

IN THE HIGH COURT
REPUBLIC OF THE MARSHALL ISLANDS
MAJURO ATOLL

JDW

Bank of the Marshall Islands)
Plaintiff)
vs.)
Joria Jennet & Tior Jennet)
Defendants)

Civil Action No. 2004-153

JUDGMENT

High Court Civil Action No. 2004-153 was heard before the Traditional Rights Court on November 4th and concluded on December 12th, 2005, at Majuro Courthouse, Uliga, Majuro Atoll, Republic of the Marshall Islands. This matter came before the Traditional Rights Court to determine its opinion based on custom, the dispute between the two brothers, defendant Joria Jennet, and defendant Tior Jennet. This matter concerns the Alap title on Monkono Weto, and both brothers are claiming from each other. The Traditional Rights Court recognized that this case is of great significant and we can learn from it. Therefore, This Court recognized that custom is of great importance and have great influence on determining the dispute between the two brothers based on the custom. The members of the panel are Honorable Associate Judge Botlang Loek, Honorable Associate Judge kalemek Jinuna, and Honorable Berson Joseph, Chief Judge of the Traditional Rights Court.

On March 25th, 1999, Bank of Marshall, the Plaintiff in this case, prepared and signed a lease agreement for a portion of Monkono weto with the iroij, and the Alap of the weto, Joria Jennet who is one of the defendant in this case. Please refer to Plaintiff's Exhibit A. The lease agreement was proper and valid until October 28, 2004.

On October 28, 2004, Defendant Joria Jennet wrote a letter to the Bank of Marshall, the Plaintiff, that they immediately pay the lease in the amount of \$1,491.00 per year. Please refer to Plaintiff's Exhibit B. But on February of 2004, Bank of Marshall, the plaintiff received "directive" from Leroij Atama Zedekia that she recognized Tior Jennat as the Alap on Monkono weto and that it is proper for him to collect the payment from Bank of Marshall. Please refer to Plaintiff's Exhibit C.

The Bank of Marshall, the plaintiff in this case, now is in between two "dilemma " and does not know who to deal with regards to the payments of the lease agreement on Monkono Weto. Therefore, the Bank of Marshall filed a case to find out and determine who the proper and correct person to receive the lease payments on Monkono weto can go to. The plaintiff tried its best to "ignore" as it didn't immediately respond to the questions by both the defendants, but presented the question for the Court to find the correct and proper solution that will be in the best interest of both brothers.

RESOLUTION OF THE DISPUTE:

1. The Question that was presented: Who is the proper person to hold the Alap right on Monkono Weto?
2. Opinion in Answer: The defendant Joria Jennat.
3. Brief Statement of Reasoning on which the Opinion in Answer to the Question is based on:

There were words "said against" that was said by Leroij Atama Zedkeia against the Defendant Joria Jennat. She answered some of the questions by Mr. Talafou Manase, counsel for the defendant Joria Jennat. She answered and stated the reason why she took the alap right from Joria Jennat, and gave it to the younger brother, Tior Jennat. The Court took ample time to consider all the testimony of the defendant Joria Jennat along with the testimony of Leroij Atama

Zedkeia. The Court also recognized that Leroij Atama Zedkeia has the authority according to custom that she can present her complaint to the Court. And the Court recognized that!

THE TESTIMONY OF JORIA JENNAT:

1. It is true I collected money. But I collected the money and gave it to Iroij Jurelang Zedkeia. No one raised any objection to the statement by the defendant Joria Jennat, Leroij Atama Zedkeia heard all the testimonies but did not state, or did anything. However, if the Court of Custom recognized the fact that Joria Jennat does collected money from the people on behalf of Leroij Atama Zedekia, and without the knowledge of the Leroij, therefore, defendant Joria Jennat made a mistake. From time to time he has to notify his iroij of what he does.
2. Joria Jennat testified to the Court that he really loves and respect his Leroij because she is his iroij today. There's no question about this! However, to sign a lease agreement, according to the Constitution of the Marshall Islands regarding the three rights on a land, such as the Iroij, Alap, and Dri Jerbal together with each other signs a lease agreement. If one of these right doesn't sign, than the lease agreement will not be effective. This is the matter that the defendant Joria Jennat is testifying to. However from the testimony of Joria Jennat alone, the Court recognized that he really loves' and respect his Leroij and there's no other than, herself Leroij Atama Zedekia.
3. For defendant Joria Jennat to lay his hands on Leroij Atama Zedkeia's shoulder is something that is not right. However, this kind of mistake we all know should not cut off your rights. There are various "reason" for a person to put his hand on a women and that only himself understands the purpose of it. But if a person, or any of her people lay a

hand on her head, and it's a great sin. You should be aware of what your iroij will do to you. The defendant Joria Jennat has to apologize to Leroij Atama Zedkeia. Fortunately he had already apologized.

4. Joria Jennat lost his mind: For the Court to take into consideration that Joria Jennat has lost his mind, than the Court will need a report from the appropriate personal at the Majuro Hospital, or provide other kinds of evidence. The Court of Custom alone can not prove that the defendant Joria Jennat is insane.

Names and Address of the Witnesses:

For the Plaintiff: 1. Leroij Atama Zedkeia, Laura Village, Majuro Atoll.

For the Defendant: 2. John Ruma, Majuro Republic of the Marshall Islands

After hearing all the testimonies in this case, now and without further due time, this Court will once again, declare the "alap title" to the defendant Joria Jennat. Joria Jennat, you have already heard the significant words from your Leroij. You should know how to respect in all events. You should know to "beware," and love you enemies. More importantly love and take care of your only brother, Tior Jennat. Forget everything and look forward to the future and prepare for the benefits that will come to both of you and your families.

Mr. Tior Jennat, apologized to your brother, because brotherly love is significant from the Alap title that you are pursuing. The Court consider that you are next in line of the alap, and that one day you will succeed the alap for Monkono weto, Majuro Atoll, Republic of the Marshall Islands.

Dated Jan. 12, 2005



BERSON JOSEPH
Chief Judge, Traditional Rights Court
Republic of the Marshall Islands

Dated: Jan 12, 2006



BOTLANG LOEAK
Associate Judge, Traditional Rights Court
Republic of the Marshall Islands

Dated: JULY 12, 2006



KALEMEN JINUNA
Associate Judge, Traditional Rights Court
Republic of the Marshall Islands