

IN THE HIGH COURT
REPUBLIC OF THE MARSHALL ISLANDS

MAJURO, MARSHALL ISLANDS

Iroiylaplap Murjel Hermios and Hemmy Langmos,)	CIVIL ACTION 1994-011
)	
Plaintiffs)	
)	
vs)	
)	
Brenson Wase, Minister for Internal Affairs & the Government of the Marshall Islands,)	Summary of the Case
)	
Defendants)	
)	
vs)	
)	
Litokwa Tomeing,)	
)	
Intervenor)	

Both courts, the High Court and the Traditional Rights Court, sitting in joint session, heard this Case. High Court Associate Justice James Plasman, Pro Tempore, and Chief Judge Beia Lalej, Associate Judge Berson Joseph and Associate Judge Riley Albertter, members of the Traditional Rights Court Panel.

Hearings dates from 21 - 25 of April 1997, at the Courthouse in Uliga, Majuro, Marshall Islands. (NOTE: Actual court proceedings commenced on the 22nd. The reason for the delay was to allow more time for the parties to work out a settlement. However, no settlement was reached.

260

ACTION TAKEN:

1. (a) The QUESTION as presented: Who holds both the ALAB and DRIJERBAL rights in and to Weto Telnan and Weto Monaktal?

(b) OPINION IN ANSWER TO THIS QUESTION: Both the Alab and Drijerbal rights in and to Weto Telnan and Monaktal were held by Iroiylaplap Tomeing.

(c) BRIEF REASONINGS ON WHICH THE OPINION IN ANSWER TO THIS QUESTION IS BASED:

1) Iroiylaplap Tomeing personally approached and asked Alab Lajinwa and Didmij, the Drijerbal, to give him Weto Ekmouj as his Imon Jerbal. After his request was granted, the Iroiylaplap renamed the weto from EKMOUJ to TELNAN.

2) Monaktal Weto was bought by Iroiylaplap Tomeing with the money he received from the Japanese as payment for their use of Telnan.

3) Evidence presented proved that Iroiylaplap Tomeing had lived on and cleaned and maintained both wetos.

(d) NAMES OF PLAINTIFF'S WITNESSES AND THEIR ADDRESSES:

1. Litokwa Tomeing (Plaintiff)
Majuro, Marshall Islands
2. Kamba Lakijohn
Wotje, Marshall Islands
3. Kaname Yamamura
Majuro, Marsahall Islands
4. Rimios Hermios
Majuro, Marshall Islands
5. Iroiylaplap Murjel Hermios
Majuro, Marshall Islands

(d) NAMES OF DEFENDANT'S WITNESSES AND THEIR ADDRESSES:

1. Hemmy Langmos (Defendant)
Majuro, Marshall Islands
2. Thelma Netwan
Majuro, Marshall Islands

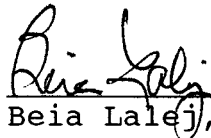
259

2. EXHIBITS OR OTHER DOCUMENTS RECEIVED INTO EVIDENCED

1. Plaintiff's No. 1 Will of Iroiylaplap Langmos
2. Plaintiff's No. 2 Deposition of Kottar Kamram
3. Plaintiff's No. 3 Deposition of Kapital Labwidrik
4. Plaintiff's No. 4 Determination of Iroiylaplap Murjel Hermios
5. Defendant's No. 1 Copy of pages from Iroiyl Book
6. Defendant's No. 2 Payment receipts from the Office of Public Defender

3. OTHER FACTORS TAKEN INTO CONSIDERATION WHICH THE PANEL BELIEVES ARE WORTH MENTIONING:

1. The Panel realizes and believes that under Marshallese custom and practice if an Iroiylaplap is physically clearing and working a parcel of land or weto, then the three (3) or four (4) land RIGHTS are owned exclusively by the Iroiylaplap and his children.
2. NOW, without reservations and in accordance to CUSTOM, the Panel has determined that Weto Telnan and Weto Monaktal, should be restored to the ownership of Litokwa Tomeing and his brothers and sisters being the children of Iroiylaplap Tomeing and rightful heirs of the RIGHTS of ALAB and DRIJERBAL .


Beia Lalej, Chief Judge TRC

FILED
APR 30 1997
ASST. CLERK OF COURTS
REPUBLIC OF MARSHALL ISLANDS


Berson Joseph, Associate Judge TRC


Riley Albertter, Associate Judge TRC

258