

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

Lininmeto Laiot,)	Civil Action No. 1996-161
)	
Plaintiff,)	
)	
vs.)	
)	<u>OPINION IN ANSWER</u>
Kiton Laibwij, et al.,)	
)	
Defendants.)	
)	

Appearances:

For the Plaintiff: David M. Strauss, Attorney at Law

For the Defendants: Manase Talofou, Office of the Public Defender

Clerk: Lee W. Silk

Reporter: Sepe Joash

High Court Civil No. 1996-161 was heard before the Traditional Rights Court on August 18th thru September 6, 2004 in the Majuro Courthouse, Uliga, Majuro Atoll, Republic of the Marshall Islands. The members of the Panel were the Honorable Billiet Edmond, Associate Judge, the Honorable Botlang Loeak, Associate Judge Pro temp and the Honorable Berson Joseph, Acting Chief Judge of the Traditional Rights Court. This case came before the Traditional Rights Court to resolve under custom the dispute between the parties of, "Who is the proper person under custom to hold both the Alab and Dri-jerbal rights on Mwetcejek Weto, Laura, Majuro Atoll?" This court of custom recognizes this case to be a good one from which we can learn a great deal. Therefore, this court recognizes that the custom is very important and plays a major role in resolving the dispute.

FILED

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[Signature]

THE CUSTOM: KATLEB.

Katlebs are an exclusive right of the irojs. Regardless of who you are, your bwij, but if the irojj sees the good deeds that you do, then he will do a katileb and place you on a land THAT WAS NEVER YOURS. Sometimes the alab can also make a katileb, but only with the approval of the irojj. The alab, however, cannot do a kableb on a member of his bwij or family. We only do this on someone who is not family.

RESOLUTION OF THE DISPUTE:

A. **Question Presented:** Who is the proper person to hold the alab title on Mwetejek Weto?

B. **Opinion in Anwer:** Aneja Laibwij.

C. **Brief Statement of Reasoning on Which the Opinion in Answer to the Question is Based:** If it is indeed true that Litakbwij, the wife of Irojj Jebdrik Lokotwerak, had adopted Bilimon Bowod, then it was not proper to do a katileb and place her son on Mwetejek Weto. Based on our practice and understanding of the custom of katileb, we don't do katilebs on our own relatives.

On the defendants' genealogy chart it is clear that Bilimon Bowod and all his younger siblings, including Lininmeto Laiot, are in the line of succession to Mwetejek Weto having descended from Lujoj Jorbele, their grandmother. Bilimon Bowod was already a person of Mwetejek Weto in his own right. As a matter of fact, he was one of the alabs who held the title on this land. We don't really know whether or not Litakbwij was aware that Bilimon and his siblings already had rights on Mwetejek before Mwetejek was given to him. If not, then this is where the MISTAKE was made. Mwetejek Weto is different from the other wetos on Eneko Island.

The testimony given in this case also shows that Bilimon Bowod had made a kalimur to Lininmeto Laiot. (See Plaintiff's Exhibit A). Lininmeto Laiot was a TRUE person of Mwetejek

Weto. She was no different than the other younger siblings of Bilimon Bowod and they're all SUCCESSORS to the land in dispute. So why make a kalimur to her? We have no doubts that Lininmeto Laiot would have eventually succeed to the alab title in her own right in her own time, and why not when she was MOMON-JIN or EKMOUJ JAB MELOKLOK KILENE EO AN. But if there were reasons for making the kalimur, only Lininmeto and Bilimon knew them. There was no testimony given before this Court to that effect.

Lininmeto Laiot herself made a kalimur, which is Plaintiff's Exhibit B. She willed that on her death Lawrence Kumtak was to succeed her and become the alab of Mwetejek Weto. Lawrence Kumtak is the son of Helen Laiot, the youngest of all of Lininmeto's children. This Court finds it difficult to understand why she only made a kalimur for her grandson and none for her own children. The reason? She alone knew. Once again, no explanation was given to this Court. Accordingly, this Court is of the opinion that the will by Lininmeto CANNOT BE APPLIED on Mwetejek Weto. Why? She did not own this land exclusively. This was bwij land to her and the approval of her bwij was required for her kalimur to be valid under custom.

EXHIBITS ADMITTED INTO EVIDENCE:

By the Plaintiff: 1. Plaintiff's Exhibit A - Bilimon Bowod's Kalimur;
2. Plaintiff's Exhibit B - Lininmeto Laiot's Kalimur;
3. Plaintiff's Exhibit C - Letter from Wagner Joash to Ammon Labija;
4. Plaintiff's Exhibit D - Johnsay Riklon's Letter;
5. Plaintiff's Exhibit E - Iroijlablab Jebdrik Lokotwerak's Kalimur regarding Iroij Bidrak Litokwa Tomeing; and
6. Plaintiff's Exhibit D - Civil Action No. 2001-218 & Civil Action No. 2002-063.

By the Defendants: 1. Defendant's Exhibit A - About Mwetejek Weto; and
2. Defendant's Exhibit B - Genealogy Chart of Mwetejek Weto.

NAMES OF WITNESSES & THEIR ADDRESSES:

For the Plaintiff: 1. Jormedrik Rilometo, Laura Village, Majuro Atoll;
2. Aknet Rilometo, Laura Village, Majuro Atoll; and
3. Jejori Inok, Rita Village, Majuro Atoll.

For the Defendants: 1. Aneja Laibwij, Laura Village, Majuro Atoll;
2. Kiton Laibwij, Laura Village, Majuro Atoll;
3. Ennet David, Laura Village, Majuro Atoll;
4. Jorbele Motlok, Laura Village, Majuro Atoll; and
5. Telnan Lanki, Rairok Village, Majuro Atoll.

OTHER IMPORTANT THINGS THAT WERE TAKEN INTO CONSIDERATION:

1. The defendants' Exhibit B. It is the genealogy chart of Mwetejek Weto. It is very self explanatory. Both disputing parties are part of this genealogy. The defendants in this case are the descendants of their mother, Anne Eleja. All of the defendants' witnesses gave undisputed testimony that it was only because of her death that Anne Eleja never held the title. If not for that, she would have been the alab before Lininmeto, the younger bwij. Therefore, and without a doubt, this Court recognizes that it is only right and proper that the defendants in this case be recognized as the current successors to the alab right on Mwetejek Weto;

2. When Lininmeto was still alive and the alab for Mwetejek Weto, she had the respect and love of these defendants, as was her due as their mother being the younger sister of their own mother. They had no problem with her.

3. This Court finds that both the kalimurs done by Bilimon Bowod and Lininmeto Laiot are in violation of the custom. Bilimon should never have made his kalimur to Lininmeto because there were still two persons before Lininmeto in the line, Ammon and Anne, who were older than her. Ammon and Anne were still alive when Bilimon wrote his kalimur to Lininmeto. But if Bilimon acted under the belief that Litakbwij gave him Mwetejek Weto, well, forget about that because this weto was ALREADY owned by Bilimon and his younger siblings and always had been. THIS IS

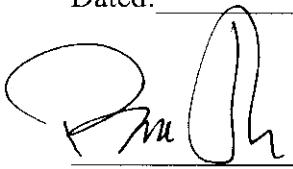
A BWIJ LAND. Please refer to their genealogy chart.

4. We also understand that THIS WETO IS NOT ONE THAT DOESN'T HAVE AN IROIJ.

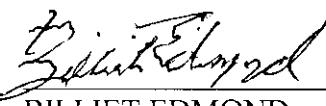
It has always had an iroij since the beginning. (See Plaintiff's Exhibit E). It is the kalimur between Iroijlablab Jebdrik Lokotwerak and Iroij Bidrak Litokwa Lajutok. This Court has some knowledge as to who the people are who are Litokwa Lajutok's successors today. But who are Iroijlablab Jebdrik Lokotwerak's successors today? This Court will stop here and yield this question to people concerned and urge them to resolve this issue and work out a solution that will be very reasonable and fair to their present iroijs.

THEREFORE, without bias and dispute, it is the opinion of this Court that the proper person to be recognized under the custom as the alab of Mwetejek Weto is the defendant in this case, Aneja Laibwij.

The families of Anne Eleja and Lininmeto Laiot are one and they should respect one another, look after one another and most of all love one another.

Dated: _____


BERSON JOSEPH
Acting Chief Judge, TRC
Republic of the Marshall Islands


BILLIET EDMOND
Associate Judge, TRC
Republic of the Marshall Islands

BOTLANG LOEAK

BOTLANG LOEAK
Associate Judge Pro Temp, TRC
Republic of the Marshall Islands