

IN THE CHOISEUL LOCAL COURT
OF SOLOMON ISLAND

Land case no. 04 of 2015

Between: Readley Bosevolomo

Plaintiff

And: Luke Sotakana & ors

Defendant

In the Matter of: KAKUVULA LAND

Before: Luke Soko ----- President

Rence Dako ----- Member

Leadley Tusigolomo ----- "

Rochester Zutu ----- Clerk



JUDGEMENT

INTRODUCTION

This Land case is about Kakuvula land situated at south Choiseul, Choiseul Province. This case was brought before Babatana Native court case no: 9/1962 and before Babatana council of chief on 30th June 2015. In which the decision was infavour by defendant. The matter was referred to Choiseul Local court by the plaintiff.

PLAINTIFF EVIDENCE

The plaintiff claim in his submission that Kapisi customary land is a Zinakutama land of Kapisi tribe. Plaintiff confirms to court that kapisi tribal land did not share any common boundary with Kakuvula

tribal land. The plaintiff further submit to court that kapisi tribe, they owned tabu sites, sope, kukubo and place to worship their god etc.....The plaintiff also claim in court that within kapisi land, people of other tribes did ask his father and grandmother Qilabola to make garden, plant coconut even ask for local material to build their houses. The plaintiff says that other tribe have their portion of land on Kapisi land, like Lua bani, Lau Roboto and Lua zu. The plaintiff witness no: 3 says that kapisi tribe give him a piece of land at Rokama, there they build their homes and settle in that piece of land till to date. The plaintiff further says that "LOKALATE" land is a portion of land that is given by Kapisi tribe to Bilki clan as Sioro Land.

DEFENDANT EVIDENCE

The Defendant in his submission claim that Kakuvula tribe is one of the main tribe in Luru Babatana Area. The defendant says that Kakuvula tribe has its own Geneology, Land boundary, Komala, sope, tatabuna, kukubo and vegolozuga etc.. and confirm to court that it is a true tribe in Luru and owned by Kakuvula land with a separate land of its own. The defendant spokesperson says that the boundary belongs to Kakuvula land is started from Bisipasa to Kolobanara River and they owned vegolozuga at Rokama. The defendant says that both kapisi and kakuvula tribe survey the land boundary of Kapisi and kavula tribe in 20th October 1999. The defendant spokesperson says the small hill at NABOKOLOVASIKI they have their two burial sites (kukubo) on that same hill they have their KA VAMU NI KESA but the logging company operate there and damage that small hill. One of the defendant's witness Chief Lenti Mataveke of Kabele tribe says to court that chief of Kakuvula tribe chief Rasake married a woman from Kabele tribe name Salumata. The Kakuvula tribes give 10 kesa a bride price so the Kabele tribe gave a piece of land called Bani to Salumata clan.

COURT ANALYSIS

After considering both parties evidences, the court must remind itself that the burden of proof in a civil case is based on the balance of probability that is to weight both parties' evidences before the court. The court believe that in any disputed land, Geneology and custom must always connect to each other in order to prove ones claim.

1. The court believes that Kakuvula is one of the hundred of tribes in Luru, Choiseul Babatana area, Choiseul Province.
2. The court confirm through Land survey that Kakuvula tribe have houses, cementry, tabusites, Lokapota, place for feeding their god (Banara) as in accordance of Luru custom.
3. During survey the court believe that Kakuvula land and Kapisi people owned those coconuts plantation within the disputed area. But for plaintiff court did not see any property which they own.

4. The court also believe that plaintiff confirm to court a portion of land known as sioro belongs to Biliki and children according to our worthy custom in Lauru.

5. During the site visit both parties agreed upon the boundaries started from Bisipasa to Kolobanara River, this confirm the decision in 1962 document.

6. All tabu sites reveal before court by both parties are the same, they all own those tambu sites except Kukubo which defendand explain and display before the court another extra two within the same area. But the rest they all have the same.

7. The boundary based on the Native court case no: 9/1962, says Kakuvula owned the swampy (Nabo) and plain (sare) area from Lokalate stream to Kuki hill which own by Qilalbola and Pitatamae. The defendand stated clear in court that they share common boundary with Kapisi maintaining the hill side belongs to Kapisi and Kakuvula own the plain and swamp as claimed.

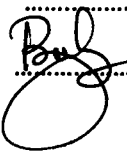
DECISION

1. The Babatana council of chiefs' decision is upheld.
2. Kakuvula tribe owned the disputed area within the swamp and plain as claimed.
3. Kapisi tribe owns the hillside of that disputed area.

ORDERS: No further orders.

Dated at Taro the 12th of May 2016

Signed: Luke Soko	- President
Leadley Tusigolomo	- Member
Rence Dako	- "
Rochester Zutu	- Clerk



ROA Explained.....