

10



COMMISSION OF INQUIRY INTO SABL

20

MR NICHOLAS MIROU COMMISSIONER

30

AT KAVIENG, FISHERIES COLLEGE, THURSDAY 27 OCTOBER 2011
AT 10.22 A.M.
(Continued from Wednesday 26 October 2011)

[10.22 am]COMMISSIONER MIROU: Good morning Counsel.

MR TUSAIS: Good morning Commissioner. I apologize for the late start today. I have had quite a number of interested persons' submissions so I have been sorting them out. I have done up a list but this list has been amended. I will just give what I did and then advise as we go through which witnesses I will be calling.

10 These witnesses comprise mainly of landowners. First, I propose to deal with the Central New Hanover matter in the morning, that is Portion 887C and at 1.30 to call witnesses in regards to Kabut Limited, Portion 885C. As I said, there have been quite a number of responses and if we do not get through them, perhaps we can reschedule for another time, there will be sittings so when the Commission returns.

Commissioner, as was done during the previous two days of hearing, I intend to commence by just reading again ---

COMMISSIONER MIROU: The opening address?

20 MR TUSAIS: Yes, the opening made at Waigani couple of weeks ago for the benefit of the persons who are present from those SABLs.

Commissioner, this was what was said in openings at Waigani and I intend to deal with all three SABLs as one because they are related or they have similarities and commonalities especially with regards to the developer, Tutuman Limited. So that is for files COI No 25 Tabut Limited, COI 26 Umbukul Limited and COI 527 Central New Hanover Limited.

30 By way of introduction, Special Agriculture Business Lease is on New Hanover Island issued to three landowner companies of Tabut, Umbukul and Central New Hanover made the news headlines when it was reported that the whole island has been sold to a Singaporean company. Certainly the total area granted under the three leases takes up 85 percent of the Island, but it remains to be seen whether in fact that portion of the large island in PNG has been sold off to a foreign entity or entities. It is also clear that a lot of customary landowners believe that they have lost their rights to the use and enjoyment of their land for the next 99 years without getting anything in return. They have expressed serious concerns about the exploitation of their land resulting in permanent environmental damage.

Things came to a head early on in the piece, when landowners now covered by the three SABLs, especially in Central and Tabut objected to the landing and establishment of the developer company Tutuman Limited on their villages. There have been incidences where landowners were arrested and locked up at the Kavieng police station and in certain instances denied bail. The Police in Kavieng brought in a riot squad from Tomoringa Barracks in East Britain Province at the invitation of the developer company to, as it were, maintain order on behalf of the developer company or the sub-lessee who was exercising his right as the tenant.

- 10 The news of the New Hanoverians or the New Hanover people's plight brought the issue of SABLs to the public's attention. It caused sufficient public concern in the government's view to set up this inquiry. What is clear from perusal of all the material furnished so far to the Commission is that there is still a lot discord, distress and general anxiety out there amongst the large number of customary landowners. The number of customary landowners is sufficient or more than sufficient actually to indicate that they may not have been informed and unequivocal consent for the creation of those leases. In fact, Commissioner, their cries reached ears of now Chief Secretary Mr Manusupe Zurenuoc when he was Secretary for Provincial Affairs and designated custodian of customary and trust
- 20 lands. Mr Zurenuoc has since given evidence to the Commission of Inquiry and asked the Commission to recommend for the cancellation of all the SABLs on New Hanover Island.

The Commission needs to examine the three SABLs very carefully in order to determine whether they were illegally established, whether customary landowners have been mistreated in the process, if illegal foreign workers have been employed on the projects operated under the three SABLs and other matters prescribed by the Terms of Reference. Whatever conclusion it reaches there exists a real opportunity in this matter to make findings and recommendations that may help to formulate

30 appropriate solutions to problems which have become apparent from the evidence given to far to the Commission. Now the gazettal of these SABLs, the notice of grant – direct grant sorry, in all three SABLs plus another SABL operated by Tutuman Development Limited, that is Rakubana were published together in National Gazette No G161 dated 17 October 2007. All grants were made by Pepi Kimas as delegate of the Lands Minister.

99 years were over land described as follows:

- 40 a) Tabut Limited - 99 year lease over land known as Mamirum, portion 885C, in the Milinch of Lavongai, Kavieng, New Ireland Province with a total land area of 11,865 hectares.

- b) Umbukul Limited - 99 year lease over land known as Umbukul, described portion 886C in the Milinch of Lavongai, Kavieng, New Ireland Province with a land area of 25,108 hectares.
- c) Central New Hanover - Also had a 99 year lease over land known as Central New Hanover, portion 887C, Milinch of Lavongai, Kavieng, New Ireland Province. Total land area was a bit more than the other two, 56,592 hectares

10

Commissioner, files provided by the Investment Promotion Authority contained the following information:

- A. Tabut Limited - This company was registered on 4 October 2007. It is currently operating. The Principal place of business is Section 10, Lot 6, Anir Street, Kavieng. It has 10 shareholders and 7 directors. The secretaries are named as Elizabeth Melun and MiskusMaraleu.
- B. Umbukul Limited - It is registered on 30 August 2007. It is currently operating. Its principal place of business is Section 10, Lot 6, Anir Street, Kavieng. There are 22 shareholders, all named individuals and 7 directors. The company secretary is Mr Miskus Maraleu.
- C. Central New Hanover Limited - It was incorporated on 30 August 2007. Its principal place of business is Section 10, Lot 6 Anir Street, Kavieng Town. Shareholders are named individuals and ILGs.

20

30

Tutuman Development Limited - From Perusal of IPA files, shows to be a company incorporated in PNG. Files from PNG Forest Authority and Environment and Conservation shows that a Regina Hii, a Malaysian citizen who is resident in PNG owns 49 percent of the total shares. Deodatus Hii, also a Malaysian citizen with PNG residency holds 12.5 percent shares whilst Pedi Anis, Janet Rauveve and Degon Logo, all PNG citizens each hold 12.75 shares. It would appear from this record therefore that the majority shareholding of 61.5 percent in the company is held by foreigners. The company is a registered forest industry participant given registration number F101156 by the PNG Forest Authority. Its main activities seems to be forestry related but it also claims to be the first company in New Ireland to be granted a cocoa export licence.

40

Lands Department - Commissioner, the Lands Department. This Department has lost its files relating to all three SABLs and had to advertise in the Press for owners to come forward and provide their copies of files for title and related correspondences. Once again the Lands Department has failed to assist the Commission because of the atrocious, insecure and haphazard way it maintains its files, a fact which will not be remedied for some time to come. The Commission does not have Land Investigation Reports to determine whether the Department took the necessary steps before granting title.

10 1. Tabut - A Notice of Direct Grant under Section 102 was made to Rakubana,

[10.32 am] From a government provided to the Lands Department after its advertised – these are the information that we gather. Information was, I presumed to be supplied by the developer company Tutuman Limited. The owners copy of lease to Tabut Limited was signed by Pepi Kimas on 29th October 2007. Endorsements at the back of the lease title shows the following endorsements. It was firstly subleased to Tutuman Development Limited on 5 November 2007. This sublease was cancelled on 30 September 2009 and subleased again to Palma Hacienda Limited on 1 October 2009. This sublease was
20 cancelled on 21 March 2011 and subleased again to Tutuman Development Limited on 20 September 2010. A copy of instrument of lease-leaseback agreement between Tabut and Tutuman Development Limited was signed on 24 September 2007. It was agreed to lease to Tutuman for 40 years; the annual rent is set at K10,000 per annum. Lease leaseback agreement was signed between Ruben Peni as Chairman of Tabut, Pelick Isaiah and Passingan Kasup Ruik as Committee Members of Kabut on the one part and Steven Hii as Managing director of Tutuman on the other. The agreement was witnessed by Miskus Maraleu as tenant or lawyer for tenant. A person
30 named as Miskus Maraleu appears in forms attached to LIRs called ‘Schedule of owners, status and rights to the land’. Representatives for the Ahi Vonge clan are listed as: Miskus Maraleu, Margaret Maraleu, Mauna Maraleu, Miskus Junior Maraleu, Malonie Maraleu, Majorie Maraleu and Melchicedek Maraleu.

2) Umbukul - Notice of direct grant was signed by Pepi Kimas dated 16 October 2007. Owners copy of lease shows that Lease to Tabut signed on the 29 October 2007. Endorsements at the back of the Sublease showed that Tutuman Development Limited was a sub-lessee entered on 5 November 2007 but this was – another endorsement shows that this sublease was
40 cancelled on 30 September 2009 and subleased to Palma Hacienda Limited on

2 October 2009. This sublease was cancelled on 2 October 2009. This sublease was cancelled on 21 March 2011 and subleased back to TutumanDevelopment Limited on 22 March 2011.

- 3) Central New Hanover - All information once again are from those documents supplied by the owner which in this case seems to be Tutuman. The SABL to Central New Hanover was signed on 29th – sorry the lease, excuse me, the Notice of Grant was signed on 29th. The lease - leaseback agreement was signed between Central New Hanover and TDL, that is Tutuman, on 29 September 2009. Again there are endorsements at the back of the lease title and these endorsements show that the sublease was made to Tutuman on 5 November 2007. It was cancelled on 30 September 2009; then subleased to Palma Hacienda Limited on 1 October 2009. This sublease was cancelled on 20 September 2010 and subleased again to Tutuman on 20 September 2010.

Palma Hacienda Limited is a company incorporated in PNG, Company No 1-63790 and resident in Kavieng but its only shareholder is a company called Dynamicon Limited, a company registered in the British Virgin Islands which seems to be a tax haven of some sort. There are two directors, Huo Mee Hii and Kiong Mee Hii, both Malaysian citizens. The Commission has sighted a copy of a purported agreement signed between Tutuman Limited and Palma Hacienda for the later to buy out Tutuman Development's interest in what is described as plantations on New Hanover. This is not confirmed and will be done with landowners and the two companies here in Kavieng. Included in files for the Central New Hanover are what appear to be a new agriculture plan by Tutuman to plant rubber trees in the Central New Hanover SABL. This plan is dated May 2011 and Tutuman needs to explain why this plan was submitted in 2011 when SABL was granted some years back and the plan at that time was to plant other agricultural crops including oil palm, cocoa and coconuts.

7. Department Of Agriculture - Input by DAL has been minimal as was evident in other SABLs throughout Papua New Guinea. The trend, I submit, seems to be that the Department enthusiastically supports agriculture development plans and in the process encourages and urges Department of Environment to approve permits and PNG Forest Authority to approve forest clearance authority but after those permits and authorities are issued, they seem to disappear off the screen or as it were. In these three SABLs, the Deputy Secretary Mr Francis Daink seems to have done just that. There does seem to

be invitation put out for public hearings but there is no record of those hearings having taking place.

As far as the New Hanover projects are concern, the Commission must visit the site to ascertain the development if there are any carried out so far by the developer. There has been landowners complaints that the TDL has not kept its part of the bargain to plant cocoa and coconut and the few trees that have been planted so far are now under thick bush.

- 10 8. Forestry Consideration - There have been complaints made at the PFMC or Provincial Forest Management Committee is constituted by - at that time was constituted by the Chairman who was related to Mr Pedi Anis, the Chairman of Tutuman Development and Deputy Chairman is said to be part of the TDL company. This will be further investigated and reported on at a later stage. In the meantime FCAs to the three SABLs are as follows:
 - a. Tabut Limited -
There has been no FCA granted by the PNGFA Board. Application may still be in the pipeline.
 - 20 b. Umbukul Limited - No mention of FCA. Also it may still be in the pipeline for determination.
 - c. Central New Hanover - FCA was however granted for Central New Hanover Limited. It is numbered FCA No 16-02. This was granted on 25 November 2010.
- 30 9. DEC - As far as environmental permits are concern, they have been issued for Central New Hanover by Environment and Conservation. It is still considering Permits for Tabut Limited and there is no record for Umbukul Limited. There is no mention on DEC files as to whether public hearings and awareness were conducted to gauge views of customary landowners. This again will be further investigated and evidence will soon be forthcoming.
- 40 10. Landowner Concerns - There have been numerous complains, concerns and expressions given to the Commission here in written form. There is archlever files compiled by interest groups based in Port Moresby in direct contact with the landowners on New Hanover. There are too many to mention. We will shortly be hearing direct evidence of landowners in this matter. But I only mention a letter written by the current Administrator, Mr Simeon Malai, who

received complains from landowners. He wrote on 10 March 2010 to the Department of Environment and Conservation expressing his reservations about the permit to be issued to Central New Hanover and said landowners have complained to him about -

- 1) Incorporation of land groups being done without the full consultation amongst clansmen and women.
- 2) Serious questions were still unanswered with regards to landownership.
- 3) There were no fair hearings. Meetings were done at pre-arranged sites, in other words the responses had been rigged – there were members of the audience who stood up on cue and gave certain pre-arranged responses.
- 4) Other meetings were held in various areas where people were overridden and decisions made out of ignorance.
- 5) Certain groups including the TSOI, Lukus and Ungalik who are genuine landowners were left out of meetings and negotiations.
- 6) Experience has shown that the company's previous operations on West New Hanover had been a total failure.

These statements are basically reflections of what landowners have complained about.

[10.44 am] Those are just brief statements as an introduction to these three SABLs on the island of New Hanover. I propose to call various witnesses. They have written down their statements in writing and what I propose to do is to call them, have them sworn and they will read what they have written into the record. In that way we can get it through. It is quite a long list but some witnesses are not here.

COMMISSIONER MIROU: Thank you Counsel for the opening remarks on the three SABLs relating to New Hanover. As for the benefit of those who are present in the hearing room, the Inquiry will commence with the SABL relating to Central New Hanover; SABL which is Portion 1887C and Counsel in a short while will be calling each one of you to – or each one of you who indicated to Counsel that you will be giving your evidence. When you give evidence, we can accept them by your reading those statements into our records so that we can gather enough information with regard to that particular SABL. So thank you for your coming

this morning and your willingness to assist the Inquiry with any information that you have. Yes, thank you counsel.

MR TUSAIS: Mr Felman Issac

COMMISSIONER MIROU: Please take a seat and you are going to give evidence in Pidgin or English?

MR ISSAC: In Pidgin.

10

FELMAN ISAAC: Sworn

XN: MR TUSAIS

Thank you. You may be seated.

MR TUSAIS: I have a copy of what he intends to say down in writing – Mr Associate.

20 MR TUSAIS: That should be Exhibit CNH1, yes.

COMMISSIONER MIROU: CNH1

[EXHIBIT CNH1 – STATEMENT OF MR FELMAN ISAAC]

MR TUSAIS: Perhaps Commissioner, we just let the people come in and settle down.

COMMISSIONER MIROU: Yes, Counsel.

30

MR TUSAIS: Your name is Felman Isaac?

A: Yes.

COMMISSIONER MIROU: Speak up; speak up and answer.

MR TUSAIS: You are from Konematirik village?

A: Yes.

40

Q: That is located in New Hanover, in the central part of New Hanover Island?

A: Yes.

Q: You are an ordinary villager?

A: Yes.

Q: How old are you now?

10

A: 42 years.

Q: You have lived most of your life in your village?

A: Yes.

Q: All right. This Commission is inquiring into the SABL or lease issued to a company called Central New Hanover. Does that SABL cover the area that you live in?

20

A: Yes.

Q: I think you prepared a statement in regards to that SABL. Could you just read that into the records. Read it bit by bit so that the interpreter can interpret that into English.

A: I would like to tell COI when I at home, there were no awareness done regarding this development taking place. We were just standing there and confused on what was going on. Three days before there was a meeting between Bumatum, Kamsal and some other people to fix the landing and passage. We did not want them to come in. But they told us that the landing – the machine will be on land and then they will sort it out after.

30

Q: Witness, did you know what year that was in?

A: I cannot recall the date but it was at beginning of last year.

Q: 2010?

40

A: Yes.

Q: You continue.

A: After three days the landowners placed a tamboo sign, a Gorgor. When the platoon came into the passage, they got rid of the Gorgor and started unloading their machine and they set the company's log pond and they told the landowners that the company will build a road to Taskul and around New Hanover.

10 Q: Okay. Witness, which company was that?

A: Gromax.

[10.54 am] COMMISSIONER MIROU: Speak up so that everyone can hear you.

MR TUSAIS: You continue.

A: When they started building the road the company also started to cut our timbers. The company built a log pond and start dragging the timber down. Tutuman bought these timbers for K12.00 per cubic. When the landowners tried to talk they said that the police will arrest the landowners if they
20 disturbed the operation in Central New Hanover. And when we put up the gorgor they did not respect it. The company dugged up some of our sacred place, cemetery and reef. While we tried to stop them they said that the police will arrest us. Tutuman hired the police to defend the rights of the landowners. They did not buy our cash crop and food, food like betelnut, sago, cassava and when we tried to stop them they told us to go to their office. And when we came they did not attend to our worries because they said they already got the FCA already. Inside these operations every ILG did not give their consent, only one or two people gave theirs. They brought the police to stop our rights. They shot at us with guns. Tutuman also
30 employed some Malaysian, many of them did not have permit or licence here in Papua New Guinea. The drivers who were driving these machines did not have driving licence. The court process regarding 887C is still going on. Why has the company not stopped operating and not wait for the court. We, the landowners want our land to come back to us with the help of the government in the portion 887C in Central New Hanover and our local

company will find a developer to develop and give service to us. That is all Commissioner.

Q: Felman, did you, yourself witnessed these police shootings?

A: I was there that time when they shoot.

Q: You just tell the Commission, just tell us how it happened?

A: When we put the gorgor the police came in, they ordered me to get rid of the gorgor and they went in. When they were in the landowners affiliate at them.

10 Q: Sorry, just say that again. What did the landowners do? Say it in another way?

A: When they went in the landowners questioned them why they were in there.

Q: Sorry, witness, just say when was this? Do you remember the date or the year would do? Sorry, just wait. Commissioner, could I just brief the audience. When a witness is giving evidence they are not to give answers to him.

20 COMMISSIONER MIROU: For those present in the hearing room, when Counsel is asking question of this witness, the witness is sworn to give a testimony before the Commission, it would not be proper for any persons within the room to comment or even suggest any answers to this particular witness. Let me remind you that you may be asked to leave this hearing room if you continue to disturb the proceedings of the Commission. Thank you, Counsel.

MR TUSAIS: Let us pick up again. This police incident, do you remember, if you do not remember, it is okay, you just tell your story. When did it happen?

A: This year but I cannot recall the date.

Q: Was it early, up close to New Year time or in the middle of the year or just like last week?

A: At the start of the year.

Q: Sorry, Felman, your story. I disturbed you a bit. Just tell your story about the police incident. Speak up.

10 A: When they came they got rid of the gorgor. The landowners asked them where did you get permission from to get rid of the gorgor. They said that the court ordered them to get rid of the gorgor. They showed me a piece of document; paper and the other one that they told me verbally without showing me and that is why and they went in. When they went in the landowners asked them why did you get rid of the gorgor and come inside? If the government respect the gorgor and the custom of this country which
20 law are you allowed to follow in this country? They swore at the landowners and they said that they were going to arrest them and they will shoot them with guns and they also swore at them. The landowners got up and threw stones at them. The boy who was shot, he was not among that group who were throwing stones at police. The policeman laid his gun on the tyre of the vehicle outside and shot him, the bullet penetrated both of his legs. The other happened when they fired down to the ground and when the bullet went upwards, it caught him by the chest. The one who was shot at the – where they shot him at the legs we got him and the other person to the hospital. And the police went back to the logging camp and stayed there.
That is all.

1.10 am] MR TUSAIS: Where were these policemen from, Kavieng police or from somewhere else?

A: They are from Tomaringa.

Q: Was that the only incident where the police went into your village or your area?

A: They also came and stopped us, stood guard over us when they were landing.

Q: This was when the company first arrived?

A: Yes.

30 Q: These Malaysians, how many of them are working, do you know?

A: I cannot recall.

Q: They were many or just a few.

A: There were many.

Q: What kind of jobs did they do apart from driving tractors or bulldozers, what other jobs do they do?

A: Mechanical and chainsaw operator, surveyors.

Q: Speak up.

A: Supervisors and managers.

Q: These Malaysians, how do they treat you local people?

10 A: Many of them treat us good but only few of them do not.

Q: You state in your statement that they have, some of them have had relations with women from your area?

A: Yes.

Q: You said in your evidence that some of these Malaysians who just drive tractors or machinery do not have driver's licence. How do you know that they do not have driver's licence?

A: I used to jump with them, I used to tell stories with them.

Q: I have no other questions, Commissioner.

20 COMMISSIONER MIROU: Thank you Counsel. You told the Inquiry that - witness, did any person from the Provincial Lands Office or the Department of Lands ever go to the village and organize a public hearing?

A: No.

Q: And to raise the awareness that your land was going to be leased to this company for a period of 99 years, did you or any of your villagers ever go to know about this?

A: No.

Q: I have no further question to ask, Counsel. Do you have any other things that you wish to inform the Commission?

A: No, Commissioner.

MR TUSAIS: Thank you witness.

COMMISSIONER MIROU: You may step down and be excused. Thank you for your evidence.

THE WITNESS WITHDREW

10

MR TUSAIS: Commissioner, I now call Mr Ishmael Passingan. He is listed on the afternoon session but he is going to give evidence for Central New Hanover.

ISHMAEL PASSINGAN, Sworn:

XN: MR TUSAIS

Q: This witness has also written down what he intends to say. I pass a copy up to Commission to see. Your full name is Ishmael Passingan.

COMMISSIONER MIROU: Sorry counsel, this is exhibit ---

MR TUSAIS: Sorry, exhibit CNH2.

20 COMMISSIONER MIROU: Thank you.

[EXHIBIT CNH2 – ISHMAEL PASSINGAN’S WRITTEN STATEMENT]

MR TUSAISA: You are Ishmael Passingan?

A: Yes.

Q: You are a public servant; you are the Electoral officer for the Office of the Member for Kavieng?

A: Yes.

Q: What village are you from?

A: Nuslik village.

Q: Just spell it for us.

A: N-u-s-l-i-k.

Q: Nuslik, okay. That is on New Hanover?

A: New Hanover.

Q: Which part of New Hanover?

A: Central New Hanover.

10 Q: Your village is also covered by this SABL held by Central New Hanover Limited?

A: Yes.

Q: You have written down what you wish to tell the Commission, you have written two documents. Perhaps you start off with this one, you read it into the record.

A: Yes.

Q: And then you can go onto the other one if you wish. Just speak up so your talk can be recorded on the machine.

20 A: "The importance of SABL in portion 887C is in question and ownership doubted. Commissioner, I was elected secretary by the board of Central New Hanover but after a lot of serious development issue been debated with Tutuman Development, the board members sided with Tutuman and they voted me out. I also found out a lot of illegal deals by Tutuman Development, example, the sale and purchase agreement signed by Pedi Anis and Regina Lau Ikwong for the three portions in New Hanover, 887C, 886C, 885C. I reported the matter to the major organized crime and they arrested Regina Lau Ikwong and was released under a lawyer as a guarantor and she left for Malaysia. Until today she is still at large."

In Kavieng, Tutuman Development started the fight against me and our landowners. Commissioner, I wish to carry on with my address on behalf of the landowners of Central New Hanover and I will be doing it according to the Terms of Reference and I will do it in Pidgin.

COMMISSIONER MIROU: If you do it in Pidgin, you will sort of like, read a statement and then let the Interpreter interpret it in English.

A: Thank you.

Q: You can read it but just cut it and the Interpreter will interpret in English.

10 MR TUSAIS: Sorry Commissioner, sorry witness, there is another bit to your statement. You do not have it?

A: I do not have it, sir.

Q: Sorry Commissioner, I think this was not photocopied. If he could just read this bit in also. This is where you say about the fight between Tutuman and the landowners.

A: “This fight has left 11,000 cubic meters of logs lying in Konamatalik log pond. The landowners successfully got them out and they are now operating with force in Meteai camp with the subcontractor Joinland Limited. Commissioner, since day one Tutuman Development with their cohorts did not follow due process in creating ILGs, registering land and getting titles.

1.23 am] They deprived the landowners’ rights. I plead for the silent majority that the government should assist us to get our own project going on later and the landowners taking control of all businesses. Thank you.”

COMMISSIONER MIROU: You may proceed with your statement.

A: Lands Department looks after every work regarding lands here in Papua New Guinea. Department of the Provincial Affairs is the guardians for every land in Papua New Guinea and the Department of Provincial Affairs must give the right for every customary land to leave customary status and also to have agreement with the Provincial Administrator when it takes land from the landowners and also to make recommendation to the Provincial Affairs

for Alienability. After that the Lands Department can take the SABL title to the landowners. Lands Department did not follow this route. The government department themselves broke this law. The way Lands Department gave this SABL was not correct. The correct way is like this. Every landowner must give their consent in this Land Investigation Report. The provincial administrator from the province must then follow the agreement of the landowners and inside the land investigation report, they must sign a recommendation to the secretary of Provincial Affairs that the landowners gave their consent to give their customary lands to the Government under the lease – lease back title. After the recommendation the secretary of the Department of Provincial Affairs can sign the Certificate of Alienability. Giving the titles of 885C, 886C and 887C did not follow this process. The Tutuman Development and the Lands Department, in our own point of view, did not receive any agreement from us. That is why we are telling this Commission of Inquiry that they stole our land.

SABL portion 887C - there are many of us, our number is higher then 90 percent and the total landowners of our population did not consent and did not agree with this SABL that now we are disputing as referred to the points stating that we did not give our consent. This company, we, the landowners do not know very well. There was no meeting with the landowners at home starting from 2006 till now. We also did not choose our members and board of directors for the Central New Hanover Limited. The Tutuman Limited and their workers, their clients chose those people to register them and told lies to them and stole our own land. This title, Tutuman Dvelopment got it through lies and it was there in Central New Hanover for a short time and Tutuman Development got it back again. There were no agreements, public agreement between the Central New Hanover and Tutuman Development where they will give their consent to transfer this title. We the landowners believe under the law that Tutuman stole the title of our own land.

Mr Commissioner, this statement is not in the Terms of Reference of the Commission but we, the landowners would like to tell this to the Commission of Land Inquiry because we believe that it is true and very important and that the COI must know. Sir, you must be sorry for my people. We did not receive a single 10 toea or any project from the

Tutuman. Tutuman has no rental purchase per hectare from our land, starting from 2007 till now, 2011 and right up to 2106 that is when the 99 year lease will expire.

10 We the landowners have yet to receive money regarding our lands, but instead Tutuman Developments has already sold the land to the Asians and we were left. Commissioner, if you see that this action is not right, feel sorry for us and see what you can do. The title is not with the Central New Hanover Limited. Under the Lease - Lease Back title, the lessor is the landowners, lessee is the State, sub-lessee is the landowners, the sub-lessee is the developer, that is the Tutuman Development. Section 11 of the Land Act (1996) and is also preambles in the Instrument of Lease.

Mr Commissioner, the acquiring of our title by Tutuman Development and then selling the title to Palma Hacienda, and to getting back the title from Palma Hacienda back to Tutuman did not follow the right process and that is wrong. This error happened because of the ignorance of the Lands officers department where the Tutuman had been using them to support them.

[11.37 am] To make this happen Lands Department as the department tasked with the responsibility to oversee and implement the regulations of lands laws has failed to execute its duties according to the law. Following the requirements of the law of
20 the Department of Agriculture and Livestock they must communicate and work together with us to come up with the agriculture development plan in Central New Hanover and the National Forest Authority must talk to us, the landowners and come up with the Forest Management and the forest development plan. Department of Environment and Conservation must follow the plan, the agriculture plan, water usage, waste disposal plan and all other plans, they must come up with their physical assessment and investigation before it can agree with the environmental plan. The three departments together, DAL, NFA and DEC must make this plan together with the landowners and they must conduct public hearings in our villages before they can agree with these plans.

30 We, the landowners in the Central New Hanover we witnessed that this thing did not happen in our village. The approval of the agriculture plan, the forest working plan and the environmental working plan where the Department had approved and

also for the Central New Hanover and the other two areas in Lavongai, where each of the department made in Rabaul and also in Port Moresby with Tutuman Development and we, the landowners know nothing about. This was done and did not follow the law and that is wrong. Title, the Tutuman Development got did not follow the law or the process and that is wrong. Timber has been cut down and sold but there are no agriculture development taking place at the village. The environmental plan for each of the SABLs have not been married and are not the same and therefore this is the work of deceit officers causing confusion to us ignorant villagers. There has so been so much confusion in the village created by these government officers. They did not do their job properly, following the Oath of Service to the State, to the people and the citizen of Papua New Guinea. Also the officers of the company, they have no interest in the welfare of the people. Their main interest is to make money only.

Many of these Malaysian, they come and get married and bear children and then leave. Also prostitution - there is a need to improve the law that will go direct to the landowners and also there must be good awareness done to the landowners from the government officers and there must be training conducted for government officials to stop bribery by all government officers. That is all. Thank you.

MR TUSAIS: Just a few questions to clarify certain things. This Regina or Regina Lau Hii, which company was she involved with?

A: Regina Lau is, she is a director of Tutuman Development.

Q: You said Tutuman sold land to Asians, you know which Asians they sold the land to?

A: Palma Hacienda.

Q: Commissioner I have no further questions for this witness.

COMMISSIONER MIROU: I have no question because he has covered virtually much of the issues that we are inquiring into. Mr Passingan, thank you for your evidence. We have recorded the concerns that you have raised for yourself and your people and we will consider them when we return to Port Moresby. We thank you for attending this morning as a witness. Thank you.

A: Thank you Commissioner. God Bless.

THE WITNESS WITHDREW

MR TUSAIS: Commissioner, I intend to call one more witness before we break for lunch. He is Nelson Posikau.

[1.48 a.m.] **NELSON POSIKAI, Sworn:**

XN: MR TUSAIS

10

MR TUSAIS: Commissioner, I have got a copy of what he intends to say. It is reduced into writing. It is Exhibit CNH3.

COMMISSIONER MIROU: Yes, CNH3.

[EXHIBIT CNH3 – STATEMENT OF NELSON POSIKAI]

MR TUSAIS: Your full name is Nelson Posikai? Speak up so that your words be recorded on the machine.

A: Yes.

20 Q: You are from Patnikin village?

A: Yes.

Q: It is located in Central New Hanover?

A: Yes.

Q: You come from the Inungules Siabun clan?

A: Yes.

Q: Your village is covered or contained within this SABL that we are now hearing evidence on issued to a company called Central New Hanover Limited. Is that correct?

A: Yes.

Q: Alright you have written down what you wish to tell the Commission. It is there before you. Would you just read that into the record?

A: “In Central New Hanover, where there are 28 villages or more in Portion 887C. I am from the Inungules Siabun clan in Min area. Out of 28 villages, only two villages Patnikin and Metesai village were visited by the former premier of New Ireland, Pedi Anis, Miskus Maraleu and Reuben Peni. In 2006, these people mentioned above came to Patnikin village in Min area. Also in Min there are some villages in the upper inland of Min which they did not visit. When they arrived in Patnikin village in 2006 and told us that, “we are going to put money into your pocket.” They called a few people of us together and issued us forms. They told us to sign without awareness. They only appointed our ILG chairman or executives. Inungules ILG, where I belong to, there are some executives which are uneducated and very old. Also Boaz Laneou, the secretary of Unungules Siabun clan was very old and died after signing. There was no land investigation, clear awareness or they did not spend too long with us. After signing, they took off. In 2008, ‘09 and ’10, Siri Malaun and his team came back and told us that him, Siri Malaun is the chairman of Central New Hanover Limited and they have board of directors.

On behalf of the people, my clan and ILG, we did not elect these Central New Hanover chairman and the board of directors. And also we did not make any choice of our land and also there was no conditions set to govern. This Tutuman or former premier, Pedi Anis, got our land without evidence from the landowners and sublease for 99 years.

Today, Central New Hanover is under dispute but still they are pushing their way, criticizing our lifestyle in the village. Even though we put gorgor to stop them but they do not respect our birthright. Shooting us landowners with gun, using the Police to remove our gorgor. So in this way, I, as a landowner, is seeing that they have no trust for me as a landowner. Now, I have no choice upon my land because they have taken my land as they are the landowners.

In the meantime, a lot of Malaysian people will come into our land and get married and tomorrow they will change my identity as a New Hanover son. Also my right as the customary rights, I have all the rights to protect my land and I did not authorize Tutuman to take my land and sell it to foreigners. Maybe in the past years these foreigners will look down my identity and I will have no right upon my land.

So on behalf of the Unungules clan, ILG and the people, we did not give any right to Tutuman to make choice out of our land. We have every right under customary to have choice upon my land. Thank you.

[12.01pm]Q: Thank you Mr Posikai. You refer to the police incident. When was this incident?

A: This year.

Q: This year?

A: Yes.

Q: Is that the same incidence that Felman Jack spoke about?

A: Yes.

Q: Were you also present at that time?

20 A: I was there only when they removed the Gorgor but as far as we the landowners of Central New Hanover, that is how they take us. And also in the future years as they are operating first at Poromatai, maybe they will trick me in the years coming if they continue on my land.

Q: Thank you. I have no further questions.

COMMISSIONER MIROU: Thank you Nelson for your statement. We have recorded your concerns and your concerns will be taken into account when we compile our reports next week. So we thank you so much for coming this morning and to assist us with our inquiry into Central New Hanover Limited SABL.

Counsel, we will be visiting New Hanover---

MR TUSAIS: Next week Tuesday.

COMMISSIONER MIROU: The team will be visiting New Hanover to look at those SABL sites. So that is just for your information. For you and the general public who are in attendance today. We thank you so much and you are now excused. Unless you want to make any further statement?

A: No.

MR TUSAIS: Sorry, Commissioner. Could I just ask this witness some questions. I forgot to ask the other witnesses. Tutuman said in its development plan that they would be planting cocoa, coconut and other oil palm and stuff in Central New Hanover. In your village and surrounding area, have you seen them plant anything yet?

A: No.

Q: Thank you. That is what I wanted to know.

COMMISSIONER MIROU: Thank you, you are excused.

THE WITNESS WITHDREW

MR TUSAIS: Commissioner, I have got one witness, it is going to be very short. He is the director for Central New Hanover so perhaps we should hear evidence from him just before we break for lunch. He is Elijah Sakias. The witness will give his evidence in English.

COMMISSIONER MIROU: Thank you.

ELIJAH SAKIAS, Sworn:

XN: MR TUSAIS

COMMISSIONER MIROU: Mr Elizah you may be seated. Speak loudly and talk into the mic.

MR TUSAIS: Commissioner, there is a copy of what he intends to say. Associate.

COMMISSIONER MIROU: This will be marked Exhibit CNH4.

MR TUSAIS: CNH4.

[EXHIBIT CNH4 - STATEMENT OF ELIZAH SAKIS]

MR TUSAIS: Your name is Elizah Sakias?

A: Yes.

10 Q: You put yourself down initially as Director for Central New Hanover but you are not a director, you are a ---?

A: Landowner.

Q: Landowner, okay, you are a landowner. Which village do you come from?

A: Sugun village.

Q: Sugun village. Is that close to two other witnesses's village?

20

A: Yes.

Q: Alright, okay. That is in Central New Hanover for the record. Could you just read what you wrote down in your statement?

A: Thank you. "I know as Elizah Sakias from Sugun village in New Hanover, New Ireland Province, would like to voice out my concern as a landowner of Central New Hanover in the Portion 887C and hectares of 56,592 hectares. At this point which I really state and written on this paper will satisfy the true and honest feelings and stand on my concern.

30

(1) The SABL of this Portion 887C was not done in proper manner and procedure and its awareness was not established in one piece of instrument that I will understand this whole issue of the SABL.

(2) No (...inaudible....) and government body who made out this SABL have visited the area or communities to specify the Terms and Conditions of this SABL in any matter.

(3) The current extract of the Central New Hanover was not elected by the consent of the landowners or nominated by the shareholders. The current extract was Siri Mailaun, Vice Chairman Luis Alick, Secretary, Dominic Siavai, Treasurer, Tavovong Nelson, including the board of directors and shareholders. Thank you.”

10

COMMISSIONER MIROU: Thank you Mr Elizah.

MR TUSAIS: No questions for this witness.

COMMISSIONER MIROU: I have no questions to ask. Thank you Mr Sakias. Your statement has been taken into account and we will consider them. Thank you and you are excused.

THE WITNESS WITHDREW

20 MR TUSAIS: There are two other witnesses remaining. Perhaps we can hear from them in the afternoon. There is another lady who said she will give evidence. That I will confirm before we commence at 1.30. We intended to deal with Tabut but perhaps we – we will make a decision when we return. If they are saying basically the same thing as the other witnesses, we will excuse them and move on straight on to Tabut Limited.

COMMISSIONER MIROU: Yes. Thank you Counsel for organizing the witnesses for this morning’s proceedings. We will adjourn to 1.30 this afternoon and continue with our evidence.

30

LUNCHEON ADJOURNMENT

[2.00p.m] COMMISSIONER MIROU: Sorry, Counsel for the short delay. I was attending to our team who are currently on the way to Namatanai. The matters have been resolved so.

MR TUSAIS: Thank you Commissioner. Commissioner, I intend to call just one last witness in relation to Central New Hanover. He is going to give evidence on and some other aspect of this SABL particularly with regard to land investigation and filling out of consent forms. He is Darius Kanai. He is going to give evidence in Pidgin.

10

DARIUS KANAI, Sworn:

XN: MR TUSAIS

MR TUSAIS: There is a copy of what he intends to say. I hand up to the Commissioner's opinion.

COMMISSIONER MIROU: That would be Exhibit CNH5.

MR TUSAIS: I lost count Commissioner.

20 COMMISSIONER MIROU: Five.

MR TUSAIS: Thank you.

[EXHIBIT CNH5 – STATEMENT OF DARIUS KANAI]

MR TUSAIS: Your name is Darius Kanai?

A: Yes.

30 Q: You are a farmer and you live at Pakipai village?

A: Yes.

Q: This village is located in North Lavongai Ward 3?

A: Yes.

Q: Your village is also contained or surrounded by this SABL called Portion 887C granted to Central New Hanover Limited?

A: Yes.

Q: You have written down what you wish to tell the Commission, would you now read that statement into the record?

10

A: Yes. "I want to tell the Commission of Inquiry that on March 28, Reuben Peni, Linge and Avorise, they came and told me that I will fill a consent form. This is the team from Tutuman. They told me that this is the way to get money. Starting from that time until 2008 I was surprised when they gave me a copy of the ILG. There is not an officer from Lands came and stayed with me or come and explain to me the meaning of ILG. That was when I was surprised that Tutuman had the title for Central New Hanover. When we tried to talk, police used to come and stop us and when we put Gorgor, the police came and removed them. When we started getting angry, the police shoot at us with guns. Now I am frighten because we might face some big problem. Now I want to the Commission to help me and get back that title with the FCA and give it back to the Central New Hanover otherwise we might face some problem later.

20

Q: Thank you. I do not have any questions.

COMMISSIONER MIROU: Yes, I think this witness's - thank you Mr Kanai. Your story has been recorded and we will consider it. As we make further progress on the inquiry of this SABL. You are excused.

30

A: Thank you.

THE WITNESS WITHDREW

MR TUSAIS: Those are the persons who have been chosen to speak for Central New Hanover. We will now go on to the Tabut Limited, SABL issued to Tabut Limited. The first person I wish to call is Jephath Sipmaul.

JEPHATH SIPMAUL, Sworn:
XN: MR TUSAIS

MR TUSAIS: This witness has summarized what he wishes to say. It should be Tabut, exhibit TL1 I think.

10

COMMISSIONER MIROU: Okay, thanks. TL1.

[EXHIBIT TL1 – STATEMENT OF JEPHATH SIPMAUL]

MR TUSAIS: Your name is Jephath Sipmaul? S-i-p-m-a-u-l?

A: Yes.

Q: You are a village court magistrate of Lopoas village?

20

A: Yes.

Q: That is in the West Lovongai electorate?

A: Yes.

Q: On New Hanover island?

A: Yes.

30

Q: Do you wish to give evidence in regard to Portion 885C? That is SABL issued to Tabut Limited.

A: Yes.

Q: Perhaps you can read from that but there is a bit brief. If you want to add on to what is on that paper, you tell the Commission what you wish the Commission to know about that SABL on your land?

[2.10 pm] A: Yes. "I, Jephath Sipmaul of the Moloi Numo clan, of portion 885C made this statement in response to the Commission of Inquiry on few agendas that were not properly done. (1) lack of consultation and proper awareness; (2) lack of knowledge; and (3) no meeting conducted and never nominated Tutuman as a developer.

10 We are the victims of this exercise that were not properly done and checked by the following government agencies; (1) the Department of Lands and Physical Planning; (2) IPA; (3) Department of Forestry; (4) Department of Agriculture and Livestock; and (5) Department of Environment and Conservation.

Therefore, we, the Moloi Numo clan of portion 885C want our land back from the State and Tutuman be given back to us.

Q: Mr Sipmaul, just in your first point, lack of consultation and proper awareness, what do you mean by that? You just explain, you clarify that point.

20 A: That is because they did not come to us in the village or call the community to come together so they can inform us what is in their mind and they can tell us what they are thinking of. That is why I would like to make it known to this Inquiry that there was no awareness, no meeting to tell us what were they going to do on our land.

Q: Maybe, you can help the Commission now. How many villages are there within the Tabut SABL?

A: There are plenty villages in Tabut; Noipoas, Neikonomun, are in Tabut.

Q: Do you know roughly, how many are there? More than five or 10, 20?

A: There are three or four.

Q: About four main villages?

A: Yes, four.

Q: Within those four villages do you know if - we start off with the Lands Department. Your village, did the Lands Department people come to your village?

A: No.

Q: There is a person in Lands called Paul Lazarus - Paul Malesa, he says that he went to Tabut. Did he ever come across your village?

A: No, I do not know him.

10 Q: You do not know if he went to those other villages within the Tabut SABL?

A: I do not know.

Q: That is the first department. Second, Agriculture, DPI, sorry, DAL, Agriculture and Livestock. Any officials go to your village?

A: No.

Q: What is the government station on New Hanover?

A: Taskul.

Q: Is it close to your area?

A: No, it is a bit further.

20 Q: So if he went there, you probably would not know, it is far from your village?

A: Yes.

Q: That is Agriculture, what about Environment and Conservation, any officer from there go to your village?

A: No.

Q: You continue, you say there was no consultation, proper awareness. I think that is basically it or you just did not know about this until someone told you later on that your name was now under a lease held by a company?

A: Yes.

Q: I think we have heard evidence from those people from Central New Hanover about police going into their area and what. In Tabut, is there currently – is Tutuman carrying on logging operations there or not?

A: Not now, but in the past, yes.

10 Q: When did they start and stop? If you cannot remember the years, it is okay, we will ask someone else.

A: I cannot recall.

Q: Have you also had incidences or run-ins, confrontation with the police in relation to the SABL?

A: No.

Q: I do not have any other questions, Commissioner.

COMMISSIONER MIROU: Mr Sipmaul, you said that there is lack of consultation, proper awareness and also lack of knowledge. Did the Department of Lands - just for you to confirm again - did the Department of Lands or its officers hold any public meetings at your village?

20 A: No.

Q: This awareness is to gauge the views of all, yourself and your other villagers on that proposal to free up your land for either agricultural or business activities like logging.

A: There was none.

Q: Forestry, any person from Forestry?

A: No.

Q: Did the executives of Central New Hanover, sorry, the executives of Tabut Limited, did they also hold any meetings with you in the village?

A: No.

Q: Prior to this application to lease your land?

A: No.

Q: So you have never had any consultation with the company or the activities now that are taking place in your village.

A: That is right.

10 Q: Thank you Jephath for your evidence. We have no further questions to ask you but whatever you have submitted to the Commission is already recorded so we will consider this evidence when we complete the Inquiry into your SABL relating to Tabut Limited. You are excused or you want to say something?

A: Yes, last ---

Q: Yes.

A: Lastly, on behalf of these people in here and everybody in here, we would like to let this Commission of Inquiry know that we want our land to be given back to us.

20 Q: Thank you Jephath. The Commission notes that concern and the desire for the land to go back to yourselves and to decide in the future what you need to do. That is a matter we will consider when we look at the whole evidence that will come in regard to this SABL. We thank you for your attendance.

A: Thank you.

Q: You are excused.

A: Thank you.

THE WITNESS WITHDREW

[2.24 pm] MR TUSAIS: Commissioner, I now call Isaiah Tamti.

ISAIAH TAMTI, Sworn:

XN: MR TUSAIS

MR TUSAIS: Commissioner, I have also made a copy of what Mr Tamti wishes to say this afternoon.

COMMISSIONER MIROU: Thank you Mr Tusais.

MR TUSAIS: And it is exhibit TL2.

10 COMMISSIONER MIROU: Yes, TL2.

MR TUSAIS: Thank you. Good afternoon, your name is Mr Isaiah Tamti.

A: Yes, sir.

Q: You have been awarded a medal, an MBE by the Queen?

A: Yes, sir.

Q: You come from Noipuas village on New Hanover Island?

A: Yes, sir.

Q: And you the chairman of Noipuas Primary School?

A: Yes, sir.

Q: Your village is contained or it is within the portion 885C?

20 A: Yes, sir.

Q: Sorry, you wait for my questions to finish then you answer. Thank you. It is contained within the portion 885C, under the lease granted to Tabut Limited?

A: Yes, sir.

Q: So you are, of course you appear to be a leader of your clan and your area. So you would be aware of these issues arising from this SABL?

A: Yes, sir.

Q: First of all, you prepared something that you wish to say to the Commission. Perhaps, you could read that into the record and then later if you wish to add anything on top, you can tell the Commission of that, what you wish the Commission to know your concerns, whatever you wish the Commission to know. Thank you, you can start by reading that statement.

10 A: "I, Mr Isaiah Tamti, of Moloi Numa clan, of portion 885C, make this statement in response to this Commission of Inquiry that at no time at all did the Moloi clan appoint Mr Obed Akmalisa as our clan leader. The Moloi Numa clan never authorized him to sell on or behalf and commit our land to the State under the Lease-Lease Back Arrangements. We also deny any knowledge of any clan meeting over Tabut land owned as annual general meeting that resolves to appoint and nominate Tutuman Development Limited as the developer of our land. We, therefore, with all sincerity and honesty, deny appointment of clan's agent for portion 885C and 886C.

20 These two land areas encompasses land on our customary and traditional territories. We, therefore, call on this Commission of Inquiry to call and recommend for the recall and extinguish of the unlawful title. It is our sincere desire that we regain our customary and birth right to our land."

Q: Thank you, Mr Tamti. You have heard questions put to the first witness. Just yourself as a leader in your area, were you aware of any public servants, I should put it that way, from the Lands Department coming over to your part of the island?

A: No.

Q: What about public servant from Agriculture?

A: No. But ---

Q: Okay, Forest – yes?

A: But I am aware of the Didiman officers who were invited by the developer from outer province to come in and collection information. But none from the province.

Q: Did they speak to you?

A: No.

Q: What about Forestry?

A: No.

Q: Environment?

A: No.

10 Q: At present in your part of the SABL, is there any work going on, forest, logging operations or such like?

A: Right now?

Q: Yes.

A: No.

Q: I asked the question because also, do you know of any run-ins or confrontations with the police?

A: No.

Q: I have got no further matters to raise with this witness.

20 COMMISSIONER MIROU: Just one question. This ILG that you referred to, did you at any time raise this issue with the current chairman or clan leader of your ILG, who is Mr Kama Malisa?

A: No.

Q: When you said he was authorized to sign on your behalf, was that the authority to sign on behalf of your clan in relation to Tabut Limited?

A: No.

Q: So you have no – who is the clan leader of your village?

A: That should have been resolved during our clan leaders meeting. But as far as I know there has been no clan leaders meeting to appoint the various directors of the moment and chairmen.

Q: Is that ILG registered with the Registrar of ---

A: As far as I know – to answer that I would not know.

Q: Thank you Mr Tamti. Counsel, I have no question.

MR TUSAIS: Sorry Commissioner. Thank you witness, if I may ---

10 COMMISSIONER MIROU: Mr Tamti, you can be excused. We have recorded your submission and we will consider it when we look at the overall evidence in relation to your SABL. It is still continuing, it is progressing. The evidence that we take eventually we will put them together and then put it into our reports with our recommendations. We thank you for your attendance.

THE WITNESS WITHDREW

MR TUSAIS: Commissioner, those are the witnesses. There are others listed but for one reason or another they have not been able to attend this afternoon. Perhaps, there is still some time, perhaps I ask for a short adjournment for 15 minutes?

20 COMMISSIONER MIROU: Yes, we can adjourn generally and you can see if there is ---

MR TUSAIS: We just sort out, maybe we can start off with the other SABL in relation to Umbukul.

COMMISSIONER MIROU: I will adjourn generally.

SHORT ADJOURNMENT

[2.38 pm] COMMISSIONER MIROU: Yes, Mr Tusais?

MR TUSAIS: Commissioner, yes, I think I still need to see the witnesses for Umbukul. I was hoping to see them but they have left the building. I will sort them out and maybe do a list to start off tomorrow, first thing at 9 o'clock.

COMMISSIONER MIROU: Yes, 9 o'clock, yes.

MR TUSAIS: 9 o'clock. We have got some public servants down to give evidence.

COMMISSIONER MIROU: Tomorrow?

10 MR TUSAIS: At least Lands Department, two agriculturalists. So we will schedule them and also witnesses from Umbukul SABL.

COMMISSIONER MIROU: Thank you Mr Tusais. For the benefit of you present in the back. We will adjourn to tomorrow at 9 o'clock. Counsel will look at the files in relation to other matters that we will raise tomorrow so this proceeding is adjourned to tomorrow at 9 o'clock. That adjournment tomorrow will continue with Tabut ---

MR TUSAIS: No, Umbukul.

COMMISSIONER MIROU: Sorry, Umbukul, Umbukul SABL, the SABL that was given to Umbukul and that is for tomorrow. So I thank you all for your attendance and we will adjourn to tomorrow at 9 o'clock. Thank you.

20

**AT 2.40 PM, THE COMMISSION OF INQUIRY WAS ADJOURNED
UNTIL FRIDAY, 28 OCTOBER 2011 AT 9.00 AM**

INDEX**PAGE NO**

	FELMAN ISAAC: Sworn	10
	XN: MR TUSAIS.....	10
	THE WITNESS WITHDREW	16
	ISHMAEL PASSINGAN, Sworn:.....	16
	XN: MR TUSAIS.....	16
10	THE WITNESS WITHDREW	21
	NELSON POSIKAI, Sworn:.....	22
	XN: MR TUSAIS.....	22
	THE WITNESS WITHDREW	25
	ELIJAH SAKIAS, Sworn:.....	25
	XN: MR TUSAIS.....	25
20	THE WITNESS WITHDREW	27
	DARIUS KANAI, Sworn:.....	28
	XN: MR TUSAIS.....	28
	WITNESS WITHDREW	29
	JEPHAT SIPMAUL, Sworn:.....	29
	XN: MR TUSAIS.....	29
30	THE WITNESS WITHDREW	35
	ISAIAH TAMTI, Sworn:.....	35
	XN: MR TUSAIS.....	35
	THE WITHDREW	38

EXHIBIT**PAGE NO**

Exhibit CNH1 – Statement of Mr Felman Isaac.....	10
Exhibit CNH2 – Ishmael Passingan’s Written Statement.....	16
Exhibit CNH3 – Statement of Nelson Posikai.....	22
Exhibit CNH4 - Statement of Elizah Sakis.....	25
Exhibit CNH5 – Statement Of Darius Kanai.....	27
Exhibit TL1 – Statement Of Jephath Sipmaul.....	30

10