's Exhibit No. 1 and 2.

II. NAMES AND ADDRESSES OF PLAINTIFF'S WITNESSES:

1. Jack Neidenthal - Ajeltake, Majuro Atoll
2. Lucky Juda - Rairok, Majuro Atoll
3. Boaz Kilon - Utirikan, Majuro Atoll

III. THE DEFENDANT:

On four (4) different occasions this court of custom had tried to hold the hearing in this case but no one showed up. The reason, because the defendant did not show up for the hearings. It could be because he's significantly old and ailing. Not one among all his relatives did he appoint to appear or speak on his behalf. He didn't have any witnesses, and he had no exhibits or evidence that might have helped him in his claim. For reason of the defendant being sick and infirmed, his attorney, Mr. Russel Kun of the Office of the Public Defender, was unable to meet with him even once to consult or get information, if there had been any. He never did. In fact, this case proceeded to trial without the defendant Hoseia Joseiha being present.

During the trial of this case defense counsel had stated his disagreement with Plaintiff's Exhibit No. 2. "The reason, because

Honorable Eldon Note did not sign." Those were his words. It is true that he had not signed, but then why hadn't he? If he had good reasons not to have signed, then defense failed to explain that to this court of custom. The plaintiff's exhibit is a copy of the original Exhibit No. 2. It's the same document that the former mayor for Kili/Bikini/Ejit, the Honorable Tamaki Juda, had signed. Mr. Tamaki Juda is currently the senator for the islands of Bikini, Kili, and Ejit. The plaintiff did not introduced or filed the original Exhibit No. 2 that former Mayor Tamaki Juda had signed. Regardless of whether Exhibit No. 2 was signed or not, this court of custom recognizes that the members of the council and the Kili, Bikini, and Ejit communities knows what they're doing. They know back and front.

NOW, THEREFORE, pursuant to Marshallese custom, and based on the facts in this case, this court of custom will once again give its opinion that Mr. Lucky Juda is the ri-jerbal for Monunnar Wetu in Bikini Atoll.

Dated: _____

/s/ Berson Joseph
Chief Judge, TRC
Republic of the Marshall Islands

/s/ Botlang Loeak
Associate Judge, TRC
Republic of th Marshall Islands

/s/ Kalemén Jinuna
Associate Judge, TRC

Republic of the Marshall Islands