

**KO E FANONGONONGO FAKATAHA LAHI MAKEHE ‘A E ‘IUNIONI
‘AKAPULU ‘O TONGA ‘O FAKATATAU PEA MO E TU’UTU’UNI ‘A E
FAKAMAAU’ANGA LAHI ‘O TONGA ‘I HE ‘AHO 9 ‘O NOVEMA 2017**

‘Oku ou kole keu hufanga atu ‘i he ngaahi talafakatapu kakato ‘oku fa’a ‘aofaki atu ‘i he ngalu’ea, kae puipuiange mo Hou’eiki mo e Kakai kotoa ‘o e fonua, kae ‘ataa ke fakahoko atu ‘a e fatongia ko’eni ‘o fakatatau pea mo e tu’utu’uni ‘a e Fakamaau’anga Lahi ‘i he ‘aho 9 Novema 2017 ke ui ‘a e Fakataha Lahi Makehe ‘a e ‘Iunioni ‘Akapulu ‘o Tonga.

Hili ‘a e tohi kole ‘a e fa’ahi talatalaaki ki he Fakamaau’anga Lahi ‘i he hopo sivile ‘i he vaha’a ‘o e Kau Talatalaaki ko Viliami Tonga, Siaosi Maeakafa, mo Quddus Fielea, pea mo e ongo Faka’iloa ko e ‘Iunioni ‘Akapulu ‘o Tonga mo Fe’ao Vunipola, Hopo Sivile Fika CV 15/2016, na’e tu’utu’uni ai ‘a e Fakamaau’anga Lahi ‘o anga pehe ni:

- (1) ‘E kaniseli ‘a e fanongonongo ‘a e Fakataha Lahi Fakata’u na’e fakahoko ‘i he ‘aho 3 ‘o Novema 2017, ‘e he Faka’iloa Ua, Fe’ao Vunipola, koe’uhi ke malava ke ui fakalelei ‘a e Fakataha Lahi ki he Kau Memipa mo e Kau Fakataha Mamata (Observers) kotoa ‘a e ‘Iunioni ‘Akapulu ‘o Tonga, ‘a ia ‘oku ‘i ai ‘enau totonu ke ‘omai ha’anau kau Fakafofonga ke kau ki ha Fakataha Lahi ‘a e ‘Iunioni, ‘o fakatatau pea mo e Konisitutone ‘a e ‘Iunioni ‘Akapulu ‘o Tonga ‘i hono tukunga kimu’a ‘i he ‘aho 11 Me 2016.
- (2) Na’e fokotu’u leva ‘e he Fakamaau’anga Lahi ‘a ‘Aminiasi Kefu, Fakafofonga Lao Ma’olunga, ki he lakanga ko e Amicus Curiae pe ko e Kaungame’a Tokoni ki he Fakamaau’anga, pea na’e tu’utu’uni ‘a e Fakamaau’anga Lahi ki he

Kaungame'a Tokoni ke ne hanga 'o ui 'a e Fakataha Lahi Makehe 'a e 'Iunioni 'Akapulu 'o Tonga 'o hange ha fakataha makehe 'e malava ke ui 'i he kupu 22 'o e Konisitutone 'a e 'Iunioni 'Akapulu 'o Tonga.

- (3) Koia ai, 'oku 'oatu 'a e fanongonongo ki he Kau Memipa mo e Kau Fakataha Mamata (Observer) kotoa 'a e 'Iunioni 'Akapulu 'o Tonga kemou fakatokanga'i 'e fakahoko 'a e Fakataha Lahi Makehe 'a e 'Iunioni 'Akapulu 'o Tonga 'i he taimi 5 efiafi 'o e 'aho Tusite 5 Tisema 2017 'i he Holo Fakamanatu 'o Toketa Molitoni 'i Maamaloa, Kolomotu'a.
- (4) Ko e kau Memipa mo e Kau Fakataha Mamata (Observer) 'a e 'Iunioni 'Akapulu 'oku 'i ai 'enau totonu kenau 'omai ha'a nau kau Fakafofonga ki he Fakataha Lahi Makehe ni 'oku fakaha atu ia 'i he hili 'a e fanongonongo ni.
- (5) Ko e taumu'a 'o e Fakataha Lahi Makehe ke fakahoko 'a e ngaahi me'a ni:
 - (a) Ke fili 'a e ni'ihiki kenau ma'u 'a e ngaahi lakanga 'oku lolotonga 'ataa 'i he Konisitutone 'a e 'Iunioni (Ko e Palesiteni pea mo e Tokoni Palesiteni 'a e 'Iunioni 'Akapulu 'o Tonga);
 - (b) Ke vakai'i ha ngaahi fokotu'u 'e malava ke fokotu'u ke alea'i 'i he Fakataha Lahi Makehe ke liliu pe fakatonutonu 'a e Konisitutone 'a e 'Iunioni 'Akapulu;
 - (c) Ke alea'i ha to e ngaahi me'a kehe kuo fanongonongo ke alea'i 'e he Kau Memipa 'i he Fakataha Lahi Makehe.
- (6) Kapau 'oku 'i ai ha Memipa 'oku ne fie fokotu'u mai ha liliu pe fakatonutonu ki he Konisitutone 'a e 'Iunioni 'Akapulu ke alea'i lolotonga 'a e Fakataha Lahi

Makehe, kuopau ke fakahu mai ‘a e fokotu’u koia ‘i ha tohi ‘o fakatu’asila ki he tu’asila ‘a e Kaungame’a Tokoni ki he Fakamaau’anga, ‘oku fakaha atu hili ‘a e fanongonongo ni, pea ke ma’u ‘a e fokotu’u liliu pe fakatonutonu koia ‘e he Kuangame’a Tokoni ‘o ‘ikai ke toe tomui ‘i he taimi 4.30 efiafi ‘o e ‘aho Tusite ‘aho 14 ‘o Novema 2017, ko e ‘aho ia ‘e uangofulu-ma-taha mei he ‘aho ‘e fakahoko ai ‘a e Fakataha Lahi Makehe.

(7) Kuopau ke fakahu mai ‘i ha tohi mei he Kau Memipa mo e Kau Fakataha Mamata (Observer) takitaha ‘a e ‘Iunioni ‘Akapulu, ki he Kaungame’a Tokoni ki he Fakamaau’anga, ‘a e hingoa ‘a e Kau Fakafofonga tenau fakafofonga’i ha Memipa pe Kau Fakataha Mamata (Observer) ki he Fakataha Lahi Makehe. Kuopau ke kau ‘i he tohi ni ‘a e hingoa ‘a e kalapu ‘akapulu ‘oku kau ki ai ‘a e Fakafofonga koia, pea mo e fika telefoni ‘e ma’u ki ai ‘a e Fakafofonga. Kataki kuopau ke ma’u ‘a e ngaahi tohi ni kimu’a ‘i he taimi 4.30 efiafi ‘o e ‘aho Tusite ko e ‘aho 21 ‘o Novema 2017, ko e ‘aho ia ‘e hongofulu-ma-fa mei he ‘aho ‘e fakahoko ai ‘a e Fakataha Lahi Makehe.

(8) ‘Oku fakaafe’i atu foki ke fokotu’u mai ‘e he Kau Memipa ha ngaahi hingoa ‘o ha ni’ihi ‘oku nau loto lelei ke fili kinautolu ‘i he Fakataha Lahi Makehe ki he lakanga ko e Palesiteni pe ko e Tokoni Palesiteni ‘a e ‘Iunioni ‘Akapulu ‘a Tonga. Kuopau ke fakahu mai ‘a e ngaahi fokotu’u ko’eni ‘i ha tohi ki he Kaungame’a Tokoni ki he Fakamaau’anga, pea ke fokotu’u mai ‘a e tokotaha ke fili ‘e ha Fakafofonga, pea poupu ki ai ha ongo Fakafofonga kehe ‘e toko ua. ‘Oku fiema’u foki ke ha ‘i he tohi ni ‘a e fakamo’oni ‘a e tokotaha kuo fokotu’u mai ke fili, ke fakapapau’i ‘oku ne loto ke kau ki he fili lakanga. Kataki kuopau ke ma’u ‘a e ngaahi tohi fokotu’u ni kimu’a ‘i he taimi 4.30

efiafi ‘o e ‘aho Tusite ko e ‘aho 21 ‘o Novema 2017, ko e ‘aho ia ‘e hongofulu-
ma-fa mei he ‘aho ‘e fakahoko ai ‘a e Fakataha Lahi Makehe.

(9) Kapau ‘oku ‘i ai ha Memipa ‘oku ne loto ke alea’i ‘i he Fakataha Lahi Makehe
ha to e kaveinga makehe, kuopau ke fakaha tohi ‘e ha Fakafofonga ‘a e Memipa
koia ‘a e kaveinga makehe ke alea’i, ki he Kaungame’a Tokoni ki he
Fakamaau’anga. Kataki kuopau ke ma’u ‘a e tohi koia kimu’a ‘i he taimi 4.30
efiafi ‘o e ‘aho 28 ‘o Novema 2017, ko e ‘aho ia ‘e fitu mei he ‘aho ‘e fakahoko
ai ‘a e Fakataha Lahi Makehe.

(10) Hili ‘a e maau mai ‘a e hingoa ‘a e kau Fakafofonga ‘a e Kau Memipa mo e
Kau Fakataha Mamata (Observer) ‘a e ‘Iunioni ‘Akapulu, pea mo e ma’u ha
ngaahi fokotu’u ki he liliu pe fakatonutonu ‘a e Konisitutone ‘a e ‘Iunioni
‘Akapulu, pea pehe ki he ngaahi hingoa ‘a kinautolu ke fili ki he lakanga
Palesiteni pe Tokoni Palesteni ‘a e ‘Iunioni ‘Akapulu, ‘e fanongonongo atu leva
‘e he Kaungame’a Tokoni ki he Fakamaau’anga, ki he Kau Memipa mo e Kau
Fakataha Mamata (Observer) ‘a e ‘asenita ke alea’i ‘i he Fakataha Lahi Makehe.

(11) ‘I he kamata ‘a e Fakataha Lahi Makehe na’e tu’utu’uni ‘e he Fakamaau’anga
Lahi ‘e ‘uluaki Sea ‘a e Kaungame’a Tokoni ki he Fakamaau’anga ke malava
ke fakahoko ‘a e fili lakanga ki he Palesiteni mo e Tokoni Palesiteni ‘a e
‘Iunioni ‘Akapulu, pea hili ‘a e fili lakanga, ‘e toki me’a mai leva ‘a e Palesiteni
kuo fili, ‘o fakahoko ‘a e fatongia ko e Sea ki he toenga ‘a e Fakataha Lahi
Makehe.

(12) Na’e tu’utu’uni foki ‘e he Fakamaau’anga Lahi, kapau ‘e ‘i ai ha fakafekiki
fekau’aki mo hano fakahoko ‘a e tu’utu’uni ko’eni ‘a e Fakamaau’anga Lahi,

kau ai ha fakafekiki fekau'aki mo e Memipa ha taha, pe ko ha Fakafofonga ha taha 'i he Fakataha Lahi Makehe, 'oku foaki 'e he Fakamaau'anga Lahi 'a e mafai ki he Kaungame'a Tokoni ki he Fakamaau'anga ke fai tu'utu'uni fekau'aki pea mo e fakafekiki koia, pea ko e tu'utu'uni te ne fakahoko ko e aofangatuku ia pea kuo pau ke talangofua ki ai 'a e ni'ihii 'oku nau fakafekiki.

(13) 'Oku 'oatu 'a e kole pea mo e tautapa ki he Hou'eiki mo e Kainga manako 'akapulu hono kotoa, tautautefito ki he Kau Memipa mo e Kau Fakataha Mamata (Observer) kotoa 'a e 'Iunioni 'Akapulu 'o Tonga, ke mou kataki mu'a kemou loto lelei ke tau fetokoni'aki ki he ngaue ko 'eni ke fakahoko 'a e Fakataha Lahi Makehe, pea ke tau tali mo faka'apa'apa'i kakato 'a e tu'utu'uni 'a e Fakamaau'anga Lahi, kae malava ke hoko atu 'a e 'Iunioni 'Akapulu 'o Tonga 'i hono faka-kakato 'a e ngaahi fatongia 'a e Maa'imoa 'Akapulu 'i Tonga ni pea pehe ki tu'apule'anga, tautautefito ki he teuteu ki he Fe'auhi Ipu 'a Mamani 'e fakahoko ki Siapani 'i he ta'u 2019.

Na'e fakahoko 'i Nuku'alofa 'i he 'aho 10 'o Novema 2017.

Faka'apa'apa atu,



'Aminiasi Kefu

Amicus Curiae / Kaungame'a Tokoni ki he Fakamaau'anga

**KO E KAU MEMIPA 'A E 'IUNIONI 'AKAPULU 'O TONGA 'OKU 'I AI
 'ENAU TOTONU KE 'I AI HA'ANAU KAU FAKAFOFONGA KI HE
 FAKATAHA LAHI MAKEHE 'A E 'IUNIONI 'AKAPULU 'O TONGA 'I
 HE 'AHO 5 'O TISEMA 2017,
 PEA MO E TOKOLAHI 'A E KAU FAKAFOFONGA**

	HINGOA 'A E MEMIPA	TOKOLAHI 'A E FAKAFOFONGA
1	Palesiteni 'o e 'Iunioni	1 (Lolotonga 'ataa)
2	Tokoni Palesiteni 'a e 'Iunioni	1 (Lolotonga 'ataa)
3	Palesiteni pe Fakafofonga 'a e 'Iunioni 'Akapulu Si'i 'a Tongatapu	1
4	Palesteni pe Fakafofonga 'a e 'Iunioni 'Akapulu Si'i 'a Vava'u	1
5	Palesiteni pe Fakafofonga 'a e 'Iunion 'Akapulu Si'i 'a Ha'apai	1
6	Palesiteni pe Fakafofonga 'a e 'Iunioni 'Akapulu Si'i 'a 'Eua	1
7	Vahe Kolo 'a Tongatapu	1 (Lolotonga 'ataa)
8	Vahe 'Uta 'a Tongatapu	1 (Lolotonga 'ataa)
9	Fakafofonga 'a e Pule'anga, kuo fokotu'u mai 'e he Kapineti	1 (Lolotonga 'ataa)
10	Vahe Kolofou 'a Tongatapu	5
11	Vahe Kolomotu'a 'a Tongatapu	5
12	Vahe Hahake 'o Tongatapu	5
13	Vahe Loto 'o Tongatapu	5

14	Vahe Hihifo ‘o Tongatapu	5
15	Vahenga Vava’u Tahī	2
16	Vahenga Vava’u ‘Uta	2
17	‘Iunioni ‘Akapulu Si’i ‘a Ha’apai	2
18	‘Iunioni ‘Akapulu Si’i ‘a ‘Eua	2
19	Kau Memipa ki he Mate	1
20	Kautaha ‘Akapulu Fakatahataha ‘a e Kakai Fefine	1
21	Kautaha ‘Akapulu Fakatahataha ‘a e Ngaahi Ako’anga Ma’olunga ‘o Tonga	1
22	Kautaha ‘Akapulu Fakatahataha ‘a e Kau Fakamaau ‘Akapulu ‘o Tonga	1
	FAKA-KATOA	46

**KO E KAU MEMIPA FAKATAHA MAMATA (OBSERVERS) ‘A E
 ‘IUNIONI ‘AKAPULU ‘O TONGA ‘OKU ‘I AI ‘ENAU TOTONU KE
 ‘OMAI HA’ANAU KAU FAKAFOFONGA KI HE FAKATAHA LAHI
 MAKEHE ‘A E ‘IUNIONI ‘AKAPULU ‘O TONGA ‘I HE ‘AHO 5 ‘O
 TISEMA 2017,
 PEA MO E TOKOLAHI ‘A E KAU FAKAFOFONGA**

1	Ko e Kau Memipa ki he Mate	
2	Fakafofonga ‘a e Kautaha ‘Akapulu ‘a Mamani (World Rugby)	1
3	Fakafofonga ‘a e Potungaue ‘a e Pule’anga ‘oku ne tokanga’i ‘a e Sipoti (Potungaue ki he Ngaahi Ngaue Faka-lotofonua)	1
4	Sekelitali Seniale ‘o e Kautaha Sipoti ‘a Tonga mo e Komiti ‘Olimipiki Fakafonua ‘o Tonga (TASANOC), pe ko hano fakafofonga	1
5	‘Aotita ‘a e ‘Iunioni ‘Akapulu ‘a Tonga	1
6	Fakahinohino Lao ‘a e ‘Iunioni ‘Akapulu ‘a Tonga	1
	FAKA-KATOA	5

**KO E TU'ASILA KE FAKAHOKO KI AI 'A E NGA AHI TOHI KI HE
KAUNGAME'A TOKONI KI HE FAKAMAAU'ANGA**

'Aminiasi Kefu

Amicus Curiae / Kaungame'a Tokoni ki he Fakamaau'anga

'Ofisi 'o e 'Ateni Seniale

Fungavaka 'Uluaki

Fale Taumoepeau

Hala Fatafehi

NUKU'ALOFA

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