

**IN THE TANNA OUTER ISLAND'S ISLAND COURT
OF THE REPUBLIC OF VANUATU**

Civil Case No. 24/1447 IC/CHFL

(Customary Jurisdiction)

BETWEEN: ANDRE NARIPAP
Claimant

AND: NASIAP NAKUS
1st Defendant

**AND: JOY TUHRA, JACKSON PETER, RICHARD TASI,
KAMISAK & KARAING**
2nd Defendant

AND: RONYES KOPITANA
3rd Defendant

Jastices: Tom Noan
Elvina Joseph
Kapalu Alexis

Clerk: Joel Jacob

Date of Hearing: 22th to 26th September 2025

Date of Decision: 29th September 2025

Venue: Isangel court house

**MATTER: CLAIM OVER LONG NAME IA NARIPAP INSAET LONG IATAFUM
NAKAMAL**

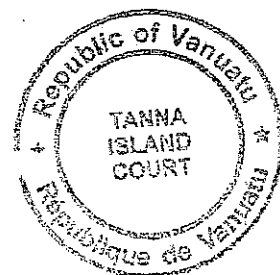
JUDGMENT

Klem long keis ia hemi blo faenemaot who nao stret blood blo NARIPAP insaet long latafum Nakamal. Claim blo case ia emi wan long stading issue long name ia Naripap long latafum nakamal insaet long kepep ruatana tribe south west tanna. Andre Naripap olem claimant we emi putum claim ia ikam long this honourable court ia blong court I mekem finding blong hem long name ia NARIPAP from hemi ting se hem nao I ownem nem ia long latafum nakamal.

Issue;

a. Itru se Claimant hemi onem nem ia Naripap?

Law:



Section 10 blo island court act cap 167 application blo customary law; subject to the provision of the act, an island court shall administrator the customary law prevalling within the territorial jurisdiction of the court so far as the same is not conflict with any written law and is not contrary to justice morality and good order.

Chapter 2 blo Nicoledan council of chiefs paragraph 4 articla 20: hemi talem olsem se leni hemi paramount jif we tribe nao bae hemi jusum folem bladlaen blo man.

Brief storian:

Claimant: Claimant hemi statem history blo hem long time befor we man I kaikai man olsem time blong canibalisim. (Andre NARIPAP I tokbaot man ia NARIPAP). Man ia NARIPAP emi kat authority mo power blong hem long kepep ruatana mo live antap lo hill ia lapeai. Hem ikat ol activities blong hem we hemi I tokabaot wota blong hem blo swim blong karem back strength mo power blong hem long pul ia kwetning-nu (pul blo wota blo Naripap) mo ples we hemi sta mekem bunia blong hem we emi kwewiken nipirawen iken.

1st Defendant: lo brief blo 1st Defendant, hemi talem olsem se man ia Naripap hemi nem blo wan man we istap olem wan basket mo hemi mensenem se basket ia hemi basket blo Poisen. Hemi admitim pakeken se hem, Claimant mo 3rd Defendant oli ol brata nomo. Hemi confirmem se 3rd defendant nao hemi man blo kukum totel blo hem mo istap askem lo tufala brata blo hem blo oli kobak lo nakamal mo stretem issue ia within olketa nomo from hemi wan internal matter blo family blo olketa. Lastly hemi se letafum hemi no wan supreme nakamal be lenepkasu nao hemi supreme blo Kiepep-rutana.

2nd Defendant: Long storian blo 2nd Defendant, hemi se hem nao hemi fes settler lo Yapanguwir. Hemi se nakamal ia nao hemi supreme lo Kepep-rutana. Hemi mensenem nem blo tufala man ia Kamisak mo Karaing se tufala nao tufala I leni lo Kiepep-rutana. Hemi se Naripap ia hemi nem blo wan man be after oli jensem iko lo wan sot yam (Ripap). Taem kot hemi askem lo hem, hemi se Naripap ia nao hemi wan man blo mekem problem mo man ia nao hemi ronemout olketa. Lastly hemi se kleim blo hem lo kot ia hemi from supreme blo Kiepep-rutana be ino from Naripap we Claimant hemi stap tokbaot.

3rd Defendant: 3rd Defendant hemi talem se hem nao hem door blo kakae. Hemi talem se hem wetem Claimant mo 1st defendant oli ol brata nomo. Hem wetem 1st Defendant oli fes bon mo Claimant hemi last bon. Taem itokbaot Naripap, hemi se Naripap ia hemi wan man we istap mekem poisen mo istap mekem bunia lo ol woman. Hemi describem Naripap ia se hemi wan man blo mekem problem. Taem we kot iaskem lo hem, hemi se hem nao hemi kivim nem ia lo Claimant mo hemi mekem wan kastom finis blo sentem bak nem ia ikobak lo ples blo hem. Taem we kot hemi askem lo hem about letafum hemi se letafum ino wan supreme nakamal. letafum hemi wan kitchen nakamal we hem nao hemi stap practicum tupunus lo hem.



Taem kot hemi askem 1st defendant se I true se NARIPAP emi wan man be ino delevel?

1st defendant Nakus Nasiap emi confirmem se yes NARIPAP hemi wan man we mama blong hem emi GI Mark. Mo hem I stap wetem Nasiap Nakus nao tufala i fes settler long kepep ruatan.

1st Witness: Chief Malia blo launanen, Nokla tribe emi confirmem se Naripap I maretem Narao lo lepkisip mo tufala I stap long Yatafum.

1st witness blong 1st defendant: Kagaru blo yetap emi confirmem se NARIPAP emi stap long Yatafum long custom road Mananep.

1st witness blong 2nd defendant: Tom Sia Neukah emi confirmem se NARIPAP emi wan name blong man.

2nd witness blong 2nd defendant: Henry Naus hem I talem se hem nao I ko karem apu blo original claimant out long Karumine tribe kam long Yenepkasu. Hem I talem se hem nao istap karem basket blong KAMISAK mo hem iko karem back olketa finis.

3rd witness blo 2nd defendant: Yenirau principal blong yatap kepep tribe lauma emi confirmem long court long witness statement blong hem se NARIPAP emi blong Yatafum. Hem I singsing about custom faet we I bin hapen long kepep ruatana. Hem I talem tu se KAMISAK ples blong hem long Yapangwuir Nakamal.

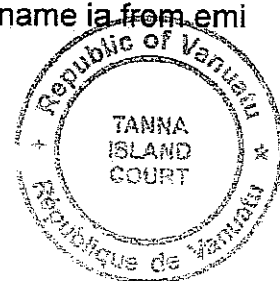
3rd defendant emi askem Claimant se you sta singaotem mi wanem?
OC emi talem se hem I singaotem RONIES KOPITANA se brother blong hem.

Cross examination: court emi askem lo 3rd defendant se from wanem hem I mekem diffrent statement?

3rd defendant emi talem se from Claimant emi no includum hem long family tree mo trifala ino bin sidaon tugeta blo mekem statement ia.

Kot assessment folem ol storian blo each party:

1. Claimant, Defendant 1, defendant 2 mo defendant 3 oli claim blong save se who ia NARIPAP lo Yatafum folem order blong kot date 25th June 2024.
2. 1st defendant mo 3rd Defendant tufala ino disputum name ia Naripap, be tufala ise nem ia hemi wan nem we hemi stap mekem problem.
3. 2nd defendant I disputum name ia NARIPAP se hem I wan short Yam mo name ia hemi pikinini blong rod mo oli no wantem name ia from emi no associate wetem humain being but short Yam.



4. Claimant mo 1st defendant oli se blood line blong NARIPAP I exist true long woman ia Salok we hemi pass ikam lo generation blong olketa naoia we evri family ia oli stap long yatafum mo Enapkasu Nakamal.
5. 1st defendant emi talem se Nako ikam long south mo time emi kam emi finem Nasiap Nakus long Enapkasu supreme nakamal kepep ruatana tribe.
6. 2nd defendant emi talem se hem i kam aot long yapangwuir supreme nakamal. Long time blong trible war hem I aot.
7. Every party oli confirmem se ikat wan yenirau lo 1 tribe folem island counsel blong Nikolaten. Ino save kat 2 lenirau lo wan tribe. Constitution blo Nicoledan i steitem very clear lo paragraph 5 criteria blong wan yeni. Article 26,27,28,29.
8. Folem ol assessment blong court, every party oli agree se supremacy blong wan high paramount yenirau emi stap long blood line blong yenirau we emi save performem any nakauiar or niel lo eniwea mo any ples. From bladaen ia ia hemi blo lenirau
9. Every party oli confirm se Claimant 1st mo 3rd defendant oli brother. Claimant emi last born blong tufala defendant.

After lo every storian mo ol assessment we kot ia hemi mekem, hemia nao hemi findings blo kot akensem issue we istap;

- 1- Naripap emi wan name we hemi inherited tru lo woman.
- 2- Naripap hemi wan kastom nem blo Claimant, Defendant 1, mo Defendant 3 we Claimant nao hemi onem.
- 3- Naripap hemi no wan leni.
- 4- Ietafum ino wan supreme nakamal.
- 5- Ietafum hemi wan Tupunus nakamal.
- 6- 1st mo 3rd Defendant, yutufala nao bae idisaet blo putum wan kastom title or posisen lo smol brata blo yutufala Naripap in relation lo article blo Nicoledan chapter 2, paragraph 4 aticle 20.
- 7- Claimant, 1st Defendant mo 3rd Defendant, yufala ikat wan time frame blo 3 manis blo sotemoaut family issues ia (October, November mo December 2025).
- 8- 2nd Defendant inokat intrest lo name ia Naripap insaet lo Yatafum nakamal. Intrest blo hem emi from paramount or supreme blo kiepep ruatana.

After lo ol findings ia, hemia nao hemia declairation mo order blo kot:

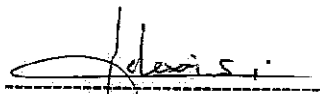
Declaration mo order

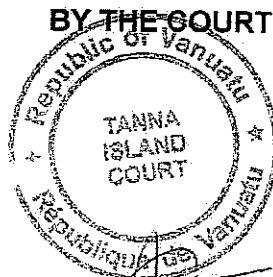


- 1- Kot i stap mekem order mo diklerem se nem ia Naripap hemi own by Claimant.
- 2- Kot istap strækem out 2nd defendant lo keis ia from claim blong hem ino relate long issue.
- 3- Claimant, 1st defendant mo 3rd defendant, yufala mas okanaesem wan kastom ceremony blo reconcile within yufala nomo blong putum stret yufala bakaken olsem wan family.
- 4- Kot istap ordarem evry party blong mas mekem wan custom ceremony blong reconcile long each other mo mekem sure se peace mo unity i mas stap oltaem within yufala.
- 5- Sapos anywan lo yufala i brekem or ino folem order ia bambai police i save arrestem hem or bai i save pass long kot from condem bong kot order.

Sipos you no klat long dicision ia you kat 30 days blo apilim iko long Magistrate kot stat tete iko.

Deit long Isangel, Tanna Island, this 29th September 2025.


Justice Kapalu Alexis



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Justice Tom Noam


Justice Elvina Joseph