

FILED

OCT 1 2014

ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS

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

PATRICK KOROK and,)
METWA KOROK IOSIA,)
)
Plaintiff(s),)
)
VS.)
)
)
CHARLES DE BRUM and,)
ALFRED ALFRED, JR., SECRETARY,)
OF FINANCE,)
)
Defendant(s).)
)

CIVIL ACTION CASE NO. 2011-180

OPINION AND ANSWER OF THE TRADITIONAL
RIGHTS COURT.

MEMBERS OF COURT PANEL:

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

DATE OF HEARING(s): FEBRUARY 18, 21, AND 24, 2014, AND APRIL 21, 22 AND 23, 2014.

PLACE OF HEARING: ULIGA COURTHOUSE, MAJURO ATOLL.

QUESTION REFERRED TO THE TRADITIONAL RIGHTS COURT IN THIS CASE:

The question put before the Panel of the Traditional Rights Court for answer is, WHO IS THE PROPER PERSON BETWEEN PATRICK KOROK AND CHARLES DEBRUM TO HOLD THE 1/LL SENIOR DRI JERBAL TITLE ON ERU ISLAND, KWAJALEIN ATOLL.

ANSWER TO QUESTION: PATRICK KOROK.

ISSUES PERSENTED IN THE CASE:

Who between Kurma and Joma adopted Namiko?

Despite the fact that the Plaintiff presented that Namiko was adopted by Kurma, as stated by his witnesses, however, according to the Menmenbwij (Genealogy Charts) that were presented in Court (Defendant's Exhibits 6, 7, & 8), it is clear that Kurma and Namiko were adopted by Joma.

Therefore, the Court recognizes that Joma did not have children of his own, but that he adopted Kurma, Namiko, and Ninem as indicated on the Menmenbwij of Eru Island.

Did Kurma ever hold the Senior Dri Jerbal title after Joma?

According to the Closing Argument of the Plaintiff, he states that Kurma did not collect the Senior Dri Jerbal money during his life time because when Joma died, Adde, who was the son of Kurma went ahead and took the title on behalf of his mother, Jeikboke, the younger sister of Kurma. When it came time for Kurma's turn to hold the title he had already died and was not able to hold the title, therefore, Namiko became a Senior Dri Jerbal on behalf of the share of Joma.

The Defendant stated his disagreement with the relation line-up as described by the Plaintiff in saying that Adde was the son (nephew) of Kurma and that Jeikboke is Kurma's sister (cousin).

The Court recognizes the incorrect relation line-up of the Plaintiff as stated by the Defendant, and so the Court went ahead and considered the relation line-up according to the Menmenbwij, considered the Death Certificate of Kurma, and the Council of Iroj letter to the Secretary of Finance (Defendant's Exhibit 9), which states that Namiko was the person to receive Joma's share in 1994. According to these considered information, the Court was able to perceive that Kurma had already died when Namiko first began receiving the Senior Dri Jerbal share under Joma.

Who does the Irojlaplap recognize?

The Defendant listed all the documents which show that Irojlaplap Anjua Loeak recognizes Charles deBrum as the person to hold the Senior Dri Jerbal title under the share of Joma. The Defendant also presented the Minutes of Meeting of the Koba Maron, a committee overseeing land matters of Irojlaplap Anjua Loeak's domain, which declare that they recognizes Charles deBrum. During the testimony of Iroj Kotak Loeak, younger brother of Irojlaplap Anjua Loeak, he stated that according to his elder Irojlaplap brother, Charles deBrum is the person to hold

the title that is in dispute today. Iroj Kotak Loeak also stated that Irojlaplap Loeak did not recognize Kurma because of his participation in the CA 55/77 case.

The Plaintiff stated that the fact that Irojlaplap Anjua Loeak, along with the Koba Maron Committee, in recognizing the Defendant to be the title holder, is not proper under the Marshallese custom because it is not the time for the Defendant to hold the title that is in dispute.

The Court recognizes and respects the decision of the Irojlaplap Anjua Loeak on his land as it is in this case. However, the Court also recognizes that this case was brought before it due to the fact that the parties in this case are not in agreement with the decision of Irojlaplap Anjua Loeak, as presented through testimonies and evidences during the trial. For this reason, the Court had to examine the Menmenbwij, and the inheritance line up of the Senior Dri Jerbal title under Joma. According to the Menmenbwij of Eru Island, Kwajalein Atoll, it is apparent that Joma did not conceive children, but he adopted three children, which two of them are Kurma, the elder, and Namiko the younger. The Court also sees that it was appropriate for Namiko to hold the Senior Dri Jerbal title during her time since Kurma, who was older had already died before his turn. The Court also recognizes that after Namiko, then it is only proper that the title be passed down to the children of Kurma, who is older, and then to the children of Namiko, who is younger in accordance with the custom. With respect to CA 55/77 as discussed, the Court recognizes that there was not enough evidence to the information, and also recognizes that Irojlaplap Anjua Loeak did recognize Kurma because at one time he recognized Patrick Korok without any considerations to CA55/77.

Who does the Alab recognize?

In his testimony before the Court, Alab Betri Langijota stated that he recognizes Charles deBrum to be the person to hold the Senior Dri Jerbal title under Joma as accorded in the 11 distributions. According to Alab Langijota, Charles is the proper person because he is connected by blood to the family of Eru Island, being the son of Joji, who is the son of Emri, the child of Lare.

Even though the Alab title of Betri Langijota was discussed between the two parties, the Court did not consider the information provided due to the fact that it is only the Senior Dri Jerbal title that is in dispute in this case and not any other land titles. However, the Court once again had to consider the Menmenbwij and agreed that the share in dispute in this case does not include Joji's share, but that it only concerns the Senior Dri Jerbal title share of Joma. The Court therefore, recognizes that even though Charles deBrum has rights under two shares, Namiko's

share from Joma, and Joji's share from Emri, this case is only about the share under Namiko, who was an adopted child of Joma.

NAME(S) OF WITNESSES FOR PLAINTIFF:

1. Darlene Korok
2. Metwa Korok
3. Patrick Korok

NAME(S) OF WITNESSES FOR DEFENDANT:

1. Charles deBrum
2. Betry Langijota
3. Kotak Loeak

TANGIBLE AND DOCUMENTARY EVIDENCE RECEIVED:

1. Plaintiff's Exhibit A – Certification of Traditional Successor
2. Plaintiff's Exhibit B – CA 1987-12, JUDGEMENT
3. Plaintiff's Exhibit C – Kwajalein Payment, MOF File
4. Plaintiff's Exhibit D – Family Tree of the Plaintiff
5. Defendant's Exhibit 1 – Allocation Agreement In Re The Kwajalein Atoll Land Use Agreement
6. Defendant's Exhibit 2 – Office of the Secretary Memorandum of June 16, 2008
7. Defendant's Exhibit 3 – Irojlaplap Anjua Loeak's Melim Non Jolok Im Kajimwe
8. Defendant's Exhibit 4 – Koba Maron Minutes of Meeting, September 17, 2010
9. Defendant's Exhibit 5 – Koba Maron Minutes in Kwelok, November 7, 2011
10. Defendant's Exhibit 6 – Menmenbwij eo an Eru Island
11. Defendant's Exhibit 7 – Eru Kwajalein 'Karokan Bwij Ko Rej Dri Jolet
12. Defendant's Exhibit 8 – Menmenbwij an Lanumko
13. Defendant's Exhibit 9 – Council of Iroj letter to Michael Konelios, Secretary of Finance of May 12, 1994
14. Defendant Exhibit 10 – Birth Certificate of Charles deBrum
15. Defendant's Exhibit 11 – Jejenmur (M)+Jinien (F) – Namdrik (Menmenbwij)
16. Defendant's Exhibit 12 – FNMAAT Menmenbwij
17. Defendant's Exhibit 13 – Certificate of Live Birth for Nantiko Korok

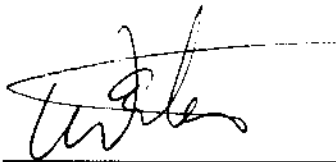
OTHER MATTERS THE COURT PANEL DEEMS IMPORTANT TO MAKE KNOWN:

One of the reasons the Court finds that Kurma was recognized as inheritor of the Senior Dri Jerbal right under Joma is shown on Defendant's Exhibit 4, a memo from the Koba Maron with

regards to Meeting Minutes which took place on the evening of Wednesday, September 16, 2010. In the list as described in the Minutes, are some reasons which Charles deBrum listed as important. According to Item #1 on the Minutes, it states, "Follow the practice which began with Mr. Kurma, passed on to his mother (Namiko deBrum and also to me (Charles deBrum) today"...when looking at this statement listed as #1, the Court recognizes that Kurma has always been included in the line of succession as described in the information.

Although other land titles and inheritance were discussed, the Court only considered the inheritance line up of the Senior Dri Jerbal right under Joma and down to Namiko according to the Menmenbwij as presented. The Court also stands firm on the belief that it must conduct a diligent and decent examination of the family organization as depicted in the Menmenbwij of Eru Island and in accordance to custom. The Court agrees with the fact that the utmost decision on land is from the Iroj, unless the family are not in agreement, then it comes to the Court to consider the basis of the dispute and to decide based on the Menmenbwij and the custom. To conclude, the Court encourages the families in this dispute to love one another and respect each other for it is what the custom is.

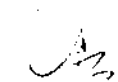
Date: 10-13-2014



Walter K. Elbon
Presiding Chief Judge of the Panel
Traditional Rights Court



Nixon David
Associate Judge of the Panel
Traditional Rights Court



Grace Leban
Associate Judge of the Panel
Traditional Rights Court