

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

DAVID BONIFACE,
NISSANDÈRE MARTYR, and
JUDERS YSEMÉ,

Plaintiffs,

v.

JEAN MOROSE VILIENA
(a.k.a. JEAN MOROSE VILLIENA),

Defendant.

Case No. 1:17-cv-10477-ADB

DECLARATION OF BONNIE LAU

I, Bonnie Lau, declare as follows:

1. I am a partner with the law firm of Morrison & Foerster. I am a member in good standing of the Bar of the State of California. I have been admitted *pro hac vice* in the above-captioned matter as counsel of record for plaintiffs David Boniface, Nissandère Martyr, and Juders Ysemé (“Plaintiffs”).
2. I submit this declaration pursuant to Federal Rule of Civil Procedure 56(c)(4) in support of Plaintiffs’ Motion for Partial Summary Judgment. I have personal knowledge of the following facts that would be admissible as evidence and, if called as a witness, I could and would competently testify to them.
3. Attached as **Exhibit 1** is a true and correct copy of excerpts of the transcript of the deposition of David Boniface, taken on January 27, 2022.
4. Attached as **Exhibit 2** is a true and correct copy of excerpts of the transcript of the deposition of Juders Ysemé, taken on January 28, 2022.

5. Attached as **Exhibit 3** is a true and correct copy of excerpts of Volume I of the transcript of the deposition of Jean Morose Viliena, taken on November 1, 2021.
6. Attached as **Exhibit 4** is a true and correct copy of pages from the passports of Jean Morose Viliena, Bates numbered Viliena Fourth Supp Production 000001-15.
7. Attached as **Exhibit 5** is a true and correct copy of an e-mail from Peter J. Haley, counsel for Jean Morose Viliena, to counsel for Plaintiffs, dated January 21, 2022.
8. Attached as **Exhibit 6** is a true and correct copy of a French-language original, followed by a certified English translation, of the Concluding Order of Indictment issued by the Court of First Instance of Jérémie in Case No. 736/08, dated January 25, 2010, Bates numbered Plaintiffs_0000090-99 and VIL0001-12.
9. Attached as **Exhibit 7** is a true and correct copy of excerpts of Volume II of the transcript of the deposition of Jean Morose Viliena, taken on January 11, 2022.
10. Attached as **Exhibit 8** is a true and correct copy of a French-language original, preceded by a certified English translation, of the undated open letter from Jean Morose Viliena, Bates numbered Viliena Second Supp Production 000042-47.
11. Attached as **Exhibit 9** is a true and correct copy of Defendant Jean Morose Viliena's Responses to First Set of Requests for Admissions, served on May 1, 2019.
12. Attached as **Exhibit 10** is a true and correct copy of Defendant Jean Morose Viliena's Fifth Amended Answers to First Set of Interrogatories, served on October 15, 2021.
13. Attached as **Exhibit 11** is a true and correct copy of the French-language original, preceded by a certified English translation, of the Judgment issued by the Civil Court of Jérémie, dated October 25, 2010, Bates numbered Plaintiffs_0000733-38.

14. Attached as **Exhibit 12** is a true and correct copy of the French-language original, preceded by a certified English translation, of the Judgment issued by the Civil Court of Jérémie, dated August 13, 2013, Bates numbered Plaintiffs_0000043-61.
15. Attached as **Exhibit 13** is a true and correct copy of excerpts of the transcript of the deposition of Mers Ysemé, taken on October 29, 2020.
16. Attached as **Exhibit 14** is a true and correct copy of excerpts of the transcript of the deposition of Jean Denais LaGuerre, taken on October 28, 2020.
17. Attached as **Exhibit 15** is a true and correct copy of excerpts of the transcript of the deposition of Vilfranc Larrieux, taken on October 26, 2020.
18. Attached as **Exhibit 16** is a true and correct copy of excerpts of the transcript of the deposition of Osephita Lebon, taken on June 4, 2021.
19. Attached as **Exhibit 17** is a true and correct copy of excerpts of the transcript of the deposition of Frankel Ysemé, taken on October 27, 2020.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on March 28, 2022.

/s/ Bonnie Lau
Bonnie Lau

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2022, I caused to be filed electronically a true copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will notify the parties of record via electronic notification.

/s/ Bonnie Lau

EXHIBIT 1

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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DAVID BONIFACE, NISSAGE MARTYR

and JUDERS YSEME

Plaintiffs

vs.

CA No. 17-10477-ADB

JEAN MOROSE VILIENA

Defendant

- - - - - X

ALL PARTICIPANTS APPEARING VIA ZOOM

VIDEO DEPOSITION of DAVID BONIFACE

Thursday, January 27, 2022 - 10:08 a.m.

Reporter: Jill K. Ruggieri, RPR, RMR, FCRR, CRR

1	Q	The complaint describes you as a	10:21:58
2		human rights advocate. Is that accurate?	10:22:02
3	A	Yes.	10:22:12
4	Q	And what have you done as a human	10:22:15
5		rights advocate?	10:22:17
6	A	Repeat this for me, please.	10:22:34
7	Q	What actions have you taken as a	10:22:36
8		human rights advocate?	10:22:40
9	A	I make report of what happens to give	10:22:58
10		to the office where I had the training from.	10:23:02
11	Q	And what office did you have the	10:23:09
12		training from?	10:23:10
13	A	RNDDH.	10:23:20
14	Q	What do those initials stand for?	10:23:24
15	A	National Network for Human Rights	10:23:36
16		Advocacy.	10:23:39
17	Q	And you said that you made a report.	10:23:42
18		Was that a report that related to the facts of	10:23:46
19		this matter that are set forth in the	10:23:49
20		complaint?	10:23:51
21	A	Yes.	10:24:03
22	Q	And other than making a report of the	10:24:07
23		facts involved in this action, have you taken	10:24:10
24		any other action as a human rights advocate?	10:24:12
25	A	Yes.	10:24:34

1 Q What actions are those? 10:24:36

2 A These were other social actions which 10:24:48

3 are not related to this case. 10:24:51

4 Q What actions are those? 10:24:59

5 A These reports are between me and the 10:25:08

6 office. 10:25:14

7 Q I believe that under the rules of the 10:25:25

8 deposition and the court proceeding that we're 10:25:28

9 in, that we are entitled to an answer to that 10:25:29

10 question. 10:25:35

11 So I would ask again, what other 10:25:36

12 actions or what reports have you filed in your 10:25:37

13 capacity as a human rights advocate, other than 10:25:39

14 those related to this matter? 10:25:42

15 A Reports that are about social actions 10:26:17

16 between -- that are related to me and the 10:26:20

17 office. 10:26:25

18 Q Did the reports all involve actions 10:26:31

19 that had involved you personally, acts that had 10:26:34

20 been taken against you personally? 10:26:40

21 A These reports were things that happen 10:27:03

22 in the society where I live to the office. 10:27:06

23 Q And what did the training consist of 10:27:16

24 that you received? 10:27:18

25 A It was about human rights. 10:27:35

1	Q	And how long did the training take	10:27:39
2		place? Was it a period of days or weeks, or	10:27:44
3		how much training did you receive?	10:27:48
4	A	Three years.	10:28:00
5	Q	And during those three years, did you	10:28:02
6		go someplace every day or were you studying?	10:28:04
7		What took place during those	10:28:09
8		three years?	10:28:11
9	A	Yes, in the training location.	10:28:21
10	Q	Did you go to the training location	10:28:28
11		every day for three years?	10:28:30
12	A	No. We have a date to go.	10:28:41
13	Q	How many days during the three-year	10:28:46
14		period did you go?	10:28:48
15	A	During many days.	10:29:02
16	Q	And do you have an estimate of how	10:29:08
17		many days during a particular year that you	10:29:10
18		would go to the training?	10:29:12
19	A	It's several days.	10:29:30
20	Q	During a year, was it more than a	10:29:36
21		month, more than 30 days during one particular	10:29:39
22		year?	10:29:42
23	A	Yes, because it was done by cycle.	10:29:51
24	Q	More than six months during the year?	10:29:59
25	A	I don't recall that. This happened	10:30:13

1 many years ago. I don't remember. 10:30:16

2 Q And what were the years during which 10:30:18

3 you received this training? 10:30:20

4 A It was during the years 2006, 2007 10:30:36

5 and 2008. 10:30:41

6 Q And who provided the training? 10:30:47

7 A RNDDH. 10:31:01

8 Q And do you receive any payment for 10:31:04

9 the training? 10:31:09

10 A No, I attended the training. 10:31:18

11 Q And have you received any payment for 10:31:23

12 your participation in this lawsuit? 10:31:24

13 A No, there were -- they were 10:31:42

14 responsible for our stay and our food. 10:31:45

15 Q And what is your relationship with 10:31:55

16 the Center for Justice and Accountability? 10:31:57

17 A My relation with them is that I'm a 10:32:27

18 human rights defender, and I -- I just write my 10:32:30

19 reports and that's it. 10:32:39

20 Q And have you provided them reports on 10:32:46

21 any matters other than the one involved in this 10:32:50

22 lawsuit? 10:32:53

23 CHECK INTERPRETER: This is the 10:32:54

24 check interpreter. I just want to clarify that 10:32:54

25 when the interpreter, Billy, interpreted a 10:32:56

1	question for the plaintiff, the deponent, he	10:33:00
2	said "the Center for Justice." He didn't	10:33:05
3	complete the name of the organization.	10:33:07
4	BY MR. HALEY:	10:33:10
5	Q So let me clarify that, then.	10:33:10
6	So in the complaint in this	10:33:25
7	matter, it's indicated that you're represented	10:33:28
8	by the Center for Justice and Accountability.	10:33:34
9	And the question was, what work have you done	10:33:34
10	with the Center for Justice and Accountability	10:33:38
11	beyond that involved in this lawsuit?	10:33:42
12	A My relation with justice is to file	10:34:26
13	complaints of any case.	10:34:29
14	Q And other than the complaint you	10:34:33
15	filed in this action, have you filed other	10:34:34
16	complaints with the assistance of the Center	10:34:38
17	for Justice and Accountability?	10:34:42
18	A No, I have no other complaint.	10:35:00
19	Q Ecclesiaste Boniface was your brother;	10:35:09
20	is that correct?	10:35:12
21	A Yes.	10:35:17
22	Q And he was 23 years old when he died?	10:35:18
23	A Yes.	10:35:26
24	Q And was he married?	10:35:27
25	A No.	10:35:35

1	Q	Did he have any children?	10:35:35
2	A	No.	10:35:39
3	Q	Was he employed?	10:35:41
4	A	Yes.	10:35:48
5	Q	And what was his job?	10:35:49
6	A	He was a merchant.	10:35:57
7	Q	And how much did he earn from being a	10:36:05
8		merchant?	10:36:09
9	A	I can't really evaluate it.	10:36:22
10	Q	And how would you determine how much	10:36:27
11		he earned as a merchant? Who could evaluate	10:36:32
12		it?	10:36:37
13	A	I think he is the only one who could	10:36:53
14		evaluate it, because it was -- he owned his	10:36:56
15		business.	10:37:04
16	Q	And what did he sell?	10:37:04
17	A	He used to sell ice drinks.	10:37:14
18	Q	And do you have any estimate of how	10:37:18
19		much he made from selling the ice drinks?	10:37:20
20	A	I can't.	10:37:35
21	Q	Do you know if it was more or less	10:37:35
22		than you made as a teacher?	10:37:37
23	A	I cannot know.	10:37:51
24	Q	And did he contribute anything -- did	10:37:53
25		he pay any money to you or your family?	10:37:56

1	A	Yes.	10:38:12
2	Q	How much was that?	10:38:13
3	A	He used to pay tuition fee for me.	10:38:22
4	Q	How much was the tuition?	10:38:27
5	A	At this time, school was not	10:38:40
6		expensive. It was 1,500 Haitian dollars.	10:38:41
7	Q	So 1,500 gourdes?	10:38:52
8	A	No.	10:39:01
9	Q	And how many -- how much money was	10:39:04
10		that in gourdes, 1,500 Haitian dollars?	10:39:06
11	A	7,500 gourdes.	10:39:20
12	Q	And was that for the year?	10:39:29
13	A	For the year.	10:39:37
14	Q	And how many years did he pay your	10:39:39
15		tuition?	10:39:40
16	A	For several years.	10:39:50
17	Q	More than five?	10:39:53
18	A	For several years, but I don't	10:40:04
19		remember exactly how many.	10:40:05
20	Q	And do you have any records or	10:40:09
21		documents that would indicate how many years?	10:40:12
22	A	It was many years ago, so we don't	10:40:26
23		have these documents.	10:40:30
24	Q	And what school were you attending	10:40:33
25		that he was paying the tuition for?	10:40:36

1 A The school was first in the home, in 10:40:54
2 my hometown, and after I went to other school 10:40:58
3 in the country. 10:41:03

4 Q And did you receive a degree from 10:41:07
5 those schools? 10:41:09

6 A I received report cards for the 10:41:23
7 school and the high school diploma for the 10:41:29
8 fellow class. 10:41:35

9 Q And after you graduated from high 10:41:39
10 school, did you receive any further education? 10:41:41

11 A Yes. 10:41:59

12 Q What education was that? 10:42:00

13 A I received training about being 10:42:02
14 Sunday school teacher, and being -- training 10:42:23
15 about being a pastor and et cetera. 10:42:28

16 Q And did you receive any degrees as a 10:42:33
17 result of those trainings? 10:42:36

18 A I received certificates and I had to 10:42:56
19 stop with others because of what happened in 10:43:04
20 this case, and I had to -- to stop. 10:43:07

21 Q And what certificates did you 10:43:14
22 receive? 10:43:15

23 A Certificate for the trainings that I 10:43:28
24 attended. 10:43:30

25 Q And those were the human rights 10:43:34

1	trainings that you testified about earlier?	10:43:35
2	MR. McLAUGHLIN: Objection.	10:43:38
3	A Yes.	10:43:49
4	Q Other than the tuition payments that	10:43:53
5	your brother made on your behalf, did he pay	10:43:56
6	any other amounts to you or your family?	10:43:58
7	A Yes.	10:44:16
8	Q What amounts?	10:44:17
9	A The amount of money varies, because	10:44:28
10	it was for the needs of the family.	10:44:30
11	Q And do you have an estimate of what	10:44:36
12	amounts he paid to you or the family?	10:44:38
13	A The money was paid for the needs of	10:45:00
14	the family, so we cannot gather all of them	10:45:04
15	together to evaluate them.	10:45:10
16	Q And other than the tuition payment,	10:45:14
17	were there any other monies that your brother	10:45:16
18	Eclesiaste paid to you or for your benefit?	10:45:19
19	A In the family, he spent money for the	10:45:31
20	needs of the family.	10:45:49
21	Q And are your other brothers and	10:46:00
22	sisters all still alive?	10:46:03
23	A Yes, some are still alive.	10:46:11
24	Q And how many have died?	10:46:16
25	A One sister have died -- has died, and	10:46:27

1 Hautefort Bajon said it's -- leave it alone. 11:37:26

2 We'll take care of him later on. 11:37:34

3 This is what is the cause of the 11:37:47

4 death of Ecclesiaste Boniface, my younger 11:37:49

5 brother. 11:37:54

6 Q And the person who said "leave it 11:37:59

7 alone, we'll take care of it later" was 11:38:00

8 Hautefort Bajon? 11:38:04

9 A Yeah, Hautefort Bajon, went after the 11:38:15

10 mayor, shake his head and say, Let's leave 11:38:19

11 this. 11:38:22

12 Q And after that happened, where did 11:38:29

13 you go? Did you leave town? 11:38:31

14 A After this, I head back home with the 11:38:48

15 escort provided by the parents, but they went 11:38:55

16 back to the Judge Bell's house. 11:38:58

17 Q And later that night when your 11:39:06

18 brother died, you were at church; is that 11:39:10

19 correct? 11:39:14

20 A Yes. 11:39:21

21 Q And after you were at church, did you 11:39:24

22 ever return to your home that night? 11:39:29

23 A No, I didn't have the opportunity. 11:39:38

24 Q And did you see at all what happened 11:39:43

25 to your brother when he died? 11:39:46

1	A	I couldn't see it that night. I see	11:40:00
2		it in the next day.	11:40:03
3	Q	The next day you saw his body; is	11:40:06
4		that correct?	11:40:07
5	A	Yes, the next day.	11:40:13
6	Q	And how do you know what happened	11:40:16
7		that night?	11:40:19
8	A	In that night, I was informed that	11:40:34
9		Eclesiaste was dead, and he was -- I didn't	11:40:36
10		leave him sick.	11:40:44
11	Q	And what is your understanding of how	11:40:47
12		Eclesiaste died?	11:40:53
13	A	The person who informed me about	11:41:13
14		Eclesiaste's death explained me how he died.	11:41:15
15	Q	Who was that person? Was that	11:41:21
16		Nissage?	11:41:23
17	A	No, it was not Nissage.	11:41:28
18	Q	Who was it?	11:41:30
19	A	This person is Romanés Boyer.	11:41:38
20		MR. McLAUGHLIN: Peter, we've	11:41:44
21		been going for about an hour and a half. Can	11:41:44
22		we take a break when it's convenient to do so?	11:41:47
23		MR. HALEY: Sure. That makes	11:41:49
24		sense. We can break now.	11:41:51
25		Do you want to -- do you want to	11:41:54

1 go 20 minutes, or how long makes sense? 11:41:59

2 MR. McLAUGHLIN: Ten minutes 11:42:03

3 works for us. 10, 15. 11:42:03

4 MR. HALEY: Okay. Let's just 11:42:08

5 come back on the hour at noon, then, if that 11:42:10

6 works. 11:42:13

7 THE VIDEOGRAPHER: The time is 11:42:14

8 11:42, and we are now off the record. 11:42:14

9 (Recess.) 11:42:17

10 THE VIDEOGRAPHER: The time is 12:00:03

11 12:00 p.m. This is the beginning of session 12:00:04

12 No. 2, and we are now back on the record. 12:00:06

13 MR. HALEY: And if the court 12:00:10

14 reporter could just read back the last question 12:00:11

15 and answer, that would be helpful. 12:00:14

16 (Record read as requested.) 12:00:15

17 BY MR. HALEY: 12:00:46

18 Q Mr. Boniface, could you please spell 12:00:47

19 the name of the person who you said told you 12:00:49

20 about the death of your brother? 12:00:51

21 A Yes. 12:01:03

22 Q How do you spell that name, just the 12:01:07

23 name of the person? How do you spell that? 12:01:09

24 A I will spell Boyer. B-O-Y-E-R. 12:01:17

25 Q And what's the first name? 12:01:31

1	A	Romanés.	12:01:38
2		R-O-M-A-N-E, with an accent, and	12:01:46
3	S.		12:01:52
4	Q	Is that a man or a woman?	12:01:55
5	A	A man.	12:02:00
6	Q	And what did he tell you about what	12:02:02
7		happened the night your brother died?	12:02:04
8	A	So he told me this way, but before	12:02:32
9		that I saw the mayor and his team passing by my	12:02:35
10		house heading to Matador, and when they come	12:02:39
11		back to -- they told me that they called me and	12:02:45
12		that they didn't find me.	12:02:50
13		And Ecclesiaste told them that	12:03:06
14		I'm not here, and they told him to pick up a	12:03:08
15		commission on my behalf. And this commission	12:03:12
16		was bullets and machetes.	12:03:16
17	Q	And did he tell you that somebody	12:03:19
18		shot Ecclesiaste?	12:03:32
19	A	Yes.	12:03:38
20	Q	And who did he tell you shot him?	12:03:39
21	A	Hautefort Bajon.	12:03:49
22	Q	And did he tell you that the Mayor	12:03:51
23		Viliena was involved at all?	12:03:54
24	A	The mayor was here, and he shot on	12:04:05
25		the order of the mayor.	12:04:09

1 Q How do you know that he shot on the 12:04:13
2 order of the mayor? 12:04:15

3 A Because the mayor was the one who 12:04:30
4 called me and didn't find me and told him to 12:04:33
5 come and grab a commission on my behalf, and 12:04:38
6 this commission was the death. 12:04:42

7 Q And you said you saw the mayor that 12:04:47
8 night on your way back home? 12:04:52

9 MR. McLAUGHLIN: Objection. 12:04:55

10 A I didn't say that. 12:05:07

11 Q Did you see the mayor at all that 12:05:12
12 night? 12:05:15

13 A Before I leave home to go to church. 12:05:23

14 Q And when was the last time you spoke 12:05:31
15 to Jean Viliena? 12:05:33

16 A The last time -- the last time, it 12:06:07
17 was in a meeting with the MINUSTAH and other 12:06:12
18 authorities in the region, so they ask for 12:06:17
19 reconciliation. 12:06:21

20 Q When was that? 12:06:27

21 A I don't recall the date, but it was 12:06:43
22 about 2008. 12:06:47

23 Q And what happened during that 12:06:50
24 meeting? 12:06:52

25 A It was a meeting about rights. So 12:07:08

1 the MINUSTAH come there to try to fix the 12:07:13

2 problem so that there are damages no more. 12:07:16

3 Q What was the result of the meeting? 12:07:39

4 What happened at the end of the meeting? 12:07:41

5 A As the authorities came to speak with 12:08:02

6 us and the mayor, and the mayor replied that 12:08:04

7 what he has to do, he hasn't done yet. 12:08:11

8 Q And after that meeting in 2008, have 12:08:18

9 you ever spoken to the mayor since then? 12:08:23

10 A No. He called me once by phone. It 12:08:46

11 was in a trial in Jeremie. 12:08:51

12 Q And did you speak to him when he 12:08:58

13 called you? 12:09:01

14 A Yes. 12:09:09

15 Q And when was that? 12:09:10

16 A It was in the year 2013, but it was 12:09:25

17 for him a way to intimidate me, to provoke me. 12:09:32

18 Q And what did he say to you? 12:09:38

19 A He said that we put his father in 12:09:53

20 jail, so he will take care of us. 12:09:57

21 Q And what did you say to him? 12:10:04

22 A He didn't give me enough time to 12:10:13

23 speak back to him. Right after, he hang up. 12:10:15

24 Q And was that the last time you spoke 12:10:22

25 to him? 12:10:24

1 CHECK INTERPRETER: I'm just 12:18:44

2 getting it, sorry. 12:18:45

3 I have Exhibit 1, yes. 12:18:53

4 Okay, he has the document. 12:19:13

5 MR. HALEY: Thank you. 12:19:15

6 BY MR. HALEY: 12:19:15

7 Q And, Mr. Boniface, my question is, 12:19:15

8 once you've had a chance to look at Exhibit 1, 12:19:17

9 whether you recognize that document. 12:19:19

10 A I'm checking. 12:19:37

11 MR. McLAUGHLIN: Peter, if I 12:19:45

12 could just note for the record that the 12:19:46

13 document is in French, not Creole. 12:19:47

14 A Yes. 12:19:57

15 Q And did you prepare this document? 12:20:00

16 A Yes. 12:20:05

17 Q And it's on the letterhead of OPL; is 12:20:08

18 that correct? 12:20:15

19 A Yes. 12:20:24

20 Q What is OPL? 12:20:25

21 A OPL is Struggling People's Party. 12:20:36

22 Q And are you a member of OPL? 12:20:59

23 A Not a member, but someone who votes 12:21:08

24 for OPL. 12:21:10

25 Q And were you a member of OPL in 12:21:15

1	December 2006?	12:21:20
2	A Yes.	12:21:30
3	Q And when did you cease to be a member	12:21:32
4	of OPL?	12:21:33
5	MR. McLAUGHLIN: Objection.	12:21:36
6	A I am -- I vote for OPL.	12:21:50
7	Q And have you ever held any position	12:21:55
8	with OPL, with the party, an appointed or	12:21:57
9	elected position?	12:22:02
10	A No.	12:22:18
11	Q And have you ever run for elected	12:22:19
12	office?	12:22:20
13	A I was not a candidate.	12:22:30
14	Q And in December of 2006, did you	12:22:33
15	support the OPL candidate to be mayor of Les	12:22:36
16	Irois?	12:22:39
17	A I voted for him. I -- I used my	12:22:52
18	civil right. I voted for the party.	12:23:00
19	Q And that was Mr. Lebon; is that	12:23:04
20	correct?	12:23:07
21	A Yes, Lebon, William.	12:23:10
22	Q And he ran against Mr. Viliena; is	12:23:15
23	that correct?	12:23:17
24	A Yes.	12:23:21
25	Q And Mr. Viliena was a member of	12:23:23

1	MODEREH?	12:23:25
2	A Yes.	12:23:30
3	Q And why did you prepare Exhibit 1 on	12:23:34
4	the letterhead of OPL?	12:23:39
5	A So a representative of the party has	12:24:03
6	helped me to prepare the document.	12:24:08
7	Q Who was that?	12:24:14
8	A Pastor William Lebon.	12:24:24
9	Q And was it -- was the Pastor William	12:24:28
10	Lebon the same William Lebon who ran for mayor?	12:24:31
11	A Yes.	12:24:41
12	Q And he was the political opponent of	12:24:42
13	Mr. Viliena?	12:24:45
14	A Yes, they were candidates at the same	12:24:54
15	time.	12:24:56
16	Q And when was this document prepared;	12:25:00
17	do you know?	12:25:03
18	A This document was prepared, and I had	12:25:29
19	the notice of reception on February 13, 2012.	12:25:34
20	Q And I see the stamp on Exhibit 1	12:25:41
21	there, February 13, 2012.	12:25:44
22	So was the document prepared on	12:25:47
23	or about February 13, 2012?	12:25:48
24	A No, we prepared the document in	12:26:14
25	advance before that, and this is the date that	12:26:16

1	Who is Mario Joseph?	12:36:58
2	A Mario Joseph is my lawyer.	12:37:09
3	Q And does he continue to represent you	12:37:14
4	in Haiti in this matter?	12:37:22
5	A Yes.	12:37:35
6	Q And in paragraph 9 of his affidavit,	12:37:40
7	which starts on page 3 and goes to the top of	12:37:49
8	page 4, he makes reference to an award that you	12:37:54
9	received in the Haitian court of 1,100,000	12:37:59
10	Haitian gourdes.	12:38:03
11	A No.	12:38:25
12	Q So if I could direct your attention	12:38:29
13	to page 4 of Exhibit 2, which is marked 6 of	12:38:32
14	136 -- I'm sorry, it's 16 of 136, paragraph 4,	12:38:38
15	where it says David Boniface is awarded	12:38:45
16	1,100,000 gourdes. Do you see that?	12:38:49
17	CHECK INTERPRETER:	12:39:03
18	Clarification of the translation from English	12:39:03
19	to Creole. It's not he received. It's that	12:39:19
20	there's a judgment for.	12:39:24
21	A It's written on the paper and it	12:39:39
22	remains on the paper, so this never happened.	12:39:43
23	I never received any money.	12:39:45
24	Q You were -- the court determined that	12:39:52
25	you were entitled to that amount of money,	12:39:53

1 correct? 12:39:55

2 A I never receive it. Excuse me. I 12:40:17

3 never receive that money. It was -- it was a 12:40:19

4 form that was made by the court so that I could 12:40:26

5 never find justice. I never find justice. 12:40:29

6 Q And was that the amount of money that 12:40:38

7 you believed you were entitled to? 12:40:40

8 MR. McLAUGHLIN: Objection. 12:40:43

9 A This is what -- this is up to the 12:41:07

10 justice to know what I can be entitled of 12:41:09

11 receiving, but not me is supposed to know it. 12:41:14

12 But for me, justice was always 12:41:17

13 first. 12:41:20

14 Q And did you think the amount was too 12:41:25

15 small or too large or did you have some 12:41:28

16 objection to the amount? 12:41:30

17 MR. McLAUGHLIN: Objection. 12:41:31

18 A I think that the justice is supposed 12:41:58

19 to know -- to see and to take a decision about 12:42:02

20 the amount of money, but, as I said it earlier, 12:42:07

21 justice is first. 12:42:13

22 Q And did you challenge or appeal the 12:42:23

23 determination of that amount? 12:42:25

24 A I didn't speak about money. My 12:42:42

25 biggest regret is that since 2007 -- 2007, 12:42:59

1 2008, 2009, the mayor is causing trouble, and 12:43:03

2 he was -- is -- he was never punished. 12:43:09

3 Q And did you do anything to try and 12:43:16

4 collect these monies? 12:43:18

5 A I just talked to the lawyer. I told 12:43:42

6 him to -- to work on the process to see if we 12:43:44

7 can have what the -- what we are awarded. But 12:43:49

8 we never received it. 12:43:55

9 Q And other than talking to the lawyer, 12:44:01

10 are you aware of anything else that's been done 12:44:02

11 to try and collect these amounts? 12:44:04

12 A I don't understand the question about 12:44:21

13 what -- what action, for example? 12:44:23

14 Q Well, are you aware of any action 12:44:30

15 that's been taken to try and get this money 12:44:31

16 other than talking to the lawyer? 12:44:33

17 A So I know that once we have a lawyer 12:44:56

18 and we talk about the case, so he is the one to 12:44:57

19 know the procedures to -- to do -- to have the 12:45:02

20 money. 12:45:09

21 Q And are these amounts -- this money, 12:45:12

22 the same money you're trying to collect in this 12:45:14

23 action in the United States? 12:45:16

24 MR. McLAUGHLIN: Objection. 12:45:17

25 A What is fundamental for me is to have 12:45:46

1 A Yes. 14:16:20

2 Q Mr. Boniface, without disclosing the 14:16:21

3 contents of any communications, did you meet 14:16:24

4 with your lawyers via Zoom to prepare for your 14:16:27

5 deposition today? 14:16:30

6 A Yes. 14:16:47

7 Q Thank you. 14:16:50

8 Mr. Boniface, are you familiar 14:16:51

9 with a town in Haiti called Les Irois? 14:16:52

10 A Yes. 14:17:02

11 Q How do you know this town? 14:17:03

12 A This is my hometown. That's where I 14:17:11

13 was born. This is where I grew up. 14:17:15

14 Q Okay. 14:17:18

15 Do you know the town well? 14:17:19

16 A Yes. 14:17:21

17 Q And prior to 2007, what was it like 14:17:23

18 growing up in Les Irois? 14:17:26

19 A Everything was normal. 14:17:37

20 Q And in 2007, did you live in Les 14:17:40

21 Irois? 14:17:43

22 A Excuse me? 14:17:50

23 Q In the year 2007, did you live in Les 14:17:51

24 Irois? 14:17:56

25 A Yes. 14:18:01

1 Q And in 2007, what was your occupation 14:18:02

2 in Les Irois? 14:18:05

3 A I was a teacher. I was also a 14:18:16

4 farmer. 14:18:20

5 Q And what grades did you teach? 14:18:23

6 A I was teaching in different grades 14:18:35

7 from 1st grade through 6th grade. 14:18:42

8 Q And you testified that in the 2007 14:18:46

9 period, you attended human rights trainings; is 14:18:47

10 that correct? 14:18:49

11 A Yes. 14:18:59

12 Q And did you receive any 14:19:00

13 certifications for human rights training? 14:19:01

14 A Yes. 14:19:09

15 Q And in 2007, did you participate in 14:19:09

16 any social or community activities in Les 14:19:12

17 Irois? 14:19:16

18 A Yes. 14:19:27

19 Q Which ones? 14:19:27

20 A I would say social activities like 14:19:38

21 related to school... 14:19:43

22 THE INTERPRETER: I would ask, 14:19:45

23 like, him, like, to complete the sentence for 14:19:47

24 me. 14:19:50

25 A Church. 14:19:55

1 Q After you returned home on that day, 14:32:07

2 did you go anywhere else that night? 14:32:09

3 A Yes. 14:32:21

4 Q Where did you go? 14:32:25

5 A I went to church -- to church for -- 14:32:32

6 for -- I went to church for a mass. 14:32:35

7 Q And did anyone else in your household 14:32:40

8 accompany you to church that day? 14:32:42

9 A Yes. 14:32:50

10 Q Who accompanied you to church that 14:32:54

11 day? 14:32:55

12 A My mother went with me and also some 14:32:59

13 other friends. 14:33:03

14 Q And did anyone else in your household 14:33:05

15 remain at the house that night? 14:33:07

16 A Yes. 14:33:14

17 Q Who remained at your house that 14:33:15

18 night? 14:33:17

19 A My younger brother, Ecclesiaste 14:33:22

20 Boniface. 14:33:26

21 Q And you testified earlier that while 14:33:27

22 you were at church, somebody came and told you 14:33:29

23 that Ecclesiaste Boniface had been killed; is 14:33:31

24 that correct? 14:33:36

25 A Yes. 14:33:45

1 Q Did you return home that night? 14:33:48

2 A I could not. 14:33:57

3 Q Why couldn't you return home that 14:33:58

4 night? 14:33:59

5 A There were ambushes near the church 14:34:12

6 from the mayor and his associates trying to 14:34:14

7 kill me if I leave. 14:34:20

8 Q Did you remain at the church or did 14:34:22

9 you go somewhere else? 14:34:24

10 A I had to seek refuge at the 14:34:34

11 preacher's home with my mom so we could spend 14:34:40

12 the night there. 14:34:45

13 Q On the next morning, July 28, 2007, 14:34:47

14 what did you do? 14:34:51

15 A That's when I had the opportunity to 14:35:13

16 come back, and that's how I went to the two 14:35:19

17 judges, Bell and Judge Decharles, to go with me 14:35:22

18 so they could assess what happened. 14:35:29

19 Q And did you file a report with Judge 14:35:35

20 Bell and Judge Decharles? 14:35:37

21 A Yes. 14:35:49

22 Q After you filed the report, did you 14:35:56

23 return to your family home? 14:35:58

24 A Yes. The judges accompany me so they 14:36:11

25 could go and assess what happened. 14:36:15

1 Q And what did you see when you 14:36:19

2 returned home? 14:36:21

3 A When I return home, I could see my 14:36:32

4 brother on the ground. 14:36:37

5 Q I want to show you a photograph 14:36:42

6 that's been previously entered as an exhibit in 14:36:43

7 this case. 14:36:47

8 David, if you could please 14:36:51

9 upload to Exhibit Share. 14:36:52

10 MR. McLAUGHLIN: Peter, if you 14:37:08

11 could tell me when you have it on your end, and 14:37:08

12 Nicole, if you can just tell me when the 14:37:11

13 exhibit is visible on your end as well. 14:37:13

14 MR. HALEY: Yeah, I have it. 14:37:16

15 CHECK INTERPRETER: I have it, 14:37:18

16 too. 14:37:18

17 MR. McLAUGHLIN: Nicole, if you 14:37:18

18 could please show the photograph to 14:37:18

19 Mr. Boniface. 14:37:18

20 (Exhibit 3 marked for 09:21:34

21 identification.) 09:21:34

22 BY MR. McLAUGHLIN: 14:37:19

23 Q Mr. Boniface, do you recognize the 14:37:20

24 body in this photograph? 14:37:35

25 A Yes. 14:37:42

1 Q And whose body is it? 14:37:43

2 A This is Ecclesiaste Boniface. 14:37:52

3 Q And is this the body of your brother 14:37:57

4 that you found outside your family home on 14:37:59

5 July 28, 2007? 14:38:02

6 A Yes. 14:38:10

7 Q And how did you feel seeing your 14:38:12

8 brother's body outside your home that morning? 14:38:14

9 A I really didn't feel well. Until -- 14:38:31

10 until today, every time that I look at this 14:38:50

11 body, I have tears coming to my eyes, because 14:38:54

12 it would have been me in his place. 14:39:06

13 Q Okay. 14:39:11

14 MR. McLAUGHLIN: Nicole, if you 14:39:11

15 could remove the photograph, please. 14:39:13

16 BY MR. McLAUGHLIN: 14:39:17

17 Q And did you take the body anywhere? 14:39:17

18 A Yes. 14:39:24

19 Q Where did you take the body? 14:39:26

20 A In the mayor hall. 14:39:35

21 Q And why did you take the body to the 14:39:37

22 mayor hall? 14:39:38

23 A Because the population took the body 14:39:58

24 and carry it there because it was Jean Morose 14:40:03

25 who killed him. 14:40:21

1 talk to a police officer. 14:42:34

2 Right after he spoke with the 14:42:46

3 police officer, the police officer walked 14:42:50

4 toward a local official who was there and give 14:42:53

5 the local official -- hit the local official 14:43:00

6 with his weapon, and he ask him to take the 14:43:06

7 body and go back with it. 14:43:14

8 Q So were you forced to take the body 14:43:18

9 back with you? 14:43:20

10 A Yes. 14:43:24

11 Q And did you bury the body? 14:43:26

12 A Yes. 14:43:30

13 Q In October of 2009, was Viliena still 14:43:36

14 the mayor of Les Irois? 14:43:41

15 A October 2009? 14:43:58

16 Q Yes, in October 2009. 14:44:00

17 A Yes. 14:44:05

18 Q And did you own a home in Les Irois 14:44:07

19 in October of 2009? 14:44:09

20 A Yes, my parents' home. 14:44:20

21 Q And did anything happen to your 14:44:23

22 family home in Les Irois in October of 2009? 14:44:25

23 A Yes. 14:44:35

24 Q What happened to your family home in 14:44:37

25 October of 2009 in Les Irois? 14:44:39

1 A In October 2009, as the mayor, Jean 14:45:08
2 Morose, noticed that with all that he did in 14:45:13
3 2007 and 2008 and nothing happened, he give the 14:45:16
4 order to burn down 36 houses, and among the 36 14:45:24
5 was my parents' home. 14:45:30

6 Q And without telling me the specific 14:45:33
7 location where you were, were you present in 14:45:35
8 Les Irois on the night that your family home 14:45:38
9 burned down? 14:45:42

10 A No. 14:45:57

11 Q And how did you learn that your 14:45:58
12 family home had burned down? 14:45:59

13 A Nissage informed me about this, and I 14:46:15
14 went back in the town so I could see this 14:46:20
15 myself. 14:46:25

16 Q And did you see it yourself? 14:46:28

17 A Yes. 14:46:32

18 Q Did you see your family home burned 14:46:35
19 down? 14:46:37

20 A Yes, my family home was burned down. 14:46:43

21 Q And did you see the homes of others 14:46:50
22 burned down in Les Irois? 14:46:51

23 A Yes. 14:46:57

24 Q And you testified that 36 homes 14:46:58
25 burned down that night. Did those homes belong 14:47:01

1 to members of any particular political party? 14:47:05

2 MR. HALEY: Objection. 14:47:08

3 A It was a group of people who had 14:47:40

4 their house burned down and they -- they are a 14:47:43

5 group of people who voted for one political 14:47:48

6 party. 14:47:53

7 Q And which political party did they 14:47:54

8 vote for? 14:47:56

9 MR. HALEY: Objection. 14:47:57

10 A OPL. 14:48:04

11 Q And did the defendant, Mayor Viliena, 14:48:04

12 support or oppose the OPL party? 14:48:08

13 A Yes, he was in a different political 14:48:24

14 party. 14:48:27

15 Q And to your knowledge, did the home 14:48:28

16 of Mayor Viliena burn down that night in 14:48:30

17 October 2009? 14:48:34

18 A No. 14:48:43

19 Q And to your knowledge, did the home 14:48:45

20 of any of Viliena's supporters burn down in 14:48:47

21 October of 2009? 14:48:51

22 MR. HALEY: Objection. 14:48:53

23 A No. 14:49:03

24 Q Okay. 14:49:04

25 Following the death of your 14:49:08

1 brother, Ecclesiaste, in July of 2007, did you 14:49:10
2 attempt to seek justice within the Haitian 14:49:15
3 legal system? 14:49:18
4 A Yes. 14:49:33
5 Q Did you make any submissions to the 14:49:35
6 authorities? 14:49:37
7 A Complaint. 14:49:51
8 Q Did you make any complaints with the 14:49:52
9 authorities? 14:49:54
10 A Yes. 14:50:01
11 Q I'd like to direct your attention to 14:50:04
12 the document that counsel for Viliena showed 14:50:06
13 you earlier marked Exhibit 1. 14:50:09
14 MR. McLAUGHLIN: Peter, I was 14:50:12
15 going to refer back to Exhibit 1, if you can 14:50:13
16 have that pulled up. 14:50:15
17 MR. HALEY: Okay. 14:50:17
18 CHECK INTERPRETER: We have it. 14:50:33
19 MR. HALEY: I'm all set. 14:50:34
20 MR. McLAUGHLIN: Okay. 14:50:35
21 BY MR. McLAUGHLIN: 14:50:37
22 Q You testified earlier that this is a 14:50:37
23 document that you submitted to MINUSTAH; is 14:50:39
24 that correct? 14:50:43
25 A Yes. 14:50:50

1 Q What is MINUSTAH? 14:50:50

2 A MINUSTAH is a foreign -- a group that 14:51:10

3 came in Haiti to help bring order in the 14:51:16

4 country. 14:51:19

5 Q And is MINUSTAH affiliated with the 14:51:20

6 United Nations? 14:51:23

7 A Yes. 14:51:30

8 Q Okay. 14:51:31

9 On the bottom of page 1, 14:51:32

10 continuing on to page 2, there is a list of 14:51:35

11 dates with some corresponding text. 14:51:41

12 Do you see those? 14:51:43

13 A Yes. 14:51:56

14 Q Could you tell me what those dates in 14:51:59

15 the text represent? 14:52:01

16 A Yes. 14:52:09

17 Q And what are those? 14:52:09

18 A They were dates where we filed 14:52:23

19 complaints in the different institutions, and 14:52:25

20 we did it in a chronological way. 14:52:31

21 Q So looking at the first dates, which 14:52:36

22 reads, I believe, August 8, 2007, could you 14:52:39

23 tell me what that represents? 14:52:56

24 A It's -- we filed a complaint with the 14:53:12

25 prosecutor Decharles, who was in the region of 14:53:19

1 Grand Anse. This is a confirmation of 14:53:27
2 reception of this complaint. 14:53:34

3 Q And the next one, 21 October, 2008, 14:53:35
4 what does that represent? 14:53:38

5 A This is a confirmation of receiving 14:53:54
6 our complaint at MINUSTAH, which is the human 14:53:56
7 rights section. 14:54:08

8 Q And then the next one, which is the 14:54:08
9 same date, what is that? 14:54:10

10 A It was the day that we file a 14:54:25
11 complaint with the judge of investigation from 14:54:31
12 the court of Jeremie. 14:54:34

13 Q And then on the 22nd of October 2008, 14:54:36
14 could you describe what that is? 14:54:40

15 A It was a confirmation that we file a 14:54:57
16 complaint at one institution in Jeremie that 14:55:03
17 name is Justice and Peace. 14:55:07

18 Q And then on the 27th of October 2008? 14:55:11

19 A It was where we received confirmation 14:55:40
20 of a letter that Amnesty International sent 14:55:44
21 through this organization named Justice and 14:55:49
22 Peace. 14:55:52

23 Excuse me, I have two different 14:55:56
24 27. 14:56:01

25 Q Okay. 14:56:01

1 I think you were referring to 14:56:01
2 the second of the two entries, but could you 14:56:02
3 tell us about the first of those two entries on 14:56:06
4 October 27, 2008, please? 14:56:08

5 A I gave you the second ones. That why 14:56:18
6 I apologize. So I could give the first one on 14:56:21
7 that date. 14:56:24

8 Q Please. 14:56:25

9 A The first one was the complaint that 14:56:36
10 I file at the police station in Jeremie HNP. 14:56:39

11 Q Now, looking at the entry for the 14:56:50
12 16th of February 2009. 14:56:52

13 A It was the complaint I filed in the 14:57:10
14 organization Justice and Peace based in 14:57:16
15 Port-au-Prince. 14:57:21

16 Q Thank you. 14:57:22

17 And then October 29, 2009, 14:57:23
18 please? 14:57:25

19 A It was a complaint that I filed in 14:57:56
20 the town of Les Irois in the police station 14:57:59
21 there, and the police who was in charge that 14:58:02
22 day was Joseph Pierre Laurent, who give me an 14:58:09
23 acknowledgment of receipt. 14:58:16

24 Q And then 2009, December 4th? 14:58:18

25 A It was a complaint that I filed at 14:58:50

1 the prosecutor's office in Jeremie, and it was 14:58:55
2 Harycidas Auguste, the name of the fellow who 14:59:15
3 gave the acknowledgment of receipt for the 14:59:19
4 complaint filed. 14:59:21

5 Q And then finally, December 3, 2011, 14:59:25
6 could you read the text that's on the document 14:59:27
7 there, please? 14:59:29

8 A Yes. 14:59:43

9 The document delivered issued by 15:00:01
10 the court of peace of Les Irois, signed by 15:00:04
11 Agnel Romeus, stated it's -- stated that it's 15:00:10
12 not powerful enough regarding the -- the 15:00:35
13 protection against the -- all the criminal 15:00:42
14 thugs, toward all institutions, both local and 15:00:49
15 international. 15:01:03

16 Q So does this document reflect the 15:01:11
17 steps that you took to seek justice in Haiti up 15:01:13
18 until the date of its submission? 15:01:19

19 A That's exactly what it is. 15:01:36

20 Q And you indicated that Pastor William 15:01:39
21 Lebon assisted by typing up this document. 15:01:42

22 Did he tell you what to write in 15:01:45
23 this document? 15:01:47

24 A No. He only helped me type it. 15:02:04

25 Q Thank you. 15:02:10

1 A It's not that I can't finish reading 15:35:52

2 it, but I don't see it clearly. 15:35:54

3 Q Understood. 15:35:59

4 Let me ask my question again. 15:35:59

5 A No problem. 15:36:05

6 Q Do you recall that the Les Cayes 15:36:06

7 court of first instance had declared that Jean 15:36:07

8 Morose Viliena, the defendant in this suit, was 15:36:11

9 a fugitive? 15:36:14

10 A Yes. 15:36:33

11 Q And that in absentia proceedings 15:36:33

12 could be begun against him? 15:36:36

13 A Yes, this was supposed to happen. 15:36:44

14 Q And between 2007, when your brother 15:36:46

15 was killed, and 2017 when you filed the US 15:36:47

16 court case, were in absentia trials ever begun 15:36:52

17 against Viliena? 15:36:59

18 A No, it never happened. 15:37:12

19 Q And was he ever held accountable for 15:37:17

20 the death of your brother? 15:37:19

21 A Excuse me, can you repeat it? 15:37:31

22 Q Between 2007, when your brother was 15:37:33

23 killed, and 2017, when you filed this US court 15:37:35

24 case, was the defendant, Jean Morose Viliena, 15:37:40

25 ever held accountable in Haiti for the death of 15:37:43

1 your brother? 15:37:46

2 A He was a fugitive. 15:38:11

3 Q And to your knowledge, was Viliena 15:38:13

4 ever held accountable by the Haitian justice 15:38:15

5 system for the mass arsons in Les Irois in 15:38:20

6 October of 2009? 15:38:22

7 A Yes. 15:38:38

8 Q Let me -- let me rephrase that. 15:38:41

9 To your knowledge, was Viliena 15:38:52

10 ever held accountable -- 15:38:55

11 To your knowledge, were court 15:38:58

12 proceedings -- strike that. 15:38:59

13 To your knowledge, was Viliena 15:39:02

14 ever convicted by a Haitian court for the mass 15:39:04

15 arsons of 36 homes in Les Irois in October of 15:39:08

16 2009? 15:39:14

17 A He was fleeing. 15:39:32

18 Q So because Viliena was fleeing, was 15:39:36

19 the Haitian justice system able to hold him 15:39:40

20 accountable? 15:39:43

21 A So the -- they said that he was 15:40:05

22 fleeing, so it was the in absentia trial that 15:40:12

23 was supposed to be held against him. 15:40:17

24 Q And was an in absentia trial ever 15:40:19

25 held against Viliena for the death of your 15:40:22

1 brother? 15:40:24

2 A It never happened because they never 15:40:36

3 found him. 15:40:40

4 Q And was Defendant Viliena -- were -- 15:40:40

5 strike that. 15:40:43

6 Were in absentia trials ever 15:40:43

7 held against Defendant Viliena for his role in 15:40:46

8 the mass arsons? 15:40:49

9 A It was never held. 15:41:01

10 Q Thank you. 15:41:06

11 Starting in 2007, up until 15:41:19

12 March 2017 when you filed this US court case, 15:41:22

13 were you ever intimidated for pursuing justice 15:41:25

14 in Haiti? 15:41:28

15 A Yes. 15:41:42

16 Q Can you provide examples? 15:41:43

17 A We have several examples. 15:41:52

18 Q Were you ever intimidated on the day 15:41:54

19 after your brother was killed? 15:41:56

20 A Yes. 15:42:03

21 Q Can you describe that example? 15:42:04

22 A Right after I buried the body, I 15:42:17

23 couldn't stay in the town anymore. 15:42:22

24 Q Why not? 15:42:25

25 A I -- I was threatened. I was 15:42:38

1 threatened severely, because the father of the 15:42:43
2 mayor, the day of the investigation was saying 15:42:47
3 if I am not killed, his son will never be in 15:42:57
4 peace. 15:43:04

5 Q And did you hear him say that? 15:43:07

6 A Yes. 15:43:13

7 Q And just to clarify, this is the 15:43:15
8 father of the defendant, Jean Morose Viliena, 15:43:17
9 who said this? 15:43:20

10 A Yes, the father of Jean Morose 15:43:33
11 Viliena, whose name is Lissage Viliena. 15:43:35

12 Q And you previously detailed the many 15:43:43
13 steps you took to pursue justice in Haiti. 15:43:45

14 Did anyone ever interfere with 15:43:47
15 your attempts to attend hearings in any of your 15:43:49
16 cases? 15:43:52

17 A Yes. 15:44:11

18 Q Did you attend -- did you attempt to 15:44:11
19 attend any of the hearings in the city of 15:44:13
20 Jeremie? 15:44:16

21 A Yes. 15:44:29

22 Q Were you ever blocked from attending 15:44:29
23 the proceedings in Jeremie? 15:44:31

24 A Yes, this happened in the town of 15:44:43
25 Anse d'Hainault. 15:44:47

1	Q	Could you describe what happened,	15:44:48
2		please?	15:44:49
3	A	Yes.	15:44:56
4		We, the victims, including	15:45:04
5		myself, we decided to go in a hearing in	15:45:06
6		Jeremie. KOREGA block the way to go to Jeremie	15:45:11
7		and KOREGA allies and associates of Jean Morose	15:45:28
8		Viliena.	15:45:41
9	Q	And could you see the individuals who	15:45:46
10		were blocking the road?	15:45:48
11	A	Yes.	15:45:56
12	Q	And you identified them as KOREGA	15:45:57
13		members.	15:46:00
14		How did you know they were	15:46:00
15		KOREGA members?	15:46:01
16	A	They were the same people who used to	15:46:13
17		come in electoral campaign with Jean Morose	15:46:17
18		Viliena during elections.	15:46:21
19	Q	And had you seen any of those	15:46:22
20		individuals previously in the presence of Jean	15:46:24
21		Morose Viliena?	15:46:28
22	A	Yes.	15:46:37
23	Q	And when you saw them, were they	15:46:38
24		supporting Jean Morose Viliena?	15:46:40
25	A	Yes, in election campaign.	15:46:53

1 Q And you previously testified that you 15:46:58

2 were a schoolteacher in Les Irois, correct? 15:47:00

3 A Yes. 15:47:08

4 Q Did anyone ever come to your work to 15:47:09

5 prevent you from teaching? 15:47:12

6 A Yes. 15:47:21

7 Q Can you describe that, please? 15:47:21

8 A After the death of my brother, I went 15:47:37

9 to work, as it was my working site. The 15:47:41

10 associates of the mayor came on that school, 15:48:02

11 and they were standing on the fence wall and 15:48:08

12 could look at me through a window and were 15:48:12

13 saying that I'm not allowed to work in the 15:48:15

14 school as it was located in the town. And that 15:48:19

15 school was in the same compound of the church 15:48:30

16 that I attended. 15:48:35

17 Q And did the individuals threaten you? 15:48:38

18 MR. HALEY: Objection. 15:48:40

19 A Yes. 15:48:49

20 Q How did they threaten you? 15:48:52

21 A First they threatened me with words. 15:48:57

22 Second, they intimidate me as I couldn't work, 15:49:02

23 and also they intimidated the students as they 15:49:07

24 couldn't learn. 15:49:15

25 And they showed up with lot of 15:49:23

1 force and anger to find ways to have me 15:49:27

2 dismissed from where I was working. 15:49:34

3 Q And after this visit where these 15:49:39

4 individuals threatened you, were you able to 15:49:41

5 continue to work as a teacher at this school? 15:49:43

6 A No. 15:49:54

7 Q You filed this lawsuit in the US 15:49:56

8 against Defendant Viliena on -- on March 22, 15:49:58

9 2017. 15:50:03

10 At the time that you filed the 15:50:05

11 suit was Nissage Martyr also a plaintiff in the 15:50:08

12 suit with you? 15:50:14

13 A Yes. 15:50:32

14 Q At the time that Nissage Martyr filed 15:50:32

15 this US lawsuit, was he present in Les Irois? 15:50:37

16 A Yes. 15:50:49

17 Q And at the time that he filed this 15:50:49

18 suit, was he sick? 15:50:50

19 MR. HALEY: Objection. 15:51:00

20 A He was not sick. He was just having 15:51:10

21 a disability as the mayor already cause him to 15:51:13

22 lose his leg through the bullet in his leg, but 15:51:19

23 he was not sick. He was just disabled. 15:51:23

24 Q Do you know what happened to Nissage 15:51:28

25 Martyr the day after Defendant Viliena was 15:51:30

1 served with the complaint in this suit? 15:51:33

2 A Yes. 15:51:49

3 Q What happened to him? 15:51:51

4 A We filed the complaint on that -- on 15:52:03

5 one day, and the next day, Nissage Martyr was 15:52:08

6 dead. 15:52:12

7 Q Do you know how he died? 15:52:14

8 A He died. I don't know. He died. 15:52:23

9 Q Were you in Les Irois when you 15:52:27

10 learned of Nissage Martyr's death? 15:52:29

11 A Yes. 15:52:35

12 Q And how did you learn of his death? 15:52:36

13 A Juders called me on the phone to tell 15:52:50

14 me about this. 15:52:52

15 Q And what was your reaction when you 15:52:55

16 heard of Nissage's death? 15:52:57

17 A It was one of the bad moment that I 15:53:08

18 have experience. 15:53:13

19 As my wife was at the time 15:53:31

20 breastfeeding, I learn about this at 11:00, but 15:53:34

21 I had to wait four in the next -- 4:00 in the 15:53:40

22 morning in the next day to tell her about this 15:53:47

23 so she would not be too shock by the news. 15:53:49

24 Q And did you remain in Les Irois after 15:53:53

25 you found out of Nissage Martyr's death? 15:53:55

1 A I -- that day, I remained in Les 15:54:07

2 Irois, but later on, I left. 15:54:12

3 Q Did your name ever -- to your 15:54:18

4 knowledge, did your name ever appear on a kill 15:54:20

5 list of targets? 15:54:22

6 MR. HALEY: Objection. 15:54:24

7 A Yes. 15:54:35

8 Q How did you learn of this list? 15:54:36

9 A There were some paper fliers 15:54:49

10 spreading around with a list of different 15:54:54

11 people that they wanted to be dead. 15:54:58

12 Q And did you see this list yourself? 15:55:02

13 A Yes. 15:55:08

14 Q Can you describe what this list said? 15:55:09

15 A The list had content of people who 15:55:33

16 annoyed the Mayor Viliena, or stop him from 15:55:41

17 coming back in the country. They will take 15:55:47

18 care of and they will kill them. 15:55:51

19 Q When you say the list had the names 15:55:55

20 of people who annoyed the mayor, what do you 15:55:58

21 mean by that? 15:56:00

22 A This was about the list of names that 15:56:21

23 were part of the kill list in the flier. 15:56:28

24 Q And was your name included on this 15:56:32

25 list? 15:56:33

1	A	Yes.	15:56:37
2	Q	Do you remember if others' names were	15:56:39
3		included on this list?	15:56:41
4	A	Yes.	15:56:44
5	Q	Who -- whose names were included?	15:56:47
6	A	The name of Juders, the name of	15:56:55
7		Franckel, the name of William Lebon, and	15:56:58
8		several other names.	15:57:05
9	Q	And who distributed this list?	15:57:07
10	A	They spread them through fliers and	15:57:18
11		the street, just like spreading them on the	15:57:24
12		floor, on the ground, as a track, as they say.	15:57:30
13	Q	Without disclosing any information	15:57:36
14		about where you live now, do you still live in	15:57:37
15		Les Irois?	15:57:42
16	A	No.	15:57:56
17	Q	When did you leave Les Irois?	15:58:02
18	A	A good while ago.	15:58:14
19	Q	And why did you leave Les Irois?	15:58:18
20	A	I felt my life so threatened, and I	15:58:28
21		felt that there's no way that I can keep living	15:58:35
22		in that town.	15:58:39
23	Q	And do you still fear for your life	15:58:43
24		today?	15:58:44
25	A	Yes. Still now.	15:58:50

1 Q And you said that you had left Les 15:58:57
2 Irois a while ago. 15:58:58
3 Is that a number of years? 15:59:02
4 A Since we have filed the complaint and 15:59:25
5 started the lawsuit in the US court, right 15:59:28
6 after we have left Les Irois, after the death 15:59:32
7 of Nissage. 15:59:35
8 Q And given that the complaint was 15:59:37
9 filed in March of 2017, has it been 15:59:39
10 approximately five years since you've left Les 15:59:44
11 Irois? 15:59:46
12 A Yes, I believe so. 15:59:57
13 Q And are you married? 15:59:59
14 A Yes. 16:00:02
15 Q And are you able to see your wife 16:00:03
16 regularly now that you live in hiding? 16:00:05
17 A She used to come see me, but now she 16:00:25
18 can no longer do it. 16:00:29
19 Q And do you have children? 16:00:31
20 A Yes. 16:00:34
21 Q How many children do you have? 16:00:35
22 A Two. 16:00:38
23 Q And are you able to see your children 16:00:42
24 on a daily basis? 16:00:43
25 A The same way that I would spend a 16:00:52

1 year without seeing the mom, the same thing for 16:00:55
2 the children. 16:00:58

3 Q And how would you describe the impact 16:01:00
4 on your life of having to live in hiding over 16:01:02
5 the last several years? 16:01:04

6 A I think that you would allow me to 16:01:23
7 say what I would say, even if I would not have 16:01:28
8 enough words to express this, but I know that 16:01:38
9 anyone can feel what I will be sharing. 16:01:41

10 I have a family. I have a wife 16:01:50
11 and children that I barely see. I would say 16:01:52
12 this is not life. It's like I am buried alive. 16:02:02
13 Even if I don't have to tell more, but I think 16:02:13
14 you can feel that there is no life for me right 16:02:17
15 now. 16:02:21

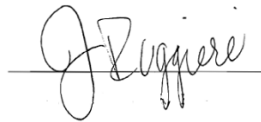
16 Q And why do you continue to pursue 16:02:24
17 justice at such a personal high cost to 16:02:25
18 yourself? 16:02:28

19 A There is a writer who said death take 16:02:56
20 away life. The same way I feel that if it's 16:03:01
21 for truth, I'm ready for everything, because 16:03:12
22 all that I'm sharing right now has happened, 16:03:22
23 and that's why there's one thing I care for 16:03:26
24 first, it's justice. 16:03:29

25 Q Thank you, Mr. Boniface. 16:03:32

C E R T I F I C A T E

1
2 I, Jill K. Ruggieri, Registered Merit
3 Reporter and Certified Realtime Reporter, do certify
4 that the deposition of DAVID BONIFACE, in
5 the above-captioned matter, on January 27, 2022, was
6 stenographically recorded by me; that the witness
7 provided satisfactory evidence of identification, as
8 prescribed by Executive Order 455 (03-13) issued by
9 the Governor of the Commonwealth of Massachusetts,
10 before being sworn by me, a Notary Public in and for
11 the Commonwealth of Massachusetts; that the
12 transcript produced by me is a true record and
13 accurate record of the proceedings to the best of my
14 ability; that I am neither counsel for, related to,
15 nor employed by any of the parties to the above
16 action; and further that I am not a relative or
17 employee of any attorney or counsel employed by the
18 parties thereto, nor financially or otherwise
19 interested in the outcome of the action.

20
21 

22 Jill K. Ruggieri, RPR, RMR, FCRR, CRR

23
24 Transcript review was requested of the reporter.
25

1 Daniel McLaughlin, Esq.

2 dmclaughlin@cja.org

3 February 7, 2022

4 David Boniface, et al. v. Jean Morose Viliena

5 1/27/2022, David Boniface (#5047359)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

1 David Boniface, et al. v. Jean Morose Viliena

2 David Boniface (#5047359)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, David Boniface, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

12 David Boniface

Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20__.

16

17

18

19 NOTARY PUBLIC

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Massachusetts Rules of Civil Procedure

Part V. Deposition and Discovery

Rule 30

(e) Submission to Witness; Changes; Signing. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign
require rejection of the deposition in whole or in
part.

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ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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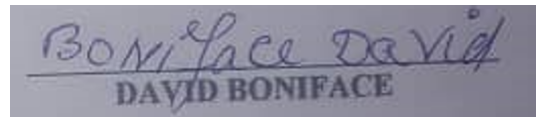
ERRATA SHEET*IN RE: DAVID BONIFACE V. JEAN MOROSE VILIENA***DEPOSITION OF DAVID BONIFACE****DEPOSITION DATE: JANUARY 27, 2022**

Page:Line	Correction	Reason
2:16	Change “Benjamis” to “Benjamin”	Transcription error
18:8	Change “fellow” to “Philo”	Transcription error
21:21	Change “Doston” to “Doston’s”	Transcription error
21:25	Change “really high” to “really hard”	Transcription error
33:9	Change “judge of this” to “judge of peace”	Transcription error
36:4	Change “loud” to “rude”	Transcription error
37:7	Change “[unintelligible]” to “Benes,”	Transcription error
38:1	Change “it’s -- leave it alone.” to “Let’s leave it alone.”	Transcription error
39:19	Change “Romanés” to “Romanès”	Spelling error
41:1	Change “Romanés” to “Romanès”	Spelling error
45:9	Change “open” to “often”	Transcription error
57:1-2	Change “we do not -- who / decide reparation --” to “we do not put / aside reparations.”	Transcription error
57:13	Change “see” to “seek”	Transcription error
69:6	Change “Nissage” to “Nissage’s”	Transcription error
70:25	Change “turning” to “turned”	Transcription error
81:6	Change “which is the” to “which is -- in the”	Transcription error
82:21	Change “police” to “policeman”	Transcription error
90:10	Change “his” to “its”	Transcription error
90:11	Change “Livret” to “Livent”	Spelling error

90:14	Change “Liones” to “Louines”	Spelling error
90:18	Change “Iseme” to “Yseme”	Spelling error
91:25	Change “Iseme” to “Isme”	Spelling error
92:2	Change “Michele” to “Michelet”	Spelling error
92:22	Change “Iseme” to “Isme”	Spelling error
92:24	Change “Michele” to “Michelet”	Spelling error
103:10	Change “and” to “in”	Transcription error
107:12	Change “Livret” to “Livert”	Spelling error
108:1-2	Change “a / company” to “accompanied”	Transcription error
108:12	Change “Doston” to “Doston’s”	Transcription error
108:20	Change “waive [phonetic]” to “rid”	Transcription error

Date:

14-03-22



Boniface David
DAVID BONIFACE

EXHIBIT 2

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID BONIFACE, NISSAGE

MARTYR and JUDERS YSEMÉ,

Plaintiffs,

v.

JEAN MOROSE VILIENA,

Defendant.

Civil Action

No. 17-10477-ADB

REMOTE VIDEO DEPOSITION

JUDERS YSEME

January 28, 2022

10:05 a.m.

VIA ZOOM

Reporter: Dana Welch, CSR, RPR, CRR

Job No.: NE 5047388

1 filed in this case on your behalf?

2 THE INTERPRETER: Please repeat it. I
3 didn't hear.

4 MR. HALEY: Sure.

5 Q. My question is, there was a complaint
6 filed in this legal case for you. Have you read
7 that?

8 A. Yes.

9 Q. And are you a member of any political
10 party?

11 A. No.

12 Q. Have you ever been a member of a
13 political party in the past?

14 A. No.

15 Q. In the complaint, it's alleged that you
16 suffered gunshot injuries in April of 2008; is
17 that accurate?

18 A. Yes.

19 Q. And did you incur medical costs or other
20 expenses as a result of those injuries?

21 A. Yes.

22 Q. How much were those?

23 A. I spent a lot of money, so I didn't even
24 count because the base for me, the most
25 important for me was healthcare.

1 Q. And do you have records of what you
2 spent on healthcare?

3 A. No, I don't have them.

4 Q. And do you know who would have those
5 records, if they exist?

6 A. It's not easy to get them because when
7 you are paying for transportation, you don't get
8 any receipt from that.

9 Q. And other than transportation, what
10 other expenses did you pay for?

11 MR. KAGEL: Objection.

12 Q. You can answer.

13 A. I spent a lot of money at hospitals,
14 going to Jérémie, going to Port au Prince to
15 file complaints with human rights organizations.

16 Q. And in the complaint, it alleges that
17 you suffered in 2017 from dizziness and migraine
18 headaches. Do you still suffer from those
19 conditions?

20 A. Yes.

21 Q. And other than the dizziness and the
22 headaches, are there other medical conditions
23 that you suffer from that arose from your
24 gunshot injuries?

25 A. Yes.

1 Q. What are those?

2 A. My eyes still hurt and I have a pain in
3 my stomach. I'm H. pylori positive.

4 Q. Do you have any vision in your right
5 eye?

6 A. No.

7 Q. And before April 2008, was the vision in
8 your right eye normal and ordinary?

9 A. Yes.

10 Q. And do your injuries, the lack of vision
11 in your right eye and the dizziness and
12 migraines and other conditions that you've
13 testified about, do they prevent you from
14 carrying on any employment activities?

15 MR. KAGEL: Objection.

16 A. That can prevent me to find some kind of
17 jobs. I can do some type of job, but I cannot
18 work on everything.

19 Q. And other than employment opportunities,
20 are there other things, part of your normal and
21 everyday activities, that you're prevented from
22 doing as a result of your injuries?

23 A. Yes.

24 Q. What are those?

25 A. There are things that I cannot do right

1 now. If I have to grow plants for food, I
2 couldn't do those kinds of jobs because of my
3 injuries. If I find a job as a, like to ride
4 motorcycle or as a driver, I could -- I can -- I
5 can do those jobs.

6 CHECK INTERPRETER: If I find a job like
7 a ride -- like a driver for a motorcycle or a
8 truck -- or a car, I can't do those jobs.

9 THE INTERPRETER: Yes, I agree.

10 Q. And Mr. Yseme, in the complaint in this
11 action, there are allegations concerning the
12 death of Ecclesiaste Boniface, which took place
13 in July of 2007. Were you a witness to those
14 events?

15 A. No.

16 Q. And with respect to the injuries that
17 you suffered in April of 2008 at the radio
18 station, did you work at the radio station?

19 THE INTERPRETER: Sorry, I didn't hear
20 that. Maybe some Internet connection problem.

21 Q. So my question is speaking now about
22 what happened in April 2008 at the radio
23 station, did you work at the radio station?

24 A. No.

25 Q. And how often were you at the radio

1 station?

2 A. I was always in that radio station.

3 Q. And the radio station was at Nissage
4 Martyr's house; is that correct?

5 A. Yes.

6 Q. And what did you do at the radio
7 station?

8 A. I was not doing anything at the radio
9 station, but I liked to be in there because
10 there was going to be a computer class in the
11 radio station.

12 Q. And how old were you in April 2008?

13 A. I was between -- I was around 20, but
14 give me a moment to think about it.

15 I was 21 years.

16 Q. And were you in school at the time?

17 A. No. I was not at school at the time.

18 Q. And were you employed? Did you have a
19 job?

20 A. That day, the school didn't work.

21 Q. And did you have a job in April of 2008?
22 Were you employed at the school at that time?

23 A. No.

24 Q. And in the complaint, it alleges that
25 the radio station was financed and operated with

1 members, as is the coordinator, to go with him
2 to take over the radio station.

3 Q. And did you ever have any conversations
4 with him directly about the radio station?

5 MR. KAGEL: Objection.

6 A. No.

7 Q. What happened on April 8th, 2008, while
8 you were at the radio station?

9 A. April 8, 2008 -- before April 8, 2008,
10 on March 27, 2008, the prosecutor from Jérémie
11 accompanied with the human rights organization
12 MINUSTAH, and the communication authority, they
13 come to Les Irois to hold a meeting in a
14 location named Boya (phonetic). They invite the
15 notorious people in the town, pastors, priests.

16 During that meeting they asked to the
17 mayor why he wants to destroy their radio
18 station. He said yes, he will destroy the
19 radio. The prosecutor and his deputy were here.
20 They said to the mayor that he can not -- he
21 doesn't have the right to say that he will
22 destroy the radio.

23 The director of Conatel, the
24 communication control in Grand'Anse, he said to
25 the mayor, I'm the only authority to stop a

1 radio station if it is doing something wrong,
2 but you cannot say that you will stop the radio
3 station.

4 So all of them, the prosecutor and his
5 deputy and the people from MINUSTAH, they took
6 the mayor and went to the radio station with
7 him. They enter and they check all the
8 equipment. The mayor was there, too, so he saw
9 the equipment. The prosecutor told to the mayor
10 to cooperate with the people of the radio
11 station so that the radio station can go
12 farther. And the people went back to Jérémie
13 and the mayor went back home.

14 Q. And were you -- let me ask you a
15 question. Were you at the meeting on March 27?

16 A. Yes.

17 Q. And how many people were there?

18 A. There many people, many people were in
19 that meeting.

20 Q. And when the meeting left the hall and
21 went to the radio station, did you also go to
22 the radio station?

23 A. Yes.

24 Q. And was the next time that the mayor
25 came to the radio station on April 8, 2008?

1 A. Please repeat it.

2 Q. After this meeting on March 27th, when
3 the mayor came to the radio station, was the
4 next time the mayor came to the station on
5 April 8th?

6 A. Yes. On April 8th, 2008, he destroy the
7 radio station and destroy my eye.

8 Q. And what happened on April 8, 2008?

9 A. On April 8, 2008, around noon or
10 1:00 p.m., I saw the mayor passing by on his
11 motorcycle -- it was a white one -- with a
12 comrade named Maxene Vilsaing. They head to
13 Anse D'Hinault town.

14 A few minutes later, I saw a group of
15 people. I saw them coming. And they were right
16 near to the health center, and they stopped
17 there. Around 1:00 p.m., the mayor came back.
18 So when he came back, he had a big bag in front
19 of him, and Maxene Vilsaing had long sack with
20 something very long inside of it. And they
21 stopped by the health center. So the group that
22 was there waiting for them, they were very
23 happy. They jumped -- they were very joyful.

24 Q. Then at some point did Mr. Viliena come
25 to the radio station?

1 A. He didn't enter yet, but from the point
2 he was coming, he stopped to join the people
3 waiting for him.

4 (Zoom technical difficulty.)

5 MR. KAGEL: Go off the record.

6 THE VIDEOGRAPHER: Time is 10:36. We're
7 off the record.

8 (Proceedings interrupted at 10:36 a.m.
9 and reconvened at 10:45.

10 THE VIDEOGRAPHER: The time is 10:45.
11 We're back on the record.

12 BY MR. HALEY:

13 Q. Mr. Yseme, I apologize for the
14 interruption on my end and appreciate your
15 patience.

16 On April 8th, 2008, when you saw
17 Mr. Viliena and others near the health center,
18 what happened as they approached the radio
19 station?

20 A. After the mayor distributed what was in
21 his bag, that's when I understood that what he
22 was distributing was guns, as they start
23 shooting. Every house by the street has been
24 closed, everyone get inside and lock the door,
25 as they could hear the shooting. Myself, I got

1 inside the radio station. Nissage was inside of
2 the radio station with his family. And Nissage
3 closed the door of the radio station.

4 When they got there, I was already
5 inside of the house. They were banging things
6 on the door until they break down the door and
7 get inside. They get inside. I was located in
8 a back room at the time. Nissage had time to
9 get in the side of the building where he lives
10 with his family.

11 The Mayor Jean Morose, went in the room
12 where Nissage was located and get him there. He
13 grabbed him into the hallway of the building.
14 And from where I was, I could hear Nissage, who
15 was saying, "Mayor, why are you beating me?" He
16 was saying, "Mayor, you are hitting -- you
17 injured me in my head with your gun."

18 And a little while after, from where I
19 was located, I could see the Mayor Jean Morose,
20 he came, he grabbed me in my chest and he was
21 beating me, and he said, "that's where you come
22 hide so you can see who are destroying the radio
23 station."

24 He took me and grabbed me to the front
25 porch of the house. And when I got at the front

1 porch, he said, in the middle of all the other
2 people who were with him, "so we will hang
3 Juders on the public park." With the other guys
4 who were him, he asked one to take hold of me in
5 my hand while the others were taking the
6 equipment from the radio station. The one who
7 hold me on my hand, he released me so he could
8 go and took some from the radio station, and
9 that's when I run away.

10 While I was running away, I could hear
11 the Mayor Jean Morose, who told to Vileme
12 Duclona, "shoot at Juders." And that's when I
13 get injured with a bullet and I lost my eye.
14 Still now, I still have pellets of the 12-gauge
15 that was used for the shooting inside of me.

16 Q. So the person who shot you was
17 Mr. Duclona?

18 A. Yes.

19 Q. When were you in the backyard of the
20 radio station?

21 MR. KAGEL: Objection.

22 A. It was not a real room. It was a space
23 that had a wall that you could go from the
24 hallway to get in the back. So that's how I
25 could hold myself by the wall from the back of

1 the radio station.

2 Q. Where were you located when you were
3 shot?

4 A. I was coming from Nissage's house,
5 running away by the street to an open area that
6 is across the street, so I could flee, so that's
7 when I was shot.

8 Q. So when you were shot, you were outside
9 the house, correct?

10 A. Yes. I already left the house. I was
11 in the street.

12 Q. How far away from the house were you?

13 CHECK INTERPRETER: I was across the
14 street.

15 A. I was across the street.

16 Q. How far away? How much distance between
17 you and the house was there?

18 A. I couldn't assess the distance, but not
19 far from the house.

20 Q. And were there other people around?

21 A. No. Everyone was already lock the door
22 and were inside; there were no one outside.

23 Q. And how many people were at the radio
24 station?

25 MR. KAGEL: Objection.

1 A. Nissage, with his family, and myself.

2 Q. And was the mayor at the radio station?

3 A. It was himself who got into the radio
4 station with his group.

5 Q. And how many were in the group?

6 A. Around 20 people.

7 Q. And were the 20 people making any noise?

8 A. There was no noise inside of the house.

9 Q. And when you were running away, you
10 heard -- you testified earlier that you heard
11 Mr. Viliena tell Mr. Duclona to shoot you; is
12 that correct?

13 A. Yes.

14 Q. And how far away from you when you
15 heard -- when you heard Mr. Viliena say that,
16 could you see him?

17 A. Yes.

18 Q. And was he in the same room that you
19 were?

20 A. He was on the porch.

21 Q. And how far away from him were you when
22 you heard him say that?

23 A. I was not too far from him.

24 Q. And other than you and Mr. Duclona and
25 Mr. Viliena, who else was there?

1 A. There was Agnel Jean who was there,
2 Lifaite Livert, Ti Amerikan -- Meritus Beaublan
3 a/k/a Ti Amerikan, Michelet Noel, Gardy Jean
4 Pierre, Mones Dorcena. There were others.

5 Q. And when you were shot at, where was
6 Mr. Martyr?

7 A. When they shot me, I lost control of
8 things because I was just running away. I
9 cannot tell where exactly Martyr was located.

10 Q. Before you started to run away, was he
11 outside the house with you?

12 A. As soon as the mayor has grabbed me
13 outside and beat me up, I couldn't see where he
14 was because I was being beat up.

15 Q. And what happened after you were shot?

16 A. I went to the hospital in the town of
17 Anse D'Hinault, and the hospital got me
18 transferred in a town of Les Cayes, and from
19 going from Anse D'Hinault town, there was a big
20 strike under minister -- under the government of
21 Préval. I had to rent a fly boat so I could go
22 through the ocean from the town to a different
23 town named Tiburon, because at the time because
24 of the strike, there was no transportation on
25 the road, no trucks wanted to travel, so I had

1 to use the boat. And from Tiburon, as I
2 couldn't find regular transportation, I had to
3 pay a special driver to take me to a hospital in
4 Les Cayes named Brenda. And I got as an
5 inpatient at the hospital.

6 And when I was out of the hospital, I
7 went back to Jérémie, and I went to see the
8 judge of investigation to file a complaint
9 against the mayor. And after this, the judge of
10 investigation came from the Jérémie town, went
11 to Les Irois and arrested the mayor.

12 Q. Did you ever bring a lawsuit against
13 anyone in Haiti to recover for the injuries that
14 you received?

15 THE INTERPRETER: Could you please
16 repeat for me?

17 Q. Did you ever bring a lawsuit against
18 anyone in Haiti to recover for the injuries that
19 you received?

20 A. Yes.

21 Q. And did you receive a judgment, an award
22 of money as a result of that lawsuit?

23 A. I was awarded something on the paper,
24 but I never received anything.

25 Q. And were you represented by the lawyer

1 Mario Joseph in that lawsuit?

2 A. The last suit started in Les Cayes -- in
3 Jérémie first, and we were the one paying for
4 all lawyers. And after, there was an appeal on
5 the judgment in Les Cayes, that's when lawyer
6 Mario Joseph represented us.

7 Q. How far away was the health center from
8 the radio station?

9 A. They're not far away. They're close to
10 each other.

11 Q. How many meters?

12 A. I'm not good in meter, so I cannot say
13 how many meters.

14 Q. And when you saw Mr. Viliena and others
15 gathered outside the health center, where were
16 you located?

17 A. I was in front of the radio station.

18 Q. On the porch?

19 A. No. Outside.

20 Q. And you saw Mr. Viliena, from where you
21 were, handing out weapons to others?

22 A. I could see him handing out something
23 from a bag. I could tell that it was gun when I
24 could start viewing the gunshots.

25 Q. And in October 2009, was your home

1 burned down?

2 A. Yes.

3 Q. And were you there that night when the
4 home was burned down?

5 A. Yes.

6 Q. And did you see Mr. Viliena that night?

7 A. No.

8 Q. And did you speak to Mr. Viliena that
9 night?

10 A. No.

11 Q. And do you have any reason to believe
12 that Jean Viliena was involved in the act of
13 burning down your home and others that night?

14 A. Yes.

15 Q. And what reasons are those?

16 A. While I was at home, and I could see the
17 group of people, so I left the home. While I
18 was close to the house, I was in a little bush,
19 and I laid down behind the bushes. And my house
20 is really close to the street.

21 When they get close to my house, the
22 team, the group of people, they had one of them
23 called Lifaite Livert, and his phone rang, and
24 he told people, be quiet, the Mayor Jean Morose
25 will talk to us.

1 And the people who were in the group,
2 one said -- have the phone on speaker phone so
3 we can hear well. And that's how I could hear.
4 I could hear Jean Morose saying, "Has the house
5 of Rene been burned yet?" And Rene's house is
6 across the street face-to-face to my house. And
7 he said again, "Have you burned down Juders'
8 house yet?" And that's when I knew that the
9 mayor had planned to be involved in the mass
10 arson.

11 Q. And how did you know it was the mayor
12 speaking on the phone?

13 A. Lifaite Livert has said that Mayor Jean
14 Morose will speak to us.

15 Q. And was Lifaite, was he holding a cell
16 phone?

17 A. I don't know.

18 Q. Well, it was a mobile phone, right? It
19 wasn't connected to a landline?

20 A. No. In all town, there was no landline.

21 Q. And how many people were present at the
22 time that this conversation took place?

23 A. I couldn't define how many people.
24 There were just many, just several.

25 Q. And where were they standing?

1 A. Face-to-face to where my house was.

2 Q. And were they in the street or in the
3 yard?

4 THE CHECK INTERPRETER: In front of my
5 house.

6 A. In front of my house.

7 Q. And were they standing in the street?

8 A. Yes. They were in the street, but my
9 house is on the street, but they were in the
10 street.

11 Q. And was it light out or dark out?

12 A. It was a little dark, but as there was
13 flame with Rene's house being burned, I could
14 see different people there.

15 Q. And where were you standing when you
16 heard the conversation?

17 A. There was a bush near to my house. I
18 was staying by the bush. When they came to burn
19 my house, if they could get into the bush, they
20 would find me there.

21 Q. And was anyone else in the bush with
22 you?

23 A. No. If there was someone, I don't know
24 of this.

25 Q. And were you standing up or kneeling

1 down?

2 A. I was standing, because there was banana
3 trees that is a bit tall, so I could stand
4 behind it.

5 Q. And how far away was the banana tree
6 from the middle of the street where the
7 conversation was taking place?

8 A. Almost close. They were close by.

9 THE VIDEOGRAPHER: I think we lost the
10 attorney.

11 MR. KAGEL: Let's go off the record
12 again.

13 THE VIDEOGRAPHER: Time is 11:13. We're
14 off the record.

15 (Proceedings interrupted at 11:13 a.m.
16 and reconvened at 11:22 a.m.)

17 THE VIDEOGRAPHER: Time is 11:22. We're
18 back on the record.

19 MR. HALEY: Sorry about that. If I can
20 just ask the court reporter to read back the
21 last question.

22 (Whereupon, the record was read as
23 follows: Question: "And how far away was the
24 banana tree from the middle of the street where
25 the conversation was taking place?"

1 Answer: "Almost close. They were close
2 by.")

3 BY MR. HALEY:

4 Q. Do you have an estimate as to the
5 distance? I know you said you weren't good with
6 meters, but is there any other way you might be
7 able to estimate the distance between where you
8 were behind the banana tree and where the
9 conversation was taking place?

10 MR. KAGEL: Objection.

11 A. So from the place where they had the
12 conversation and the banana tree, so if I'm
13 walking toward them, it would not take even two
14 seconds to join them.

15 Q. And how many people were standing around
16 the phone?

17 A. I cannot evaluate how many people.

18 Q. More than ten?

19 A. Yeah, it was more.

20 Q. More than 20?

21 A. Yes.

22 Q. And were those people making any noise?

23 A. There were noises, but when the mayor
24 called, Lifaite Livert asked them to be quiet.

25 Q. And the way you knew it was the mayor is

1 because you recognized the mayor's voice; is
2 that correct?

3 A. Because Lifaite said that, "Mayor Jean
4 Morose has called, is going to speak."

5 Q. But it was not then because you
6 recognized the mayor's voice?

7 A. When it was coming on the phone, I could
8 recognize him. I knew -- I know this voice.
9 And added to that, Lifaite has already mentioned
10 his name.

11 Q. And do you know where the mayor was
12 during the conversation?

13 A. No.

14 Q. And how long did the conversation take
15 place?

16 A. I don't know how much time.

17 Q. And did you stay behind the banana tree
18 the whole time the conversation was going on?

19 A. Yes.

20 Q. And then after the conversation was
21 over, what did you do?

22 A. I remained there until they burned down
23 my house, I was still there.

24 Q. And do you know Clorene Francois?

25 A. Clorene Francois, yes.

1 Q. Do you know the defendant in this case,
2 Jean Morose Viliena?

3 A. Repeat that, please.

4 Q. Do you know the defendant, Jean Morose
5 Viliena?

6 A. Yes. I know him well.

7 Q. How do you know him?

8 A. Jean Morose was my principal in the
9 public school, and then he was the mayor of the
10 community. It's someone that I know very well.

11 Q. Do you remember about what year it was
12 when you -- when he was the principal of the
13 school you were at?

14 A. Yes.

15 Q. What year?

16 A. 2005.

17 Q. Do you know what political party Jean
18 Morose Viliena belonged to around 2006 to 2007?

19 A. In 2005, I didn't know in which
20 political party he was in, but in 2006 and
21 after, he was affiliated with a political party
22 named MODEREH.

23 Q. And do you know if any other
24 organizations supported MODEREH?

25 A. Yes.

1 Q. What organization?

2 A. KOREGA.

3 Q. What is KOREGA?

4 A. KOREGA is a political group that is in
5 Grand'Anse.

6 Q. Is KOREGA separate from MODEREH?

7 A. Yes.

8 Q. Do you know if Viliena was affiliated
9 with KOREGA?

10 A. Yes.

11 Q. And was he affiliated with KOREGA?

12 A. Yes.

13 Q. Was there an election for mayor in Les
14 Irois in 2006?

15 A. Yes.

16 Q. Did you vote in that election?

17 A. Yes.

18 Q. Where did you go to vote?

19 A. In Gorge, third village (phonetic) and
20 Les Irois.

21 Q. Who were the candidates for that
22 election?

23 A. Jean Morose Viliena, William Lebon, and
24 there is Via Renault (phonetic).

25 Q. What party was Viliena affiliated with

1 Q. And do these men support Viliena?

2 MR. HALEY: Objection.

3 A. Yes.

4 Q. When you saw Viliena with these men,
5 were they following him around town?

6 A. Wherever the mayor is going, they go
7 with him.

8 Q. And how often would you see the mayor
9 around Les Irois with this general group of
10 people?

11 A. Many times.

12 Q. In April of 2008, were you still living
13 in Les Irois?

14 A. Yes.

15 Q. Was Viliena still the mayor of Les Irois
16 at that time?

17 A. Yes.

18 Q. And you testified earlier that you were
19 in high school around April of 2008; is that
20 correct?

21 A. Yes.

22 Q. Are you familiar with the community
23 radio station in Les Irois called Radio Visual
24 Nouvelle?

25 A. Yes.

1 Q. Where was this radio station located?

2 A. On Pont Pigy Boulevard.

3 Q. And on that boulevard, was it located --
4 what kind of structure was it located in?

5 A. In a concrete house.

6 Q. Whose house was it in?

7 A. Nissage Martyr's house.

8 Q. How do you know it was in Nissage
9 Martyr's house?

10 A. Because Nissage Martyr's is on the same
11 boulevard as mine.

12 Q. Did you support the radio station?

13 A. Yes. I was always in it.

14 Q. And how often were you at Nissage
15 Martyr's house when the radio station was there?

16 A. I was always in the radio station.
17 After coming back to school, I would just take
18 off my uniform and go to the radio station.

19 Q. And you said you were at the radio
20 station on April 8, 2008, correct?

21 A. Yes.

22 Q. And where were you within -- where were
23 you at Nissage's house on that day?

24 A. I was in the house in the back.

25 Q. And before the events that occurred on

1 April 8, 2008, when you were at Nissage's house,
2 who was with you?

3 MR. HALEY: Objection.

4 A. Myself, Nissage, and his family. And
5 there was a comrade name Danny was there.

6 Q. And about what time did you first get to
7 Nissage's house on that day?

8 A. I was in the house around noon.

9 Q. And you said you saw Viliena show up
10 with a crowd of people later in the day; is that
11 correct?

12 A. Yes.

13 Q. And you said they were at the health
14 clinic near Nissage's house; is that correct?

15 THE INTERPRETER: Can you repeat it,
16 please?

17 Q. Earlier you said that these men were
18 with Viliena outside the health clinic across
19 from Nissage's house; is that correct?

20 A. Yes.

21 Q. How many people did you see?

22 A. There were around 20.

23 Q. And did you recognize any of these men?

24 A. Yes.

25 Q. And who are some of the men that you

1 recognized?

2 A. Mayor Jean Morose Viliena, Lifaite
3 Livert, Meritus Beaublan a/k/a Ti Amerikan,
4 Mones Dorcena, Agnel Jean, Gardy Jean Pierre,
5 Pierrot Boilot, with other people.

6 Q. And did you testify earlier that these
7 men then approached the radio station?

8 A. Yes. They stood near the hospital.

9 Q. And what were they doing when they came
10 towards the radio station?

11 A. They were shooting.

12 Q. Where were they shooting?

13 A. Right after the mayor has given them
14 things from his bag, so they start shooting
15 since they were near the health clinic.

16 Q. At that time did you have a weapon on
17 you?

18 A. No.

19 Q. Do you know if Nissage Martyr had a
20 weapon on him at the time?

21 A. No.

22 Q. Do you know if anyone in the radio
23 station at the time had a weapon on them?

24 MR. HALEY: Objection.

25 A. No.

1 Q. Are you familiar with the layout of the
2 radio station in Nissage's house?

3 A. Yes.

4 Q. Have you ever drawn by hand a diagram of
5 the radio station layout?

6 A. Yes.

7 MR. KAGEL: I'd like now to mark a
8 demonstrative as the next exhibit.

9 (Exhibit 2, Diagram of radio station,
10 marked for identification.)

11 Q. Can you see the diagram?

12 A. Yes.

13 Q. What is this document?

14 A. This is an image, the layout of
15 Nissage's house.

16 Q. Does this look like the diagram that you
17 drew by hand of the radio station at Nissage's
18 house?

19 A. Yes.

20 Q. Is this a true and accurate depiction of
21 Nissage's house and the radio station?

22 A. Yes.

23 Q. So I'd like now to walk you through this
24 diagram and ask for a few annotations.

25 A. No problem.

1 Q. So starting at the top of the diagram,
2 I'm going to mark this area with the letter A.
3 And let me know once that's visible.

4 A. This is a house that is on the other
5 side of Nissage's house. It's for a man named
6 Sinneck (phonetic).

7 MR. HALEY: I'm not seeing your
8 annotation on the exhibit. Is there some way to
9 view that in real-time?

10 MR. KAGEL: There should be. One second.
11 So Peter, if you go back into the folder, check
12 the box next to the exhibit name.

13 MR. HALEY: Yeah.

14 MR. KAGEL: And you'll see "annotate
15 exhibit."

16 MR. HALEY: Yes. I clicked on that
17 before. It seemed to be something that would
18 enable you to annotate the exhibit. Then it
19 says that the annotations were controlled by
20 Sarah.

21 MR. KAGEL: So you should now be able to
22 see the A on the diagram.

23 MR. HALEY: Yes. Perfect. Thank you.

24 MR. KAGEL: Great.

25 BY MR. KAGEL:

1 Q. And just to reiterate, Juders, what does
2 the area marked by the letter A represent?

3 A. This is a house that is on the other
4 side of Nissage's house. It's owned by a man
5 named Sinneck (phonetic).

6 Q. I'm now going to mark the area between
7 the two long horizontal parallel lines with the
8 letter B.

9 Do you see the letter B?

10 A. Yes.

11 Q. What does this area represent?

12 A. That is the National Road.

13 Q. Did you say the road?

14 A. Yes. The street, the National Road
15 where cars and bikes -- motorcycle pass by.

16 Q. The area below the street, what does
17 that represent?

18 A. Is it on the right or on the left?

19 Q. The right, the structure that's depicted
20 there, what does that represent?

21 A. Can you mark it, please?

22 Q. Sure. Sorry. Let me back up.

23 Below the street, do you see a large box
24 with boxes inside of it at the bottom of
25 diagram?

1 A. Yes.

2 Q. What does that represent?

3 A. This is the layout of Nissage's house.

4 Q. So I'd like to walk you through the
5 different sections within what you've just
6 identified as Nissage's house.

7 A. Okay.

8 Q. So now marking the area at the top of
9 Nissage's house with the letter C, do you see
10 the letter C?

11 A. Yes.

12 Q. What does this area represent?

13 A. The front porch of the house.

14 Q. And do you see the small vertical
15 parallel lines within Nissage's home?

16 A. Yes.

17 Q. What do those lines represent?

18 A. This is the front door where you can
19 enter inside the house and go through the
20 hallway inside the house.

21 Q. So to clarify, the four small vertical
22 lines where the letter C is, is that what you're
23 talking about?

24 A. This is the space where you can get
25 inside the house, where you can walk inside.

1 Q. So I'm now going to mark the middle
2 section of Nissage's house with the letter D.
3 Do you see the letter D?

4 A. Yes.

5 Q. What does this area represent?

6 A. This space represents the hallway. So
7 when you get -- when you enter the house, you
8 get inside, so this hallway leads you to any of
9 the rooms that you want to get in.

10 Q. And the three boxes to the right of the
11 hallway, what does that represent?

12 A. This is where the equipment of the radio
13 was.

14 Q. And the four boxes to the left of the
15 hallway, what does that represent?

16 A. This is where Nissage live with his
17 family.

18 Q. And at the very bottom of the hallway,
19 I'm going to mark that area with the letter E
20 beneath the hallway. Do you see the letter E?

21 A. Yes.

22 Q. What does this area represent?

23 A. So this is where there is a door in that
24 space, where you can get outside in the back of
25 the house.

1 Q. Is the back of the house an open area or
2 is it enclosed?

3 A. It's a closed area.

4 Q. And did you testify earlier that Viliena
5 and his supporters came through the front door
6 of Nissage's house?

7 A. Yes.

8 Q. And how did they enter Nissage's house?

9 A. They come in by breaking down the front
10 door to get inside the radio station.

11 Q. And where were you when this happened?

12 A. I was in the back of the house.

13 Q. And "in the back of the house," do you
14 mean the area represented by the letter E?

15 A. Yes.

16 Q. And when you said that they broke
17 through the front door, is it correct that they
18 entered through the area marked C?

19 A. Yes.

20 Q. Do you know where Nissage was when they
21 broke into the house?

22 A. He was in his room.

23 Q. And you had said that the left side of
24 the hallway marked D is Nissage's part of the
25 house; is that correct?

1 A. Yes.

2 Q. So if I understand you correctly,
3 Nissage would have been in one of the four boxes
4 to the left of the hallway; is that correct?

5 A. Yes.

6 Q. And could you see Viliena or his men
7 break through the front door?

8 A. No.

9 Q. Could you recognize any voices when they
10 broke through the front door?

11 A. Yes.

12 Q. Whose voices did you hear?

13 A. When they break down -- when they break
14 the front down and get inside the house, I could
15 recognize Jean Morose's voice.

16 Q. Could you recognize any other voices at
17 that time?

18 A. Yes, I could.

19 Q. Who else's voice did you recognize?

20 A. Lifaite Livert, Agnel Jean.

21 Q. And when you heard Viliena's voice enter
22 Nissage's house, what did you hear him say?

23 A. I heard him saying, "Nissage, where you
24 are hiding to say who destroyed the radio
25 station?"

1 Q. And could you tell that he was talking
2 at Nissage?

3 A. Yes.

4 Q. And did anything happen after that?

5 A. Yes.

6 Q. What happened?

7 A. This is where he tackled Nissage and
8 started beating him, and I could hear Nissage
9 saying "why are you beating me, Mayor, why are
10 you beating me up?"

11 Q. And were you still in the back room
12 marked E on the diagram at the time?

13 A. Yes.

14 Q. Now, using the computer mouse, can you
15 please mark the location in the diagram where
16 you heard Viliena hitting Nissage?

17 A. (Complying)

18 MR. HALEY: Objection.

19 MR. KAGEL: For the record, the witness
20 has indicated that Viliena hit Nissage in the
21 hallway of Nissage's house, and that area is
22 being marked with the number 1 on the diagram.

23 Q. And about how long could you hear
24 Viliena and Nissage in the hallway?

25 A. I cannot determine it exactly, but they

1 spent many seconds there.

2 Q. And could you --

3 CHECK INTERPRETER: I could not tell how
4 much time, but it was many seconds, a lot of
5 time.

6 Q. And could you hear anyone else in the
7 hallway at the time?

8 A. Yes. I could hear.

9 Q. Who else did you hear at that time?

10 A. Lifaite Livert, Agnel Jean, and Jean
11 Morose Viliena, and Nissage Martyr.

12 Q. And when Viliena stopped hitting
13 Nissage, did anything happen after that?

14 MR. HALEY: Objection.

15 A. Yes.

16 Q. What happened?

17 A. While I was in the back, I saw Jean
18 Marose Viliena in the back, so at that point,
19 he hammered my chest and said "where you were
20 hiding to say who is destroying the radio
21 station?" And he started beating me up. He
22 arrived in the front porch with me. He said to
23 the other men that were with him, "we gonna hang
24 on Juders on the public park."

25 Q. So if I understand you correctly,

1 Viliena found you in the back room of Nissage's
2 house, and that's where he started hitting you;
3 is that correct?

4 A. Yes.

5 Q. And then you said you -- he brought you
6 to the front porch; is that correct?

7 A. Yes.

8 Q. How did you get from the back room to
9 the front porch?

10 A. So Jean Marose hit me on my chest and
11 then he dragged me up to the front porch.

12 Q. And when you got to the front porch, did
13 he do anything else?

14 A. Yes.

15 Q. What did he do?

16 A. After saying that they're going to hang
17 me on the public park, he ordered to Lifaite to
18 hold me on my hands.

19 Q. Besides Viliena and Lifaite, was anyone
20 else there?

21 A. Yes.

22 Q. Who else was there?

23 A. Agnel Jean, Pierrot Boilot, Meritus
24 Beaublanc, Lifaite Livert, Agnel Jean, Gardy
25 Jean Pierre, Vileme Duclona, Dorcena Mones,

1 Reeve Harris (phonetic).

2 Q. And what were the others doing at the
3 time that Viliena said to hang you?

4 A. He asked them to hold me on my hands,
5 and the others were taking the equipments from
6 the radio station.

7 Q. And you said this was near the front
8 porch, correct?

9 A. Yes, while I was on the porch.

10 Q. And you said Vileme Duclona was one of
11 the men that was there; is that correct?

12 A. Vileme Duclona was in front of the
13 porch.

14 Q. And did you see Duclona with anything on
15 him at the time?

16 A. Yes.

17 Q. What did he have?

18 A. He had a 12-gauge shotgun.

19 Q. And could you see the shotgun?

20 A. Yes.

21 Q. So using the computer mouse, can you
22 mark the location on the diagram where you saw
23 Vileme Duclona with the shotgun?

24 A. (Complying)

25 MR. KAGEL: For the record, the witness

1 has indicated that Vileme Duclona was in the
2 street just outside Nissage's house, which is
3 now being marked with the number 2 on the
4 diagram.

5 Q. When you saw Duclona there with the
6 shotgun, did anything happen after that?

7 A. Yes.

8 Q. What happened?

9 A. Well, the others were taking the
10 equipment from the radio station, so he release
11 me so they can get some of the equipment and --
12 and I ran -- at this point, I ran away.

13 Q. In which direction did you run?

14 A. I went on my left.

15 Q. And is that on the diagram to the left
16 side of the diagram, if you're looking at the
17 diagram?

18 A. Yes.

19 Q. And when you started running, where was
20 Viliena at this time?

21 A. He was on the porch.

22 Q. And when you started running, what
23 happened?

24 A. While I was running, trying to cross the
25 street, and I could hear Viliena saying to

1 Vileme "shoot at Juders."

2 Q. And how far were you when you heard
3 Viliena say that?

4 A. I was close with the mayor.

5 Q. And using your computer mouse, can you
6 please mark the location on the diagram where
7 you were shot?

8 A. (Complying)

9 MR. KAGEL: For the record, the witness
10 has indicated he was shot near the street across
11 from Nissage's house, which is being marked with
12 the number 3 on the diagram.

13 Q. And when you were shot, what direction
14 were you facing?

15 A. So I was running away, so I took -- I
16 was running away from Nissage's house to
17 crossing the street.

18 Q. And was your back directly facing Vileme
19 Duclona?

20 A. No.

21 Q. What part of your body was facing Vileme
22 Duclona?

23 A. My right side.

24 Q. And where were you shot?

25 A. On my right side.

1 Q. And you testified that this was a
2 shotgun; is that correct?

3 A. Yes.

4 Q. And so do you know if that has pellets?

5 A. Yes.

6 Q. Do you know how many of those pellets
7 hit you?

8 A. They took out many of them, but till
9 now, I have some inside of my body.

10 THE CHECK INTERPRETER: The doctor took
11 out many of them, but still I have many of them
12 in my body.

13 THE INTERPRETER: Confirm.

14 MR. KAGEL: We can put this document
15 away.

16 Q. Did you suffer any permanent injuries
17 from the attack at the radio station?

18 A. Yes.

19 Q. And were you treated for your injuries?

20 A. Yes.

21 Q. Can you describe the injuries that you
22 suffered after the radio station attack?

23 A. Yes.

24 Q. What injuries did you suffer?

25 A. I was injured on my skin. The doctors

1 had to open my skin to remove the pellets, and
2 also I was injured in my right eye.

3 Q. Can you see out of your right eye today?

4 A. No.

5 Q. Are you still in pain from these
6 injuries?

7 A. Yes.

8 MR. KAGEL: I'd like to mark the next
9 exhibit. And this should be Exhibit Number 3.
10 Let me know once it's up.

11 (Exhibit 3, Document Bates labeled
12 Plaintiffs_0000528, marked for identification.)

13 MR. KAGEL: Petter, do you have it?

14 MR. HALEY: Yes.

15 Q. Do you recognize this picture?

16 A. Yes.

17 Q. What is this picture of?

18 A. Myself.

19 Q. Do you know who took the photo?

20 A. Yes.

21 Q. Who took it?

22 A. My lawyers.

23 Q. Do you know when this was taken?

24 A. Yes.

25 Q. When was it taken?

1 A. After I sit down with them.

2 Q. Do you know the year?

3 A. I don't recall it.

4 Q. Was it shortly after the radio station
5 attack or many years after?

6 A. Many years after.

7 Q. And what does this photo show?

8 MR. HALEY: Objection.

9 A. It shows where I was injured in the eye
10 that caused that I lost an eye.

11 Q. And this a true and accurate depiction
12 of the injuries to your eye?

13 A. Yes.

14 MR. KAGEL: Okay. We can take that
15 exhibit down.

16 Q. Do you know whether Villien worked as a
17 principal at a school around April of 2008?

18 A. Yes.

19 Q. Where was this school?

20 A. The name of the school is St. Martin de
21 Porres. It is located on street that I don't
22 remember the name, but it is located near the
23 ocean.

24 Q. Do you know how far it is from Nissage's
25 house?

1 sick, the group of supporters of the mayor was
2 still with Hautefort Bajon, and also Hautefort
3 Bajon was the director of the mayor hall.

4 Q. Was Hauteford Bajon the director of the
5 mayor hall at the same time that Viliena was
6 mayor of Les Irois?

7 A. Yes.

8 Q. And you said that Hautefort Bajon became
9 sick; is that correct?

10 A. Yes.

11 Q. Do you know around what time this was?

12 A. I don't remember the period when he was
13 sick, but I know that he died in 2009.

14 Q. And do you know how he died?

15 A. He died after being sick.

16 Q. And was this around October of 2009, if
17 you know?

18 A. Yes.

19 Q. And you had said earlier that the arsons
20 that burned down your home occurred on
21 October 29, 2009; is that correct?

22 A. The house was burned down on
23 October 29th, 2009. It was a house that was
24 there way before.

25 Q. Do you know whether Hautefort Bajon died

1 after that?

2 A. And he died after this.

3 Q. When was the next time you saw these men
4 after Hauteford Bajon died?

5 A. The day when the houses were burning
6 down.

7 Q. And you had said that that was
8 October 29, 2009; is that correct?

9 A. Yes.

10 Q. And you had testified earlier that your
11 home burnt down on that day; is that correct?

12 A. Yes.

13 Q. Did you watch your house burn down?

14 A. Yes.

15 Q. Do you know who burned it down?

16 A. The same team walking with the mayor. I
17 could see the one burning it down.

18 Q. And who was that?

19 A. They were all in the yard, but the one
20 who set the house in fire was Vileme Duclona and
21 Souvray Mirand (phonetic).

22 Q. And do you know how many houses were
23 burnt down?

24 A. Yes.

25 Q. How many?

1 A. 36 houses.

2 Q. How do you know that 36 houses were
3 burnt down?

4 A. The next day.

5 Q. What did you do the next day?

6 A. After my house was burned down, around 3
7 to 4, I headed to the town of Unsdelo
8 (phonetic).

9 Q. And before you left, did you see the
10 houses that were burnt down the night before?

11 A. No.

12 Q. Do you know if David Boniface's house
13 was burnt down?

14 A. No.

15 Q. Do you know whether Nissage Martyr's
16 house was burnt down?

17 A. I discovered that they were burned down
18 after, but I couldn't see them while they were
19 burning down.

20 Q. But afterwards --

21 MR. KAGEL: Strike that.

22 Q. Do you know whether the homes that did
23 burn down belonged to supporters of OPL?

24 MR. HALEY: Objection.

25 THE INTERPRETER: Could you please

1 A. No.

2 MR. KAGEL: I think this is a good time
3 for a break. We can go off the record.

4 THE VIDEOGRAPHER: Time is 1:23. We're
5 off the record.

6 (Proceedings interrupted at 1:23 p.m.
7 and reconvened at 2:18 p.m.)

8 THE VIDEOGRAPHER: Time is 2:18. We are
9 back on the record.

10 BY MR. KAGEL:

11 Q. After the radio station attack in
12 April 2008 and the mass arson in October of
13 2009, did you file any complaints with the court
14 in Haiti?

15 A. Yes.

16 Q. In what courts in Haiti did you file?

17 A. The civil court in Jérémie and the court
18 of peace in Les Irois.

19 Q. And when did you file the complaint in
20 Jérémie?

21 A. After being out of hospital.

22 Q. Do you recall the year?

23 A. 2008.

24 Q. And do you know what the results -- and
25 was there a trial after you filed the complaint

1 in Jérémie?

2 A. Yes.

3 Q. Were you present at this trial?

4 A. Yes.

5 Q. Do you know who was charged for the
6 radio station attack and your resulting
7 injuries?

8 A. The ordinance reviewed that Jean Morose
9 Viliena must be charged.

10 CHECK INTERPRETER: The court order
11 revealed that Jean Morose Viliena must be
12 charged.

13 THE INTERPRETER: Thank you.

14 A. But he fled and he never appeared in
15 court.

16 The other people that were judged, so it
17 was the father of the mayor, who is Lissage
18 Viliena, Kellemen, Lifaite Livert, Jean Louis
19 Bell, Michelet Noel, Mones Dorcena, these people
20 were charged.

21 Q. And was Viliena present during that
22 trial?

23 A. No.

24 Q. And did the trial continue despite his
25 presence -- sorry -- despite his absence?

1 A. Yes.

2 Q. Do you know the result of that trial?

3 A. So they condemned, those were the men
4 who were imprisoned. And they say after
5 15 days, if the mayor doesn't appear in court,
6 so there will be in absentia trial held against
7 him.

8 Q. Was there a trial held against Viliena
9 in absentia?

10 A. No. It's never done.

11 Q. And were the convictions of the other
12 men in Jérémie appealed?

13 A. Yes.

14 Q. And in what court were those convictions
15 appealed to?

16 A. It was -- it happened in the appeal
17 court of Les Cayes.

18 Q. And do you remember -- were you there in
19 Les Cayes for the appeal?

20 A. Yes.

21 Q. Do you recall when that appeal happened
22 in Les Cayes?

23 A. No, I don't remember.

24 Q. Do you know if it was months after the
25 trial in Jérémie or years after?

1 appear, who are you talking about?

2 A. Jean Morose Viliena with others that
3 were outside that they didn't arrested yet.

4 Q. And after those 15 days were done, did
5 Viliena ever appear in Les Cayes?

6 A. No.

7 Q. Did the Les Cayes court continue with
8 the trial in the absence of Viliena?

9 A. No.

10 Q. Did either the Jérémie court or Les
11 Cayes court award you any money for your
12 injuries as a result of the radio station
13 attack?

14 A. Yes.

15 Q. Do you know how much it was?

16 A. Yes.

17 Q. How much?

18 A. 900,000 gourdes.

19 Q. And to date, have you ever received any
20 of that money from the defendants convicted for
21 the radio station attack?

22 A. No.

23 Q. Did you file a complaint with the court
24 in Haiti for the mass arson that resulted in
25 your house being burnt down?

1 A. Yes.

2 Q. In what court did you file?

3 A. The civil court in Jérémie.

4 Q. Do you recall what year you filed that
5 complaint related to the mass arson?

6 A. Yes.

7 Q. When was this?

8 A. 2009.

9 Q. And do you know if anyone was charged in
10 connection with the mass arson?

11 A. Yes.

12 Q. Who was charged?

13 A. Marc-Arthur Conte, Vileme Duclona,
14 Lissage Viliena, Mess-a-jay (phonetic), Isme
15 France, Lifaite Livert, Michelet Noel, those
16 people.

17 Q. Do you know whether Viliena was charged
18 with the mass arson?

19 A. No.

20 Q. Was he charged with the mass arson?

21 A. No.

22 Q. Did the court in Jérémie convict anyone
23 for mass arson?

24 A. Yes.

25 Q. Who was convicted?

1 A. Marc-Arthur Conte, Lifaite Livert,
2 Villeme Duclona, France Isme, Lissage Viliena,
3 Charles Kelleman, Jean Louis Bell. So I might
4 have missed one or three others, but I don't
5 recall all of them.

6 Q. And did you attend that trial in
7 Jérémie?

8 A. Yes.

9 MR. KAGEL: I'd like to mark the next
10 exhibit. I think we can come back to this if
11 it's going to take longer. It's still loading.

12 Q. Did the court award you any money for
13 the loss of your home as a result of the mass
14 arson?

15 A. Yes.

16 Q. How much did the court award?

17 A. I don't remember the amount.

18 Q. Was it more or less than what you were
19 awarded for the radio station attack?

20 A. It was less, ultimately, how the
21 trial happened. So the way it happened is that
22 there was a certain amount, depending on the
23 type of the house. So for a house with block
24 and concrete, you have a certain amount. So
25 houses with metallic roof, you have another

1 amount, and houses with hay, you have a certain
2 amount.

3 Q. To date, have you ever received any of
4 that money from the defendants convicted for the
5 mass arson?

6 A. No.

7 Q. After you filed a U.S. complaint in
8 March of 2017, did you ever hear of any news
9 from the appellate court in Les Cayes?

10 THE INTERPRETER: Can you repeat that,
11 please?

12 Q. After you filed the U.S. complaints in
13 March of 2017, did you receive any notifications
14 from the court in Les Cayes?

15 A. Yes.

16 Q. And do you remember what you received?

17 A. They just sent a document to us telling
18 us to appear in a trial.

19 Q. And was this from the Les Cayes court?

20 A. Yes.

21 Q. And what happened?

22 A. So they send us a document saying that
23 we have to appear in the trial, so we receive it
24 like Thursday and we had to go the next day; as
25 we knew it briefly, we couldn't go, so we did

1 not go.

2 Q. And did you ever receive news about
3 Viliena from the Les Cayes court?

4 A. Can you repeat it?

5 Q. Did you ever receive a notice from the
6 Les Cayes court about Viliena after March 2017?

7 A. Yes.

8 Q. And what was that?

9 A. They said they made a trial for him,
10 just only him and only his name appeared on
11 that -- on the paperwork for that trial.

12 Q. And do you know what the result of that
13 trial was?

14 A. Yes.

15 Q. What was it?

16 A. They said take him out from this
17 lawsuit, that he was clean.

18 Q. When you say "he was clean," what are
19 you referring to?

20 A. That the Haitian -- the state of Haiti
21 take him out from this case, that he was not in
22 this case.

23 Q. And what was your understanding of that
24 result?

25 A. I think the Haitian system get into

1 corruption. It was corruption that corrupted
2 the cleaning out of it. So he was given 15 days
3 to appear, and he didn't appear. And three or
4 four years later, he just -- they made a trial
5 for him. It was not supposed to be after two or
6 three years that the trial must be held, but it
7 was to be held during the 15 days according to
8 the law.

9 Q. Earlier when you said "corruption," what
10 do you mean by that? .

11 A. That Haitian justice doesn't respect
12 people's right, because they could not do the
13 trials.

14 Q. And so was Viliena ever convicted of the
15 radio station attack or the mass arson?

16 A. For the radio.

17 Q. And was he ever -- was he ever punished
18 in the Haitian court system for the radio
19 station attack?

20 A. Was he punished?

21 Q. That's the question.

22 A. Yes. He started being punished.

23 Q. How so?

24 A. Because the judge arrested him for it.

25 Q. And what happened after he was arrested?

1 A. After he was arrested on the pressure of
2 AMAGA, which is the association of the mayors in
3 Grand'Anse, and they went to President Preval,
4 they pressured the judge a lot, that the judge
5 release him temporarily, and he ordered that the
6 mayor must be charged in a criminal court.

7 Q. And then was he later convicted by the
8 criminal court?

9 A. No. It was never done.

10 (Exhibit 4, Document Bates labeled
11 Plaintiffs_0000043 through 61, marked for
12 identification.)

13 MR. KAGEL: So I think the Exhibit 4 is
14 now loaded if we want to pull that up. And it
15 starts with the English. And then for the
16 witness, it's PDF page 22.

17 Peter, do you have it up?

18 MR. HALEY: I do, yes.

19 CHECK INTERPRETER: Could you give the
20 Bates label?

21 MR. KAGEL: Yes, it starts with Bates 43
22 in English, and it should repeat again if you
23 scroll down to where the French starts, about
24 halfway through the document.

25 CHECK INTERPRETER: Yes.

1 BY MR. KAGEL:

2 Q. Do you recognize this document?

3 A. Yes.

4 Q. What is it?

5 A. This is documents for the mass arson
6 trial.

7 Q. And in what court was that mass arson
8 trial held?

9 A. The civil court in Jérémie.

10 Q. And at the top does it say the date?

11 A. Yes.

12 Q. And what is the date?

13 A. 2013.

14 Q. And do you see the list of names there?

15 A. Yes.

16 Q. What is that list of names?

17 A. Marc-Arthur Conte, Lissage Viliena, the
18 father of the mayor, Michelet Noel, Lifaite
19 Livert, Saintilus Ebert, Duclona Vileme, Smith
20 Bajon, Mercidieu Jean Pierre, Benissoit Bel,
21 France Izme, Jean Louis Bel, Charles Kelleman.

22 Q. And what does the document say after
23 that list of names?

24 A. It says that all these people are
25 convicted.

1 Q. And does this refresh your recollection
2 about those who were convicted for the mass
3 arson in Jérémie?

4 A. Yes.

5 Q. And is Viliena's name amongst that list?

6 A. No. The name of his father is.

7 Q. And if you could scroll down to
8 Bates 60.

9 THE INTERPRETER: Could you repeat that?

10 MR. KAGEL: Bates number 60.

11 THE INTERPRETER: We're loading.

12 MR. KAGEL: Let me know when you're
13 there.

14 THE INTERPRETER: Almost there.

15 Okay.

16 Q. And can you take a moment to read the
17 last paragraph on Bates number 60.

18 A. Yes.

19 The court convict the defendants
20 Marc-Arthur Conte, Nissage Viliena, Michelet
21 Noel, Lifaite Livert, Saintilus Ebert, Vileme
22 Duclona, Smith Bajon, Mercidieu Jean Pierre,
23 Benissoit Bel, France Izme, Jean Louis Bel,
24 Charles Kelleman, to three years of forced
25 labor, according to Article 382, 2nd -- 282 - 3,

1 according to the penal code related to the
2 hearing, entered in the order. The defendants
3 have to pay 100,000 gourdes for houses with
4 metallic roofs burned or damaged; 500,000
5 gourdes for concrete houses burned or damaged.
6 The defendants mentioned they have to pay 100
7 gourdes as damages and interest to the benefits
8 of the victims.

9 Q. And that's good there.

10 One second.

11 CHECK INTERPRETER: It should have read
12 100,000 gourdes for the damages instead of 100
13 gourdes.

14 Q. And that list of victims at the end, is
15 your name among them?

16 THE INTERPRETER: Can you repeat it,
17 please?

18 Q. The next part that lists the victims, is
19 your name among that list?

20 A. Yes.

21 Q. And to date, have you ever received any
22 of the money that was awarded in this case?

23 A. No.

24 Q. Okay. I think we can put that exhibit
25 away.

1 After the radio station attack and the
2 mass arson, did you file any complaints anywhere
3 else?

4 A. Yes.

5 Q. Where did you file a complaint?

6 A. I filed a complaint at the civil court
7 in Jérémie. I filed a complaint at the court of
8 peace in Les Irois. I filed a complaint at the
9 human rights office with the MINUSTAH. I filed
10 a complaint at RNDDH. I filed a complaint at
11 the BAI. I have complaints in several other
12 places. I don't know if all of them are listed
13 on this, but I have filed complaints different
14 other places.

15 Q. And one of those human rights
16 organizations you just mentioned was MINUSTAH.
17 What is MINUSTAH?

18 A. It is a human rights organization that
19 receive the complaint when someone is victims of
20 something.

21 Q. And do you know about when you filed a
22 complaint with MINUSTAH?

23 A. Yes.

24 Q. When was it?

25 A. 2012.

1 MR. KAGEL: I'd like to mark the next
2 exhibit. I think we're on number 5.

3 (Exhibit 5, The Struggling Peoples'
4 Organization document, marked for
5 identification.)

6 Q. Let me know when you have it in front of
7 you.

8 MR. KAGEL: Peter, do you have it up?

9 MR. HALEY: I do, yes.

10 Thank you.

11 THE INTERPRETER: We do.

12 Q. And this one starts with the certified
13 English, and then the original starts just a
14 little bit down.

15 THE INTERPRETER: It's taking a second
16 to load.

17 We have it.

18 MR. KAGEL: Okay. You're on the first
19 page of the original?

20 THE INTERPRETER: Yes.

21 A. Yes.

22 Q. Do you recognize this document?

23 A. Yes.

24 Q. What is it?

25 A. This document is about a complaint that

1 we filed at the MINUSTHA.

2 Q. And if you go down to page 2, is that
3 your name at the bottom?

4 A. Right after the name of Franckel, it's
5 my name in the second position.

6 Q. Did you cosign this document with the
7 other names there?

8 A. Yes.

9 Q. What are those other names?

10 A. Nissage Martyr, Boniface David, Franckel
11 Isme.

12 Q. And is David Boniface and Nissage Martyr
13 the same plaintiffs involved in this lawsuit?

14 A. Yes.

15 Q. Why did you submit this document?

16 A. We were seeking justice, so we submitted
17 documents to different human rights
18 organizations to find ways that they could help
19 us.

20 Q. And when you say you "were seeking
21 justice," what do you mean by that?

22 A. Because we were victims of the mayor, so
23 the justice system didn't want to provide
24 justice to us, we had to look for help through
25 the human rights organizations.

1 Q. And this list starting at the bottom of
2 page 1 and continuing to page 2, do you know
3 what this list describes?

4 A. Can you repeat for me?

5 Q. Do you see the list with dates on the
6 left and descriptions on the right, that starts
7 at the bottom of page 1 and continues into
8 page 2?

9 A. Yes, yes.

10 Q. Do you know what this list is?

11 A. Yes.

12 Q. What is it?

13 A. Everywhere we submitted a document and
14 we file a complaint, they give us an
15 acknowledgment of receipt, and that's why we
16 have the dates of this actual receipt in every
17 line.

18 Q. And you said these are dates of when --

19 MR. KAGEL: Strike that.

20 Q. You said this list includes other
21 complaints; is that correct?

22 A. These are the names of the different
23 place that acknowledge having received the
24 complaint that we submitted to them.

25 Q. And the complaint that you submitted to

1 these places, what did those complaints detail?

2 A. We explained in this, the list of names
3 of the people from whom we were victims and who
4 also accompanied the Mayor Jean Morose.

5 Q. And when you say you were "victims,"
6 victims of what?

7 A. My eye that was destroyed, and his
8 participation in the burning of my house.

9 Q. And so if I understand your testimony
10 correctly, this document was filed with
11 MINUSTHA, and includes a list showing other
12 organizations having received complaints you
13 filed related to the mass arson and attack on
14 the radio station; is that correct?

15 A. Yes.

16 MR. KAGEL: Okay. We can take that
17 exhibit down. And why don't we take a
18 five-minute break.

19 THE VIDEOGRAPHER: Time is 3:06. We're
20 off the record.

21 (Proceedings interrupted at 3:06 p.m.
22 and reconvened at 3:14 p.m.)

23 THE VIDEOGRAPHER: Time is 3:14. Back
24 on the record.

25 BY MR. KAGEL:

1 Q. How well do you know Nissage Martyr?

2 THE INTERPRETER: Can you repeat this
3 for me, please?

4 Q. How well do you know Nissage Martyr?

5 A. Nissage live close to where I lived, and
6 I was all the time in the radio station with
7 him.

8 Q. And shortly after the U.S. complaint was
9 filed in March 22nd, 2017, do you know where
10 Nissage was at the time?

11 A. Yes.

12 Q. Where was he?

13 A. He was at home with me.

14 Q. And what day was this?

15 A. I don't remember the date really well,
16 but it was one day after the lawsuit was filed
17 in the U.S.

18 Q. And what happened on that day?

19 A. Nissage was with me at home. We were
20 watching a soccer game together. And he told me
21 that he was not feeling well and asked me to
22 take him home.

23 While I was taking him home, I could
24 feel that he could not even walk. I carry him
25 on my back to his house.

1 And after this, I head back to my house.
2 And a while after, I went to go visit him and I
3 could see him laying down. And as I could see
4 this, I told his wife, let's take him to the
5 hospital now. And that's what we did.

6 Q. And you said that you were at your house
7 watching a soccer game when this happened; is
8 that correct?

9 A. Yes.

10 Q. Was anyone else with you?

11 A. Yes.

12 Q. How many others?

13 A. Around 15.

14 Q. Do you know how Nissage was feeling in
15 the beginning of the day?

16 A. No.

17 Q. Do you know how Nissage was feeling the
18 day before?

19 MR. HALEY: Objection.

20 A. No.

21 Q. And you said Nissage became sick while
22 he was at your house; is that right?

23 A. Yes.

24 Q. Do you know how he got sick or what was
25 the sickness?

1 A. No.

2 Q. And you said when he wasn't feeling
3 well, you said you took him home; is that
4 correct?

5 A. Yes.

6 Q. And what did you do after you took him
7 home?

8 A. I went back home. And later, I went to
9 visit him, and that's when I decided, with his
10 wife, that we should take him to the hospital.

11 Q. How much time had passed when you took
12 him home to when you came back to visit him?

13 A. Four to five minutes.

14 Q. And what happened after you said they
15 should go to the hospital?

16 A. So we took him to the hospital.

17 Q. Did you go with him?

18 A. Yes.

19 Q. And what hospital was it?

20 A. The name of the hospital is Healthcare
21 Clinic of Les Irois -- Hope Healthcare Clinic of
22 Les Irois.

23 Q. How long were you at the hospital?

24 A. Almost one hour.

25 Q. And what happen after that hour?

1 A. After this, as I noticed that he was
2 still not doing well, I request to the nurse to
3 refer him to a bigger hospital. They give him a
4 paper and took him in an ambulance and sent him
5 to Anse D'Hinault.

6 Q. And when you saw him at the first
7 hospital, did you see him exhibit any symptoms?

8 A. Yes.

9 Q. What were those symptoms?

10 A. He was vomiting.

11 Q. Anything else?

12 A. And he was shaking his body.

13 Q. Is that all?

14 A. Yes.

15 Q. How long did those symptoms last?

16 A. As he got to the hospital until he could
17 leave to Anse D'Hinault.

18 Q. Did you follow him to Anse D'Hinault?

19 A. No. I didn't go to Anse D'Hinault.

20 Q. Where did you go after that?

21 A. I went back home.

22 Q. And what happened after you went back
23 home?

24 A. Around 9:00, 9:30, I have a brother who
25 accompany him in the ambulance, who called me

1 and said that Nissage passed away.

2 Q. And who is the brother that told you
3 that?

4 A. A younger brother of mine, whose name is
5 Yseme Danilo.

6 Q. And when you heard the news that Nissage
7 had passed away, how did that make you feel?

8 A. I was very sad and very in shock.

9 Q. Do you know where Viliena was at the
10 time Nissage got sick?

11 A. No.

12 Q. And so if I understand your testimony
13 correctly, about a day after you filed your U.S.
14 complaint against Viliena, you were with Nissage
15 watching the soccer game when he became ill and
16 passed away shortly thereafter; is that correct?

17 A. Yes.

18 Q. Since filing the U.S. lawsuit in March
19 of 2017, have you experienced any threats to
20 your life?

21 A. Yes.

22 Q. When was the first time you experienced
23 a threat after filing the lawsuit in 2017?

24 A. The file was -- the lawsuit was filed
25 like one day, and the next day, I was in front

1 of the hospital, and I could see Lemo (phonetic)
2 and Ti Amerikan, and they told -- and they said
3 it takes Juders, Nissage, and David to die so
4 this case would close.

5 Q. And do you know how they learned of the
6 lawsuit?

7 MR. HALEY: Objection.

8 A. I would say I don't know, but I was the
9 only one with David and Nissage who knew about
10 this, so it really have to be Jean Marose who
11 could have shared this with them.

12 Q. And you said that the two men who
13 threatened you, did they say that directly to
14 you?

15 A. Yes.

16 Q. And were these men two supporters of
17 Viliena that you've discussed before?

18 MR. HALEY: Objection.

19 A. Yes.

20 Q. And how do you know these men were
21 affiliated with Viliena?

22 A. Everywhere that Jean Morose was, they
23 were, during the radion station attack Ti
24 Amerikan was there, and during the mass arson,
25 Lemo Bajon (phonetic) was there.

1 Q. Following the death of Nissage, did the
2 Haitian government ever investigate his death?

3 MR. HALEY: Objection.

4 A. No.

5 Q. Do you know if the Haitian police ever
6 looked into Nissage's death?

7 A. No.

8 Q. Other than the threat at the hospital
9 that you just mentioned, have you experienced
10 any other threats after filing your lawsuit?

11 A. Yes.

12 Q. When was the next time you experienced a
13 threat after filing a lawsuit?

14 A. I used to receive anonymous calls on my
15 phone.

16 Q. And do you remember about when you
17 started first receiving those anonymous calls?

18 A. I don't remember really well, but it was
19 after 2017.

20 Q. For how long were you receiving
21 anonymous phone calls?

22 A. Almost two years.

23 Q. And do you know who was making these
24 phone calls?

25 A. No.

1 Q. Was it the same voice every time?

2 A. No.

3 Q. It was different voices every time?

4 A. Yes.

5 Q. And what did the caller usually say?

6 MR. HALEY: Objection.

7 A. They would say "you the one who is
8 annoying the Mayor Jean Marose, we'll have you
9 to stop this, we'll make you --

10 CHECK INTERPRETER: Force.

11 A. -- we'll force you to stop this.

12 Q. And when you received those calls, were
13 the messages similar each time?

14 A. Yes.

15 Q. Was it similar to what you just said?

16 A. Sometimes they add a little bit more,
17 but it's always the same content.

18 Q. What did you do in response to receiving
19 these phone calls?

20 A. I changed my number.

21 Q. Do you remember when you changed your
22 number?

23 A. I don't remember.

24 Q. How did receiving these phone calls make
25 you feel?

1 A. I didn't take this well because Nissage
2 has died and I receive anonymous call saying
3 that I will -- I will be die. So this really
4 gives me a lot of problem. And I know which
5 type of person the Mayor Jean Marose is.

6 Q. And besides what you have described to
7 me already, have you experienced any other
8 threats after filing the lawsuit?

9 A. I would not call it threat, but I
10 remember I was at home, I was not expecting
11 anyone to come, and where I lived, even my
12 family members don't know the location, but
13 still, two people on a motorcycle came and asked
14 for me.

15 Q. Do you remember when this was?

16 A. I don't remember the exact date.

17 Q. And were you home at the time?

18 A. I was at home.

19 Q. And this would have been after 2017,
20 correct?

21 A. It was about 2020, 2021.

22 Q. And what happened when the two men came
23 to your house?

24 A. One of the neighbors in the yard, he
25 told them that Juders was not home. I really

1 freak out from this, and I left the house that I
2 was in.

3 Q. Do you know who the two men on the
4 motorcycle were?

5 A. No.

6 Q. Do you know -- did you hear them?

7 A. No.

8 Q. And what did you do after they showed
9 up?

10 A. After they left and the neighbor came to
11 tell me about this, I left this house and went
12 renting another one.

13 Q. And why did you leave the house?

14 A. I was so scared for myself.

15 Q. And were you with anyone else in that
16 house at the time?

17 A. Yes.

18 Q. Who else was with you?

19 A. David Boniface was with me there.

20 Q. After the lawsuit was filed, do you
21 recall seeing a list of names being circulated
22 around Les Irois?

23 A. Yes.

24 Q. What was that list?

25 A. It was a list that the mayor's

1 supporters have written about people that they
2 want to kill, and in the list there was my name
3 and also David's name and the witnesses that we
4 use.

5 Q. What was this list written on?

6 A. The list said that myself, David, and
7 the witnesses would have to die.

8 Q. And was it written on a piece of paper?

9 A. Yes. On different -- a piece of paper.

10 Q. Was it one paper or was it many?

11 A. It was many, it was different flyers
12 spreading out.

13 Q. And when did you first learn of the
14 flyer?

15 A. They spread it out at night, but I was
16 not in Ewa (phonetic) at the time, so I have
17 friends who told me about this.

18 Q. Did you ever see the list yourself?

19 A. No.

20 Q. Do you remember when you first -- what
21 the date was that you first learned of the list?

22 A. I don't remember.

23 Q. And after learning of this list, how did
24 it make you feel?

25 A. I didn't feel well at all, because I was

1 thinking for myself, if they cannot find me,
2 they could go and harm my family.

3 Q. And do you recall --

4 MR. KAGEL: Scratch that.

5 Q. Do you know at any point after March of
6 2017, if Viliena was in Haiti?

7 A. Yes.

8 Q. When?

9 A. 2019.

10 Q. And how do you know that Viliena was in
11 Haiti in 2019?

12 A. He was on the soccer field which is next
13 to where my house is. He was speaking and
14 giving a declaration on a stand there. And I
15 have a friend who called me and told me about
16 this.

17 Q. And you said he was talking at a soccer
18 game. Do you know what he was talking about?

19 MR. HALEY: Objection.

20 A. No.

21 Q. And did you see him that day?

22 A. No.

23 Q. Okay. And without disclosing your
24 location, do you live in Les Irois now?

25 A. Because of my safety, I cannot tell

1 where I am right now.

2 Q. And without disclosing that location, do
3 you currently live in Les Irois?

4 A. No.

5 Q. When did you leave Les Irois?

6 A. After the death of Nissage in 2017.

7 Q. And why did you leave Les Irois?

8 A. Because I didn't feel having a security
9 for myself, so that's why I decided to leave it.

10 Q. How long have you been away from Les
11 Irois?

12 A. Since 2017, after the death of Nissage.

13 Q. And do you have children?

14 A. Yes.

15 Q. How many?

16 A. Two.

17 Q. And when was the last time you saw your
18 children?

19 A. It is three years now that I've not seen
20 them.

21 Q. How would you describe the impact on
22 your life of having to live in hiding for all
23 those years?

24 A. I feel that I'm no longer living. My
25 children are not next to me, and I'm not

1 working. I'm doing -- I don't have anything
2 that I am doing. I cannot go around freely.
3 And very often, I get sick. And all this make
4 really bad impact on my life.

5 Q. And why do you continue to pursue
6 justice when it costs you so much personally?

7 MR. HALEY: Objection.

8 A. I will keep seeking for justice because
9 I need to find justice and reparation.

10 MR. KAGEL: Let's go off the record.

11 THE VIDEOGRAPHER: Time is 3:44. We're
12 off the record.

13 (Proceedings interrupted at 3:44 p.m.
14 and reconvened at 3:51 p.m.)

15 THE VIDEOGRAPHER: Time is 3:51. Back
16 on the record.

17 BY MR. KAGEL:

18 Q. Juders, after the radio station attack
19 in 2018, did you see Nissage Martyr?

20 A. Yes.

21 Q. Where did you see him?

22 A. After being out of hospital, he was out
23 of hospital, too, so we met together, and we
24 generally go to trials together to make the
25 complaints together.

1 Q. And were you able to see his injuries at
2 the time after the radio station attack?

3 A. Yes, after being out of the hospital.

4 Q. And what were his injuries?

5 MR. HALEY: Objection.

6 A. He has his right leg cut off.

7 Q. And any other injuries that you could
8 see?

9 A. No.

10 Q. And when did you first see his injuries
11 after the radio station attack?

12 A. After his being out of the hospital.

13 MR. KAGEL: I'd like to mark the next
14 exhibit, should be number 6.

15 (Exhibit 6, Document Bates labeled
16 Plaintiffs_0000534, marked for identification.)

17 MR. KAGEL: Let me know when you have it
18 up.

19 THE INTERPRETER: Yes.

20 MR. KAGEL: Peter, do you have it up?

21 MR. HALEY: I do.

22 Thank you.

23 Q. What is this a picture of?

24 A. This is a picture of Nissage and his
25 wife is next to him.

1 Q. And have you seen this picture before?

2 A. Yes.

3 Q. And where is Nissage?

4 A. Nissage is dead.

5 Q. Where is Nissage in this photo?

6 A. The person laying on the bed, and he has
7 a chair under his head.

8 Q. Do you know where this photo was taken?

9 A. At the hospital.

10 Q. Do you know who took the photo?

11 A. No.

12 Q. Does this photo -- is this photo a true
13 and accurate depiction of Nissage's injuries
14 after the radio station attack?

15 MR. HALEY: Objection.

16 A. Yes.

17 MR. KAGEL: Okay. We can put that away.

18 And Peter, I no further questions.

19 MR. HALEY: So a few follow-up
20 questions.

21 EXAMINATION

22 BY MR. HALEY:

23 Q. In response to a question Mr. Kagel
24 asked you, you testified that you received
25 notice on Thursday about a court hearing in Les

1 Cayes that was to take place the next day on a
2 Friday, and you did not attend. How come you
3 didn't attend that court hearing?

4 A. They were supposed to have held this
5 trial in 15 days. They never do it. So the
6 deadline was over. And after two years,
7 something that the law doesn't acknowledge. And
8 this is at this time that I received the notice
9 in that day, that I have to go the next day. So
10 the days were too close. This is why I didn't
11 go.

12 Q. And did you ever petition the court or
13 ask the court to move the date?

14 A. No. But I went to the court after that.
15 I saw the prosecutor who give the order. When I
16 talked to him, he showed us that it was
17 something that he did voluntarily. And right
18 after, we appeal the case to the supreme court.

19 Q. And what happened in the appeal?

20 A. Until now, the supreme court hasn't
21 decided yet.

22 Q. And is the matter still in front of the
23 supreme court?

24 A. Yes.

25 Q. And the appeal was made in 2018? What

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DEPOSITION ERRATA SHEET

Assignment No. NE5047388

Case Caption: Boniface v. Viliena

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the ____ day of _____, 2022.

JUDERS YSEME

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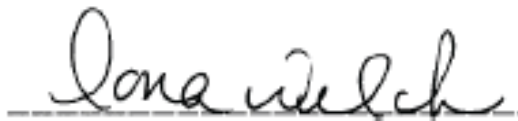
CERTIFICATE

Commonwealth of Massachusetts
Suffolk, ss.

I, Dana Welch, Registered Professional Reporter, Massachusetts Certified Shorthand Reporter, do hereby certify: That JUDERS YSEME, the witness whose testimony is hereinbefore set forth, was duly sworn by me and that such testimony is a true and accurate record of my stenotype notes taken in the foregoing matter, to the best of my knowledge, skill, and ability.

I further certify that I am neither related to nor employed by any of the parties in or counsel to this action, nor am I financially interested in the outcome of this action.

In witness whereof, I have hereunto set my hand and seal this 4th day of February, 2022.



Dana Welch

Notary Public

My Commission Expires:

September 13, 2024

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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ERRATA SHEET*IN RE: DAVID BONIFACE V. JEAN MOROSE VILIENA***DEPOSITION OF JUDERS YSEME****DEPOSITION DATE: JANUARY 28, 2022**

Page:Line	Correction	Reason
4:22	Change "O'Connor" to "O'Connell"	Transcription error
11:12	Change "Ecclesiaste" to "Eclesiaste"	Spelling error
14:14	Change "Boya (phonetic)" to "Bo ya"	Spelling error
16:12	Change "Vilsaing" to "Vilsaint"	Spelling error
16:19	Change "Vilsaing" to "Vilsaint"	Spelling error
19:11	Change "Vileme" to "Villeme"	Spelling error
22:2	Change "Beaublan" to "Beaublanc"	Spelling error
31:20	Change "Ecclesiaste" to "Eclesiaste"	Spelling error
35:12	Change "Yesme" to "Yseme"	Spelling error
40:19	Change "Gorge, third village (phonetic) and" to "Jorgue, third village in"	Transcription error
40:24	Change "Via Renault (phonetic)" to "Vaillant, Renault"	Spelling error
41:5	Change "Gorge" to "Jorgue"	Transcription error
41:15	Change "George Simeau (phonetic)" to "Georges Simon"	Spelling error
42:4	Change "Gorge" to "Jorgue"	Transcription error
42:25	Change "Boilot" to "Boileau"	Spelling error
44:7	Change "Matyr's" to "Martyr's"	Spelling error
45:5	Change "Danny" to "Dany"	Spelling error
46:3	Change "Beaublan" to "Beaublanc"	Spelling error

46:5	Change “Boilot” to “Boileau”	Spelling error
48:6	Change “Sinneck (phonetic)” to “Senerk”	Spelling error
49:5	Change “Sinneck (phonetic)” to “Senerk”	Spelling error
55:18	Change “Marose” to “Morose”	Spelling error
55:19	Change “where” to “here”	Transcription error
55:21	Change “station?” to “station.”	Punctuation error
56:10	Change “Marose” to “Morose”	Spelling error
56:23	Change “Boilot” to “Boileau”	Spelling error
56:25	Change “Vileme” to “Villeme”	Spelling error
57:1	Change “Reeve Harris (phonetic)” to “Lissage Viliena”	Transcription error
57:10	Change “Vileme” to “Villeme”	Spelling error
57:12	Change “Vileme” to “Villeme”	Spelling error
57:23	Change “Vileme” to “Villeme”	Spelling error
58:1	Change “Vileme” to “Villeme”	Spelling error
59:1	Change “Vileme” to “Villeme”	Spelling error
59:18	Change “Vileme” to “Villeme”	Spelling error
59:21	Change “Vileme” to “Villeme”	Spelling error
62:16	Change “Villien” to “Viliena”	Spelling error
63:17	Change “Josie” to “Josy”	Spelling error
63:19	Change “Josie” to “Josy”	Spelling error
64:3	Change “Josie” to “Josy”	Spelling error
64:6	Change “Josie” to “Josy”	Spelling error
64:9	Change “Josie” to “Josy”	Spelling error

64:20	Change “Josie” to “Josy”	Spelling error
64:23	Change “Hauteford” to “Hautefort”	Spelling error
65:5	Change “Hauteford” to “Hautefort”	Spelling error
66:4	Change “Hauteford” to “Hautefort”	Spelling error
67:12	Change “Hauteford” to “Hautefort”	Spelling error
67:18	Change “slip” to “street”	Transcription error
67:22	Change second “and” to “in”	Transcription error
68:3	Change “suite” to “street”	Transcription error
69:2	Change “Kelleman” to “Keleman”	Spelling error
69:6	Change “corps” to “chorus”	Transcription error
70:4	Change “death Hauteford (phonetic)” to “death of Hautefort”	Transcription error
70:18	Change “Boilot” to “Boileau”	Spelling error
70:19	Change “Kelleman” to “Keleman”	Spelling error
71:16	Change “Hauteford” to “Hautefort”	Spelling error
71:19	Change “Hauteford” to “Hautefort”	Spelling error
71:24	Change “Hauteford” to “Hautefort”	Spelling error
71:25	Change “Hauteford” to “Hautefort”	Spelling error
72:4	Change “Hauteford” to “Hautefort”	Spelling error
72:20	Change “in fire” to “on fire”	Transcription error
72:20	Change “Vileme” to “Villeme”	Spelling error
72:21	Change “Souvray Mirand (phonetic)” to “Souverain Merer”	Spelling error
73:8-9	Change “Unselo / (phonetic)” to “Anse-d’Hainault”	Transcription error

76:18	Change “Kellemen” to “Keleman”	Spelling error
78:24	Change “an” to “in”	Transcription error
80:13	Change “Vileme” to “Villeme”	Spelling error
80:14	Change “Mess-a-jay (phonetic)” to “Mesier Jean Pierre”	Transcription error
81:3	Change “Kelleman” to “Keleman”	Spelling error
86:19	Change “Vileme” to “Villeme”	Spelling error
86:20	Change “Benissoit Bel” to “Benicoit Bell”	Spelling error
86:21	Change “Izme” to “Isme”	Spelling error
86:21	Change “Bel” to “Bell”	Spelling error
86:21	Change “Kelleman” to “Keleman”	Spelling error
87:20	Change “Nissage” to “Lissage”	Transcription error
87:21	Change “Vileme” to “Villeme”	Spelling error
87:23	Change “Benissoit Bel” to “Benicoit Bell”	Spelling error
87:23	Change “Izme” to “Isme”	Spelling error
87:23	Change “Jean Louis Bel” to “Jean Louis Bell”	Spelling error
87:24	Change “Kelleman” to “Keleman”	Spelling error
91:1	Change “MINUSTHA” to “MINUSTAH”	Spelling error
91:11	Change “Isme” to “Yseme”	Spelling error
93:11	Change “MINUSTHA” to “MINUSTAH”	Spelling error
98:5	Change “Danilo” to “Danielo”	Spelling error
99:1	Change “Lemo (phonetic)” to “Lemon”	Spelling error
99:10	Change “Marose” to “Morose”	Spelling error

99:25	Change “Lemo Bajon (phonetic)” to “Lemon Bajon”	Spelling error
101:8	Change “Marose” to “Morose”	Spelling error
102:5	Change “Marose” to “Morose”	Spelling error
104:16	Change “Ewa (phonetic)” to “Les Irois”	Spelling error

Date: 14 / 03 / 2022

Yvonne Juders
JUDERS YSEME

EXHIBIT 3

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

CASE NO.: 1:17-cv-10477-ADB

DAVID BONIFACE, NISSANDERE
MARTYR, and JUDERS YSEME,

Plaintiffs,

vs.

JEAN MOROSE VILIENA (a.k.a.
JEAN MOROSE VILLIENA),
Defendant.

_____ /

Videotaped

Deposition of: JEAN MOROSE VILIENA

Date Taken: November 1, 2021

Time: 10:03 a.m. - 5:17 p.m.

Taken By: The Plaintiffs

Location: Via Videoconference

Reported By: Emily W. Andersen, RMR CRR FPR
Stenograph Shorthand Reporter
and Notary Public, State of
Florida at Large

1 THE WITNESS: (In English) No, that's --
2 that's in 2014, no. I brought 2008. 2008.

3 THE INTERPRETER: Translating from English for
4 Mr. Viliena.

5 BY MS. LAU:

6 Q. On the first page, lower right quadrant, there
7 is a July 14, 2008, stamp and a September 16, 2008,
8 stamp.

9 THE INTERPRETER: Would you please repeat the
10 date on the second stamp for me, please?

11 MS. LAU: Yes. September 16, 2008.

12 THE WITNESS: I may need to look for more
13 details so I could confirm this, but it looks more
14 obvious that July 14, 2008, would be the date that I
15 first came on my resident status.

16 MS. LAU: Thank you. We can put this exhibit
17 aside.

18 BY MS. LAU:

19 Q. Are you familiar with a town in Haiti called
20 Les Irois?

21 A. Yes. This is the town where I was born.

22 Q. And how long did you live there?

23 A. I was born -- I was born there so it means that
24 I've lived there for a long time. Since I was a little
25 boy, I would go to vacation somewhere else, but I always

1 Q. Since moving to the United States, how often do
2 you visit Haiti?

3 MR. HALEY: Objection. You can answer.

4 THE WITNESS: Photocopy pages of my passport
5 could reveal how many times that I have gone to
6 Haiti and came back to the U.S.

7 BY MS. LAU:

8 Q. What is the typical length of a visit to Haiti?

9 MR. HALEY: Objection. You can answer.

10 THE WITNESS: That depends, because sometime I
11 would go for one month, other time, it could be two
12 months, but sometimes it can be three months.

13 I have spent one week, two weeks, three weeks
14 also.

15 BY MS. LAU:

16 Q. And what does the length of your visit depend
17 upon?

18 A. It depends on the reason why I go to Haiti and
19 what kind of activities that I have there.

20 Q. What are some of the reasons that you visit
21 Haiti?

22 MR. HALEY: Objection. You can answer.

23 THE WITNESS: There was a period of time when I
24 was an interim mayor in Haiti, and that period I
25 used to go quite often to Haiti.

1 BY MS. LAU:

2 Q. What was the period of time that you were the
3 interim mayor of Haiti?

4 MR. HALEY: Objection. You can answer. You
5 can answer.

6 THE WITNESS: If I'm not mistaken, I think it
7 was 2013 to 2015. And in 2015, I dismissed from the
8 position and I came back to live in the U.S.

9 BY MS. LAU:

10 Q. What was the city that you were interim mayor
11 of?

12 A. Les Irois.

13 Q. And I assume you visited Les Irois on some of
14 your trips to Haiti. Are there any other cities that
15 you visited during your trips to Haiti?

16 A. What period of time are you asking me this for?

17 Q. I am encompassing all of your trips between the
18 United States and Haiti.

19 MR. HALEY: Objection. You can answer.

20 THE WITNESS: Did you ask me the question about
21 other countries or other cities?

22 BY MS. LAU:

23 Q. Other cities in Haiti.

24 A. From Port-au-Prince to Les Irois, I -- I can
25 stop by different cities to get to the final, Les Irois.

1 you had to attend to the hearing?

2 A. Actually, I -- I don't remember the exact date
3 in my head.

4 Q. And what was the purpose of the other visit to
5 Haiti?

6 MR. HALEY: Objection. You can answer.

7 THE WITNESS: What other visits are you talking
8 about, because I already explained that I've been
9 going there as I was a mayor. And then after being
10 the mayor, I went for vacations, and I went two
11 times like to respond, like to some legal matters.
12 So what other visits are you referring to?

13 BY MS. LAU:

14 Q. I see. So allow me to clarify. The two visits
15 after you were no longer interim mayor of Les Irois.
16 You went twice to attend to court hearings; is that
17 correct?

18 MR. HALEY: Objection. You can answer.

19 THE WITNESS: I don't remember exactly well,
20 but there were more than two trips after being the
21 interim mayor, maybe three to four times that I've
22 been back to Haiti. The two times were when I went
23 for the legal matter.

24 MS. LAU: Okay. We've been going for a little
25 bit more than an hour, so why don't we take a

1 five-minute break? Go off the record.

2 THE VIDEOGRAPHER: Going off the record, the
3 time is 11:15 a.m.

4 (Brief recess.)

5 THE VIDEOGRAPHER: We are back on the record.
6 The time is 11:30 a.m.

7 BY MS. LAU:

8 Q. Mr. Viliena, did you run for the 2006 mayoral
9 election in Les Irois?

10 A. Yes. I participate as the candidate in the
11 election of 2006 in Les Irois.

12 Q. And were you associated with any political
13 party when you ran for mayor in 2006?

14 A. I was the candidate for a political party
15 called MODEREH, M-O-D-E-R-E-H.

16 Q. And when did you join the MODEREH party?

17 A. When someone going in election, you have
18 choices to go as independent candidate or join a party.
19 I decided that I will join a party when I decided that I
20 would be a candidate for the mayor in the area.

21 And that's when I met with the person in charge
22 of the party, and as I met with them, I decided that I
23 will run under their political party.

24 Q. Who is the person in charge of the MODEREH
25 party in 2006?

1 A. In which -- in 2005, Dany Toussaint,
2 T-O-U-S-S-A-I-N-T, was the person in charge of the party
3 when I joined them.

4 Q. And other than as candidate for mayor of Les
5 Irois, did you play any other role in the MODEREH
6 political party in that time period?

7 A. I was only running under the party. I didn't
8 have any other role, any specific role in the party more
9 than being the candidate for them.

10 Q. What were the main goals of MODEREH?

11 MR. HALEY: Objection.

12 THE WITNESS: The person in charge of the party
13 should be the one answering that question because I
14 cannot provide specific information about the main
15 goal of the party. I am not -- I am not the person
16 in charge of it.

17 BY MS. LAU:

18 Q. As the MODEREH candidate in the 2006 mayor's
19 race for Les Irois, what was your platform?

20 A. I am not sure that I really understand what you
21 mean by "platform." I was just involved in the race
22 under the MODEREH as a political party, but I had no
23 other platform.

24 Q. What were your goals? What did you campaign on
25 when you were running for mayor?

1 not to talk about political that is related to the
2 party, because he was no longer a member of the party
3 when I used to be in touch with him.

4 Q. In 2006, did anybody run against you for mayor?

5 A. Yes, several.

6 Q. And who were the primary candidates who ran
7 against you?

8 A. The council that were really the favorite ones
9 in the election was my council of mayors, the three of
10 us, and I was the head of the council that was -- that
11 was looking to become the new mayors.

12 There was another one which was another
13 favorite one. It was through OPL, which is another
14 political party head by William Lebon. And there was a
15 third political party which was another favorite one
16 which is Fusion with Renoit Bayonne (phonetic) which was
17 the head of the council running for mayor.

18 Q. Are there any other members of OPL other than
19 William Lebon?

20 MR. HALEY: Objection. You can answer.

21 THE WITNESS: I am not sure that I understand
22 the question well when you say other members of OPL.
23 What do you mean by this?

24 BY MS. LAU:

25 Q. What if I say supporters of OPL?

1 MR. HALEY: Objection. You can answer.

2 THE WITNESS: I believe that all past political
3 parties, either OPL, Fusion or MODEREH, they all
4 will have the supporters. That's what I believe.

5 BY MS. LAU:

6 Q. Do you support or oppose the OPL political
7 party?

8 MR. HALEY: Objection. You can answer.

9 THE WITNESS: OPL was wanting to hold mayor and
10 I was running for mayor, so we were two different
11 political parties. I would say that I was opposed
12 to them in a sense, but just through election. I
13 have no other form of opposition against OPL party.

14 BY MS. LAU:

15 Q. What are the main political goals of OPL?

16 MR. HALEY: Objection. You can answer.

17 THE WITNESS: I believe that members of OPL
18 will be able to answer that question because I don't
19 have a response for that question.

20 BY MS. LAU:

21 Q. Are you presently affiliated with any political
22 party?

23 MR. HALEY: You can answer.

24 THE WITNESS: Currently, no, I am not
25 affiliated with any political party.

1 BY MS. LAU:

2 Q. Are you familiar with PHTK?

3 A. When you say familiar, in what sense and what
4 extent?

5 Q. Do you know what PHTK is?

6 A. I know PHTK is a political party in Haiti.

7 Q. Okay. And when you were appointed interim
8 mayor, did you have any affiliation with PHTK?

9 A. I have some members who are affiliated of PHTK
10 that I am -- that I talk to, but myself, I'm not a
11 member of PHTK.

12 Q. Who are the members affiliated with PHTK that
13 you talk to?

14 A. Ralph Tayano (phonetic) was a minister under
15 the PHTK, and I used to talk with him. Also, Ronsard
16 St. Cyr is someone who was a minister under PHTK that I
17 also used to talk to.

18 Q. Who appointed you interim mayor of Les Irois?

19 A. President Martelly is the one who issued the
20 decree to -- appointed me as the mayor of Les Irois.

21 Q. And President Martelly was affiliated with
22 PHTK; correct?

23 A. Yes.

24 Q. When you became mayor of Les Irois in 2006,
25 what were your specific duties and responsibilities?

1 two minutes, but I was almost in the home for the entire
2 day.

3 Q. When did you next leave the house?

4 A. I don't understand the question.

5 Q. When did you next leave your home? Did you
6 leave the home the next day?

7 A. I don't remember what I did the next day.

8 Q. Do you remember going to the mayor's hall the
9 next day?

10 A. So I remembered that I had to call the police
11 because there was an incident reported to me that there
12 had been stone throwing in a village called Grand
13 Bassin. So I had to call the police about this
14 incident.

15 I had called the police so they could come that
16 day, but they didn't come that day.

17 I have learned that there was, unfortunately, a
18 gentleman who lost his life that day and it was the next
19 day that the police came from Les Irois -- came from --
20 came in Les Irois, the next day.

21 The next day when the police came, I had to
22 accompany them so they could have their investigation to
23 know fully what happened, because I think there had been
24 one person who died and one other person who was
25 injured.

1 Q. Do you have anything else to say, Mr. Viliena?

2 MR. HALEY: Objection.

3 THE WITNESS: No.

4 BY MS. LAU:

5 Q. Who is the gentleman who lost his life?

6 A. I think the gentleman who lost his life is
7 Boniface, David. He is my cousin because my dad is his
8 mother's brother.

9 Q. And you think the person that lost his life was
10 David Boniface?

11 A. No, no. Ecclesiaste Boniface.

12 Q. How did you first learn about it?

13 A. Many people from that village reported to me
14 that there has been stone throwing in that village and
15 they explained to me what happened.

16 Q. What village are you talking about?

17 A. I want to talk about the village of Grand
18 Bassin or the neighborhood of Grand Bassin.

19 Q. Okay. You said many people from that village
20 reported to you. Who specifically?

21 A. I cannot remember exactly who -- who told me,
22 because some people had to give me a call to tell me
23 about this.

24 Q. So you were told by telephone?

25 A. Yes.

1 they have against some people after that incident.

2 BY MS. LAU:

3 Q. Which people?

4 A. I can remember the name of Bajon Hautefort who
5 had a warrant against him -- an arrest warrant against
6 him, but I can't remember the other names.

7 Q. And this is the same Hautefort Bajon who works
8 for you in the mayor's office; correct?

9 A. Yes.

10 Q. Was a warrant issued for Lifaite Livert?

11 A. No, I don't know if there was any warrant
12 issued against him.

13 Q. How about Pierrot Boileau?

14 A. I don't know if there were warrants against him
15 at that time.

16 Q. How about your father, Lissage Viliena?

17 A. I didn't know that they had a warrant against
18 him at that time.

19 Q. How about a warrant against you?

20 A. I didn't know that there were any warrants
21 against me.

22 Q. So what is your understanding of what happened
23 to Ecclesiaste Boniface that night?

24 A. I don't really know what happened that night.
25 I just had reports from people saying that there has

1 been stone throwing and there had been one person who
2 died and one person who was injured.

3 Q. Okay. So there was a murder in the town where
4 you are mayor; correct?

5 A. Yes.

6 Q. And you don't really have an understanding of
7 what happened?

8 A. So what people were just saying, I cannot just
9 use it as what really happened.

10 Q. And you, as mayor, never undertook to actually
11 investigate the facts?

12 A. In the justice of peace court in Les Irois,
13 there may be -- I can't recall the name of the -- I
14 can't recall the exact name of the actual -- there may
15 be a report at the justice of peace court about what
16 really happened there.

17 Q. During the time you were mayor of Les Irois,
18 how many people were killed?

19 A. I can't remember this.

20 Q. You can't remember how many people were killed
21 violently while you were mayor of Les Irois?

22 A. No, I can't recall this.

23 Q. And you can't remember who the police
24 identified as the killer of Ecclesiaste Boniface?

25 MR. HALEY: Objection. You can answer.

1 (Brief recess.)

2 THE VIDEOGRAPHER: Okay. We are back on the
3 record. The time is 3:13 p.m.

4 BY MS. LAU:

5 Q. Mr. Viliena, were you mayor of Les Irois in
6 April 2008?

7 A. Yes.

8 Q. Are you familiar with a radio station in Les
9 Irois called Radio Vision Nouvelle?

10 A. Yes, I know that there was a radio station
11 named Vision Nouvelle.

12 Q. And who founded the radio station?

13 A. According to the information that I have,
14 Deputy Orlien founded that radio station. He founded
15 the radio station with an amount of money of 700,000
16 gourde which was for the community of Les Irois.

17 Q. Anything else you'd like to share about the
18 founding of the radio station?

19 A. No.

20 Q. Okay. Where was the radio station located?

21 A. So the radio station was located in Pont Pigy.

22 Q. And was it a specific building or home where
23 the radio station was located?

24 A. So the radio station was located in a house,
25 and I know that this house was the property of a man

1 named Nissage Martyr.

2 Q. And do you know Nissage Martyr?

3 A. Yes, I know him.

4 Q. How do you know him?

5 A. Yeah, his son is a friend of mine. And his son
6 used to go to Anse-d'Hainault, and I used to give him a
7 ride to go to Anse-d'Hainault. I don't give the ride to
8 his son, but to Nissage Martyr himself.

9 And I used to sit down and talk with him,
10 especially at the house of the accountant, the person
11 who is responsible for the payroll of the mayor hall.

12 Q. Which son of Nissage Martyr are you friends
13 with?

14 A. His name is Martyr Kenson.

15 Q. And do you know if Nissage played any role in
16 the radio station?

17 A. No, I do not know anything about this. I did
18 not know if he play -- if he plays a role in the radio
19 station.

20 Q. And do you know a gentleman named Juders Yseme?

21 A. Yes, I used to see him.

22 Q. And how do you know Juders?

23 A. I do not know anything about him, but I used to
24 see him in the community.

25 Q. And what role did Juders play, if any, in the

1 discussion with the deputy?

2 A. No, I never really have this talk. The deputy,
3 whatever he would like to do in the community, he won't
4 talk to me. He would address to other people, but not
5 me, because we are not from the same political party.
6 He will address people from his party.

7 Q. What political party is the deputy from?

8 A. He is from the political party named OPL, and
9 the same political party that Senator Andris Riche is
10 from. Both of them won't address me when they want to
11 realize something in the community because I'm not from
12 the same political party as they are.

13 Q. Do you think that that is a general divide in
14 the community, that supporters of OPL don't speak to
15 your supporters?

16 MR. HALEY: Objection. You can answer.

17 THE WITNESS: So, generally, there's a division
18 that is inside of Les Irois. So this division is
19 political, but it goes down to the population of Les
20 Irois.

21 BY MS. LAU:

22 Q. And how would you describe the division?

23 A. So as a mayor, I was elected. And as I was not
24 elected from the same political party as the deputy and
25 the senator, but we were supposed to work jointly.

1 Radio Vision Nouvelle station on April 8, 2008?

2 A. No, never.

3 Q. Did you beat and torture Nissage Martyr as part
4 of the radio station attack on April 8, 2008?

5 A. No, never. And on that day of April 8, 2008, I
6 didn't see Nissage Martyr.

7 Q. Did you order your associates to shoot Nissage
8 Martyr as part of the radio station attack?

9 THE INTERPRETER: Can you repeat the question,
10 please.

11 MS. LAU: Madam Court Reporter, may I have you
12 read it back, please?

13 (Read back.)

14 THE WITNESS: I didn't have any contact with my
15 associates, neither I ask them to shoot Nissage
16 Martyr.

17 BY MS. LAU:

18 Q. Did you beat Juders Yseme as part of the radio
19 station attack on April 8, 2008?

20 A. No.

21 Q. Did you order your associates to shoot Juders
22 Yseme as part of the radio station attack?

23 A. No, I do not know anything about those things,
24 not at all.

25 Q. How did you first learn about the radio station

1 attack?

2 A. As I looked for the police, I was informed that
3 there were some troubles, some troubles nearby there,
4 the radio station, and that there were people from like
5 -- from two sides.

6 Q. Who were the people from two sides?

7 A. No, I do not know who they are.

8 Q. Who informed you that there were troubles at
9 the radio station?

10 A. I can't remember because I received many calls.

11 Q. Why didn't you go to the radio station?

12 A. Why would I go to the radio station when I was
13 trying to solve another problem and when I had to look
14 for the police. So why will I go to the radio station
15 when the problem happening at the radio station was not
16 related to the problem that was -- that happened in the
17 public school.

18 Q. You testified earlier that the problem at the
19 radio station was caused by the student at the gun --
20 with the gun. So your two problems went to the same
21 place, the radio station.

22 MR. HALEY: Objection.

23 THE WITNESS: The problem I was dealing with is
24 the school. I was trying to have the school safe
25 and I was not dealing with the radio station

1 problem, but I was concerned. My concern was the
2 school, and I was trying to find the police to have
3 security in the community, especially for the
4 school, not the radio station.

5 BY MS. LAU:

6 Q. I thought you had testified that all the
7 students had gone home safely with their parents?

8 A. Yes, I said the students went back home.

9 Q. So why did you need to go back to the school?

10 A. I didn't say that I go back to the school.

11 Q. Where were you trying to go?

12 A. I went to look for the police.

13 Q. Right. And you returned empty-handed.

14 When you returned to Les Irois, where were you
15 trying to go?

16 A. And when I went back to Les Irois, I went back
17 home. And according to the information I had, at the
18 time I heard that there was a fight among the
19 population, and there were four people that were
20 injured.

21 THE VIDEOGRAPHER: Five minutes.

22 BY MS. LAU:

23 Q. What is your understanding of what happened at
24 the radio station that day?

25 A. As mayor of the city, this is kind of an

1 incident that we wouldn't like to happen in our
2 community where people were fighting and people get
3 injured in their foot and people get injured in the eye.
4 So we would never want this to happen.

5 Q. But what actually happened at the radio
6 station? What's your understanding?

7 MR. HALEY: Objection.

8 THE WITNESS: I already told you my
9 comprehension of it, my understanding of it.

10 BY MS. LAU:

11 Q. What individuals were involved in the fighting?

12 MR. HALEY: Objection.

13 THE WITNESS: I don't really know who were
14 involved in the fighting, but I think the court has
15 a list of people that were involved in this fight.
16 So there are documents in the court that list people
17 who were involved in this fight.

18 BY MS. LAU:

19 Q. And the court documents list you as involved in
20 the fight; correct?

21 A. Yes, I am on that list.

22 MS. LAU: Let's take ten minutes. Michael, you
23 need to switch the tapes out; right?

24 THE VIDEOGRAPHER: Sure.

25 MS. LAU: Okay, great. Let's go off the

1 record.

2 THE VIDEOGRAPHER: Going off the record, the
3 time is 4:40 p.m.

4 (Brief recess.)

5 THE VIDEOGRAPHER: Okay. We're back on the
6 record. The time is 4:55 p.m.

7 BY MS. LAU:

8 Q. Mr. Viliena, by the end of the day, April 8,
9 2008, was it your understanding that the radio station
10 had been destroyed?

11 A. So in my understanding, the first thing that
12 come to my understanding was the people who were
13 injured.

14 This is later on that they informed me that
15 they have taken away the different equipment that were
16 in the radio also.

17 Q. Let me break that down. Who was injured on
18 April 8, 2008?

19 A. I know that four people were injured. I know
20 of Nissage Martyr who lost -- I know also of Yseme
21 Juders. I also of Alain Duclona. And I also know of
22 Jean Baptiste -- I don't remember his exact name. Yes,
23 Jean Baptiste Fenole.

24 Q. What's your understanding of how Nissage Martyr
25 was injured?

1 A. I don't really know exactly how he get injured
2 and what circumstance that he get injured, but I just
3 knew that he was injured.

4 Q. And have you seen Nissage Martyr since that
5 incident?

6 A. If I have seen him, it must be from far away.
7 I have never seen him from a short distance.

8 Q. And when you saw him from far away, did you see
9 whether he had any kind of physical disability?

10 MR. HALEY: Objection. You can answer.

11 THE WITNESS: Yes. I could see that he has a
12 physical disability.

13 BY MS. LAU:

14 Q. And what is that physical disability?

15 A. I believe that he has lost one leg.

16 Q. And what about Juders Yseme, do you understand
17 how he was injured during the radio station attack?

18 A. No, I don't know.

19 Q. And have you seen Juders Yseme since April 8,
20 2008?

21 A. No, that's not someone that I used to see at
22 all.

23 Q. Okay. You said subsequently somebody informed
24 you that the radio station equipment had been taken
25 away. Who informed you of that?

1 A. Martyr Kenson was the son of Mr. Nissage Martyr
2 who came to my house to tell me that his dad has been
3 injured and he was asking me for help to get his dad to
4 either Jeremie or outside of Anse D'Hainault. And
5 that's at that time that he was telling me about what
6 happened in the radio station.

7 Q. Did Kenson Martyr tell you any details of his
8 father's injuries?

9 A. He was under shock. He didn't really have the
10 time to give me details on how that his father get
11 injured.

12 Q. Why was Kenson Martyr in shock?

13 A. I have -- I have the impression that if his dad
14 was injured, he will be in shock somehow.

15 Q. Did he share with you that his father was
16 beaten and shot nearly to death?

17 MR. HALEY: Objection. You can answer.

18 THE WITNESS: No, he didn't explain that to me.

19 BY MS. LAU:

20 Q. How did you feel when Kenson Martyr shared this
21 information with you?

22 MR. HALEY: Objection. You can answer.

23 THE WITNESS: I was in shock because I never
24 wanted to see things like this happen in the City of
25 Les Irois, and that's why I have always tried to

1 have the police to be in Les Irois, because every
2 time that I have like to go look for the police who
3 are so far away located, it's always too far for me
4 to reach out to them.

5 BY MS. LAU:

6 Q. How did you feel when you learned that the
7 radio station had been destroyed?

8 A. Because I never wanted this thing to happen in
9 the city where I was a mayor, but unfortunately --
10 unfortunately the way politics is done in Haiti and it's
11 a very difficult way.

12 And I think if the senators and the deputy were
13 really supporting me and trying to get the police to be
14 in Les Irois, this thing would not happen, because it
15 takes senators and deputy with the power to have the
16 police to come to a place like Les Irois.

17 Q. Did you participate in the investigation of who
18 destroyed the radio station?

19 A. No, I didn't participate in it.

20 Q. Who led the investigation?

21 A. In Haiti, everything that happens has to stay
22 with politics. And any time that politics is involved
23 in something, it's very difficult for the people to find
24 justice, so that's why.

25 Q. My question was who led the investigation.

1 A. I believe that the police had conducted an
2 investigation. The justice has conducted investigation.

3 Q. Why did you play no role?

4 A. As I was accused as being part of the destroy
5 of the radio station, so participating in the
6 investigation didn't have any sense, as I explained
7 before.

8 Q. What's your opinion of who is responsible for
9 the radio station attack?

10 MR. HALEY: Objection. You can answer.

11 THE WITNESS: I believe that it's because of
12 the weakness of the state that caused all the
13 situation of Les Irois. The official authorities
14 never sit together to find a way to run the city,
15 and that's because of the irresponsibility of the
16 state, of the officials. That's why all this
17 happened in Les Irois.

18 BY MS. LAU:

19 Q. Mr. Viliena, earlier we talked about Maxime
20 Roumer and we have seen some Facebook messages. Can you
21 confirm that you spoke to Mr. Roumer over Facebook
22 message?

23 A. Yes, we used to talk.

24 Q. And can you confirm that you talked using the
25 Facebook messaging app?

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DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing transcript and know the contents thereof; and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare under the penalties of perjury under the laws of the United States that the foregoing is true and correct.

This declaration is executed this _____ day of _____, 20____, at _____, _____.

JEAN MOROSE VILIENA

CERTIFICATE OF OATH

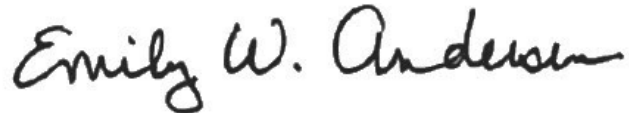
STATE OF FLORIDA:
COUNTY OF SEMINOLE:

I, Emily W. Andersen, RMR CRR FPR, Stenograph Shorthand Reporter, certify that DANIEL TILLIAS, the Interpreter herein, and JEAN MOROSE VILIENA appeared before me via videoconference on November 1, 2021 and were duly sworn.

WITNESS my hand and official seal this 15th day of November, 2021.

Identification:

Produced Identification
Massachusetts Driver's License



EMILY W. ANDERSEN,
Notary Public State of Florida
Commission No. GG 258112
Expires October 14, 2022

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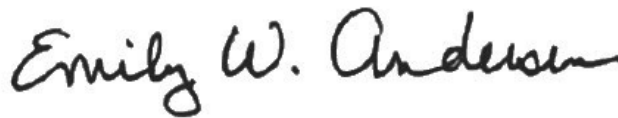
CERTIFICATE OF REPORTER

STATE OF FLORIDA:
COUNTY OF SEMINOLE:

I, Emily W. Andersen, RMR CRR FPR, Stenograph Shorthand Reporter, certify that I was authorized to and did stenographically report the foregoing deposition of JEAN MOROSE VILIENA; that the review of the transcript was requested; and that the foregoing Pages, 4 through 115, inclusive, are a true and complete record of my stenograph notes.

I further certify that I am not a relative or employee of any of the parties, nor am I a relative or council connected with the parties' attorneys or council connected with the action, nor am I financially interested in the outcome of the action.

DATED this 15th day of November, 2021.



Emily W. Andersen, RMR CRR FPR
Stenograph Shorthand Reporter

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

EXHIBIT 4



VISA

02 Immigration-Emigration
Sortie

23 OCT 2007



Aeroport Int'l
Port-au-Prince-HAITI

VISA

09 Immigration-Emigration
Entree

16 SEP 2007

Valable Jusqu'au
Aeroport Int'l
Port-au-Prince-HAITI

MICT

04 Immigration-Emigration
Sortie

12 SEP 2007



Aeroport Int'l
Port-au-Prince-HAITI

MICT

10 Immigration-Emigration
Entree

11 NOV 2007

Valable Jusqu'au
Aeroport Int'l
Port-au-Prince-HAITI

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 Port-au-Prince-HAITI

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Aéroport / Port-au-Prince

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Aéroport / Port-au-Prince

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EXHIBIT 5

From: [Peter Haley](#)
To: [Lau, Bonnie](#); [Vandervalk, Sarah J.](#); [Kagel, Benjamin S.](#)
Cc: [Patrick Uiterwyk](#)
Subject: RE: [EXT] Boniface et al. v. Viliena
Date: Friday, January 21, 2022 9:57:21 AM
Attachments: [Amended Notice of Deposition - Juders Yseme - 4889-7699-9946 1.pdf](#)
[Amended Notice of Deposition - David Boniface - 4860-0848-1290 1.pdf](#)

External Email

Amended notices of deposition attached.

1. Confirm that Defendant has searched his WhatsApp messages using the agreed-upon search terms, and whether Defendant has any relevant messages to produce.

The Defendant, with the assistance of counsel, has searched the available WhatsApp archive employing the search terms as previously agreed to and confirms that he has no further documents from that source to produce.

2. Confirm Mr. Viliena's immigration / lawful permanent residence status.

Issued lawful permanent resident card effective July 14, 2008

3. Confirm Mr. Viliena's immigration / lawful permanent residence status.

The Defendant does not have an independent recollection of these numbers or documents indicating the numbers. The Defendant continues to make efforts to locate and access documents that would provide this information.

PJH

Peter J. Haley | [NELSON MULLINS](#) |
[e\) peter.haley@nelsonmullins.com](mailto:peter.haley@nelsonmullins.com)
(cell) 617-281-1517
(office) 617.217.4714

From: Peter Haley
Sent: Thursday, January 13, 2022 9:44 AM
To: Kagel, Benjamin S. <BKagel@mofo.com>; Patrick Uiterwyk <patrick.uiterwyk@nelsonmullins.com>
Cc: Lau, Bonnie <BLau@mofo.com>; Vandervalk, Sarah J. <SVandervalk@mofo.com>
Subject: RE: [EXT] Boniface et al. v. Viliena

Thanks Ben.

On the answer date – my memory is we agreed to 1/25.
I can't do 1/26 for the deposition as I have a conflict that day.

PJH

Peter J. Haley | NELSON MULLINS |
(e) peter.haley@nelsonmullins.com
(cell) 617-281-1517
(office) 617.217.4714

From: Kagel, Benjamin S. <BKagel@mofo.com>
Sent: Wednesday, January 12, 2022 7:57 PM
To: Peter Haley <Peter.Haley@nelsonmullins.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>
Cc: Lau, Bonnie <BLau@mofo.com>; Vandervalk, Sarah J. <SVandervalk@mofo.com>
Subject: RE: [EXT] Boniface et al. v. Viliena

Peter: We write to follow up on the agreements and outstanding discovery requests from yesterday's deposition.

1. Defendant agreed to file and serve an amended Answer to the Complaint. Can you please do so by Friday, January 21?
2. Confirm that Defendant has searched his WhatsApp messages using the agreed-upon search terms, and whether Defendant has any relevant messages to produce.
3. Confirm Mr. Viliena's immigration / lawful permanent residence status.
4. Confirm all prior telephone numbers that Mr. Viliena used during the relevant time periods as Bonnie noted at the end of the deposition.

In addition, with respect to Plaintiffs' depositions, can we move them to Wednesday 1/26 and Thursday 1/27? We would also like to hold Friday 1/28 open, if needed, since these will be interpreted depositions.

Best,
Ben

BENJAMIN S. KAGEL

P: +1 (858) 314-7614

From: Peter Haley <Peter.Haley@nelsonmullins.com>
Sent: Monday, January 10, 2022 3:11 PM
To: Kagel, Benjamin S. <BKagel@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>
Cc: Lau, Bonnie <BLau@mofo.com>; Vandervalk, Sarah J. <SVandervalk@mofo.com>
Subject: RE: [EXT] Boniface et al. v. Viliena

Ben

We will make ourselves available tomorrow between 10 am and 5pm EST.
We are not going beyond 2 days.

Thanks

PJH

Peter J. Haley | NELSON MULLINS |
(e) peter.haley@nelsonmullins.com
(cell) 617-281-1517
(office) 617.217.4714

From: Kagel, Benjamin S. <BKagel@mofo.com>
Sent: Monday, January 10, 2022 6:07 PM
To: Peter Haley <Peter.Haley@nelsonmullins.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>
Cc: Lau, Bonnie <BLau@mofo.com>; Vandervalk, Sarah J. <SVandervalk@mofo.com>
Subject: RE: [EXT] Boniface et al. v. Viliena

Peter: Are we in agreement that Mr. Viliena's deposition will be 12 hours total of on-the-record testimony, including his Nov. 1, 2021 deposition? This accounts for 7 hours per code plus 5 additional hours for an interpreted deposition.

Best,
Ben

BENJAMIN S. KAGEL

P: +1 (858) 314-7614

From: Peter Haley <Peter.Haley@nelsonmullins.com>
Sent: Friday, January 7, 2022 9:44 AM
To: Lau, Bonnie <BLau@mofo.com>; Kagel, Benjamin S. <BKagel@mofo.com>
Cc: Vandervalk, Sarah J. <SVandervalk@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>
Subject: RE: [EXT] Boniface et al. v. Viliena

Thanks. The other dates should work, but I will confirm separately.

PJH

Peter J. Haley | NELSON MULLINS |
(e) peter.haley@nelsonmullins.com
(cell) 617-281-1517
(office) 617.217.4714

From: Lau, Bonnie <BLau@mofo.com>
Sent: Friday, January 7, 2022 12:41 PM
To: Peter Haley <Peter.Haley@nelsonmullins.com>; Kagel, Benjamin S. <BKagel@mofo.com>
Cc: Vandervalk, Sarah J. <SVandervalk@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>

Subject: RE: [EXT] Boniface et al. v. Viliena

Thank you Peter. Confirming that we will move forward on Tuesday Jan. 11 at 10am ET.

Separately, can we plan to conduct plaintiffs' depositions on Thursday and Friday, Jan. 27-28?

From: Peter Haley <Peter.Haley@nelsonmullins.com>

Sent: Friday, January 7, 2022 4:59 AM

To: Lau, Bonnie <BLau@mofo.com>; Kagel, Benjamin S. <BKagel@mofo.com>

Cc: Vandervalk, Sarah J. <SVandervalk@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>

Subject: RE: [EXT] Boniface et al. v. Viliena

External Email

Jean can be available on Tuesday 1/11 at 10 am (EST).
Please confirm.

Thanks

PJH

Peter J. Haley | NELSON MULLINS |
(e) peter.haley@nelsonmullins.com
(cell) 617-281-1517
(office) 617.217.4714

From: Lau, Bonnie <BLau@mofo.com>

Sent: Wednesday, January 5, 2022 3:10 PM

To: Peter Haley <Peter.Haley@nelsonmullins.com>; Kagel, Benjamin S. <BKagel@mofo.com>

Cc: Vandervalk, Sarah J. <SVandervalk@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>

Subject: RE: [EXT] Boniface et al. v. Viliena

Thank you for the update Peter.

From: Peter Haley <Peter.Haley@nelsonmullins.com>

Sent: Wednesday, January 5, 2022 12:09 PM

To: Lau, Bonnie <BLau@mofo.com>; Kagel, Benjamin S. <BKagel@mofo.com>

Cc: Vandervalk, Sarah J. <SVandervalk@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>

Subject: RE: [EXT] Boniface et al. v. Viliena

External Email

Per Jean:

I already asked Monday off at work. I can't answer you right now. I will talk to my supervisor tomorrow to see if I can move it to Tuesday 11.

PJH

Peter J. Haley | NELSON MULLINS |
(e) peter.haley@nelsonmullins.com
(cell) 617-281-1517
(office) 617.217.4714

From: Peter Haley
Sent: Wednesday, January 5, 2022 1:46 PM
To: Lau, Bonnie <BLau@mofo.com>; Kagel, Benjamin S. <BKagel@mofo.com>
Cc: Vandervalk, Sarah J. <SVandervalk@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>
Subject: RE: [EXT] Boniface et al. v. Viliena

I will check with Jean to find a date that works. PJH

Peter J. Haley | NELSON MULLINS |
(e) peter.haley@nelsonmullins.com
(cell) 617-281-1517
(office) 617.217.4714

From: Lau, Bonnie <BLau@mofo.com>
Sent: Wednesday, January 5, 2022 1:36 PM
To: Kagel, Benjamin S. <BKagel@mofo.com>; Peter Haley <Peter.Haley@nelsonmullins.com>
Cc: Vandervalk, Sarah J. <SVandervalk@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>
Subject: RE: [EXT] Boniface et al. v. Viliena

Peter, with apologies, the Court just set an ex parte hearing for 10am PT on January 10 in another one of my matters. Would you and Mr. Viliena be available instead on January 11, 12, or 14 for his continued deposition? Thanks.

From: Kagel, Benjamin S. <BKagel@mofo.com>
Sent: Wednesday, January 5, 2022 10:25 AM
To: Peter Haley <Peter.Haley@nelsonmullins.com>
Cc: Lau, Bonnie <BLau@mofo.com>; Vandervalk, Sarah J. <SVandervalk@mofo.com>; Patrick Uiterwyk <patrick.uiteryk@nelsonmullins.com>
Subject: RE: [EXT] Boniface et al. v. Viliena

Peter: Phil O'Connell will attend in-person again for Plaintiffs.

As to Plaintiffs' document production, we confirm that the production on Oct. 8, 2021 is complete. Plaintiffs have no additional documents to produce.

Best,
Ben

BENJAMIN S. KAGEL

P: +1 (858) 314-7614

From: Peter Haley <Peter.Haley@nelsonmullins.com>
Sent: Tuesday, January 4, 2022 2:23 PM
To: Lau, Bonnie <BLau@mofo.com>
Cc: Vandervalk, Sarah J. <SVandervalk@mofo.com>; Kagel, Benjamin S. <BKagel@mofo.com>; Patrick Uiterwyk <patrick.uiterwyk@nelsonmullins.com>
Subject: [EXT] Boniface et al. v. Viliena

Bonnie

Confirming the continuation of Mr. Viliena's deposition for Monday, January 10th. Please advise on the name(s) of any in person attendees.

Separately, we are waiting on the Plaintiffs' document production.

Thanks

PJH

Peter J. Haley | NELSON MULLINS |
(e) peter.haley@nelsonmullins.com
(cell) 617-281-1517
(office) 617.217.4714

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EXHIBIT 6

- 2
- _ Ordonnance aux fins de main levée et mandat de dépôt en date du 09_07_09;
- _ Correspondance du Parquet en date du 10 juin 2008 adressée au responsable du Ministère de la planification / Fort-au-Prince.
- _ Ordonnance de soit communiqué aux fins de main levée du mandat de dépôt en date du 04_12_08.
- _ Requete de Me. Richardson Philippe adressée au Cabinet d'Instruction le 30 septembre 2008.
- _ Copies des requetes adressées a M. Sanite Compte Lobello Edmond en date du 08 octobre 2008.
- _ Requete adressée au Cabinet d'Instruction en date du 10 octobre 2008 par les Cabinet Me. Jean Richardson Philippe et Mihumilius Gangeon.
- _ Correspondance du Ministère de l'Intérieur et des collectivités territoriales, a Monsieur Viliéna Moros, Maire des Incis, en date du 25 juillet 2007.
- _ Copie du mandat d'amener décerné contre Message Martyn en date du 27 juillet 2007 par le Juge de Paix des Incis Saint Jean Ball;

Jean-Philippe
[Signature]
 20

[Vertical lines]

3

- _ Correspondance adressée au Cabinet d'Instruction par un groupe de citoyens des Irois en date du 10 octobre 2008;
- _ Ordonnance de soit communiqué du Cabinet d'Instruction en date du 16 octobre 2009;
- _ Conclusions du Ministère public relatives à l'émission des mandats d'arrêt en date du 17 mars 2009;
- _ Conclusions prises en faveur du nommé Antoine Jimmy en date du 11 mars 2009;
- _ Requete adressée au Cabinet d'Instruction par Jean Morose Viliéna en date du 07 octobre 2008 via son avocat Me. Jacques Robert Juste du barreau de Jérémie;
- _ Requete adressée au Cabinet d'Instruction par Vilsaint Maxène en date du 02 février 2009;
- _ Plainte déposée au Cabinet d'Instruction par Judans Isomé contre le Maire principal des Irois M. Viliéna Morose;
- _ Requete adressée au Cabinet d'Instruction par Me. Richardson Philippe en faveur du Maire principal de la Commune des Irois Jean Viliéna Morose en date du 01 oct 2008;
- _ Ordonnance aux fins de décerner des mandats d'arrests en date du 05 mars 2009;
- _ Requete du 29 janvier 2009 adressée au Cabinet d'Instruction par les nommés Jermy Antoine et Monès Dorcéna;
- _ Interrogatoire du nommé Maxène Vilsaint en date du 29 janvier 2009;
- _ Ordonnance en main levée du mandat de dépôt en faveur du nommé Jea Morose Viliéna;
- _ Conclusions du Ministère public en date du 04_12_08 relatives à la main levée de mandat de dépôt en faveur de Jean Morose Viliéna;
- _ Ordonnance de soit communiqué du Cabinet d'Instruction aux fins de main levée du mandat d'écrou en date du 04 décembre 2008;
- _ Certificat médical délivré par le Docteur Joseph Nicolas Petit relatif à l'état de santé de Nissage Martyr en date du 18 août 08;
- _ Plainte déposée au Parquet de Jérémie par Nissage Martyr en date du 15 avril 2008;
- _ Dépôt de plainte fait par l'organisation TADI le 16 avril 2008 au Parquet de ce ressort;
- _ Inventaire du dossier datant du 04 décembre 2008;
- _ Interrogatoire du nommé Monès Dorcéna en date du 19 octobre 2008;
- _ Interrogatoire de Wilfranc Lazieux en date du 07 octobre 2008;
- _ Interrogatoire de Madame Jeamil St Fil en date du 17 janvier 2009;
- _ Interrogatoire du nommé Vital Gérard au Cabinet d'Instruction en date du 17 janvier 2009;
- _ Interrogatoire du nommé Nissage Martyr en date du 25 septembre 2008;
- _ Interrogatoire du nommé Judans Isomé en date du 07 octobre 2008;
- _ Confrontation en date du 30_09_08 entre Jean Morose Viliéna et Nissage Martyr au Cabinet d'Instruction;
- _ Interrogatoire de Ville Hilaire en date du 09 octobre 2008;
- _ Confrontation entre Morose Viliéna et David Boniface en date du 03 décembre 2008

Jean Viliéna

- Interrogatoire du nommé Boniface David en date du 16 octobre 2008, au CI;
- Le requisitoire définitif du Parquet en date du 21 décembre 2009;
- La présente ordonnance;

Attendu qu'en date du 15 avril 2008, Nissage Matyr a porté plainte contre Viliéna ainsi connu et ses hommes de mains, qui, dit-il, ont détruit sa maison de radio logeant la station de radio dénommée "Radio" Nouvelle et ont également attenté à sa vie en tirant sur lui;

Attendu que les responsables de l'Organisation dénommée TADI ont eux de leur côté, par lettre de plainte en date du 16 avril 2008, entendre voir le Parquet mettre l'action publique en mouvement contre Jean Morose Viliéna et ses acolytes pour : Destruction de la station de la radio communautaire "Radio Nouvelle", assassinat commis sur la personne de Ecclésiaste Boniface :

Attendu que le 16 avril 2008, le Commissaire du Gouvernement de ce ressort par son requisitoire d'informer a requis le Juge instructeur d'ouvrir une information contre le nommé Viliéna Morose et ses acolytes pour ces faits à eux reprochés;

Attendu que suite à la transmission d'un procès verbal de constat du Juge de Paix des Irois, des certificats médicaux des nommés : Nissage Martyr et Juders Isemé comme victime des actes perpétrés en date du 08 avril 2008, le Juge instructeur, suivant son soit communiqué, a en joint le Commissaire, du gouvernement en raison du principe de la séparation du droit de poursuivre et du droit d'instruire, de lui soumettre son requisitoire d'informer en raison de ces faits qu'il estime comme étant des faits nouveaux;

Attendu qu'en date du 09 juin 2008, le requisitoire d'informer du Commissaire du Gouvernement sur ces faits nouveaux a été acheminé au Magistrat instructeur;

Attendu que du cahier de l'information, l'interrogatoire de l'un des principaux auteurs de ces actes soumis à la Justice Jean Morose Viliéna a effectivement reconnu qu'il y eût cet incident ayant conduit à la destruction de la radio "Radio Nouvelle" ainsi que des blessés;

Attendu qu'il a poursuivi en guise d'explication de ces faits qui se sont déroulés " Que le 08 avril 2008, entre 11 heures et 12 heures, Josy Isemé un élève de la troisième secondaire du lycée des Irois a pointé son arme sur lui et se réfugia par la suite au local abritant la radio.

Josy Isemé

5

Ainsi, une fraction de la population mécontente s'y dirigea et de là, un conflit allait éclater";

Attendu qu'il n'a pas nié que Radio Nouvelle, ce jour-là, ait été mise à sac et qu'il y a eu également des blessés;

Attendu que du nombre de ces blessés Lissage Martyr s'est vu amputé de sa jambe droite pour plaies multiples par arme à feu et Juders Isemé, enlevé son oeil droit, suite à de multiples plaies ponctiformes provoquées par arme à feu appert des certificats médicaux à leur délivrés en la circonstance;

Attendu que Jean Morose Viliéna a été vu à la tête de ses hommes armés de bâtons, de machettes, de pierres, d'armes à feu qui se proposaient d'imposer leur loi;

Attendu qu'il a été également dénoncé par Boniface David comme l'auteur du meurtre de son frère Boniface Ecclésiaste qui a été, dit-il, tué à sa place dans la soirée du 27 juillet 2007;

Attendu qu'il y a lieu de traduire Jean Morose Viliéna et ses hommes clairement identifiés devant le Tribunal compétent pour répondre de tous ces faits à leur reprochés;

Attendu que bon nombre d'actes pour la constitution de plainte de la Justice ont pris la clé des champs, appert les mandats d'arrêt décernés contre eux par le Juge instructeur;

Attendu qu'en droit pénal, la fuite constitue une présomption de culpabilité;

Attendu qu'il y a lieu également de parler de connexité dans le cas de ces infractions reprochées à Jean Morose Viliéna et sa bande;

Attendu que le Code d'Instruction Criminelle relativement aux infractions connexes fait obligation au Juge instructeur de statuer sur le tout par une seule décision en renvoyant la cause par devant le Tribunal criminel qui siégera sans assistance de Jury;

REQUISITIONS FINALES

.....

AUX FINS DE RENVOI DEVANT LA TRIBUNAL CRIMINEL **SANS** ASSISTANCE DE JURY

.....

Attendu qu'il y a lieu à suivre contre : Jean Morose Viliéna, Hautefort Bajon, MaXène Vilsaint, Eli Américain ainsi connu, Viliéna Duclona, Martyr Kenson Boileau Pierrot, Lissage Viliéna, Monès Dorcéna, Guerson Pierre, Kéléman ainsi connu, France Isemé, Jean Pierre Sandy, Agnel Jean, Jean Louis Bell, Lifaita Livert, Esta Bell, Méritus Beaublanc, Cedernier Fleurimé, Michelot Noel tous propriétaires, demeurant et domiciliés aux Irois, pour avoir commis le crime qualifié d'assassinat et de complicité d'assassinat sur la personne de Boniface Ecclésiaste, de destruction de bien public au préjudice de la communauté des Irois

Handwritten signature and initials

des coups et blessures par balles occasionnant l'amputation de la jambe droite de Nissage Martyr, la perte de l'oeil droit du Juge Isemé;

Faits prévus et punis par les articles 241 et suivants, 356 et suivants, 251, 255 et suivants du code pénal haïtien.

Vu les articles 112, 113, 119 et 120 combinés du code d'Instruction criminelle,

Requiert qu'il plaise à Monsieur le Juge instructeur dire qu'il y a lieu à suivre contre : Jean Morose Viliéna, Haute fort Bajon, Maxène Vilsaint, Ti... Américain ainsi connu, Viliéna Duclona, Martyr Kenson, Boileau Pierrot, Nissage Viliéna, Monès Dorcena, Guenson Pierre, Kélémán ainsi connu, France Isemé, Jean Pierre Gandy, AgnelJean, Jean Louis Bell, Lifaité Livert, Esta Bell, Méritus Beau blanc, Cedernier Fleuriné, Michelet Noel, tous propriétaires, demeurant et domiciliés aux Irois, pour avoir commis le crime qualifié d'assassinat et de complicité d'assassinat sur la personne de Boniface Ecclésiaste, de destruction de bien public au préjudice de la communauté des Irois, de coups et blessures par balles occasionnant l'amputation de la Jambe droite de Nissage Martyr, la perte de l'oeil droit de Juge Isemé, les renvoyer devant le Tribunal criminel sans assistance de Jury pour y être jugés conformément à la loi.

Et ce sera Justice.

Parquet du Tribunal de Première Instance de Jérémie, ce 21 décembre 2009, An 206ème de l'Indépendance.

.....
Ferdinand Auguste, Mag
Commissaire du gouvernement.

Attendu que par requête d'information du Parquet de ce ressort en date du 09 juin 2009, le Cabinet d'Instruction criminelle de Jérémie entame une poursuite contre les inculpés précités sous les inculpations sus énumérées;

Attendu que Nissage Martyr, l'un des victimes s'explique le mardi 08 avril aux environs d'une (1) heure dans l'après midi, qu'il s'était rendu à son jardin que de retour, sa cousine Julia Sourmain l'annonçait qu'un groupe d'individus s'apprêtaient à s'attaquer à sa maison en vue d'enlever une station de radio qui y logeait que ce groupe mené par le maire de la Commune des Irois, Jean Morose Viliéna qui portait un fusil de calibre douze (12), dégainant sur lui et est atteint des balles à la jambe, causant ainsi l'amputation d'un de ses membres inférieurs apporté le certificat médical émanant du Docteur Joseph Nicolas Petit, affecté à l'Hôpital Lumière, le 17 avril 2009;

Jean Vey...
Ji

②

7. Attendu que la victime au cours de l'irruption faite chez lui, a part le maire a pu identifier d'autres individus qu'il a dénoncé a la Justice ^{parmi lesquels} le père du dit maire dénommé Lissage Viliéna, dans sa lettre de plainte en date du 15 avr. 2008;

Attendu que le 16 avril 2008, une organisation dénommée FABI a porté plainte p devant le Parquet contre Viliéna Jean Morose et ses acolytes pour destruction de Radio communautaire "Radio Nouvelle" et assassinat sur la personne de l'ecclésiaste Boniface, appert le procès verbal de constat du Juge de Paix des Irois, le 09 avr. 2008;

Attendu que Judens Isemé en date du mardi 07 octobre 2008 a pu déclarer au Cabinet d'Instruction que, le 08 Avril 2008 qu'un groupe d'individus armé ont tiré sur lui avec une arme à feu (fusil de calibre 12), il a été atteint de plusieurs projectiles; que par voie de conséquence, il a perdu un oeil; a_t_il ajouté que c'est Viliéna Morose qui est l'auteur intellectuel de l'incident; qu'il s'était porté à quelques mètres du même endroit;

Attendu que Judens Isemé, au cours de son interrogatoire du 07 octobre 2008, avait pointé du doigt les nommés Vilarme Duclona, Lifaito ainsi connu, Si América ainsi connu et Michelet Noel;

Attendu que Le Cabinet d'Instruction a pris le soin de confronter les deux victimes précitées à Jean Morose Viliéna. Interrogeant Lissage Martyr en présence de l'inculpé en date du 30 septembre 2008 il a dit se renfermer dans les dépositions qu'il a faites au Cabinet d'Instruction et Jean Morose Viliéna en fit autant; qu'à cette même occasion le Juge a questionné Lissage sur la présence de Viliéna, a sa face, il avança que Le Magistrat après avoir distribué des armes à ses partisans, il se mettait à couvert : laquelle déclaration le Magistrat a dit avoir formellement nié et devant Dieu et devant les hommes;

Attendu que L'incident du 08 avril 2008 a coûté X la perte d'un oeil de Judens Isemé comme l'attestant deux certificats médicaux légaux émanant des Docteur Pierre Louis Karl Rhonan affecté au centre de soins Saint Jean Baptiste de l'Anse d'Haine et de l'ophtalmologue Mshinyimana Pasteur affecté à l'Institut Branda Strafford, des Cayes;

Attendu qu'entendu a titre de témoin, le nommé Villès Milaire a dit avoir entendu du qu'il y eut un incident malheureux qui s'était produit aux Irois en date du 8 avril 2008, a déclaré ne pas savoir où était le maire principal le jour où l'act a été perpétré;

Attendu que, dans le cadre de cette affaire des individus parmi lesquels le maire principal ont été arrêtés ^{pour enquête} qu'en cours de route ils ont bénéficié de main levée de mandat de dépôt; qu'ainsi dans cette optique des mandats d'arrêt ont été décernés contre d'autres fuyards ^{qui} jusqu'à date ils n'ont pas pu être appréhendés

Jean (y) [Signature]
Li

9

Par ces motifs et sur les conclusions conformes du Ministère public renfermées dans son requisitoire définitif en date du 21 décembre 2009; disons qu'il y a lieu à suivre contre les personnes précitées, identifiées comme dit ci-dessus; renvoyons en conséquence les sus-dits inculpés par devant le Tribunal criminel siégeant sans assistance de jurés pour être jugés conformément à la Loi sous l'inculpation de destruction de bien public ou préjudice de la communauté des Incis, de coups et blessures par balles sur les personnes de Judas Isemé et de Martyr Missego, d'assassinat et de complicité d'assassinat sur la personne de Boniface Ecclésiaste; Ordonnons qu'ils soient pris de corps et écroués dans la prison civile de Jérémie, s'ils ne s'y trouvent pas déjà et ce, jusqu'à leur jugement définitif; ordonnons en outre que toutes les pièces de la procédure soient ensemble la présente ordonnance transmises au Commissaire du gouvernement de ce ressort aux fins de dépôt.

Donné de nous, Me. Jean Gary Lundy, Juge d'Instruction au Tribunal civil de Jérémie, en notre chambre d'Instruction criminelle, sise au Palais de Justice de Jérémie, ce jourd'hui 25 janvier 2010 avec l'assistance de M. Lauchard Dolcé, greffier du Cabinet d'Instruction.

Il est ordonné à tous huissiers sur ce requis de mettre la présente ordonnance à exécution, aux Officiers du ministère public près les tribunaux de ville d'y tenir la main, à tous commandants et autres agents de la force publique d'y prêter main forte lorsqu'ils en seront légalement requis.

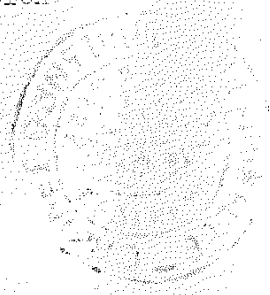
En foi de quoi, la minute de la présente ordonnance a été signée du Juge Jean Gary Lundy et du greffier Lauchard Dolcé.

Ainsi signé : Me. Jean Gary Lundy, Juge, Lauchard Dolcé, greffier.

Collationnée
Pour expédition conforme :

Jean G. Lundy
Me. Jean Gary Lundy, av
Juge d'Instruction

Lauchard Dolcé, greffier



N^o 14 Debet
22 Février 2010
Case 3758 folio 452

2
ce qui constitue une présomption de culpabilité;

Attendu que Boniface David, frère de Boniface Eoclésiaste qui a descendu le fleuve de son temps dans des circonstances nébuleuses a expliqué, en date du 16 octobre 2008, au Cabinet d'Instruction les circonstances qui ont porté son frère à quitter cette terre en ce sens : "Magistrat dans la matinée du 27 juillet 2007, comme à l'accoutumée le service de la voirie de la commune des Irois, après le jour du marché le 26 juillet a été dans la rue pour ramasser les ordures laissées dans les différents cantons par les marchands. Madame Ostamie, remarquant la présence de ce service à travers les rues a déposé une quantité d'ordures pour être enlevées par les agents de la voirie. Le Magistrat Jean Morose Viliéna était ce matin, dans la rue accompagnant les agents. a fait injonction à Madame Ostamie de les retirer. Elle n'a pas obtempéré, le maire Viliéna Morose a intimé l'ordre à un de ses agents de verser une quantité d'ordure chez Madame Ostamie..... Le même jour il était 05 heures dans l'après midi, j'ai vu le maire Jean Morose Viliéna, circulant seul à moto en scandant "Kan'l fè sizè touto moune fèman pòt. Vers six (6) heures P.M., le même jour, le Magistrat Jean Viliéna a été à Matador accompagné de sa troupe. Entre temps je suis allé à l'église; y étant, j'ai été informé par Boyer que le groupe de Viliéna Morose a tué mon frère....(sic)

Attendu que cette déclaration a été répétée d'un revers de main par le maire, i ne peut n'avoir jamais été à Grand Bassin et qu'il a été informé de l'incident vers les 7 heures P.M. le 27 juillet 2007 quand on lui rapporta qu'il a eu un conflit entre deux groupes rivaux qui a coûté la vie à Boniface Eoclésiaste;

#une bonne partie de

Attendu que ceux qui sont poursuivis pour ce crime abominable sont en cavale et font partie de la liste des personnes reprochées de destruction de bien public au préjudice de la communauté des Irois, des coups et blessures par balles sur les personnes de Juders Isemé et de Missage Martyr; qu'une fuite de plus cette fuite volontaire constitue une présomption de culpabilité;

Attendu que le Juge instructeur ne cherche qu'à des indices de responsabilité pénale pour former sa conviction;

Attendu qu'il résulte des faits de l'instruction des indices suffisants, cardinaux de la culpabilité des nommés Jean Morose Viliéna, Hautefort Bajon, Maxène Vilsaint, Ti Américain ainsi connu, Viliéna Lucena, Martyr Renson, Boileau Pierrot, Lissage Viliéna, Monès Rencéna, Guerson Pierre, Kéléman ainsi connu, France Isemé, Jean Pierre Gardy, Agnel Jean, Jean Louis Bell, Lifaite Livert, Esta Bell, Méritus Beaublanc, Cedernier Flourimé et Michelet Noel; qu'il y a donc lieu de les renvoyer par devant une juridiction compétente de jugement pour répondre des crimes de destruction de bien public au préjudice de la communauté des Irois de coups et blessures par balles sur les personnes de Juders Isemé et Missage Martyr, d'assassinat et de complicité d'assassinat sur la personne de Boniface Eoclésiaste;

Leun (y lue) [Signature]

Plaintiffs_0000099

L'An deux mille dix et le Vingt Février

A la requête du Commissaire du Gouvernement près le Tribunal Civil du ressort de la Grand'Anse ayant son siège de droit au Parquet de Jérémie.

J'ai Raymond Mazière.....huissier du Tribunal Civil de Jérémie y demeurant et domicilié, identifié au no. 884-166-740-4.....pour le présent exercice, soussigné, signifié, donné et laissé copie à

1. Charles Louinès, actuellement detenu en la prison civile de cette ville entre les deux guichets comme lieu de liberté et en présence du géolier qui a visé mon original où étant et parlant à.....
2. Jean Louis Bell, actuellement detenu en la prison civile de cette ville entre les deux guichets comme lieu de liberté et en présence du géolier qui a visé mon original où étant et parlant à.....
3. Lissage Viliena, actuellement detenu en la prison civile de Jérémie entre les deux guichets comme lieu de liberté et en présence géolier qui a visé mon original où étant et parlant à.....
4. Michelet Noel, actuellement detenu en la prison civile de cette ville entre les deux guichets comme lieu de liberté et en présence du géolier qui a visé mon original où étant et parlant à.....
5. Jean Morose Viliena, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
6. Haute Fort Bajon, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
- 6.6 Maxène Vilsaint, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
8. Ti Américain ainsi connu, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
9. Vilena Duclona; demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
- 10.6 Matyr Kenson, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
11. Boileau Pierrot, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
12. Monès Dorcena, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
13. Guerson Pierre, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
14. France Isemé, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
15. Jean Pierre Gandy, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
16. Agnel Jean demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
17. Lifaite Livert, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
18. Esta Bell, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
19. Meritus Beaublanc, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....
20. Cedernier Fleurine, demeurant et domicilié aux Irois en sa demeure où étant et parlant à.....

ainsi déclaré de l'ordonnance rendue en la chambre d'instruction criminelle ce, conformément à la loi et aux fins utiles.

Et afin que les susnommés, susdits et susqualifiés n'en ignorent je huissie susdit et soussigné leur ai étant et parlant comme dessus laissé copie à chacun d'eux copie de mon présent exploit dont le coût est de.....gdes. Dont acte.

On a dit pour l'ordonnance

Raymond Mazière
Huissier.

Visé par chef de poste en date du 29/2/2010

Dumfries

N no 14 Rebet
22 Février 2010
Case. 3758 folio 452

Richard J. Wilson Charles

Original

Liberty

Equality

Fraternity

Republic of Haiti

In the name of the Republic

Final order dossier No. (illegible)

We, Attorney Jean Gary Lundy, the examining judge of the High Court of Jérémie, accompanied by Mr. (illegible), court clerk in the case of the (illegible) Jean Morose Viliéna, (illegible) (deceased) Bajon, (illegible) (deceased) (illegible) ...

... Charged with murder and accessory to murder of Boniface Ecclésiaste, of destruction of public property to the detriment of the community of Les Irois, of shooting and wounding (illegible) and of (illegible) ...

In the examination (illegible) of the case of Jean Morose Viliéna, age 36, economist by profession, born in Les Irois, residing and domiciled there, Hautefort Bajon, (illegible) Vilsaint, Ti Americain (illegible), Boileau Pierrot, (illegible) Viliéna, (illegible), his alias, Isemé, Jean-Pierre (illegible), Jean Louis (illegible), fugitive Michelet Noel, accused in the murder of Boniface Ecclésiaste, destruction of public property to the detriment of the community of Les Irois, of shooting and wounding Judge Isemé and of (illegible) Martyr;

- In view of the Prosecutor's indictment of August 9, 2006;
- Sixteen arrest warrants;
- 2 medical certificates for Isemé (illegible) on April 21, 2008 and April 29 of the same year;
- Transcript of the Magistrate's Court of Les Irois on April 9, 2008;
- Medical certificate of (illegible) Martyr on May 5, 2008;
- Subpoena duces tecum of May 23, 2008 for the purposes of indictment;
- Indictment for the purposes of (illegible) and of the committal order of June 22, (illegible)
- Medical certificate of (illegible) Lissage Martyr;
- Motion from Viliéna Morose to Lobalto Edmond, (illegible) on October 7, 2008,

(Handwritten script)

2

- Order for the purposes of handing down the committal order on (illegible);
- Correspondence of the Prosecutor on (illegible) addressed (illegible) of the Ministry of Planning / Port-au-Prince.
- Order for (illegible) of the committal order of December 4, 2008.
- Motion by Attorney Richardson Philippe made in the Chambers of the Examining Judge on September 30, 2008,
- Copies of the motions made before Mr. Sainte Compte Lobalto Edmond on October 8, 2008.
- Motion made in the Chambers of the Examining Judge on October 10, 2008 by the chamber Attorneys Jean Richardson Philippe and (illegible).
- Correspondence from the Minister of the Interior and of Territorial Collectives to Mr. (illegible) of Les Irois on July (illegible).
- Copy of the (illegible) warrant issued against (illegible) on July 27, 2007 by the Justice of the Peace of Les Irois (illegible);

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- Correspondence addressed to the Chambers of the Examining Judge by a group of citizens of Les Irois on October 10, 2008;
- Subpoena duces tecum of the Chambers of the Examining Judge on October 16, 2009;
- Submissions by the public ministry relative to the issuing of arrest warrants on March 17, 2009;
- Submissions in favor of the accused Antoine Jimmy on March 11, 2009;
- Motion made in the Chambers of the Examining Judge by Jean Morose Viliéna dated October 7, 2008 by his lawyer Attorney Jacques Robert Juste of the bar of Jérémie;
- Motion made in the Chambers of the Examining Judge by Vilsaint Maxène February 2, 2009;

- Lawsuit filed in the Chambers of the Examining Judge by (illegible) against the principal mayor of Les Irois, Mr. Viliéna Morose;
- Motion made in the Chambers of the Examining Judge by Attorney Richardson Philippe in favor of the principal Mayor of the municipality of Les Irois Jean Viliéna Morose on Oct. 1, 2008;
- Order for the purposes of issuing arrest warrants on March 5, 2009;
- A motion made on January 29, 2009 in the Chambers of the Examining Judge by the accused Jermy Antoine and Monès Dorcena;
- Cross examination of the accused Maxène Vilsaint on January 29, 2009;
- Committal order handed down in favor of accused Jean Morose Viliéna;
- Submissions by the public ministry dated December 4, 2008 relative to the committal order handed down in favor of Jean Morose Viliéna.
- Subpoena duces tecum of the Chambers of the Examining Judge for the purpose of handing down the order of incarceration dated December 4, 2008;
- Medical certificate issued by Doctor Joseph Nicolas Petit relative to the state of health of Nissage Martyr on August 18, 2008;
- Lawsuit filed with the Prosecutor of Jérémie by Nissage Martyr on April 15, 2008;
- Filing of a suit by (illegible) on April 16, 2008 with Prosecutor in this jurisdiction;
- Inventory of the file dated December 4, 2008;
- Cross examination of the accused Monès Dorcéna on October (illegible), 2008;
- Cross examination of Wilfranc Larieux on October 7, 2008;
- Cross examination of Madame Jeamil St. Fil on January 17, 2009;
- Cross examination of the accused Vital Gérard in the Chambers of the Examining Judge on January 17, 2009;
- Cross examination of the accused Nissage Martyr on September 25, 2008;
- Cross examination of the accused (illegible) Isemé on October 7, 2008;
- Confrontation dated September 30, 2008 between Jean Morose Viliéna and Nissage Martyr in the courtroom;
- Cross examination of (illegible) Hilaire on October 9, 2008;
- Confrontation between Morose Viliéna and David Boniface on December 3, 2008;

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- Cross examination of the accused Boniface David on October 16, 2008 in the CI;
- The Prosecutor's final indictment of December 21, 2009;
- The present order;

Whereas on April 15, 2009, Nissage Martyr filed suit against Viliéna and his henchmen who, it is said, destroyed his "Radio Nouvelle" station and also made an attempt on his life by opening fire on him;

Whereas the persons responsible for the organization called TADI had for their part, by a complaint letter dated April 16, 2008 understood the prosecutor publicly presented a motion against Jean Morose Viliéna and his acolytes for: Destruction of community station "Radio Nouvelle", murder of Ecclésiaste Boniface;

Whereas on April 16, 2008, the Superintendent of the Government in this jurisdiction, through his indictment, required the Examining Judge to open an information against the accused Viliéna Morose and his acolytes for the deeds they are accused of;

Whereas following the transmission of an official report by the Justice of the Peace of Les Irois, medical certificates of the accused: Nissage Martyr and Judens Isemé as victims of the actions perpetrated on April 8, 2008, the Examining Judge, following his (illegible) communique, has (illegible) the Superintendent of the Government. because of the principle of the right to prosecute from the right to investigate, to submit to him his indictment because of these facts which he deems as being new facts;

Whereas on June 9, 2008, the Superintendent of the Government's indictment based on these new facts was forwarded to the Examining Judge;

Whereas the terms of the information, the examination of one of the principal authors of these actions submitted to the Justice, Jean Morose Viliéna has effectively acknowledged that there had been an incident leading to the destruction of station "Radio Nouvelle" as well as injuries;

Whereas he prosecuted by way of explanation of those facts which unfolded thus: "That on April 8, 2008, between 11 and 12 o'clock, Josy Isemé, a secondary school student in Les Irois, pointed his weapon at him and took refuge in the radio station's premises.

5

Thus, a fraction of the discontented population headed that place where a conflict was about to break out";

Whereas he did not deny that Radio Nouvelle on that day was sacked and that there were also wounded persons;

Whereas among the number of wounded Nissage Martyr had his right leg amputated because of multiple gunfire wounds and Juders Isemé, deprived of his right eye because of multiple puncture wounds caused by a firearm as stated by (illegible) certificates.

Whereas Jean Morose Viliéna was seen leading his men armed with clubs, machetes, stones, firearms which (illegible) impose their law;

Whereas he was also denounced by Boniface David as the author of the murder of his brother Boniface Ecclésiaste who was, he said, killed in his place on the evening of July 27, 2007;

Whereas there is cause for bringing Jean Morose Viliéna and his clearly identified men before a competent court to answer (illegible);

Whereas (illegible) arrest warrants (illegible) Examining Judge;

Whereas under criminal law, flight constitutes a presumption of guilt;

Whereas there is cause also to speak of a connection in the case of the alleged violations of the law by Jean Morose Viliéna and his gang;

Whereas the Code of Criminal Examination relative to (illegible) violations of the law obliges the Examining Judge to rule on the entirety in a single decision in (illegible) the cause before the criminal court which is in session without a Jury;

CLOSING ARGUMENTS

FOR THE PURPOSE OF HANDING OVER FOR CRIMINAL TRIAL WITHOUT A JURY

Whereas there is cause to bring charges against Mr. Jean Morose Viliéna, Hautefort Bajon, Maxène Vilsaint, alias Ti Américain, Viliéna (illegible), Martyr Kenson, Boileau Pierrot, Lissage Viliéna, (illegible) Dorcena, (illegible) Pierre, alias Kéléman, France Isémé, Jean Pierre (illegible), Agnal Jean, Jean Louis Bell, Lifaite Livert, (illegible) Bell, Méritus (illegible), (illegible), Michelet Noel;, all of them property owners, domiciled in Les Irois, for having committed the crime of murder and accessory to murder of Boniface Ecclésiaste, of destruction of public property to the detriment of the community of Les Irois, of shooting and wounding thereby occasioning the amputation of the right leg of Nissage Martyr and the loss of the right eye of Judge Isemé;

6

Crimes tried and punished under articles 241 et seq., 356 et seq., 251, 255 et seq. of the Haitian penal code.

In view of Articles 112, 115, 119 and 120 combined of the Code of Criminal Examination,

Call on His Honor the Examining Judge to rule that there are grounds for charges against: Mr. Jean Morose Viliéna, Hautefort Bajon, Maxène Vilsaint, alias Ti Américain, Viliéna Duclona, Martyr Kenson, Boileau Pierrot, Lissage Viliéna, (illegible) Dorcena, (illegible) Pierre, alias

Kéléman, France Isemé, Jean Pierre Gardy, Agnel Jean, Jean Louis Bell, Lifaite Livert, Esta Bell, Méritus Beaublanc, Cedernier Fleuriné, Michelet Noel;, all of them property owners, domiciled in Les Irois, for having committed the crime of murder and accessory to murder of Boniface Ecclésiaste, of destruction of public property to the detriment of the community of Les Irois, of shooting and wounding thereby occasioning the amputation of the right leg of Nissage Martyr and the loss of the right eye of Judge Isemé, to hand over to the criminal court to be tried without a Jury according to the law.

And that shall be Justice.

Prosecutor in the High Court of Jérémie, this December 21, 2009, in the 206th Year of Independence.

.....
(illegible) Auguste, Mag.
Superintendent of the
Government.

Whereas by means of the indictment by the prosecutor in this jurisdiction on June 9, 2009 the Chambers of the Examining Judge in Jérémie (illegible) a prosecution against the aforesaid accused for the indictments (illegible);

Whereas Nissage Martyr, one of the victims explained (illegible) on April 8 around 1 p.m. That he was in his garden when his cousin Julie Souverain came home and announced that a group of individuals was preparing to attack his house with the intention of taking over the radio station lodged there, that that group led by the mayor of the municipality of Les Irois, Jean Morose Viliéna, carrying a 12-gauge shotgun, drew it against him and shot him in the leg, causing the amputation of one of his limbs (illegible) appears on the medical certificate (illegible) at the Hôpital Lumière, on April (illegible) 2008;

(Illegible handwritten signature)

7

Whereas the victim during the break-in at his home, (illegible) the mayor was able to identify other individuals who he denounced to the judicial authorities, among whom was the father of the aforesaid mayor named Lissage Viliéna, in his complaint letter of April 15, 2008;

Whereas on April 16, 2008, an organization called (illegible) filed suit with the prosecutor against Viliéna Jean Morose and his acolytes for the destruction of community station “Radio Nouvelle” and the murder of Ecclésiaste Boniface, as it appears in the notes of the Justice of the Peace of Les Irois on April 9, 2008;

Whereas Judens Isemé on Tuesday, October 7, 2008 was able to declare in the Chambers of the Examining Judge that, on April 8, 2008, a group of armed individuals opened fire on him with a firearm (12-gauge shotgun), that he was wounded by several projectiles, that consequently he lost an eye; he added that it was Viliéna Morose who was the mastermind of the incident, that he positioned himself a few meters from the (illegible);

Whereas Juders Isemé, during his cross examination on October 7, 2008, pointed to the accused (illegible) Duclona, alias Lifaité, alias Ti Américain and Michelet Noel;

Whereas the Chambers of the Examining Judge took care to confront Jean Morose Viliéna with his two victims. Questioning Nissage Martyr in the presence of the accused on September 30, 2008, he said he was confining himself to the depositions he gave in the Chambers of the Examining Judge and to that of Jean Morose Viliéna, that on that same occasion the Judge questioned Nissage about the presence of Viliéna; to his face, he suggested that the Magistrate, after having distributed weapons to his partisans, took cover: the Magistrate formally denied that declaration before God and before Man;

Whereas the incident of April 8, 2008 cost one of Juders Isemé’s eyes as have attested two medical-legal certificates by doctors Pierre Louis Karl (illegible) Saint Jean Baptiste (illegible) and of the ophthalmologist (illegible) Pasteur (illegible) of the (illegible) Institute of Les Cayes;

Whereas he was heard as a witness, the accused (illegible) spoke of having (illegible) there had been an unfortunate incident in Les Irois on April 8, 2008, he declared that he did not know where the principal mayor was on the day when the deed was done;

Whereas in this affair certain individuals, among them the principal mayor, were (illegible) benefited from the handing down of the committal order which, from this standpoint, arrest warrants were issued against other fugitives who so far have not been apprehended, which constitutes a presumption of guilt.

(Illegible handwritten signature)

8

Whereas Boniface David, brother of Boniface Ecclésiaste who (illegible) the river of his (illegible) explained on October 16, 2008 in the Chambers of the Examining Judge the circumstances of his brother leaving this world; “Magistrate on the morning of July 27, 2007, as customary the sanitation department of the municipality of Les Irois, after the market day on July 26, was in the streets collecting trash left behind by the merchants in the different thoroughfares. Madame (illegible), noticing the effectiveness of the service in the streets put a quantity of garbage there to be picked up by the (illegible) of the (illegible). Magistrate Jean Morose That morning, Viliéna was in the street accompanying his agents. (Illegible) made a (illegible) to Madame (illegible) to pick it up. She did not (illegible), the mayor Viliéna Morose ordered one of his agents to dump a quantity of garbage at the house of Madame (illegible). The same day it was at 5 p.m. when I saw the mayor Jean Morose Viliéna driving alone (illegible) while chanting [in the Creole language]. Around 6 o’clock (illegible) on the same day, Magistrate Jean Viliéna was at Matador accompanied by his troupe. Meanwhile, I went to church; while there, I was informed by Boyer that Viliéna’s group had killed my brother. ... (sic)

Whereas that declaration was brushed off by the mayor, he replied that he was never (illegible) was informed of the incident around 7 o’clock (illegible) on July 27, 2007 when it was reported to him that there was a conflict between two rival groups which cost the life of Boniface Ecclésiaste;

Whereas those who are prosecuted for this abominable crime are at large and belong to the list of persons accused of destruction of public property to the detriment of the community of Les Irois, of shooting and wounding Juders Isemé and Nissage Martyr; once again such voluntary flight constitutes a presumption of guilt.

Whereas the Examining Judge does not seek evidence of criminal responsibility in order to form his opinion;

Whereas the facts sufficiently indicate the cardinal guilt of the accused Jean Morose Viliéna, Hautefort Bajon, Maxène Vilsaint, alias Ti Américain, Viliéna (illegible) Martyr (illegible), Boileau Pierrot, Lissage Viliéna, (illegible), alias Kéléman, France Isemé, Jean Pierre Gardy, Agnel Jean, Jean Louis Bell, Lifaite Livert, Esta Bell, Méritus (illegible), (illegible), and Michelet Noel; that there is cause to hand them over to a competent court for trial to answer charges of destruction of public property to the detriment of the community of Les Irois, of shooting and wounding Juders Isemé and Nissage Martyr, of murder and accessory to murder of Boniface Ecclésiaste;

(Illegible handwritten signature)

9

On these grounds and on the submissions (illegible) by the public ministry (illegible) his final indictment dated December 21, 2009; we say there is a case to bring against the aforesaid persons, identified stated above; we consequently hand over the aforesaid accused to the criminal court sitting in a bench trial in order to be tried according to the law on charges destruction of public property to the detriment of the community of Les Irois, of shooting and wounding Juders Isemé and Nissage Martyr, of murder and accessory to murder of Boniface Ecclésiaste; we order that they be bodily transferred to the civil prison in Jérémie if they are not there already and be held there until their final verdict; we order furthermore that all procedural evidence be (illegible) transmitted to the Superintendent of the government (illegible) for said purposes.

Given by us, Attorney Jean Gary Lundy, Examining Judge in the Civil Court of Jérémie, in our Chamber of Criminal Examination, located in the Court House of Jérémie, this January 25; (illegible) with the assistance of Mr. (illegible) clerk of the Chambers of the Examining Judge.

All bailiffs and every public ministry are ordered to execute this order; all public officers of the civil courts; all commanders and other law enforcement officials are ordered to help when and where they are legally required to do so.

In witness whereof the details of this order is signed by Judge Jean Gary Lundy and by the clerk (illegible).

So signed: Attorney Jean Gary Lundy, Judge _ (illegible), clerk

Collated

For delivery

(signature)
Attorney Jean Gary Lundy, lawyer
Examining Judge

(signature)
(illegible), Clerk

Handwritten notation
(illegible) 14 (illegible)
February 22, 2010
Case 3758 folio 452



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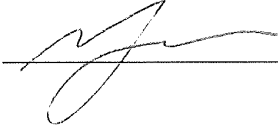
STATE OF: *Massachusetts*

COUNTY OF: *Suffolk*

CERTIFICATE OF ACCURACY

Natalia Taylor, on behalf of Language Connections, certifies:

1. That our translator(s) are proficient in both the **French** and the **English** languages.
2. That we have made the attached translation of the below mentioned original document(s) from **French** into **English** and hereby certify that the same is a true and complete translation to the best of our translator(s) knowledge, ability and belief.
3. Document name:
 - The year 2010 February 20

Signature: 

Subscribed to and sworn before me this 7th day of February, 2018 by Natalia Taylor.

Notary Public
My commission expires: 4 Dec 2020

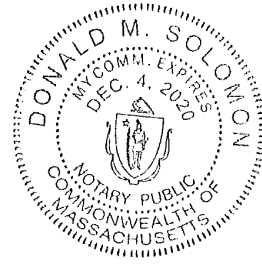


EXHIBIT 7

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION
Case No. 1:17-cv-10477-ADB

DAVID BONIFACE, NISSANDÈRE
MARTYR, and JUDERS YSEME,
Plaintiffs,

vs.

JEAN MOROSE VILIENA (a.k.a.
JEAN MOROSE VILLIENA),

Defendant.

_____ /

Tuesday, January 11, 2022
10:05 a.m. - 5:24 p.m.

VIDEOTAPED CONTINUED DEPOSITION OF JEAN MOROSE VILIENA

Volume 2

Taken via Zoom videoconference on behalf of the
Plaintiff before Elizabeth Cordoba, RMR, CRR, FPR,
Notary Public in and for the State of Florida at
Large, pursuant to Plaintiff's Notice of Taking
Deposition in the above cause.

Job no. 5024431
Page 123 - 243

1 translating, I would like to ask Mr. Viliena to keep
2 his sentence short. I don't know if you want to
3 address this for me, Ms. Bonnie Lau, or can I ask
4 this myself?

5 MS. LAU: Daniel, you can ask the witness.

6 THE WITNESS: I would like to start by saying
7 best wishes and happy new year 2022 and good morning
8 to everyone attending this video conference call. I
9 wish especially to my lawyer, to the lawyers
10 representing the other plaintiffs, to the
11 interpreters and to all the other operators being
12 part of this video conference call.

13 To respond to the question that was asked, I
14 want to say yes, I was the mayor of the city of Les
15 Irois in 2009.

16 BY MS. LAU:

17 Q. At the end of October 2009, where were you
18 physically located?

19 A. I cannot recall exactly where I was localized
20 and at the end of October 2009, but if you give me a
21 precise date, I may try to give you an answer about where
22 I was.

23 Q. Where were you located on October 27th through
24 the 30th, 2009?

25 A. I don't remember where I was located exactly

1 during that date.

2 Q. Were you in Haiti during those dates?

3 A. I don't remember if I were in Haiti.

4 Q. Did you submit a sworn discovery response
5 admitting that you were in Haiti from October 27th to the
6 30th, 2009?

7 MR. HALEY: Objection.

8 THE INTERPRETER: Can you please repeat for me,
9 please, Mrs. Lau.

10 BY MS. LAU:

11 Q. Did you submit a sworn discovery response
12 admitting that you were in Haiti during October 27th to
13 the 30 th, 2009?

14 MR. HALEY: Objection.

15 THE WITNESS: If I did submit such document, so
16 I was in Haiti then as it states.

17 BY MS. LAU:

18 Q. Was Hautefort Bajon on your mayoral staff in
19 October 2009?

20 A. No, he was no longer part of my staff.

21 Q. When did he stop working on your mayoral staff?

22 A. Unfortunately, I cannot remember when I stopped
23 him from working as the mayoral staff.

24 Q. When you say you stopped him from working, did
25 you fire him?

1 A. Yes, I fired him.

2 Q. Why did you fire him?

3 A. He took quite a while, never coming to work.

4 And as I have noticed this after the while that he took, I
5 had, like, to stop him from continuing to work.

6 Q. What period of time did Hautefort Bajon work on
7 your mayoral staff?

8 A. I remember that I started with him as the
9 secretary general of the mayor hall when I was appointed,
10 but I don't remember when exactly that I fired him.

11 Q. What happened to Hautefort Bajon in or around
12 October 2009?

13 MR. HALEY: Objection.

14 THE WITNESS: When you say what happened to
15 him, I don't know exactly what you are referring to.
16 Could you give me more precision to that question?

17 BY MS. LAU:

18 Q. Did he die in October 2009?

19 A. If my -- if my memory doesn't fail me, I
20 remember that he died in 2009.

21 Q. How did he die?

22 MR. HALEY: Objection.

23 THE WITNESS: I just know that he was sick.

24 BY MS. LAU:

25 Q. What was he sick from?

1 MR. HALEY: Objection.

2 THE WITNESS: Unfortunately, I can't tell from
3 what he was suffering from.

4 BY MS. LAU:

5 Q. How did you find out that he was sick?

6 A. He was a former mayor. He used to work in the
7 mayor hall. So all the mayor hall staff used to talk
8 about him as someone who was sick.

9 Q. How did you find out that he died?

10 A. I don't remember who told me about this, but I
11 know that I received the information that he died, but
12 just cannot remember who told me about it.

13 Q. How did his death make you feel?

14 MR. HALEY: Objection.

15 THE WITNESS: As a citizen of the city of Les
16 Irois, as a former collaborator in mayor hall, as a
17 former mayor of the city, the fact that he was dead,
18 I -- it was -- really hit me. I -- I was really
19 shocked.

20 BY MS. LAU:

21 Q. Did you blame anyone for his death?

22 MR. HALEY: Objection.

23 THE WITNESS: No, I didn't blame anyone for his
24 death. And I believe that he was not even in the
25 city of Les Irois while he was sick.

1 BY MS. LAU:

2 Q. What city was he located in when he was sick?

3 A. I don't know which city that he was located,
4 but I know that I have not noticed his presence in the
5 city of Les Irois for a good while.

6 Q. So were you located in Les Irois during this
7 time period that Hautefort Bajon was sick?

8 MR. HALEY: Objection.

9 THE WITNESS: I was in Les Irois for the time
10 that the people have been saying that he was sick.
11 Because it has been a good while that he had been
12 sick.

13 BY MS. LAU:

14 Q. Did Hautefort Bajon die at the end of October?

15 MR. HALEY: Objection.

16 THE WITNESS: I don't remember exactly, as I
17 don't have any documents that give me the information
18 right in front of me now. This is why I cannot tell
19 exactly when that he was dead, but I remember that it
20 was around November and October.

21 BY MS. LAU:

22 Q. Where were you located when you learned that
23 Hautefort Bajon had died?

24 A. I was in Port-au-Prince at that time.

25 Q. Did you threaten to commit violence against Les

1 city of Les Irois. Every time something happened in the
2 community, I am always the one who gathered the community
3 leaders to sit down and bring some so we can find a
4 solution to the problem.

5 Q. Did KOREGA ever commit violence in Les Irois?

6 MR. HALEY: Objection.

7 THE WITNESS: I cannot answer that question.

8 BY MS. LAU:

9 Q. Why can't you answer that question?

10 MR. HALEY: Objection.

11 THE WITNESS: Because I don't know if they were
12 involved and commit violence in that community.

13 BY MS. LAU:

14 Q. Where were you on the night of October 29,
15 2009?

16 A. If you tell me what happened that night, maybe
17 I can recall where I was located that night.

18 Q. Do you know whether there was a mass arson on
19 the night of October 29, 2009 that destroyed 36 homes in
20 Les Irois?

21 A. Yes, I had that information.

22 Q. So where were you located the night of
23 October 29, 2009?

24 A. So I have to say that in that night of
25 October 29th I started getting information about some

1 (A portion of the record was read by the
2 reporter.)

3 THE WITNESS: I don't really get the question
4 very well. Can you please say it again.

5 BY MS. LAU:

6 Q. Based on your personal understanding, what were
7 you arrested for?

8 A. I was charged of being the intellectual author
9 of the assassination of Boniface David. And also that I
10 distribute weapons to my supporters and ordered them to
11 break down Radio Vision Nouvelle.

12 Q. Anything else?

13 A. No. I don't think there is anything else.
14 This is what I can remember.

15 Q. Was your arrest based in part on the mass arson
16 that took place in October 2009?

17 A. I think I was arrested before the arson.

18 Q. What date were you arrested?

19 A. I remember it was in September, but I don't
20 remember the exact date. But it was the end of September.

21 Q. And what was the year?

22 A. Maybe in 2008 or 2009. I don't recall the date
23 very well.

24 Q. And earlier you referenced the assassination of
25 David Boniface. Did you mean Ecclesiaste Boniface?

Page 170

1 A. Yes. Ecclesiaste Boniface. Thank you.

2 Q. Turning back to Exhibit 3, in the first
3 paragraph on Bates number 44, you mention Juders Yseme,
4 Nissage Martyr and Ecclesiaste Boniface. Can you describe
5 what they were doing in the paragraph here.

6 MR. HALEY: Just, Counsel, the page that you
7 want to direct the witness's attention to is the
8 third page of Exhibit 3? We are looking at the
9 French translation. So we are on the page bearing
10 the Bates stamp number 44.

11 MS. LAU: They are duplicates, Peter, so it is
12 Bates-stamped 44 whether you are in the French or the
13 English version.

14 MR. HALEY: And is that the page that you want
15 to direct the witness to review?

16 MS. LAU: Correct. The first paragraph on
17 Bates number 44.

18 MR. HALEY: Thanks.

19 THE WITNESS: Can you remind me the question,
20 please.

21 BY MS. LAU:

22 Q. The question is, what were Yseme, Martyr and
23 Boniface doing in your description in this paragraph?

24 A. So those people put themselves as to people who
25 are trying to make the justice for themselves after the

1 the decision was made, I was happy.

2 BY MS. LAU:

3 Q. When were you released from jail?

4 MR. HALEY: Objection.

5 THE WITNESS: I remember that I was released
6 from jail in December. It was maybe in December 2007
7 or 2008. But it was in December.

8 BY MS. LAU:

9 Q. Why were you released?

10 A. I was temporarily released, and with the help
11 of my lawyer working on the -- on my case.

12 Q. Following your release, did you go to the
13 United States?

14 A. I spent a long time in Les Irois before going
15 to the United States.

16 Q. How long did you spend in Les Irois before
17 heading to the United States?

18 A. I don't recall very well how long did I stay.
19 I don't have that memory.

20 Q. When did you go to the United States?

21 A. I went to the US many times, so I don't really
22 remember when exactly.

23 Q. The first time following your release from
24 jail, what was the date of that trip?

25 A. If I am not wrong, it was in 2009.

1 Q. Do you know what month in 2009?

2 A. No, I don't remember the month.

3 MS. LAU: I would like to mark as next in order
4 Viliena's passport. Peter, let me know when you have
5 that up.

6 (Exhibit 4, Viliena 4th Supp Prod. 000001-015
7 (Passport photos), was marked for Identification.)

8 MS. LAU: And for the record, this is Viliena's
9 fourth supplemental production Bates number 1 through
10 15.

11 BY MS. LAU:

12 Q. Are these photos of your passport that you
13 produced following your first deposition?

14 MR. HALEY: Hold on. We are just pulling it
15 up.

16 MS. LAU: Sure.

17 MR. HALEY: Okay. We have it up.

18 BY MS. LAU:

19 Q. Okay. Mr. Viliena, do you recognize this
20 document?

21 A. Yes, I recognize them.

22 Q. And what document is this?

23 A. It is a copy of my passport.

24 Q. Please look at page 5. Does this reflect that
25 you entered the United States on January 27, 2009?

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1 A. If you see it on the passport, it means that I
2 was -- I entered the United States in that time.

3 MS. LAU: Peter, are you able to show him the
4 stamp?

5 MR. HALEY: Yes. We are looking at page 5 of
6 the Exhibit 4, the photograph, and we have blown up
7 the bottom half of page 5.

8 MS. LAU: Excellent.

9 Madame Court Reporter, can you please repeat my
10 question.

11 (A portion of the record was read by the
12 reporter.)

13 THE WITNESS: Yes. If it is in the passport,
14 it means that I entered the United States on 27 of
15 January, 2009.

16 BY MS. LAU:

17 Q. And does this refresh your recollection that
18 you were released from prison in December of 2008?

19 A. And I don't recall well if I was released in
20 December 2008. As I said it before, I don't remember
21 exactly if it was in 2008 or 2007. And if I was released
22 in December 2008, it means that I entered the US in
23 January 27, 2009.

24 Q. And you said that your release from prison was
25 temporary, correct?

1 BY MS. LAU:

2 Q. And you were paid to be mayor during this
3 entire time period, although you did not communicate with
4 your delegated Mayor Pierre Fritz?

5 A. And I said that while I was in the US, I didn't
6 get paid. It was when I was back that I get paid.

7 Q. But you also said that when you came back, you
8 would be paid for the entire time period, including when
9 you were in the United States; is that correct?

10 A. Yes, that is what I said. Like, I was already
11 paid for the month that I was in Haiti, but for the time
12 that I was in the US, when I came back, I asked to be paid
13 because I was still the mayor at the time.

14 MR. HALEY: Bonnie, whenever it is convenient
15 if we could just go off the record briefly.

16 MS. LAU: I have about 5 minutes, then I was
17 going to break for lunch. So is it okay to wait
18 until then?

19 MR. HALEY: That was the issue I was going to
20 raise. So 5 minutes is fine.

21 MS. LAU: Okay. Great. Thank you.

22 BY MS. LAU:

23 Q. During the time period 2009 to 2015, how
24 frequently did you visit Haiti?

25 A. I visited Haiti more often from 2013, and I --

1 I think the passport can tell more of how often that I
2 visited Haiti also.

3 Q. One of the purposes of your visits to Haiti was
4 so that you would be paid as mayor of Les Irois; is that
5 correct?

6 MR. HALEY: Objection.

7 THE WITNESS: What -- which visit are you
8 referring to?

9 BY MS. LAU:

10 Q. I am referring to your visits between 2009 and
11 2015. Is there any visit to Haiti where you did not
12 collect payment for being mayor?

13 A. I believe that I went to the United States in
14 December 2009 and only came back in 2012 or 2013.

15 Q. That is not answering my question.

16 A. And the -- as my salary was blocked on the
17 municipality account, no one could receive it, as I was
18 not there. So when I was back either 2012 or 2013, that
19 is when I asked the Haitian Cour Supérieure des Comptes to
20 allow me to receive my salary, as I am still the mayor.

21 Q. And other than collecting payment as mayor,
22 what were the other purposes for your trip to Haiti?

23 A. This is not what I am saying. I didn't say
24 that I went to Haiti to be paid my salary as a mayor.

25 Q. My question is, what were the other purposes

1 complaint for?

2 MR. HALEY: Objection.

3 THE WITNESS: I sent it to him because his name
4 was in it, but I didn't send it to him with any other
5 intention. And we have not talked about it since I
6 emailed it to him.

7 BY MS. LAU:

8 Q. So you went to the trouble of emailing him the
9 complaint, but you never discussed the complaint with him?

10 MR. HALEY: Objection.

11 THE WITNESS: Yes. Exactly. I sent it to him,
12 so that they can read it because his name was in it.
13 And I never discuss about it with him.

14 BY MS. LAU:

15 Q. After the complaint was filed, do you know what
16 happened to Nissage Martyr?

17 A. No, I don't know anything that happened to him.

18 Q. Did you learn what happened to Nissage Martyr?

19 A. No, I don't know.

20 Q. You never learned that Nissage Martyr died?

21 A. Yes, I know that he died.

22 Q. When did he die?

23 A. I don't remember when he died.

24 Q. Was it immediately after you were served with
25 the complaint?

1 MR. HALEY: Objection.

2 THE WITNESS: If I get it right, I think I
3 heard the news that he died in the same week that I
4 received the complaint.

5 BY MS. LAU:

6 Q. Who did you learn -- from whom did you learn
7 that Nissage Martyr had died?

8 A. I don't recall from whom I learned this, but I
9 had the information.

10 Q. You don't recall who told you that Nissage
11 Martyr died?

12 MR. HALEY: Objection. Asked and answered.

13 THE WITNESS: I don't recall well how I knew
14 about it, but I think I have seen it on Facebook, on
15 someone's page on Facebook, something like that.

16 BY MS. LAU:

17 Q. How did Nissage Martyr die?

18 A. No, I don't know.

19 Q. As the former mayor of the town, did you
20 undertake any efforts to investigate how he died?

21 MR. HALEY: Objection.

22 THE WITNESS: It was not my role. I was
23 mayor -- I wasn't mayor no more, and I live in the US
24 and Mr. Martyr died in Les Irois. So that is not my
25 role.

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1 Q. And how does he know Roland?

2 A. If it is Roland Vaillant, Roland Vaillant is
3 from Les Irois and is living in the United States.

4 Q. And who is Azer?

5 A. Azer is the spouse of Jean Pierre's cousin.
6 And Azer is originally from the city of Dame-Marie.

7 Q. In that same original message where the word
8 "KOREGA" is highlighted, it said "All the violence

9 happening in Ziwa, we are the ones responsible for it in
10 KOREGA through weapons distribution to people."

11 What does that statement mean to you?

12 A. I cannot respond to statement of Patrick Jean
13 Pierre about Roland. I could do this from my personal
14 statement, but I cannot do it from what Jean Pierre said
15 about Roland.

16 Q. Did you disagree with his statement in this
17 conversation?

18 A. If I read the context of what is written, I can
19 see that even Patrick is not in agreement of what is
20 written there.

21 Q. And what tells you that?

22 A. This is in the context that Patrick wrote this
23 message to me that tells me that.

24 Q. And do you view his subsequent statements as
25 helpful context? Patrick Jean Pierre writes "I told him

1 politics in Haiti and still experience here, I don't
2 think that I look, I have the look for the way
3 politics are conducted in Haiti. For me, being a
4 candidate to become a mayor or another position that
5 can help for development is something that would be
6 good for my community.

7 BY MS. LAU:

8 Q. Okay. And what date did you get your green
9 card?

10 MR. HALEY: Objection.

11 THE WITNESS: I don't remember the exact date,
12 but if I can talk to my counsel, we can find out what
13 was the exact date.

14 MS. LAU: Okay. Thank you. I would ask that
15 you supplement that response as well.

16 Peter, I am ready to pass the witness.

17 MR. HALEY: And Daniel, for the sake of
18 consistency, if I could just ask you to go ahead and
19 translate my next two questions, I would appreciate
20 it.

21 THE INTERPRETER: Yes.

22 MR. HALEY: Thank you.

23 CROSS-EXAMINATION

24 BY MR. HALEY:

25 Q. Mr. Viliena, at your earlier deposition in this

1 matter, you were asked a question about whether or not
2 somebody informed you that the radio station equipment had
3 been taken and who informed you of that, and you responded
4 by saying that it was Kenson Martyr, the son of Nissage
5 Martyr, who came to your house and asked for help in
6 getting his father to a hospital.

7 After reviewing that response, is there
8 something that you want to correct about that?

9 A. Yes. I want to change, saying that it was not
10 Kenson Martyr who came to my house to request my help to
11 help with his father who was injured. It was Nissan
12 Martyr instead, who was the daughter of Nissage, who came
13 to ask me to provide help to take her father to the
14 hospital.

15 Q. Also, in the first day of your deposition, you
16 were asked about an attack on the radio station and
17 whether or not you played any role in the investigation,
18 and you testified that you did not. Did you, in fact,
19 send a report about the attack on the radio station to a
20 government authority in Haiti?

21 A. Yes. Exactly.

22 MR. HALEY: I don't have any further questions.

23 MS. LAU: Thank you, Mr. Viliena. I appreciate
24 your time.

25 THE VIDEOGRAPHER: All right. We are going off

1 RE: DAVID BONIFACE, NISSANDÈRE MARTYR, and JUDERS YSEME
v. JEAN MOROSE VILIENA (a.k.a. JEAN MOROSE VILLIENA)
2 DEPO OF: JEAN MOROSE VILIENA
TAKEN : January 11, 2022

3
4 EXCEPT FOR ANY CORRECTIONS
MADE ON THE ERRATA SHEET BY
5 ME, I CERTIFY THIS IS A TRUE
AND ACCURATE TRANSCRIPT.
6 FURTHER DEPONENT SAITH NOT.

7 _____
JEAN MOROSE VILIENA

8
9
10 STATE OF FLORIDA)
11) SS:
COUNTY OF)

12
13 Sworn and subscribed to before me this
_____ day of _____, 2022.
14 PERSONALLY KNOWN _____ OR I.D. _____

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16 _____
Notary Public in and for
17 the State of Florida at
Large.

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19 My commission expires:
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CERTIFICATE OF OATH OF WITNESS

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

I, ELIZABETH CORDOBA, RMR, CRR, FPR, Notary Public in and for the State of Florida at Large, certify that the witness, JEAN MOROSE VILIENA, appeared before me via Zoom videoconference on January 11, 2022 and was duly sworn by me.

WITNESS my hand and official seal this January 17, 2022.



ELIZABETH CORDOBA, RMR, CRR, FPR
Notary Public, State of Florida
at Large

Notary #GG316661
My commission expires: 3/27/2023

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REPORTER'S DEPOSITION CERTIFICATE

I, ELIZABETH CORDOBA, RMR, CRR, FPR,
certify that I was authorized to and did stenographically
report the deposition of JEAN MOROSE VILIENA, the witness
herein on January 11, 2022; that a review of the
transcript was requested; that the foregoing pages
numbered from 123 to 242 inclusive is a true and complete
record of my stenographic notes of the deposition by said
witness; and that this computer-assisted transcript was
prepared under my supervision.

I further certify that I am not a relative,
employee, attorney or counsel of any of the parties, nor
am I a relative or employee of any of the parties'
attorney or counsel connected with the action.

DATED this January 17, 2022.



ELIZABETH CORDOBA, RMR, CRR,
FPR

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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EXHIBIT 8



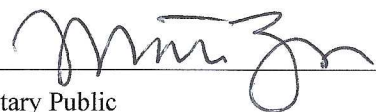
STATE OF NEW YORK)
)
)
COUNTY OF NEW YORK) ss

CERTIFICATION

This is to certify that the attached translation is to the best of my knowledge and belief a true and accurate translation from French into English of the attached document with Bates number Viliena Second Supp Production 000042 to Viliena Second Supp Production 000047.


Edward J. Jacob
Divergent Language Solutions, LLC

State of New York
County of New York
Subscribed to and sworn before me this 29th day of October, 2021,
by Edward J. Jacob.


Notary Public

MATTHEW C. ZELAK
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ZE6350239
Qualified in Kings County
Commission Expires November 7, 2024

Exhibit
0003
Viliena - V2



Open letter from the mayor of the town of Les Irois, Mr. Jean Morose Viliéna.

To all authorities concerned:

Ladies and Gentlemen,

While currently in the United States, where I have been living for more than twelve months, I must explain to you the reasons for my long stays outside of my town, Les Irois, of which I am the mayor.

In fact, the corruption and flagrant violation of the Haitian Constitution that characterizes the priority of some parliamentarians and members of the Haitian judiciary prevented me from acting on my concerns as the first citizen of the city of Les Irois, have sowed a seed of practically endless division in the town, are the reasons for my move.

Ladies and Gentlemen,

To illustrate my statements, I would like to inform you of certain facts perpetrated by the former Deputy Orélien Joachin in the town of Les Irois.

1- The former Deputy Orélien Joachin (**alias TIBLANC**) received from the Haitian government **fifteen million eight hundred thousand gourdes (15,800,000.00)** to execute projects, distributed as follows:

a-two million two hundred thousand gourdes (2,200,000.00) for the construction of a public market in Les Irois [and] the construction of a library.

b-three million gourdes (3,000,000.00) for the construction of a public market at Galette Potinier (3rd section, town of Les Irois).

c-**One million gourdes (1,000,000.00)** for dredging a small river in Carcasse (1st section, town of Les Irois).

e-**One million two hundred thousand gourdes (1,200,000.00)** intended for a soil conservation project.

f-**Eight million four hundred thousand gourdes (8,400,000.00)** allocated to concrete work in the city of Les Irois, the construction of a dispensary in Carcasse, and the installation of lamps in Les Irois (solar powered).

All of the above-mentioned amounts were diverted to profit the personal interests of Deputy Joachim (alias TIBLANC). None of his projects were executed; not to exaggerate, but I suggest that you make a short visit to this district to see how our tax revenue is squandered. Faced with such an act, the population of Les Irois, which is wading in misery and mud, is very frustrated. As mayor of the town of Les Irois, it is my duty to denounce these acts of embezzlement. As a result, after manipulation by Mr. Paul Denis, who was an advisor to President Préval, I was arrested by the investigating judge France Drice with his own hands and taken to Jérémie.

3-During the night of November 29 to 30, following the death of Mr. Haute Fort Bajon, some believed that he was victim of an act of witchcraft. In reaction, unidentified individuals with bad intentions went on a rampage in the city, vandalizing and burning many homes. Unfortunately, I was on a mission outside of town; neither the judicial nor police authorities of Les Irois did anything to prevent this wave of violence. This situation was used by those who were power-hungry to take over the town of Les Irois during the period preceding the elections. Since then, a large movement of blind pre-election reprisals was launched against me, my family and my supporters by Minister of Justice Paul Denis to prevent me from returning to Les Irois in order to allow his protégé, the former deputy Orélien Joachin, to win the November 28 elections. This is why former government commissioner Jérémie Arycidas Auguste went to Les Irois, after he had met with the ex-deputy Orélien Joachin and his supporters; he proceeded to arrest my father,

Lissage Viliéna, 69 years old, my uncle, Pierre Viliéna, and my cousin, Marc-Athyr Compte, while they were sitting in front of their homes. The former Deputy Orélien Joachim then set up a brigade consisting of: William Lebon, a power-hungry man who ran in Les Irois but was never elected, Osséphita Lebon and her husband, Gérald Charles, justice of the peace in Les Irois, Rodarnemark Lebon, Dosthone Lebon, Prénol François, Raymond Jn Noel, Andrémark Vilsaint, who had caused the nuns in Les Irois to leave after having planted several needles on the chair of one of the nuns, Denner Laguerre, Louimarc Milfort, Vilfrand Larrieux, Josy Izemé, Juders Izemé, Nissage Mathur, Meprilio François, Boniface Ecclesiaste, Gilbert Jean Pierre, Gaspard, Sainsary Mardy, Sonia Jn Pierre, Frankel Izemé, Wendy Dorléand, a police officer assigned to the Les Irois police station, armed with pickaxes, machetes, rifles, and revolvers. They arrested and brutalized dozens of my supporters. Among them, one woman was raped, and two people were shot by Officer Wendy Dorléand: Emmanuel Compte, a young man in rhetoric class at the St. Martin De Porrès high school in Les Irois, and Ms. Alestine Fleurimé, 80 years old, while her son is in prison in Jérémie, their homes were pillaged and sacked. Faced with this panic, thousands of Iroisians left their homes and their children to take refuge in Bras, Tiburon, Cayes, or Port-au-Prince. And some of them even perished in the terrible earthquake on January 12.

In fact, to maintain pressure the day before the November 28, 2010, elections in order to prevent the Iroisian population from expressing its right to vote against those who keep it in misery, against the super corrupters, against injustice; a fomented, mocked, illogical judgment handed down by the Chief Justice of the Court of First Instance of Jérémie, Me Yvon Amoux sentenced Iroisian sons, including my father, to 9 years of forced labor and a fine of 650,000 gourdes each. Furthermore, to keep me out of the country, he even wanted to start a customary trial against me. Consequently, my law firm decided to bring the case before the Court of Cassation to annihilate the arbitrary power of Me Yvon Amoux.

However, despite the involvement of the former parliamentarian Orelie Joachim in the murder of his security guard, Marcéna Pheto, after a shooting at the Deputy's home, his bursting into the Anse d'Hainault Justice of the Peace courtroom to liberate a detainee named Louis Exel, despite the fact that arrest warrants were issued for many of his supporters in Les Irois, such as Kesnel Antoine, Gaspart Izemé, Jozy Izemé, Juders Izemé, Frankel Izemé, Nissage Mathyr, Prénol François, etc., but they were walking around freely with no fear.

Thus, given the political persecutions, the various threats made by Deputy Orelie Joachim and his supporters against me, given the position of Minister of Justice Paul Denis, a major supporter of Deputy Orélien, in the pre-election period, since I no longer have any confidence in the judicial system, I have been compelled to stay outside of the country.

I am addressing you, the Haitian authorities: is the Iroisian population responsible for this arbitrary, absurd and abusive treatment that you are making them undergo? When are you going to realize that you are the source of these situations of violence and infernal insecurity that our country is experiencing because of malpractice in State institutions while the people feel like they are swimming in mud?

Human rights organizations, the media, you represent the force that the Haitian people can count on to help them get out of this morass. Take the time to study the issues and not play devil's advocate.

The new government that will be elected, what will be your concern towards the parliamentarians who have in their possession hundreds of millions of gourdes and who have done nothing in the towns? Of course, many of them will have the chance to be re-elected.

In conclusion, I am asking human rights organizations, the media, and all authorities involved to immediately intervene for:

1. The release of the dozens of peaceful citizens guilty, it seems, of being by my side in the last municipal elections, victims of settling of accounts orchestrated by the poor losers of the 2006 elections, and for having prevented the deputy Orélien Joachim from using the funds of

Les Irois for his personal interests, who are still detained in the judicial authorities of Jérémie in their vile jails, apprehended without cause or motive.

2. The Iroisian people, persecuted by Deputy Orélien Joachim and his supporters, to return to their homes.

Morose Viliéna

Jean

Les Irois

Mayor of

Lettre ouverte du maire principal de la commune des Irois, Mr Jean Morose Viliéna.

A toutes les autorités concernées.

Mesdames, Messieurs,

Actuellement aux États-Unis où je vis depuis plus de douze mois, je m'empresse à vous expliquer les raisons de mes séjours prolongés en dehors de ma commune les Irois, dont je suis le maire principal.

En effet, la corruption et la violation flagrante de la constitution haïtienne qui caractérise la priorité de certains parlementaires et les membres de l'appareil judiciaire haïtien m'a empêché d'exécuter mes préoccupations en tant que le premier citoyen de la ville des Irois, ont jalonné la commune dans une germe de division presque sans fin, sont les facteurs de ce déplacement.

Mesdames, Messieurs,

Pour illustrer ce que je me disais, J'ai l'honneur de porter à votre connaissance certains faits perpétrés par l'ex-député Orélien Joachin dans la commune des Irois.

1-L'ex-député Orélien Joachin (**alias TIBLANC**) a reçu du gouvernement haïtien pour exécuter des projets, la somme **quinze millions huit cent mille gourdes (15,800,000.00)** réparties comme suit:

a-**Deux millions deux cent milles (2,200,000.00)** valeurs destinées à la construction d'un marché publique aux Irois la construction d'une bibliothèque.

b-**trois millions de gourdes (3, 000,000.00)** valeurs destinées à la construction d'un marché publique à galette potinier (3e section commune les Irois).

c-**Un million gourde(1,000,000.00)** sommes versées au curage d'une petite rivière à Carcasse(1e section commune les Irois).

e-**Un million deux cent mille de gourdes(1,200,000.00)** destinées à un projet de conservation de sol.

f-**Huit million quatre cent mille gourdes(8,400,000.00)** valeurs allouées au bétonnage de la ville des Irois, la construction d'un dispensaire à Carcasse, et l'installation des lampadaires aux Irois (energie solaire).

Tous ces montants précités sont détournés au profit des intérêts personnels du député Joachim (alias TIBLANC). Aucun de ses projets ne sont pas réalisés; pour ne pas trop exagérer, je vous suggère de faire une courte visite dans cette circonscription pour voir comment nos recettes fiscales sont dilapidés. Devant une pareille acte, la population Iroisienne qui se voit patauger dans la misère et dans la boue dégageait une grande frustration. Comme maire de la commune des Irois, il est de mon devoir de dénoncer ces actes de malversations. En conséquences, manipulé par Mr Paul Denis qui était conseillé du président Préval, j'étais arrêté par le juge d'instruction France Drice avec ses propres mains et m'avais conduit à Jérémie.

3-Dans la nuit du 29 au 30 Novembre suite au décès du sieur Haute Fort Bajan, que certains avaient estimé qu'il avait été victime d'un acte de sorcellerie. En réaction, des individus mal intentions non-identifies avaient fait éruption dans la ville, ils avaient vandalisé et brulé plusieurs maisons. Malheureusement jetais en mission à l'extérieur de la commune; ni les autorités judiciaires et policières des Irois n'avaient rien fait pour éviter cette vague de violences. Cette situation allait Profiter par les assoiffés du pouvoir pour faire main mise sur la commune des Irois pendant la période pré-électorale. Depuis lors, un grand mouvement de représailles pré-électoral aveugles ont été lancé contre ma personne, ma famille, et mes partisans par le ministre de la justice Paul Denis pour empêcher mon retour aux Irois afin de permettre à son poulain l'ex-député Orélien Joachin de remporter les élections du 28 Novembre. C'était ainsi que, l'ex-commissaire du gouvernement de Jérémie Arycidas Auguste, s'était rendu aux Irois, après qu'il avait rencontré l'ex- député Orélien Joachin et ses partisans, il s'est procédé à

l'arrestation de mon père Lissage Viliéna, âgé de 69 ans, mon oncle Pierre Viliéna, et mon cousin Marc-Athyr compte, pendant qu'ils ont tous assis devant leurs maisons. Ensuite, l'ex-député Orélien Joachim a mis sur pied une brigade composé de: William Lebon, un assoiffé du pouvoir, candidat cinq fois dans la commune des Irois sans jamais élu, Osséphita Lebon, et son mari Gérald Charles juge de paix des Irois, Rodarnemark Lebon, Dosthone Lebon, Prénol François, Raymond Jn Noel, Andrémark Vilsaint qui avait occasionné le départ des sœurs religieuses aux Irois après avoir implanté plusieurs aiguilles sur la chaise de l'une des sœurs, Denner Laguerre, Louimarc Milfort, Vilfrand Larrieux, Josy Izemé, Juders Izemé, Nissage Mathur, Meprilio François, Boniface Eclesiaste, Gilbert Jean Pierre, Gaspard, Sainsary Mardy, Sonia Jn Pierre, Frankel Izemé, Wendy Dorléand un policier affecté au commissariat des Irois, armés de piques, machettes, fusils et revolvers. Ils ont arrêté, brutalisé des dizaines de mes partisans. Parmi eux, une dame a été violé, deux personnes ont blessé par balle, tirée par le policier Wendy Dorléand, il s'agit de : Emmanuel compte, un jeune garçon en classe de Rhéto au lycée St Martin De Porrès des Irois, et Mme Alestine Fleurimé âgée de 80 année pendant que son fils est en prison à Jérémie, leurs maisons ont été pillées et saccagées. Devant cette panique, des milliers des Iroisiens, Iroisiennes ont laissé leurs maisons, leurs enfants pour se réfugier dans les bras, à Tiburon, aux Cayes, ou à Port-au-Prince. Et certains d'entre eux ont même péri dans le terrible tremblement de terre du 12 Janvier.

En effet, pour tenir la pression à la veille des élections du 28 Novembre 2010 de façon à empêcher la population Iroisienne a exprimé son droit de vote contre ceux qui la tiennent dans la misère, contre les superbes corrupteurs, contre l'injustice ; un jugement fomenté, bafoué, illogique sous l'obédience du Doyen du tribunal de première instance de Jérémie Me Yvon Amoux a condamné des fils Iroisiens, parmi eux mon père, à 9 ans de travaux forcés et six cent cinquante mille gourde chacun. De plus, pour me tenir à l'extérieur du pays, il a voulu même entamer un procès par coutumes contre ma personne. Par conséquent, mon cabinet d'avocat a décidé de porter l'affaire par devant la cour de cassation pour anéantir le pouvoir arbitraire de Me Yvon Amoux.

Pourtant, malgré l'implication de l'ancien parlementaire Orelie Joachim dans l'assassinat de son agent de sécurité, Marcéna Pheto, après avoir abattu chez le Député, son éruption au sein du Tribunal de Paix de l'Anse d'Hainault pour libérer un détenu nommé Louis Exel, malgré beaucoup de ses partisans aux Irois tels que : Kesnel Antoine, Gaspard Izemé, Jozy Izemé, Juders Izemé, Frankel Izemé, Nissage Mathyr, Prénol François, etc. ont fait l'objet des mandats d'arrêt, il circulaient sans aucune crainte.

Ainsi, compte tenu des persécutions politiques, des divers menaces exercées par le député Orelie Joachim et ses partisans contre ma personne, compte tenu la position du Ministre de la justice Paul Denis, le grand supporteur du député Orélie, dans la période pré-électorale. N'ayant plus confiance dans l'appareil judiciaire, je me suis obligé de rester à l'extérieur du pays.

Je m'adresse à vous les autorités haïtienne, la population Iroisienne est-il responsable de ce traitement arbitraire, absurde et abusif que vous la faites subir. Quand vous allez reconnaître que vous êtes la source des situations de violences et d'insécurité infernale que connaissent notre pays à cause des malversations dans les institutions de l'Etat pendant que le peuple se voit nager dans la boue ?

Les institutions des Droits de l'Homme, les médias, vous représentez la force sur qui le peuple haïtien peut compter pour l'aider à sortir dans cette marasme. Prenez le temps à étudier les dossiers pour ne faire l'avocat du diable.

Le nouveau gouvernement qui sera élu, quel sera votre préoccupation à l'endroit des parlementaires qui ont en leur possession des centaines de millions de gourdes et qui n'ont rien fait dans les communes. Bien entendu plusieurs d'entre eux auront la chance d'être réélus ?

En conclusion, je requiers, aux institutions des Droits de l'Homme, des médias, et toutes les autorités concernées, vos interventions immédiates pour permettre :

- 1-La libération des dizaines de paisibles citoyens coupables, semble-t-il, de s'être à mes côtés aux dernières élections municipales, victimes de règlements de compte orchestrés par les mauvais perdants des élections de 2006, et pour avoir empêché le député Orélie Joachim de servir avec les fonds de la commune des

Irois à ses intérêts personnels, que les autorités de Justice de Jérémie maintiennent encore dans leurs geôles infectes, appréhendés sans cause ni motif.

2-Aux Iroisiens, Iroisiennes, chassés par le député Orélien Joachim et ses partisans de regagner leurs maisons.

Morose Viliéna

Jean

commune des Irois.

Maire de la

EXHIBIT 9

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

_____)	
DAVID BONIFACE, NISSANDERE)	
MARTYR, AND JUDERS YSEME,)	Civil Action No.
)	1:17-CV-10477-ADB
Plaintiff,)	
)	
v.)	
)	
JEAN MOROSE VILIENA (A/K/A)	
JEAN MOROSE VILIENA),)	
)	
Defendant.)	
_____)	

**DEFENDANT JEAN MOROSE VILIENA’S RESPONSES TO
FIRST SET OF REQUESTS FOR ADMISSIONS**

The Defendant Jean Morose Viliena (“Defendant”) responds to the written requests for admission by stating that any and all responses are based on information currently known to Defendant and are provided without prejudice to Defendant’s right to submit evidence of any subsequently discovered facts and information, should such become known. These responses are made in a good faith effort to supply such information as is presently known to Defendant. The Defendant reserves the right to: (a) rely on facts, documents or other evidence that may develop or subsequently come to his attention; (b) to assert objections or supplemental responses should the Defendant discover information or grounds for objection; and/or (c) to supplement or amend these responses at any time. The Defendant responds to each written request as follows:

REQUEST FOR ADMISSION NO. 1:

Admit that You were mayor of Les Irois in July 2007.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 2:

Admit that You were mayor of Les Irois in April 2008.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 3:

Admit that You were mayor of Les Irois in October 2009.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 4:

Admit that at as mayor of Les Irois You had authority over all other Persons on Your mayoral staff.

RESPONSE:

Denied. The Defendant responds further by stating that to the extent authority is intended to mean control over the actions of others, he lacked that authority beyond that provided by statute or custom.

REQUEST FOR ADMISSION NO. 5:

Admit that Hautefort Baj on was a member of Your mayoral staff.

RESPONSE:

The Defendant is without sufficient information or knowledge necessary to admit or deny this Request.

REQUEST FOR ADMISSION NO. 6:

Admit that Hautefort Bajon was Your subordinate while he was a member of Your mayoral staff.

RESPONSE:

The Defendant is without sufficient information or knowledge necessary to admit or deny this Request.

REQUEST FOR ADMISSION NO. 7:

Admit that Pierrot Boileau was a member of Your mayoral staff.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 8:

Admit that Pierrot Boileau was Your subordinate while he was a member of Your mayoral staff

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 9:

Admit that Meritus Beaublanc was a member of Your mayoral staff.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 10:

Admit that Meritus Beaublanc was Your subordinate while he was a member of Your mayoral staff.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 11:

Admit that while you were mayor of Les Irois, You were a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 12:

Admit that while you were mayor of Les Irois, You had authority over all Members of KOREGA in Les Irois.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 13:

Admit that while you were mayor of Les Irois, Villeme Duclona was a Member of KOREGA.

RESPONSE:

The Defendant is without sufficient information or knowledge necessary to admit or deny this Request.

REQUEST FOR ADMISSION NO. 14:

Admit that while you were mayor of Les Irois, Michelet Noel was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 15:

Admit that while you were mayor of Les Irois, Jean Pierre Gardy was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 16:

Admit that while you were mayor of Les Irois, Lifaite Livert was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 17:

Admit that while you were mayor of Les Irois, Lissage Viliena was a Member of KOREGA.

RESPONSE:

Deneid.

REQUEST FOR ADMISSION NO. 18:

Admit that while you were mayor of Les Irois, Jean-Louis Bell was a Member of KOREGA.

RESPONSE:

Denied,

REQUEST FOR ADMISSION NO. 19:

Admit that while you were mayor of Les Irois, Benicoit Bell was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 20:

Admit that while you were mayor of Les Irois, Mones Dorcena was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 21:

Admit that while you were mayor of Les Irois, Keleman was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 22:

Admit that while you were mayor of Les Irois, France Isme was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 23:

Admit that while you were mayor of Les Irois, Martyr Kenson was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 24:

Admit that while you were mayor of Les Irois, Aguenel Jean was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 25:

Admit that while you were mayor of Les Irois, Esto Bell was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 26:

Admit that while you were mayor of Les Irois, Aguenel Jean was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 27:

Admit that while you were mayor of Les Irois, Marc Arthur Conte was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 28:

Admit that while you were mayor of Les Irois, Alan Duclona was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 29:

Admit that while you were mayor of Les Irois, Pierre Boileau was a Member of KOREGA.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 30:

Admit that Ecclesiaste Boniface died in Les Irois in July 2007.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 31:

Admit that the radio station in Les Irois called New Vision Radio was attacked in April 2008.

RESPONSE:

The Defendant is without sufficient information or knowledge necessary to admit or deny this Request.

REQUEST FOR ADMISSION NO. 32:

Admit that Nissage Martyr was injured during the attack on the radio station in Les Irois called New Vision Radio in April 2008.

RESPONSE:

The Defendant lacks personal knowledge of the truth or falsity of the Request No. 32, but admits the statement based upon information and belief.

REQUEST FOR ADMISSION NO. 33:

Admit that Juders Yseme was injured during the attack on the radio station in Les Irois called New Vision Radio in April 2008.

RESPONSE:

The Defendant lacks personal knowledge of the truth or falsity of the Request No. 33, but admits the statement based upon information and belief.

REQUEST FOR ADMISSION NO. 34:

Admit that multiple dwellings were set on fire in Les Irois on 29 October 2009.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 35:

Admit that while you were mayor of Les Irois, Members of KOREGA committed attacks on the civilian population of Les Irois.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 36:

Admit that since January 2009, You have resided in the United States.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 37:

Admit that while You were in the United States in 2009, You had Communications with Members of Your mayoral staff in Les Irois.

RESPONSE:

Denied. The Defendant responds to Request No. 37 by stating that he has had communications with persons in Les Irois, and that some of those persons may have formerly been engaged as members of his mayoral staff, but responds further that he has not had any such communications with such persons in his capacity as Mayor or their capacity as staff members of the Office of the Mayor.

REQUEST FOR ADMISSION NO. 38:

Admit that while You were in the United States in 2009, You had Communications with Members of KOREGA in Les Irois.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 39:

Admit that since 2009, You had Communications with Members of Your mayoral staff in Les Irois while You were in the United States.

RESPONSE:

Denied. The Defendant responds to Request No. 39 by stating that he has had communications with persons in Les Irois, and that some of those persons may have formerly been engaged as members of his mayoral staff, but responds further that he has not had any such

communications with such persons in his capacity as Mayor or their capacity as staff members of the Office of the Mayor.

REQUEST FOR ADMISSION NO. 40:

Admit that since 2009, You had Communications with Members of KOREGA in les Irois while You were in the United States.

RESPONSE:

Denied.

I, Jean Morose Viliena, swear under the penalties of perjury that the above are true and accurate to the best of my knowledge, information and belief.



Jean Morose Viliena

Jean Morose Viliena,

By his attorney,

/s/ Peter J. Haley
Peter J. Haley (BBO# 543858)
peter.haley@nelsonmullins.com
Patrick T. Uiterwyk (BBO# 665836)
patrick.uiteryk@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP
One Post Office Square, 30th Floor
Boston, MA 02109
p. (617) 217-4714
f. (617) 217-4710

Dated: May 1, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document system will be sent electronically to counsel for the Plaintiffs on this date.

Date: May 1, 2019

/s/ Peter J. Haley

EXHIBIT 10

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

_____)	Civil Action No. 1:17-CV-10477-ADB
DAVID BONIFACE, NISSANDERE)	
MARTYR, AND JUDERS YSEME,)	
)	
Plaintiff,)	
)	
v.)	
)	
JEAN MOROSE VILIENA (A/K/A JEAN)	
MOROSE VILIENA),)	
)	
Defendant.)	
_____)	

DEFENDANT JEAN MOROSE VILIENA’S FIFTH AMENDED ANSWERS TO FIRST SET OF INTERROGATORIES

The Defendant Jean Morose Viliena (“Defendant”) responds further to the First Set of Interrogatories by stating that any and all responses are based on information currently known to Defendant and are provided without prejudice to Defendant’s right to submit evidence of any subsequently discovered facts and information, should such become known. These responses are made in a good faith effort to supply such information as is presently known to Defendant. The Defendant reserves the right to: (a) rely on facts, documents or other evidence that may develop or subsequently come to his attention; (b) to assert objections or supplemental responses should the Defendant discover information or grounds for objection; and/or (c) to supplement or amend these responses at any time. The Defendant responds to each interrogatory as follows:

INTERROGATORY NO. 6:

Provide a timeline of Your work history since January 1, 2006, including Your service as a Haitian government official in Les Irois, stating the following:

- (a) Your job title or rank at the time;
- (b) The dates of Your service in that position;
- (c) The location, including city and state or country, in which You served in that position;
- (d) All aspects of Your role and responsibilities in that position, including the extent of Your authority relating to any aspect of your position;
- (e) Identify each Person over which you had authority, including all Members of the Haitian government, MODEREH or KOREGA, or any group or Persons working in conjunction with, or with the acquiescence of the Haitian government, MODEREH or KOREGA, or any of their predecessors or successor organizations or groups, whether or not formally constituted;
- (f) Identify Your immediate superiors, including the location, place and time related to when the Person(s) identified were Your superiors; and
- (g) Identify Your immediate subordinates, including the location, place and time related to when the Person(s) identified were Your subordinates.

SUPPLEMENTAL ANSWER:

The Defendant was employed by Panera Bread franchisees as a retail/food service worker at Burlington, Massachusetts, Needham, Massachusetts and Waltham, Massachusetts for the period 2010 through 2013. From 2013, until the commencement of this action in 2017, the Defendant was employed by Eastern Bus Company, Inc.

INTERROGATORY NO. 9:

Identify Your locations on July 27, 2007 and July 28, 2007, on April 8, 2008, and on October 27, 2009, October 28, 2009, October 29, 2009 and October 30, 2009, including how much time You spent at any of the identified locations, why you were at the identified locations, what

conduct you engaged in at the identified locations, and any Persons that accompanied You, or that You accompanied at these locations.

SUPPLEMENTAL ANSWER:

The Defendant was in Haiti on these dates.

INTERROGATORY NO. 10:

Identify Your immigration status in the United States, from the date of Your first entry into the United States through the present, including but not limited to the dates and locations of each of Your U.S. visa interviews. For the time period from January 1, 2006 to the present, Identify each of Your dates of entry into the United States and Your dates of departure from the United States, and each of Your dates of entry into Haiti and Your dates of departure from Haiti.

SUPPLEMENTAL ANSWER:

The Defendant will provide copies of the relevant passport book entries for the period January 1, 2006 until the commencement of this action in March, 2017.

I, Jean Morose Viliena, swear under the penalties of perjury that the above responses are true and accurate to the best of my knowledge, information and belief.

/s/ Jean Morose Viliena
Jean Morose Viliena

For the Objections,

/s/ Peter J. Haley

Peter J. Haley (BBO# 543858)
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Patrick T. Uiterwyk (BBO# 665836)
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Nelson Mullins Riley & Scarborough LLP
One Financial Center, 35th Floor
Boston, MA 02111
p. (617) 217-4714

Dated: October 15, 2021

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document will be sent electronically to counsel for the Plaintiffs on this date.

Date: October 15, 2021

/s/ Peter J. Haley


EXHIBIT 11



STATE OF NEW YORK)
)
)
COUNTY OF NEW YORK) ss

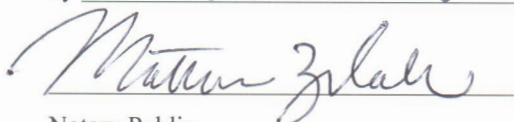
CERTIFICATION

This is to certify that the attached translation is to the best of my knowledge and belief a true and accurate translation from French into English of the attached *Extract of the records of the registry of the Civil Court of Jérémie*, dated November 15, 2010.


Edward J. Jacob
Divergent Language Solutions, LLC

State of New York
County of New York

Subscribed to and sworn before me this 10th day of April, 2017,
by Edward J Jacob.


Notary Public

MATTHEW C. ZELAK
NOTARY PUBLIC, State of New York
No. 01ZE6350239
Qualified in New York County
Commission Expires November 7, 2020



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REPUBLIC OF HAITI
LIBERTY EQUALITY FRATERNITY

IN THE NAME OF THE REPUBLIC

Extract of the records of the registry of the Civil Court of Jérémie

IN THE NAME OF THE REPUBLIC

The Civil Court of Jérémie, properly meeting in its Court House, handed down in a public hearing and in its jurisdiction, the judgment:

It emerges from the facts below that the Court must resolve the following issues:

Murder and aiding and abetting the murder of Boniface Ecclésiaste, destruction of public property to the detriment of the community of Irois, blows to and bullet wounds of Jude Isme and Nissage Martyr.

FOR THESE REASONS - The Court, after having deliberated, declares that the specified 1) Lifaite Livert, age 37, residing and domiciled in Galette, a dependent location in Irois; 2) Mones Dorcena, age 28, a mason, residing in Port-au-Prince and domiciled in Irois; 3) Louines Charles, age 28, residing and domiciled in Irois; 4) Jean Louis Bell, age 24, born in Matdor, a location in Irois; 5) Michelet Noel, born in Irois, age 29, farmer, 6) Nissage Viliena, age 66, born in the fourth section of Anse-d'hainault are guilty of aiding and abetting the murder of Boniface Ecclésiaste, ~~are guilty of aiding and abetting~~ destruction of public property to the detriment of the Town of Irois, of blows to and firearm injuries to Judes Iseme and Nissage Martyr, a crime set forth and punishable by Articles 44, 45, 241 and 254 et seq. of the Criminal Code. Consequently, it sentences them to nine years of hard labor without prejudice to the law [sic.] on remand and in accordance with Articles 144, 450, 24, 254, 350 and 382 of the Criminal Code. The articles were read aloud by the judge [who] ordered them jointly to six hundred and fifty thousand (650,000) gourdes in damages for the civil part, an amount which shall be divided as follows: 250,000 gourdes to Boniface David; 250,000 gourdes to Nissage Martyr; 150,000 gourdes to Juders Iseme, and in application of the articles of the Criminal Code, ordered them jointly to pay the costs to the State, allocated to the registrar in the amount of five thousand five hundred gourdes and which include the cost of the judgment, and if the damages and costs above are not paid, they are ordered to an additional year of prison. As for the fugitives, in absentia proceedings shall be initiated against them, and this in accordance with law so that such acts, which are harmful to society, are not repeated.

Therefore, judged and pronounced by us, Yvan Arnoux, senior member of the Civil Court of Jérémie, in a public hearing on Monday, October twenty-fifth, two thousand ten in the presence of Jean Kesner Numa, Esq., government commissioner occupying the head of the Public Prosecutor's Office with the assistance of Mr. Renel Justin, registrar.

All bailiffs are ordered, on this request, to enforce this judgment; officers of the Public Prosecutor's Office in the civil courts are ordered to see to it; all commanders and other agents of law enforcement are ordered to provide support when legally required.

In witness whereof, the official record of this judgment was signed by the senior member, Yvan Arnoux and the registrar, Renel Justin.

So signed: Yvan Arnoux, senior member, Renel Justin, registrar

Checked;

For certified execution copy:

Six words removed

[multiple signatures]

Jean Rony PHANOE, Head Registrar



WRITTEN AT THE BOTTOM OF THE OFFICIAL RECORD:
REGISTERED WITH THE TAX OFFICE:
COURT PROCESS NO. RESTITUTION ORDER 14;
ON NOVEMBER 15, 2010; CASE 4296; PAGE 497;
(S) JN. WILSON CHARLES, INSPECTOR

CHECKED:
FOR CERTIFIED EXECUTION COPY

[multiple signatures]

JEAN RONY PHANOE, Head Registrar

[illegible round stamp]



RÉPUBLIQUE D'HAÏTI

LIBERTÉ

ÉGALITÉ

FRATERNITÉ

AU NOM DE LA RÉPUBLIQUE

Extrait des minutes du greffe de Tribunal civil de JEREMIE./

AU NOM DE LA REPUBLIQUE

Le Tribunal civil de JEREMIE, competemnt reuni ens son Palais de Justice a rendu en audience publique et en ses attributions criminelles le jugement:

De l'Expose ci-dessous, il resulte que le Tribunal doit resoudre les questions suivantes:

Crime d'assassinat et complicité d'assassinat sur la personne de Boniface Ecclesiaste, de destruction de bien public au prejudice de la Communauté des Irois, coups et blessures par balles sur Jude Isme et Nissage Martyr.-

PAR CES MOTIFS:- Le Tribunal, apres avoir delibere, declare que les nommes 1) Lifaité Livert, age de 37 ans, demeurant et domicile a Galette localite dependant des Irois; 2) Mones Dorcena, age de 28 ans, macon, de profession, demeurant a Port-au-Prince et domicile aux Irois; 3) Louines Charles, age de 28 ans demeurant et domicile aux Irois; 4) Jean Louis Bell, age de 24 ans, ne a Matador localite des Irois; 5) Michelet Noel, ne aux Ibois, age de 29 ans, cultivateur, 6) Nissage Viliena, age de 66 ans, ne a la quatrieme section de l'Anse d'hainault sont coupables de complicité d'assassinat sur la personne de Boniface Ecclesiaste, de destruction de bien public au prejudice de la Communauté des Irois, de coups et blessures par balles sur Judes Iseme et Nissage Martyr crime prévu et puni par les articles 44, 45, 241, et 254 et suivant du Code Penal, En consence les condamne a neuf (9) ans de travaux forces sans prejudice de la loi de la loi sur la prison preventive et conformement aux articles 144, 459, 24, 254, 350 et 382 du Code Penal. Lesdits articles ont ete lus a haute voix par le juge en siege lesdits condamnés solidairement a six cent cinquante mille (650.000) gourdes de dommages interets au prejudice de la partie civile, valeur qui sera reparti comme suit: 250.000 gourdes a Boniface David; 250.000. gourdes a Nissage Martyr; 150.000. gourdes a Judes Iseme et faisant application des articles du Code Penal, les condamnés solidairement aux frais et depens envers l'Etat alloue au Greffe a la somme de cinq mille cinq cent gourdes et ce compris le cout du jugement, dit qu'en cas de non paiement de dommages-interets et frais susdits les condamnés subiront une annee supplementaire de prison, quant aux fuyards la procedure par contumace sera enclenchee contre eux et, ce, conformement a la loi pour que de tels actes ne se reproduisent pas ce qui est nuisible a la societe.-

Ainsi juge et prononce par Nous, Yvan Arnoux, Doyen au Tribunal Civil de Jeremie en audience publique du Lundi vingt cinq Octobre deux mille dix en presence de Me. Jean Kesner Numa, Commissaire du Gouvernement occupant le siege du Ministère public avec l'assistance du sieur Renel Justin, Greffier du siege.-

Il est ordonne a tous huissiers sur ce requis de mettre le present jugement a execution; aux Officiers du ministere public pres les tribunaux civils d'y tenir la main; a tous commandants et autres agents de la force publique d'y prêter main forte lorsqu'ils en seront legalement requis.-

En foi de quoi la minute du present jugement a ete signee du Doyen Yvan Arnoux et du Greffier Renel Justin.-

Ainsi signe : Yvan Arnoux, Doyen; Renel Justin, Greffier.-

Collationnee;

Pour expedition conforme:

Six mots rayés nuls.-

Jean Rony PHANOR, Greffier en Chef./

AU BAS DE LA MINUTE EST ECRIT:
ENREGISTRE A LA DIRECTION GENERALE DES IMPOTS:
ACTES JUDICIAIRES NO. DEBET 14;
le 15 NOVEMBRE 2.010; CASE 4296; FOLIO 497;
(S) JN. WILSON CHARLES, INSPECTEUR.-

COLLATIONNEE:
POUR EXPEDITION CONFIRME:

[Handwritten signature]
[Handwritten signature]

JEAN RONY PHANOR, GREFFIER EN
CHEF./



EXHIBIT 12



STATE OF NEW YORK

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COUNTY OF NEW YORK

ss

CERTIFICATION

This is to certify that the attached translation is to the best of my knowledge and belief a true and accurate translation from French and Haitian Creole into English of the attached Plaintiffs_0000043 dated August 12, 2013.

Edward J. Jacob
Divergent Language Solutions, LLC

State of New York

County of New York

Subscribed to and sworn before me this 27th day of January, 2022,

by Edward J. Jacob.

Notary Public

MATTHEW C. ZELAK
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ZE6350239
Qualified in Kings County
Commission Expires November 7, 2024



**Exhibit
0004**

Liberty

Equality

Fraternity

Republic of Haiti

IN THE NAME OF THE REPUBLIC

In the year two thousand and thirteen, in the 210th year of independence, on Wednesday, August twelve, at one o'clock in the afternoon.

I, Jean Baptiste Louis Jean, Judge at the Civil Court of Jérémie [*Tribunal civil de Jérémie*], assisted by Court Clerk Jean Serge Eugène, and Court Usher Osna Jean Petit, in the presence of Mr. Rosny Saint Louis, Government Commissioner, acting on behalf of the Public Prosecutor's Office, which parties comprise the Criminal Court of this jurisdiction, hearing this case without the assistance of a jury, which was scheduled to begin on Monday, July first, two thousand and thirteen, in accordance with the law. The parties were duly gathered at the courthouse of this city, at a public hearing for the purpose of issuing a judgment in the case against:

- | | | | |
|----------------------|--------------------|--------------------|-------------------------------|
| 1) Marc-Arthur Conte | 2) Lissage Viliena | 3) Michelet Noel | 4) Lifaité Livers |
| 5) Saintilus Ebert | 6) Duclona Vilerme | 7) Smith Bajon | 8) Mercurieu Jean Pierre |
| 9) Benissoit Bel | 10) France Izmé | 11) Jean Louis Bel | 12) Charles Kelleman and Co., |
- all charged with committing arson against Izmé Gaspard and Co.

The defendants were brought in from the civil prison without cuffs or chains, accompanied only by the APENA [National Penitentiary Administration] Agents, to prevent them from escaping, assisted by Messrs. Osnel Sejour, Jean Fedy Charles, and Joseph Descharles, members of the Jérémie bar.

This matter shall be decided without the assistance of a jury, per the act amending the Haitian Code of Criminal Procedure [*Code d'Instruction Criminelle (CIC)*].

FACTS The Presiding Judge of the Court called the criminal hearing to order and asked the defendants for their full names, ages, professions, residences and domiciles.

The first defendant stated his name to be Marc-Arthur Conte, age 46, teacher, born in Irois, and residing and domiciled therein.

The second defendant stated his name to be Lissage Viliena, age 68, farmer, born in Mandou (Fourth Section), and residing and domiciled therein.

The third defendant stated his name to be Michelet Noel, age 32, farmer, born in Irois, and residing and domiciled therein.

The fourth defendant stated his name to be Lifaité Livers, age 43, farmer, born in Irois, and residing and domiciled therein.

The fifth defendant stated his name to be Ebert Saintilus, age 50, farmer, born in Irois, and residing and domiciled therein.

The sixth defendant stated his name to be Duclona Vilerme, age 26, merchant, born in Irois, residing and domiciled in Port-au-Prince, Bicentenaire Villade de Dieu.

The seventh defendant stated his name to be Smith Bajon, age 31, electrician, born in Irois, residing and domiciled in Anse-d'Hainaut.

The eighth defendant stated his name to be Mercurieu Jean Pierre, age 63, farmer, born in Irois, and residing and domiciled therein.

[stamp:] MINISTRY OF JUSTICE
[illegible] of JÉRÉMIE
[illegible] BY [signature]
DATE: 09-06-13 TIME: 1:05 P.M.
No. [illegible]
SIGNATURE [signature]

The ninth defendant stated his name to be Benissoit Bel, age 45, farmer, born in Irois, and residing and domiciled therein (Third Section).

The tenth defendant stated his name to be Izmé France, age 27, student, born in Irois, and residing and domiciled therein.

The eleventh defendant stated his name to be Bel Jean Louis, age 29, farmer, born in Irois, and residing and domiciled therein (Matador, Third Section).

The twelfth defendant stated his name to be: Charles Kelemann, age 35, fisherman, born in Irois, Third Section, and residing and domiciled therein.

A man known as Mackenson, Meretus Beaublanc, Dieuné Jean Noel, Elie Jean Zamor, Bel Lucnord, Aubourg Julbert, Tijo Deruisseau, Francky Aubourg, Wilsaint Duclona, Lenord, Bajon, Dely Johny, Louis Charles Florismé, Steeve Obès, Ysias Dimanche, Souverain Merais, Pierre Guerson, Obès Noel, Pierrot Boileau, Bien-Aimé Noel, Sorel Noelsaint, a man known as Tenia, a man known as Tizout, Merlème Bajon, Alain Duclona, Rejean Berger, Paulo Cadet, Wilfrid Cenal, Lionel Fleriza, Flonillus Fleriza, all charged as fugitives.

The Presiding Judge of the court informed the counsel for the defense that it could not say anything improper or contrary to law, and that said counsel must behave with decency and moderation. The Judge likewise cautioned defendants' counsel to remain attentive to what they would hear and ordered the Court Clerk to read aloud the referral order of the investigating judge as well as the indictment.

Party claiming damages [*partie civile*]: Messrs. Mercier Josma, Yvon Janvier, Ariel Chery, Antoine Michelet Sanon, and Jean Michel obtained an instrument declaring their standing to defend their clients.

Counsel for the defense, Messrs. Joseph Descharles, Rosevelt Charles, Osnel Sejour, and Jean Fedi Charles, obtained an instrument declaring their standing to defend their clients.

Counsel for the defense requests a record showing that the names of Vilème Duclona and Izmé France do not appear in the order, which instrument was given thereto.

The Public Prosecutor argued that when saying the name Marc-Arthur Conte and Co., the others are [considered] there.

The party claiming damages fully agrees with the Public Prosecutor.

Counsel for the defense reapproached and requested and obtained an instrument.

“According to the legal commentary, it is a principle that the indictment order be the sole instrument...”

Counsel for the defense, appearing in series, fully agreed that there were two parties who had not been summoned among the defendants, and counsel thus reserves the most formal legal rights in relation thereto.

The Public Prosecutor reapproached, declaring to the court that he would not allow himself to be coerced by the counsel for the defense, and the party claiming damages agreed.

The counsel for the defense again [took the floor and] declared to the court that the indictment maintains the order closing the investigation.

Counsel for the defense does not so declare, as it did not receive the order to appear, but was instead served with the indictment, on which their names do not appear.

The Presiding Judge of the Court then read the contents of the indictment to the defendants, and told them: “This is what you have been accused of, you will now hear the charges that are being brought against you.”

Mr. Antoine Rosny St. Louis, attorney, Government Commissioner, acting on behalf of the Public Prosecutor's Office, asked for and was given the floor, and then described the matter at issue in the indictment.

He then presented the Court with the list of witnesses called to testify per his request.

The Public Prosecutor's Office, having requested and been granted the floor, asked the court to hear the witnesses' testimony regarding the fire that had been set off in Irois.

Witnesses

- 1) Lebon Enel (Absent)
- 2) Souverain Cenal (Present)
- 3) Evens François (Present)
- 4) Larrieux Lifranc (Present)
- 5) Milord Belgi (Absent)
- 6) Elistène Louis (Absent)
- 7) Remy Milfort (Present)
- 8) Cajus Maxo (Absent)
- 9) Resima Fednor (Present)
- 10) David Ecclésiaste (Absent)
- 11) Ms. Wiliame Lebon (Absent)
- 12) Franckel Izmé (Present)

The party claiming damages asked for and was granted the floor, and declared to the court to have not received the list of witnesses called in this case, and asked that the Public Prosecutor's Office be ordered to provide it with the list of those witnesses here today.

The party claiming damages objected to the witnesses.

The Public Prosecutor's Office argued against said party's statement, and likewise invoked Article 249 of the Haitian Code of Criminal Procedure.

Counsel for the defense had no objection against the list of witnesses served by the Public Prosecutor's Office.

Witnesses

The first witness, after taking the oath to speak without hatred or fear, and to tell the whole truth and nothing but the truth, was asked to state his full name, age, profession, residence and domicile, whether he knew the defendants before the event noted in the indictment, and whether he was related to, connected with, or worked as a domestic or servant of the parties. The witness stated his name to be:

Souverain Cenal, age 43, farmer, born in Irois and residing and domiciled therein. I am neither a domestic nor servant of the parties.

The party claiming damages asked for and was granted the floor, and declared to the court that the hearing of this witness should be waived, due to his involvement in this matter.

The Public Prosecutor's Office had no objections.

Counsel for the defense took the floor and stated that the correct term should be "recused" rather than "waived."

The party claiming damages expressed the most formal legal reservations about hearing this witness.

The court upheld the public prosecutor's request by hearing this witness and proceeding with this matter.

In essence, he testified as follows: Judge: I came here to give some information, it was something that happened in the evening, we had someone who was sick, Mr. Marc-Arthur Conte went to buy a medication; when he returned he was making sound, I stayed next to him.

I got up and noticed that the Police was arresting people, I don't know anything, they are good people, I have never heard the name of these defendants linked with burning houses, Marc-Arthur Conte was sitting at a table making sound.

1) Do you know Marc-Arthur Leillant in Irois? Yes

Did they prohibit the sale of gas in Irois? A- They did not prohibit the sale of gas.

This witness gave oral testimony and answered all of the questions he was asked. After testifying, the judge asked the witness if it was the defendants present that he heard speaking, and asked the defendants if they wished to respond to what was stated against them, and the testimony was then discussed.

The second witness, after taking the oath to speak without hate or fear, and to tell the whole truth and nothing but the truth, was asked to state his full name, age, profession, residence and domicile, whether he knew the defendants before the event noted in the indictment, and whether he was related to, connected with, or worked as a domestic or servant for the parties. The witness stated his name to be:

François Evens, age 38, engineer, born in Anse-d'Hainault, residing and domiciled in Irois. "I am neither a domestic nor servant of any of the parties."

The party claiming damages asked the court to provide the witness with his summons, along with requesting a piece of identification, which was then done.

The party claiming damages expressed the most formal legal reservations about the hearing of this witness.

In essence, he testified as follows: Judge: I can talk about Lissage Viliéna and Marc-Arthur Conte, lissage wasn't there on that day and Marc-Arthur went to buy a medication in Anse d'Hainault, we are the ones who call to ask him to come back and we came back he was making sound. I can't tell who did it, I don't know if Vileme Duclona was in Irois, I know him I don't know that Marc-Arthur Conte sold gas, I didn't hear that Marc-Arthur Conte burned down houses with gas, I have known Marc-Arthur Conte for 8 years, since they blamed him for it, but I don't know that he can do that.

This witness gave oral testimony and answered all of the questions he was asked. After testifying, the judge asked the witness if it was the defendants present that he heard speaking, and asked the defendants whether they wished to respond to what was stated against them, and the testimony was then discussed.

The third witness, after taking the oath to speak without hate or fear, and to tell the whole truth and nothing but the truth, was asked for his full name, age, profession, residence and domicile, whether he knew the defendants before the event noted in the indictment, and whether he was related to, connected with, or worked as a domestic or servant for the parties. The witness stated his name to be:

Vilfranc Larrieux, age 38, team leader, born in Irois and residing and domiciled therein. "I am neither a domestic nor servant for any of the parties."

He essentially testified as follows: Judge: Odford Bajon, he is originally from Irois, he was sick; Supporters of Odfòd Bajon took to the streets, they said if Odfort Bajon dies they will turn the city into ashes:

Which instrument was granted to the counsel for the defense because this witness is a victim.

Marc-Arthur is the # 1 actor in the file . I told you there are 34 cases that happened in Irois, their actions show that they are not good people, it was the death of Odfort Bajon that triggered this action. Izyas and Wilfrid are soldiers, the state funded a part of the funds to repair some houses, my house didn't burn, some houses in Kayiman were burned down, they did it by the same token.

The party claiming damages asked the witness through the court about how France Izmé turned himself in and Villème Duclona was arrested in Port-au-Prince.

A- Franz Imé stated that his life was threatened, he turned himself to the Police.

The counsel for the defense asked the witness through the court:

- Was he/she involved in politics?
- Yes, development politics.
- Where was he/she at the time?
- I was in Irois
- Does marc-Arthur sell gas?
- No
- Did he/she see Marc-Arthur burn houses in Irois?
- Yes
- In what political party was Odfort Bajan in?
- I don't know, except that I would have KEP.
- Under which party Odford Bajan was elected?
- I don't know
- Are you in a political party?
- No
- What did you see Marc-Arthur Conte use to set the fire?
- With a gallon of gasoline
- How was he dressed on that day?
- I don't know.

Granted on the record.

Due to the fact that the witness declared to not know what color clothing he was wearing, but since he saw that Marc-Arthur had a gallon of gasoline.

It was a group of people who were together burning the houses.

- Did he/she see Vilerme Duclona setting the fires? Yes with gas and hay
- Did he/she take pictures? I'm not a journalist
- Is Marc-Arthur Conte a candidate? I don't know.
- Are you a candidate? No
- The problem I have with them is because they want to destroy Irois.
- Were you threatened? No
- Were there other people who went to hide with you? No
- Do you know all those defendants? Yes
- The houses started burning from 7 PM to x.
- Was he/she in Matadò, was he/she in Irois also? No
- How come he/she said those guys are the ones who burned the houses down? From other witnesses and victims.

Granted to the counsel for the defense, due to the fact that the witness said he did not see, but according to the statements of the witness and victims.

- What role did each one of these people play in setting off the fire from Matadò to Irois? They are a group.
- Where was he/she? I was in Irois
- Marc-Arthur was the one sponsoring the group.
- How did you see all those things? From where I was taking cover.

This witness provided oral testimony and answered all of the questions he was asked. After testifying, the judge asked the witness if it was the defendants present that he heard speaking, and asked the defendants if they wished to respond to what was said against them, and the testimony was then discussed.

Mercidieu Jean Pierre: Answered

- Did you see me? Yes
- Where were you? Matadò – Irois?
- You set fire at Raymond Jean Noel's house

Michelet Noel answered

The witness has problem with us because of the political party

- Your Honor, Michelet cut [sic] the ears of Destone Lebon. He took me to Tibiron

Izmé France: Mister Vilfranc has problems with me because of the political party, I turned myself in because everyone at home wants me to be in the same political party that they are.

Duclona Vilème: I was arrested in Port-au-Prince, who and with what warrant? I don't know, I wasn't there.

Marc-Arthur Conte: I am not in in the same political party with Larrieux, I do not sell gas.

- How many gallons of gas did you see me with? From Matador to Irois.

The fourth witness, after having taken the oath to speak without hate or fear, and to tell the whole truth and nothing but the truth, was asked to state his full name, age, profession, residence and domicile, whether he knew the defendants before the event noted in the indictment, and whether he was related to, connected with, or worked as a domestic or servant for the parties. The witness stated his name to be:

Milfort Remy, age 41, fisherman, born in Irois, residing and domiciled therein. "I am neither a domestic nor servant for any of the parties."

The party claiming damages asked the court to order this witness to present his summons and national identification card.

The party claiming damages expressed the most formal legal reservations about his being heard.

In essence, he testified as follows: Judge: Marc-Arthur Conte went to Anse D'Hainault to buy a medication, when the person died, we called Marc-Arthur came back, when he came back he was making sound.

Public Prosecutor's Office:

- What did they use to burn down those houses? I don't know, didn't I tell you that these people are nice people. I don't live at the same place where they live.

Counsel for the Defense: Where was Marc-Arthur Conte? At the wake

- Did he have a gallon of gasoline in his hand burning houses in Irois? No
- Marc-Arthur was a candidate, does he still have supporters in Irois? Yes
- Have you ever heard that Marc-Arthur burns down houses in Irois? No
- Marc-Arthur was a candidate, he always had supporters in Irois, he was a candidate everyone was in their own party; he was implicated because Odfort is his brother-in-law.

Matador – Irois 9 minutes; taxi 15.25 Gourdes.

- Was Larrieux able to see the house they were burning? He can see some houses
- Was Larrieux able to identify one person setting up the fire from where he was? If it is daytime, he can see; at night, no
- Were there any houses made of concrete that burned down? Yes, they were not stuck together
- It is not the first time that they set fire in Irois.
- Did those houses burn down for real? Yes
- Did one of these people commit the act? I don't know.

This witness gave oral testimony and answered all of the questions he was asked. After his testimony, the judge asked the witness whether it was the defendants present that he heard speaking, and

asked the defendants whether they wished to respond to what was stated against them, and the testimony was then discussed.

The fifth witness, after taking the oath to speak without hate or fear, and to tell the whole truth and nothing but the truth, was asked to state his full name, age, profession, residence and domicile, whether he knew the defendants before the event stated in the indictment, and whether he was related to, connected with, or worked as a domestic or servant for the parties. The witness stated his name to be:

Resuma Fedner, age 27, mason, born in Irois, residing and domiciled therein (popiggi). He is the son of one of the plaintiffs.

In essence he testified as follows:

Judge: Wednesday, October 28, 2009, these guys took to the streets They went to the house of a guy named Senèk.

Marc-Arthur Conte, Lifèt Livè, Aubourg Francky, Gilbert et Co.

October 29, 10 a.m.: the same ones went by the market place they asked everyone to leave the market place, many left some stayed.

Party requesting damages

- Building a house is expensive? Yes;
- Are the houses of these defendants burned down? No
- Did they burn houses that belong to them? No
- Marc-Arthur was the head of it.

Counsel for the defense questioned the witness through the court

- Where were you? I was at Lòsa's house near the house where he/she was setting on fire. I saw Marc-Arthur with a gallon of gas in hand. Marc-Arthur took the gas from a guy named Milot.
- Did you see Marc-Arthur set fire in Matadò up to Irois? Irois I didn't see all of them but he went after Anse D'Hainault
- I saw Marc-Arthur with my own eyes when he was setting the fire.
- Did you see Duclona Vilème setting the fire? He is the worse thug after Marc-Arthur Conte, he burned down his uncle's house.

This witness gave oral testimony and answered all of the questions he was asked. After the testimony, the judge asked the witness if it was the defendants he heard speaking, and asked the defendants whether they wished to respond to what was said against them, and the testimony was then discussed.

Duclona Vilème Answer

Ask him, for me, why did he file a complaint against me in 2012? I did not submit a complaint against him. As the person he saw who was burning his father's house.

Izmé France:

Ask him, for me, why did he file a complaint against me in 2012? I did not submit a complaint against him. As the person he saw who was burning his father's house.

The sixth witness, after taking the oath to speak without hate or fear, and to tell the whole truth and nothing but the truth, was asked to state his full name, age, profession, residence and domicile, whether he knew the defendants before the event noted in the indictment, and whether he was related to, connected with, or worked as a domestic or servant for the parties. The witness stated his name to be:

Izmé Franckel, age 42, farmer, born in Irois, residing and domiciled therein.
I do not work as a domestic or servant for any of the parties.

The counsel for the defense asked the court to order the witness to present his summons and identification card, which the witness then did.

The Public Prosecutor asked to apply Article 256 of the Haitian Code of Criminal Procedure [against] witness Franckel Izmé.

The party claiming damages asked the court to hear the witness for informational purposes.

Counsel for the defense objected to the hearing of witness Franckel Izmé.

The party claiming damages declared to the court that the law does not oppose hearing the cousin of a defendant.

Counsel for the defense repeated its request.

The Public Prosecutor's Office is the main prosecuting party in the proceeding; Article 256 of the Haitian Code of Criminal Procedure, order of April 23, 1989.

The party claiming damages declared to have no connection thereto.

Counsel for the defense took the floor and stated it was uncertain, such uncertainty benefits the defendants.

Court: the text does not specify; the witness will be heard.

Essentially, he stated as follows: Judge: On Tuesday the 27th, I went to Okay [Les Cayes] (because I have my child/children at school in Okay [Les Cayes]; I got on a [boat] with Michelet he did not collect anything from me, upon my return, I was told Odfort is sick, he had to be carried, Michelet carried him, I said well Michelet didn't tell me that?

Odfort passed away, everyone at the market place said to pick up everything, because they said they were going to burn them down into ashes. I have a buddy of mine who called to tell me they set his house on fire, he mentioned the names of all those involved in the burning of his house, while I was taking shelter somewhere, I heard a group saying : let us burn down Destone's house, after that I climbed up a mango "labiche" tree I saw them burning, After that I climbed down and went to hide in a bush made of plantain trees, I saw Franky calling Gilbert who said there is no more gas and then he said he has to go get it at Marc-Arthur's house. Vilème came with a gallon of gas, they went to set fire at Senta's house.

Public Prosecutor's Office

At around 7:30 PM, did those houses start burning down? I was hiding; the police was not able to.

The party claiming damages questioned the witness through the court.

Who participated in setting the fire? I can't say who participated in setting the fire.

Counsel for the defense questioned the witness through the court.

- Are there other defendants that he/she didn't mention, did they participate? Other people may have seen them.
- I've never had any issues with anyone of them.
- Are you in the same political party as those defendants? No
- Do you have any issues with Izmé? No
- People cannot make others sick, God can, Yes Marc-Arthur is involved in politics.
- Fusion candidate in 2000, afterwards he represented Preval.
- The havoc that is currently happening, it is done on the moderate ones.
- His brother-in-law who had passed was not in the same political party as he (Marc-Arthur) was

This witness gave oral testimony and answered all of the questions he was asked. After his testimony, the judge asked the witness if it was the defendants present that he heard speaking, and asked the defendants whether they wished to respond to what was stated against them, and the testimony was then discussed.

Hearing of the plaintiffs

The first plaintiff responded, stating his name to be: Destoine Lebon, age 68, farmer, born in Irois, and residing and domiciled therein.

He essentially declared as follows: Judge: I am a victim, a group of people came to my house, they took me, beat me, Lifaite Livers was there, France, Vilème even cut my ear, they took me to “ti meriken’s house” who is a “ougan” [Voodoo priest], viliena, when I arrived at “Ti Meriken’s house,” I saw Marc-Arthur they asked me what do I know about Odfort’s illness? Shortly after they beat me up. I told them I don’t know anything about Odfort’s illness, I told them, they can do whatever they want with me. Ti Meriken came out from where he was, he pulled the rope and he said what are you doing to Destone? He made them release me after that Lifèt slapped me several times, they tied up Tochon also, I could not run, they took me they went back with me again to kill me; Ti Meriken said go kill him on the square. (irony). Ti Lifèt told Michel you go with him, we must be able to find him when we need him. They took me to the hospital they came after me at the hospital. Afterwards, I fled to Anse d’Hainault at around 6 o’clock.

Public Prosecutor’s Office

Ansèn is the one who came and tied me at my house, Mercidieu is the only who wasn’t throwing blows, as far as setting fires, I don’t know, they are all my friends, I have played with Lifaite; for the blows that I got, they burned the house down in my absence.

I have 2 houses in constructions, they are not completed yet.

Party requesting damages

- What’s the link between the burnt houses the blows you’ve received? Michelet cut my ear he swallowed it

The second plaintiff responded, stating his name to be: Nissage Martyr, age 53, merchant, born in Irois, and residing and domiciled therein.

Judge: I never need to speak, because Haiti is where criminals are kept.

These people from Matadò were passing by they told me if Odfort is dead, we’ll chop heads and burn down houses. Bajon Odfort passed away on October 29, 2009, those guys I just mentioned, I saw them coming, I saw them tying up Destone, Tòchon. I said since I saw these guys passing in front of the police station, that is when I will know if these guys will live. Afterwards, I saw Destone enter the hospital, the nurses were very scared. Lissage was leading the group, at around 6 PM, I was at home. Lifèt called me and said there are 4 houses that burned down already. I told my wife go find a place to sleep. Afterwards I hid in a vetiver bush, I saw all the houses burning down. After they yelled Marc-Arthur I have half gallon of gas remaining. Michelet, Lifèt, Lissage, when they called Marc-Arthur I said my house is burning down because he is my compadre, when they finished burning my house, that is when they burned the house of M. Senès.

Public Prosecutor’s Office

April 8, Vilème Duclona injured me with a 12; 14 houses burned down in 2007, they are the ones who burned them. All these guys are Bajon’s followers, Marc-Arthur is the main perpetrator, Ti Meriken fled.

Vilème and Lissage said I cut his foot I am going to finish him/her.

At around 9 -10 PM, those guys burned down my house. I have only one house that burned down.

The third plaintiff responded, stating his name to be: Ismé Judès, age 26, fisherman, born in Irois, and residing and domiciled therein.

He essentially declared as follows: Judge: On October 27, 2009, I was seating at home by the street, I noticed a lot of guys passing by saying if Odford dies, we will burn down houses, chop off heads, Marc-Arthur was leading them.

Counsel for the defense requested and obtained the floor, and declared to the court that:

Ismé Judès is not a victim in this matter, he has been a victim since 2008, this matter does not concern him. The plaintiff should be dismissed, purely and simply.

The Public Prosecutor's Office declared that even if it he was not the victim, if he was present the court could hear him for informational purposes.

The party claiming damages asked the court to hear him because he is a plaintiff.

Counsel for the defense: Objects to this.

The Public Prosecutor declared to the court that all legal arguments may be deemed sufficient.

Counsel for the defense repeated its question, as this plaintiff did not hear it.

The fourth plaintiff responded, stating his name to be: François Prenel, age 47, cabinetmaker, born in Irois, and residing and domiciled therein.

Judge: On October 27, 2009, Odford arrived in Kayiman.

Counsel for the defense asked the court to order the plaintiff to produce a copy of the summons. The name of this plaintiff does not appear in the order.

The Public Prosecutor's Office declared to the Court that a consensus had been reached to hear 8 of the 40 plaintiffs.

This fourth plaintiff was not heard.

The fifth plaintiff responded, stating her name to be: Ms. Julia Dorval Souverain, age 46, merchant, born in Irois, and residing and domiciled therein.

She essentially declared as follows: Judge: On October 28, 2009, they called with a private No, they told me if you're at the market place, leave the market place and come because Odford Bajon is sick, if he dies they will chop heads and burn down houses. But Eric Bell told me my house will not be burned down. Someone else called me and asked if I was at my house to leave the house. Afterwards I went to hide in a school, I saw all the people who were setting up the fire: Lissaj V.Francky, Gilbert, Benissoit, Boileau; Jean-Louis, Marc Arthur.

France Izmé called Marc-Arthur there's no gas. March-Arthur brought the gas with his own hands.

Public Prosecutor's Office.

I have 3 houses the house in Dalbeton is the one that burned down., I had no problem with these people. My house burned down at 8 o'clock. Marc-Arthur is the sponsor, he had a gallon of gas in his hand. I didn't see Mercurieu-Hebert-Vilème- Michelet: I don't know why they burned our houses, they are the ones who have to say what issue they have with us.

The sixth plaintiff responded, stating his name to be: Boniface David, age 32, teacher, born in Irois, and residing and domiciled therein.

He essentially declared as follows: Judge: Odford Bajon used to be my teacher he got sick, he left the town to go to Port-au-Prince. His supporters said if he dies they chop heads, burn down houses. On October 27, 2009, Odford came to town, but I stayed away, because they had come to murder me before, they murdered my brother instead of me.

Lissage-Marc-Arthur-Vilème-Michelet at 9:30 PM they set my house on fire.

Public Prosecutor's Office

I had no issues with them at all, 36 houses were burned down in Irois. Ti Meriken is the commander in chief of the army. The assistants are Viliena and Marc-Arthur Conte. Marc-Arthur had one gallon of gas in his hands.

The seventh plaintiff responded, stating his name to be: Vilsaint André Marc, age 39, IT professional, born in Irois, and residing and domiciled therein.

He essentially declared as follows:

Judge: At around 3:00 PM, I was standing at my house, I was on my way to go to a meeting, that is when I saw a group of people coming with two people who were tied up, they were Destone and Torchon.

Lifaite- Michelet- Francky-Benissoit-Aubourg, France slapped me, after France hit me with a rock, blood busted out of my face, after that I ran to hide in a bush made of bamboo trees, 9,10 o'clock I heard a group coming Bajon is dead chops heads, burn houses down, at that time there were at that time there were some who said burn down, others said don't burn down, As the houses were burning, a friend of mine went to drop us off in Tibiwon in a Fly Boat.

I didn't see.-

Marc-Arthur Conte, Mercurieu, Kelleman.

The eighth plaintiff responded, stating his name to be: Antoine Kesnel, age 53, teacher, born in Irois, and residing and domiciled therein.

He essentially declared as follows:

Judge: Odfort Bajon is sick, he went back to his house, I didn't understand how come his supporters said, if he dies it will be chopping heads, burn down houses. Thursday October 29, 2009, I was hiding, but no one could come nearby their area.

They destroyed, they damaged, Marc-Arthur's wife/woman made a statement she said they burned down the child's house so that they would not burn the house of the father. They were out of gas. Marc-Arthur brought more gas so that they could burn the house down. Among the 12, Mercurieu is the only one I didn't see. All of them are originally from Irois. They burned down 36 houses. It was general Francky Aubourg, Lissage Viliena, Marc Arthur, Walton, Smith and Co, I have no link with Ti Meriken.

At 10:30 p.m., the hearing was adjourned to tomorrow morning, 10:00 a.m.

Hearing resumes

The first plaintiff responded, stating his name to be: Marc-Arthur Conte, age 46, teacher, born in Irois, and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: I was born in the municipality, every one turns to me, in 2000, I had political aspiration, I was in "ESKANP", but I lost to the Lavalas. Odfort is the one who said I have refugee's money in my hands. Fellow Andre Marc said, I am the only one he didn't see, Glory be to God we are compadres. Odfort was against me, he is the reason why I lost the elections, he was in "MODERE", I myself I was organizing the elections for Maxime Roumer . FAES gave me a certificate to manage the water problem in the area in that area. Now the population is suffering because of water. I am inside the church, all the priests appreciate me . The population wrongly blames me for this action. On October 28 my wife (woman) called me Mako, Odfort is very sick, should I call the Cubans to give him a last treatment, I picked up Ernest Oxil, he went to the Cubans with me, they

told me they are going to give First care to Odfort for me. That is how they prescribed a medication, I am the one who went to get the medication in Anse d'Hainault, afterwards I went to buy another medication . Upon my return, they called me on the phone to let me know Odfort passed away. When I got there, I saw everyone was crying, I told my wife to be consoled, a sister of my wife called me from the United States to put him in a morgue, his wife did not accept, she said she's going to bury her husband at that moment, I took my devices, I was providing sound during the entire night of the wake. On the next day I went to look for Keloke so that he could come and get some money to make some wreaths for me and Douby came to take some pictures for me, that is when I received a phone call from Andre Marc who told me to leave the town immediately because they are on their way to arrest me, because I am selling gas, but there are Marc-Arthur Conte and Marc-Athur Leillant. That's when I saw a UDMO vehicle come to arrest me for selling gas and I spent three days at the Dame-Marie Police Station, during the police interrogation, I said that I called Marc-Arthur Leillant because he is the one who sells gasoline. Because of that, he called the police chief Arisidas to give him an update. The police chief said to write my name as he knows it is spelled. I transferred here, I've been here ever since, I don't have an attitude to burn down houses.

Public Prosecutor's Office

- Where were you, when the event was happening in Irois? I was at my brother-in-law's wake.
- At around what time did the fire start? I don't know I was not there.
- When did you hear about the fire? I don't know at what time
- At what time did the fire end? If you ask me about the wake yes, the fire no.
- Why did they tell you to run away? That is because they said they were coming to arrest me
- Since when were you arrested? Since November 1st, 2009.
- Who did you hear is responsible for committing this action? I don't know.
- What issue do you have with these people? Political issues only

Counsel for the defense questioned the defendant through the court.

- When did you learn that the house in Irois burned down? When I was on my way
- When did you leave the location where the person passed away? at 6 o'clock
- I went back to Irois at 6:30
- Were you happy that those houses burned down? No
- Did you know the houses were going to be burned down? No
- Are you a good person? Yes
- The people who submitted a complaint against you, what issue do they have with you? Because of politics only

The second defendant responded, stating his name to be: Lissage Viliena, age 68, farmer, born in Anse-d'Hainault (Mandou, Fourth Section), residing in Irois.

In essence, the testimony was as follows:

Judge: When the houses burned down in Irois I wasn't there, I already had 15 days since I was out, when I came down on Monday, I noticed the police came to arrest me because of the burnt houses.

Public Prosecutor's Office

- How come your name had been mentioned in this action? Your Honor, my child is a judge in town, I would have never gotten involved in something like that. I was out of town, a place called "wòch blanch (white stone)."

The third defendant responded, stating his name to be: Michelet Noel Conte, age 32, farmer, fisherman, born in Irois (Divino, Third Section), and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: On January 29, 2010, the police with a group of thugs came to arrest me for something that I don't know the OPL supporters are the ones accusing me in this record,

Public Prosecutor's Office

- On the day of the fire, I was in Tiburon
- I don't know at what time the fire started, nor when it ended, when I returned to my house to the house of the voodoo priest directly, on the next day I saw the issue of the fire.

The fourth defendant responded, stating his name to be: Lifaité Livers, age 43, farmer, born in Irois (Third Section), and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: I am one of the OPL, I was with Mayor William, and all of us had a job in the section of Galèt Potonye, he is the strongest, so I was not with the guys, when I was in Galèt Potonye, I was told that the mayor passed away, but yet it was Ofort, I didn't even know if he was there, I used to work against him. An then they told the KAZEK that he must arrest me no matter what.

Public Prosecutor's Office

I was arrested on March 6, 2010, I was arrested at Galèt Potonye (Tabas) ; I don't know anything about that because I live in Galèt Potonye.

The fifth defendant responded, stating his name to be: Ebert Saintilus, age 50, farmer, born in Irois, and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: I can't say anything about the fire, I am not involved in politics, Odford was not related to me on November 5, 2009, they came to arrest me to this date.

The sixth defendant responded, stating his name to be: Vilème Duclona, age 26, merchant, born in Irois (Cité Laroc), residing and domiciled in Port-au-Prince, Bicentenaire Village de Dieu.

In essence, the testimony was as follows:

Judge: I don't know anything about the fire, I live in Port-au-Prince, but there's a political question, I left Irois on June 11, 2009 to go to Port-au-Prince, I am a vendor, on November 14, 2010 after I was done selling, I got in a public vehicle and there was an argument between myself and the other people a fight broke out the driver stopped the vehicle, he turned us to the Police and after 14 days I was transferred here for the fire dossier which I don't know.

Public Prosecutor's Office

- I learned about the fire on the radio because I was in Port-au-Prince, I didn't know what role Marc-Arthur plaid in the fire issue.

Counsel for the Defense questioned the defendant through the court.

- Are you involved in politics? Yes
- What did you do in Irois? I am in school
- Where were you on October 29? Port-au-Prince
- What were you doing on October 29? I was selling sandals
- When you were arrested, what did they say that you did? nothing
- Did you know that the fire was going to happen? No
- Did you take part in the burning down of houses? No

The seventh defendant responded, stating his name to be: Smith Bajon, age 31, electrician, born in Irois, residing in Anse-d'Hainault

In essence, the testimony was as follows:

Judge: I don't know anything about the fire, I live in Anz Deno

Public Prosecutor's Office

I was arrested on February 4, 2010 by the Police

The eighth defendant responded, stating his name to be: Mercidieu Jean Pierre, age 64, farmer, born in Irois, and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: There are two people in the OPL party who said that I was involved in the fire, Your Honor I don't know anything in that fire issue, the house of Mister Raymond is leaking he doesn't invite you ,I spent the day on his job, and I don't know anything at all about that event . I had come back from the market place, I heard Doudou, Tirenord were arrested, on the road I came across UDMO who got me ever since that time I have been here. I have almost four years in jail.

Counsel for the defense questioned the defendant through the court.

- Before I was jailed I was in OPL only again.
- When Destone was tied up, where were you? He didn't see you
- Where were you when the fire was sat in Irois? On that day I didn't even sleep at my house, I sneaked out.
- Does it hurt you? Yes Your Honor
- Did the OPL supporters came to visit you in jail? No
- Do you have a link with the MODERE members? We say hello on the street
- Why were you put among the people who burned the houses? I don't know why; I have never had any issues with anyone of them

The ninth defendant responded, stating his name to be: Bell Benissoit Conte, age 45, farmer, born in Irois (Third Section, Matador), and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: On that day I spend the night in bed with my wife who was in labor, on the next day I heard about the fire, I don't know anything about the fire issue. On that day, my wife gave birth at 4 o'clock in the morning.

Public Prosecutor's Office

- Defendant what was your participation in the action? Your Honor I was in my bed at home

The tenth defendant responded, stating his name to be: Ysmé France, age 27, student, born in Irois, and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: I don't know anything about this dossier

Public Prosecutor's Office

- What was your participation in the fire issue? Your Honor I don't know anything about the fire issue
- What reason brought you to turn yourself to the judicial authority? Your Honor, there is a body behind, if you are not with them you are against them, that is the reason.

Counsel for the Defense

Your Honor ask him for us if he is in a political party? Yes Your Honor modere

- The political party in which you are, have you denounced those actions? Yes

The eleventh defendant responded, stating his name to be: Bell Jean Louis, age 29, farmer, born in Irois (Third Section, Matador), and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: As I was outside, I heard that a Mayor is dead ,I know it was Morose Viliena, I don't know anything about fire issues, I went to look for the mayor to assess the situation, and then he arrested me. He said I am a Montose supporter, he must arrest me.

Public Prosecutor's Office

- Your Honor I went to Ma rouj on October 28 ,I came back on October 29, I didn't hear anyone talking about what happened in Irois.

The twelfth defendant responded, stating his name to be: Kelleman Charles, age 35, fisherman, born in Irois (Third Section, Divino), and residing and domiciled therein.

In essence, the testimony was as follows:

Judge: In 2009, Gaspard had me arrested with the brigade corps, I don't know anything about the fire issue, I have been in jail for almost 4 years ,a judge never heard me.

Public Prosecutor's Office

I was arrested on December 23, 2009, they sent me here since then the judge has never heard [from] me.

The Counsel for the Defense questioned the defendant through the court.

- What issue do you have with the people who had you arrested? I don't have any issues with them, it is political issues.
- Did you set Irois houses in fire? No

The court asked to adjourn the hearing, as all of the parties had been heard. The presiding judge declared the individual arguments to have been concluded, now moving on to the general arguments.

The Public Prosecutor's Office takes the floor

Mr. Aujour Jean Luc is the first to take the floor. He declared the grounds he intends to use, justice being the founding law. These 12 defendants, who we have heard here today, have been charged with the crime of arson. The court will issue a decision on the arson charge. The plaintiffs and witnesses have stated contradictory information; they are complicating the situation. We must get such a situation under control. The fire has caused significant harm to the Irois community. Art 22 of the Haitian Constitution states: all people have the right to lodging. Art. 1, Human Rights, discusses fraternity. We live in an era where the Rule of Law prevails. You must look to your conscience, in light of this barbarous act.

Mr. Antoine Rosny Saint Louis The Public Prosecutor's Office asked the court to compel the republic, rendering an equitable decision. This proceeding, to which we have been bound, has never uncovered what is essential. Justice does not live off of scandal, it dies (Etzer-Vilaire). The night of October 29-30, 2009, a fire was set off in the houses of the Irois area for political reasons. We [must] punish such conduct. The court shall be responsible for upholding the word of the law.

Essential elements constituting the offense (4)

- 1- The act itself/material → a piece of property belonging to another party.
- 2- Means → due to there being an explosive substance → gasoline.
- 3- Criminal intent/will, according to the legal commentary, a fire is considered...
- 4- Legal element of the offense (No punishment without law).

→ Law and justice are two elements which consolidate matters. There are harmless witnesses, I understand the declaration of the victims and those of the defendants, two of our witnesses were not here: Mercurieu Jean Pierre and Vilème Duclona.

The Public Prosecutor's Office waives the charge against Mercurieu Jean Pierre and Vilème Duclona. They have already spent four years in prison, will they benefit from mitigating circumstances? It is up to the court; it was asked to apply Article 356 of the Criminal Code [C.P.] against the defendants. For those who are fugitives, the Public Prosecutor's Office asked the court to judge them in absentia.

PARTY REQUESTING DAMAGES

Mr. Ariel Chery was the first to take the floor. Thirty-six homes were set on fire, the work of twelve arsonists. It was with good reason that the Public Prosecutor's Office asked to apply this article.

Mr. Antoine Michelet Sanon: We are victims, our homes have completely burned down, we are scattered about. How do you want to assign punishment? Happily the lawmaker planned everything out very well, we have heard a whole host of witnesses. You will be able to render an equitable decision in this case.

Mr. Jean Michel: formulated his grounds, stating that Irois is a lawless zone like Cité Soleil used to be, Judge you should decide, according to your conviction, in favor of the victims.

Mr. Yvon Janvier: If good men have enough courage to face....the world is lost.

Odfort's death was a pretext for the defendants to devise this situation. It is a human rights violation; Art. 276-2 rightly states (Haitian Constitution).

Mr. Mercier Josma: formulated his grounds, declaring that no one acknowledges their participation in this fire. Mercurieu was denounced for having burned Jean Renold Noel's house. A request was made for the joint and several payment of 800,000 gourdes for each home made of sheet metal, 1,500,000 gourdes for each house in concrete, and 2,000,000 gourdes for damages.

COUNSEL FOR THE DEFENSE TAKES THE FLOOR

Mr. Osnel Sejour was the first to take the floor, emphatically declaring that he has been tracking the event. Political changes in power are fully prescribed by our Constitution; in the year 2009, there was no regrettable fire. We issued a batch of 200 warrants, 150 people fled (those who believed they were at fault) but the defendants here would not have thought to do anything to anyone, and they felt comfortable remaining in their homes.

Three witnesses among them said that Marc-Arthur Conte was playing music that night. According to what the Public Prosecutor's Office heard, since there are upstanding people among them, the men are no longer here due to politics. "Even if I am a man, I do not live as a human." (Theran).

Until now, Marc-Arthur was strong in Irois. I took care to ask a witness if there was not another Marc-Arthur over there, and he answered with the statement that it is uncertain; is there some mitigating circumstance about this?

Mr. Jean Fedv Charles: The Prosecutor's Office declared that politics kills law, it is true that today you find yourself before a complex situation, first that there was a fire in Irois, be it divine, awful, scornful. Art. 52-1 of the Constitution shows how...the goal of the punishment is to rehabilitate parties at fault, accidentally, this event occurred, in your decision, you could allow these defendants to go back to their families, because they do have families.

Mr. Roosevelt Charles: There is a sociopolitical situation, the witnesses who have testified here are supporters of tractors, the court cannot accept these testimonies 100%, the party claiming damages strengthened the Public Prosecutor's Office's waiver against the defendants Mercurieu Jean Pierre and Vilème Duclona, we applaud it, there is a procedure for judging in absentia, the Public Prosecutor should issue a warrant for the arrest of these fugitives. Where are they? The Public Prosecutor's Office has been barking up the wrong tree.

Mr. Joseph Descharles: We are faced with a complex case, where some thirty little houses were burned down. By whom? The commune of Irois belongs to us too, building a house costs a lot, we cannot tolerate this. Justice is not politics but that has brought us before the court. Keeping in mind all of these parameters in this case, you can issue a decision that cannot be quashed. They are all presumed innocent, they are not hoodlums, they are people like us, although the party claiming damages identifies them as hoodlums.

The Public Prosecutor's Office identifies them as individuals, in this case we can look for the true perpetrators, the court cannot accept the statements of witnesses that testify due to their affiliation with political parties. The Public Prosecutor's Office, the party claiming damages, they recognize there was uncertainty. The first two witnesses said that Marc-Arthur Conte was at the wake. The Public Prosecutor's Office recognized that what is essential has not been said. Who burned it down? Where did they put their hand in the bag? The uncertainty benefits the defendant. They are all innocent. The 1835 lawmaker rightly pointed out the state of mind and intention of arsonists. The arsonists are still in the department; is the Public Prosecutor's Office giving me a golden gift, thank you Public Prosecutor, of mitigating circumstances? "I want it I take it"; they are not guilty; in the impossible event of a denial, there are mitigating circumstances for those who have not been prevented from being charged.

For allotting damages...one of the plaintiffs declared that he received a government subsidy. In this case, the counsel for the defense asked the court to apply Article 383, par. 4. Otherwise, that it order the defendants to serve three years, or even the lesser punishment, that would be fair.

The court asked the evidence to be submitted in order to render its decision within the legal timeframe. Issued from the bench.

LAW:

Did the defendants Marc-Arthur Conte, Lissage Viliena, Michelet Noel, Lifaité Livers, Ebert Saintelus, Vilème Duclona, Smith Bajon, Mercurieu Jean-Pierre, Bel Benissoit, France Izmé, Bel Jean-Louis, Kelleman Charles, commit the crime of arson against Ms. Glossel Ligonde, André Marc Vilssaint, Ms. Gérard Charles, Ms. Antoine Kesnel, Thelismène Pierre-Louis, Jean Noel Gislaïne, Louis Frederick, Petit Blanc Denis, Delicia Pierre-Louis, Raymond Jean Noel, Vanite Logis, Izmé Mary, Ms. Canès Jean-Pierre, Destone Lebon, Celeste Zamor, Ms. Jean Daniel Laguerre: Lissage Matyre, Lebon Macula, Boniface David, Maurice Auguste, Julio Auguste, Jean-Pierre Venita, William Julien, Andre Dorval, Ms. Samuel Michel, Izmé Gaspard, Lorena Wilbert, Flobert Milord, François Renold, Ms. Paul Desrosiers, Izmé Jude, Romelus Moïse, Ms. Sansarick Mardy, and Marie Monique Noel?

If the answer is yes, wouldn't the strictest consequences of the Criminal Code apply to them?

Nevertheless, are there mitigating circumstances in favor of the defendants, and if so, wouldn't the court decide according to these circumstances?

What about the damages sought? And the amounts claimed as the estimated prices of the homes that burned down?

What about costs?

- Whereas the case file, procedural evidence

- The hearing transcript
- The submissions of the public prosecutor's office
- The submissions of the party claiming damages
- The submissions of the counsel for the defense
- The legal provisions on the subject matter
- Everything that has been seen and upon review
- Considering that by the order dated October eleven two thousand and twelve and the summons dated July twenty-four two thousand and thirteen, the aforementioned Marc-Arthur and Co. were summoned to the Criminal Court of Jérémie, charged with the crime of arson committed to the detriment of Ms. Glossel Ligonde et Co.
- The defendants denied the acts with which they were charged;
- According to the testimonies of the witnesses heard during the investigation, the acts alleged against the defendants have been proven;
- Therefore the strict consequences of the Criminal Code apply to the Defendants:
- Nevertheless, this event took place on the occasion of the death of one Odfort Bajon, who was close to the defendants;
- These defendants attributed the death of Odfort Bajon to a supernatural[sic] illness stemming from the victims of the fire;
- The defendants might not have been able to take possession while mourning Odfort Bajon, [which cost them dearly[sic]
- Consequently, it is appropriate to ascribe mitigating circumstances to them;
- Therefore the defendants are subject to the strictest consequences of Article 382, par. 2 of the Criminal Code, which stipulates:

"If the punishment is that of forced labor in perpetuity, the court shall apply the punishment to the time of reclusion."

- Considering that the victims experienced atrocious mental suffering upon seeing their homes go up in flames or destroyed underneath stones, hammer, or max[sic]
- They had to sleep outdoors after their homes were destroyed;
- Consequently, these homes must be paid for at their fair price;
- The victims suffered actual damage that merits reparation;
- The damages they are requesting are legal and shall be allotted to them;
- All losing parties must pay costs.

NOW, THEREFORE

The Court convicts the defendants: Marc-Arthur Conte, Lissage Viliena, Michelet Noel, Lifaité Livers, Saintius Ebert, Vilème Duclona, Smith Bajon, Mercidieu Jean-Pierre, Benissoit Bell, France Izmé, Jean Louis Bell, Charles Kelleman, to three years of forced labor pursuant to Article 382, par. 2 of the Criminal Code, which punishment was read aloud at the hearing and inserted into the judgment. They are jointly and severally ordered to pay 100,000 gourdes for the houses made of sheet metal that were burned or destroyed, and 500,000 gourdes for the houses in concrete that were burned or destroyed, and are jointly and severally ordered to pay 1,000,000 (one million) gourdes in damages to the victims Ms. Glossel Ligonde, André Marc Vilssaint, Ms. Gérard Charles, Ms. Antoine Kesnel, Thelismène Pierre-Louis, Jean Noel Gislaine, Louis Frederick, Petit Blanc Denis, Delicia Pierre-Louis, Raymond Jean Noel, Vanite Logis, Izmé Mary, Ms. Canès Jean-Pierre, Ms. Destone Lebon, Celeste Zamor, Ms. Jean Daniel Laguerre, Lissage Matyre, Lebon Macula, Boniface David, Maurice Auguste, Julio Auguste, Jean-Pierre Venita, William Julien, Andrel Dorval, Izmé Gaspard, Lorena Wilbert, Flobert Milord, François Renold, Ms. Paul Desrosiers, Izmé Jude, Romelus Moïse, Ms. Sansarick Mardy, Marie Monique Noel, and are ordered to pay costs and expenses. It is declared that the Lespinasse Law will be applied in favor of the defendants, and that the fugitive defendants will be judged in absentia.

Judgment rendered and pronounced by me, Mr. Jean Baptiste Louis Jean, Attorney, Judge, assisted by Clerk Jean Serge Eugene and Court Usher Osna Jean Petit. In the presence of Mr. Rosny Saint-Louis, Government Commissioner, Clerk from the Public Prosecutor's Office, at a public criminal hearing on Tuesday, August thirteen, at 6:00 p.m., in the 210th year of independence.

It is hereby ordered that all process servers enforce this judgment, that all public officers at the civil courts support them in doing so, and that all police inspectors or other law enforcement agents assist them in their efforts, where legally required to do so.

In witness whereof, the draft of this judgment was signed by the Judge and the Court Clerk.

Signed: Mr. Jean Baptiste Louis Jean, Attorney, Judge at the Civil Court of Jérémie, and Jean Serge Eugène, Court Clerk.

COLLATED

TRUE CERTIFIED COPY

[illegible stamp] [signature]
Mr. Jean Serge Eugène, Clerk of the
Court of First Instance of Jérémie

République d'Haïti

AU NOM DE LA RÉPUBLIQUE

L'An deux mille treize, An 210° de l'Indépendance et le mercredi douze Août à une heure de l'Après midi.

Nous, Me Jean Baptiste Louis Jean, juge au tribunal civil de Jérémie, assisté du Greffier Jean Serge Eugène et de l'huissier audiencier Osna Jean Petit, en présence de Me Rosny Saint Louis Commissaire du gouvernement, occupant le siège du Ministère public, composant le Tribunal Criminel de ce ressort siégeant sans assistance de jury, dont l'ouverture a été fixé au lundi premier juillet deux mille treize, conformément à la loi, compétemment réuni au palais de Justice de cette ville, en audience publique à l'effet de procéder au jugement introduit contre :

- 1) Marc -Arthur Conte
- 2) Lissage Viliena
- 3) Michelet Noel
- 4) Lifaité Livers
- 5) Saintilus Ebert
- 6) Duclona Vilerme
- 7) Smith Bajon
- 8) Mercurieu Jn Pierre
- 9) Benissoit Bel
- 10) France Izmé
- 11) Jean Louis Bel
- 12) Charles Kelleman et Co. Tous accusés d'incendie aux préjudices des Izmé Gaspard et Co.

Les accusés extraits de la prison civile ont conduit à l'audience libre et sans fer, seulement accompagné des Agents de l'APENA pour les empêcher de les évader et ils sont assistés de Me Osnel Sejour ; Me Jean Fedy Charles, Me Joseph Descharles du barreau de Jérémie.-

Cette affaire étant celle qui doit être jugée sans assistance de jury d'après la loi modifiant le CIC.

FAITS le président de la Cour a déclaré l'audience criminelle du jour est ouverte puis il a interrogé les accusés sur les noms, prénoms, âge, profession demeure et domicile ?

Le premier accusé a répondu se nommer marc Arthur Conte âgé de 46 ans, enseignant de profession né aux Irois y demeurant et domicilié.

Le deuxième accusé a répondu se nommer Lissage Viliena âgé de 68 ans, cultivateur de profession né à Mandou (4° section) y demeurant et domicilié.

Le troisième accusé a répondu se nommer Michelet Noel âgé de 32 ans, cultivateur de profession né aux Irois y demeurant et domicilié.

Le quatrième accusé a répondu se nommer Lifaité Livers âgé de 43 ans, cultivateur de profession né aux Irois y demeurant et domicilié.

Le cinquième accusé a répondu se nommer Ebert Saintilus, âgé de 50 ans, cultivateur de profession né aux Irois y demeurant et domicilié.

Le sixième accusé a répondu se nommer Duclona Vilerme, âgé de 26 ans, marchand de profession né aux Irois demeurant et domicilié à Port-au-Prince, Bicentenaire Villade de Dieu.

Le septième accusé a répondu se nommer Smith Bajon âgé de 31 ans, électricien de profession né à aux Irois demeurant et domicilié à l'Anse d'Hainaut.

Le huitième accusé a répondu se nommer Mercurieu Jean Pierre âgé de 63 ans, cultivateur de profession né aux Irois y demeurant et domicilié

LE JUGE DE LA JUSTICE
ET DU TRIBUNAL CRIMINEL
PAR Jean Mue Telan
LE 09-13-2013-13h05
No

Le neuvième accusé a répondu se nommer : Benissoit Bel, âgé de 45 ans, cultivateur de profession, né aux Irois et demeurant et domicilié (1^{ère} section).

Le onzième accusé a répondu se nommer Bel Jean Louis âgé de 29 ans, cultivateur de profession né aux Irois, y demeurant et domicilié (Matador 3^e section).

Le douzième accusé a répondu se nommer : Charles Kelemann, âgé de 35 ans, pêcheur de profession, né aux Irois 3^e section, y demeurant et domicilié.

Mackenson ainsi connu ; Meretus Beaublanc, Dieuné Jean Noel , Elie Jean Zamor, Bel Lucnord ; Aubourg Julbert, Tijo Deruisseau , Francky Aubourg ; Wilsaint Duclona ; Lenord ; Bajon, Dely Johny ; Louis Charles Florismé , Steeve Obès , Ysias Dimanche, Souverain Merais, Pierre Guerson , Obès Noel , Pierrot Boileau ; Bien-Aimé Noel ; Sorel Noelsaint, Tenia ainsi connu , Tizout Ainsi connu, Merlème Bajon ; Alain Duclona ; Rejean Berger ; Paulo Cadet ; Wilfrid Cenal ; Lionel Fleriza ; Flonillus Fleriza, tous accusés en fuite.

Le président de la cour a avertir le conseil de la défense des accusés qu'il ne peut rien dire contre leur conscience ni contre le respect du aux lois et qu'il doit l'exprimer avec décence et modération , il a également averti le conseil des accusés d'être attentif à ce qu'ils vont entendre et ordonner au Greffier en siège de donner lecture de l'ordonnance de renvoi du juge d'instruction ainsi que de l'acte d'accusation.

La partie civile : Mes Mercier Josma, Yvon Janvier, Ariel Chery, Antoine Michelet Sanon et Jean Michel ont obtenu acte de leur Constitution pour la defense de leurs clients.

Conseil de la défense, Mes Joseph Descharles ; Rosevelt Charles ; Osnel Sejour et Jean Fedi Charles ont obtenu acte de constitution pour la défense de leurs clients.

Le conseil de la défense demande acte du fait que les noms de Vilème Duclona et Izmé France n'est pas figuré dans l'arrêt ordonnance, l'acte lui été accordé.

Le Ministère public a combattu du fait que quand on dit Marc-Arthur Conte et Co le reste sont là.

La partie civile abonde dans le même sens avec le Ministère public.

Le conseil de la défense revint à la barre à sollicité et obtenu acte.

« Selon la doctrine, il est de principe que l'arrêt de mis en accusation soit le seul acte...

Le conseil de la défense s'enchaîne, abonde dans le même sens du fait qu'il y a deux parmi ses accusés n'ont pas été cités, sur ce il réserve les plus formelles de droit.

Le Ministère public revint à la barre tout en disant au tribunal ne laisse pas induire par le conseil de la défense, la partie civile a fait chorus.

Le conseil de la défense a encore la partie a déclaré au tribunal que l'acte d'accusation soutienne l'ordonnance arrêt de clôture.

Le conseil de la défense ne dit pas, qu'il n'a pas reçu la citation de comparution, mais la signification de l'acte d'accusation que leurs noms ne figurent pas.

Après quoi le président de la cour a déclaré aux accusés ce qui est contenu dans l'acte d'accusation et dit aux accusés. « Voila de quoi vous êtes accusés » vous allez entendre les charges qui seront portées conte vous.

Me Antoine Rosny St Louis, av, Commissaire du gouvernement, occupant le siège du Ministère public, ayant sollicité et obtenu la parole a exposé le sujet de l'accusation.

Ministère Public ayant sollicité est obtenu la parole a demandé au tribunal d'entendre les témoins, puisque un fait d'incendie a été produit aux Irois.

Témoins

- 1) Lebon Enel (Abs)
- 2) Souverain Cenal (Près)
- 3) Evens Francois (prés)
- 4) Larrieux Lifranc (Pres)
- 5) Milord Belgi (Abs)
- 6) Elistène Louis (Abs)
- 7) Remy Milfort (Prés)
- 8) Cajus Maxo (Abs)
- 9) Resima Fednor (Prés)
- 10) David Ecclésiaste (Abs)
- 11) Mme Wiliame Lebon (Abs)
- 12) Franckel Izmé (Prés)

La partie civile ayant sollicité et obtenu la parole, a déclaré au tribunal qu'elle n'a pas reçu la liste des témoins cités dans le cadre de cette affaire, et a demandé d'ordonner au Ministère public de la communiqué la liste de ces témoins qui sont présent aujourd'hui.

La partie civile proteste contre les témoins.

Le Ministère public a pris le contre pied contre la déclaration de la partie civile, du même coup il a fait appelle à l'article 249 du CIC.

Le conseil de la défense n'a aucune objection contre la liste des témoins signifiés par le Ministère public,

Témoins

Le premier témoin après prêté serment de parler sans haine et sans crainte, de dire toute la vérité rien que la vérité a été interrogé sur ses nom, prénom, âge, profession, demeure et domicile, s'il ne connaissait les accusés avant le fait mentionné dans l'acte de l'accusation, si les parent, allié, domestique ou serviteur des parties, a déclaré se nommer :

Souverain Cenal, âgé de 43 ans, cultivateur de profession, né aux Irois y demeurant et domicilié, je ne suis ni domestique, ni serviteur d'aucune des parties.

La partie civile ayant sollicité et obtenu la parole, a déclaré au tribunal qu'il renonce à l'audition de ce témoin, puis qu'il a été impliqué dans cette affaire.

Le Ministère public n'a pas d'objection.

Le conseil de la défense a la parole a dit, au lieu de dire renoncer c'est plutôt récusé,

La partie civile a formulé ses réserves les plus formelles de droit quant à l'audition de ce témoin.

Le tribunal fait droit à la demande du ministère public en auditionnant ce témoin et la continuation de l'affaire.

En substance il a déposé comme suit : Magistrat : Mwen vi-n la pou'm bay kèk enfòmasyon, se yon bagay ki te pase nan nwit, nou te gen yon moun ki malad, mesye Marc -Arthur Conte li menm l'al achte yon medikaman le'l tounen se son li t'ap fè mwen te rete kote'l la.

Mwen leve mwen wè lapolis ap ranmase moun, mwen pa konnen anyen, yo se bon moun mwen pa konn tande non akize sa yo nan boule kay, Marc-Arthur Conte te chita sou yon tab l'ap fè son.

Eske yo entèdi vann gaz o Iwa? R- Yo pa entèdi vann gaz.

Ce témoin a déposé oralement et a répondu à toutes les questions qui lui ont été posés. Après la deposition, le juge a demandé au témoin si ce sont des accusés présent qu'il a entendu parler et aux accusés qu'ils veulent répondre a ce qui d'être dit contre eux et la deposition a fait l'objet des débats.

Le deuxième témoin après prêté serment de parler sans haine et sans crainte, de dire toute la vérité rien que la vérité a été interrogé sur ses nom, prénom, âge, profession, demeure et domicile, s'il ne connaissait les accusés avant le fait mentionné dans l'acte de l'accusation, si les parent, allié, domestique ou serviteur des parties, a déclaré se nommer :

François Evens, âgé de 38 ans, Ingénieur de profession, né à l'Anse d'Hainault demeurant et domicilié aux Irois. « Je ne suis ni domestique, ni serviteur d'aucune des parties. »

La partie civile a demandé au tribunal de faire communiquer pour le témoin sa citation et une pièce d'identification, ce qui a été fait.

La partie civile a formulé ses réserves les plus formelles de droit quant à l'audition de ce témoin.

En substance il a déposé comme suit : Magistrat : mwen ka pale de Lissage Viliéna et Marc-Arthur Conte, lissage pat la pou jou a e Marc-Arthur te al acheté yon medikaman Anse d'Hainault, se nou ki te rele'l tounen et l'el tounen se son li t'ap bay. Mwen pa ka di kiyès ki fèl , mwen pa konnen si Vileme Duclona te Oziwa , mwen konnen'l mwen pa konnen ke Marc-Arthur Conte konn vann gaz , mwen pa tandè ke Marc-Arthur Conte boule kay ak gazolin, mwen rekonèt Marc-Arthur Conte depi 8 tan , kòm yo repwoche'l de sa , men mwen pa konnen'l ka fè sa.

Ce témoin a déposé oralement et a répondu a toutes les questions qui lui ont été posés. Après la deposition, le juge a demandé au témoin si ce sont des accusés présent qu'il a entendu parler et aux accusés qu'ils veulent répondre a ce qui d'être dit contre eux et la deposition a fait l'objet des débats.

Le troisième témoin après prêté serment de parler sans haine et sans crainte, de dire toute la vérité rien que la vérité a été interrogé sur ses nom, prénom, âge, profession, demeure et domicile, s'il ne connaissait les accusés avant le fait mentionné dans l'acte de l'accusation, si les parent, allié, domestique ou serviteur des parties, a déclaré se nommer :

Vilfranc Larrieux , âgé de 38 ans, animateur de profession, né aux Irois y demeurant et domicilié « je ne suis ni domestique, ni serviteur d'aucune des parties. »

En substance il a déposé comme suit : Magistrat : Odfort Bajon , se moun Iwa , li te malad ; Patizan Odfòd Bajon pran Lari , yo di si Odfort Bajon mouri yap redwi vil la an sann :

Acte accordé au conseil de la defense, paske temoin sa a se yon viktim li ye.

Marc-Arthur se aktè # 1 li ye nan dosye . Mwen te di'w gen 34 ka kip ase nan Iwa , aksyon yo montre ke yo pa bon moun., se lanmò Odfort Bajon ki sisite akksyon sa a. Izyas ak Wilfrid se sòlda yo ye , leta sibvansyone yon pati pou repare kèk kay , kay pam pa boule , te gen kay Kayiman ki te boule , se menm woulib sa a yo pran.

La partie civile a demandé au témoin par le biais du tribunal comment France Izmé s'est livré lui-même et Vilème Duclona était arrêté à Port-au-Prince ?

R- Franz Imé te deklare ke li menase de mò, li al rann tèt li nan Lapolis.

Le conseil de la défense a questionné le témoin par le biais du tribunal :

- Eske li te fè politik ?
- Kote li te ye lè sa ?
- Mwen te Iwa
- Eske marc-Arthur konn vann gazoline ?
- Non
- Eske ke li te wè Marc-Arthur ap boule kay o Iwa ?
- Wi
- Ki pati politik Odford Bajan te ye?
- Mwen pa konnen , sof ke mwen ta KEP.
- Sou ki pati Odford Bajan te eli?
- Mwen pa konnen
- Ou nan yon pati politik?
- Non
- Ak kisa ou te wè Marc-Arthur Conte ap mete dife a?
- Ak yon galon gazolin
- Ki rad ki te sou li jou sa a ?
- Mwen pa konnen.

Demande d'acte accordée

De fait que le témoin a déclaré qu'il ignorait la couleur du vêtement que portait, mais qu'il a vu que Marc-Arthur tenait un gallon de la gazoline.

Se te yon twoup ki te ansanm ki t'ap boule kay yo.

- Eske li te wè Vilerme Duclona t'ap met dife ? Wi ak gaz ak pay
- Eske li pat fè foto? Mwen pa jounalis
- Eske Marc-Arthur Conte se kandida? Mwen pa konnen.
- Ou se kandida ? Non
- Pwoblèm mwen gen avè yo se paske yo chwazi detui Iwa.
- Ou te menase?Non
- Eske ou te gen lòt moun ki t'al kache avè'w? Non
- Eske ou konnen tout akize sa yo ? Wi
- Kay yo te kòmase boule a pati 7è PM a x.
- Eske li te Matadò, li te Iwa tou? Non
- Koman fè li di se mesye sa yo ki boule kay yo? A pati lòt temwen e viktim yo.

Acte accordé au conseil de la défense du fait que le témoin a dit qu'il n'a pas vu, mais selon les dires des témoins et des victimes.

- Ki wòl chak moun sa yo nan mete dife depi Matadò jisko Iwa ? Se yon gwoup yo ye.
- Kote li te ye? Mwen te Iwa
- Se Marc-Arthur ki t'ap patwone twoup la.
- Kòman ou wè tout bagay sa yo? Kote mwen te abrite nan.

Ce témoin a déposé oralement et a répondu a toutes les questions qui lui ont été posés. Après la deposition, le juge a demandé au témoin si ce sont des accusés présent qu'il a entendu parler et aux accusés qu'ils veulent répondre a ce qui d'être dit contre eux et la deposition a fait l'objet des débats.

Mercidieu Jean Pierre : Reponn

- Eske ou te wè-m ? Wi
- Ki kote ou te ye ? Matadò – Iwa?
- Ou te mete dife kay Raymond Jean Noel

Michelet Iwa reponn
Mwen an gen pwoblèm avèk nou poutèt pati politik

- Majistra Michelet kope zòrèy Destone Lebon. Li te mennen-m Tibiron

Izmé France : Mesye Vilfranc gen pwoblèm avèk mwen . poutèt pati politik, mwen te al rann tèt mwen paske tout moun lakay mwen vle pou'm fè men-m pati politik ak yo.

Duclona Vilème : Mwen te arete Pòtoprins , kiyès ak ki manda ? Mwen pa konnen mwen pat la.

Marc-Arthur Conte : Mwen pa nan nan menm pati politik ak Larrieux, mwen pa konn vann gaz.

- Ak konbyen galon gaz ou te wè'm ? de Matador a Iwa.

Le quatrième témoin après prêté serment de parler sans haine et sans crainte, de dire toute la vérité rien que la vérité a été interrogé sur ses nom, prénom, âge, profession, demeure et domicile, s'il ne connaissait les accusés avant le fait mentionné dans l'acte de l'accusation, si les parent, allié, domestique ou serviteur des parties, a déclaré se nommer :

Milfort Remy , agé de 41 ans, pêcheur de profession né aux Irois, y demeurant et domicilié "Je ne suis ni domestique, ni serviteur d'aucune des parties".

La partie civile a demadé au tribunal d'ordonner à ce témoin d'exhiber sa citation et sa carte d'identification nationale .

La partie civile a formulé les reserves les plus formelles de droit quant à son audition.

En substance il a déposé comme suit: Magistrat: Marc-Arthur Conte te al Anzedeno al achte yon medikaman, lè moun nan mouri, nou rele Marc-Arthur retounen , lèl tounen se son li t'ap fè.

Ministère Public :

- Ak kisa yo boule kay sa yo ? Mwen pa konnen , mwen pa di'w ke tout moun sa yo se moun debyen yo ye. Mwen pa rete menm kote avèk yo.

Conseil de la Défense : Kote Marc-Arthur Conte te ye ? Nan vèy la

- Eske li te gen yon galon gazolin nan men'l li t'ap boule kay Iwa ? Non

- Marc-Arthur te kandida, li toujou gen moun Iwa? Wi

- Eske ou konn tande Marc-Arthur nan boule kay Iwa ? Non

- Marc -Arthur te kandida, li te toujou gen moun Iwa , li te kandida chak moun te nan pati pa yo ; yo emplike'l paske Odfort se bò frè'l.

Matador – Iwa 9 minit ; taxi 15, 25 goud.

- Eske Larrieux ka wè kote kay yo ap boule a? Li ka wè kèk kay
- Eske Larrieux ka idantifye yon moun kap mete dife kote li ye? Si se lajounen li ka wè, lan nuit , non
- Eske gen kay beton ki boule ? Wi yo pa kole ansanm.
- Se pa premye fwa yo mete dife Iwa.
- Eske kay sa yo boule vre? Wi
- Eske gen youn nan moun sa yo ki komèt zak la ? Mwen pa konnen.

Ce témoin a déposé oralement et a répondu a toutes les questions qui lui ont été posés. Après la deposition, le juge a demandé au témoin si ce sont des accusés présent qu'il a entendu parler et

Le Cinquième témoin après prêté serment de parler sans haine et sans crainte, de dire toute la vérité rien que la vérité a été interrogé sur ses nom, prénom, âge, profession, demeure et domicile, s'il ne connaissait les accusés avant le fait mentionné dans l'acte de l'accusation, si les parent, allié, domestique ou serviteur des parties, a déclaré se nommer :

Resuma Fedner , agé de 27 ans, maçon de profession né aux Irois, y demeurant et domicilié (popiggi) Il est le fils d'une plaignante.

En substance il a déposé comme suit:

Magistrat : Mèkredi 28 oktòb 2009, Mesye sa yo pran lari Y'al kay yon mesye yo rele Senèk.

Marc-Arthur Conte, Lifèt Livè, Aubourg Francky, Gilbert et Co.

29 oktòb 10 heures : menm yo menm nan pase nan mache a . yo di tout moun kite mache a, anpil kite mache a genyen ki te rete.

La partie civile

- Pou fè yon kay li koute chè ? Wi;
- Eske akize sa yo gen kay yo ki boule? non
- Eske yo boule kay ki pou yo? Non
- Marc-Arthur se antèt li te ye.

Le conseil de la défense a questionné le témoin par le biais du tribunal

- Kote ou te ye ? Mwen te kay Lòsa toupren nan kay li t'ap mete dife a. Mwen te wè Marc-Arthur ak yon galon gaz nan men'l . Marc-Arthur te pran gaz nan men yon mesye yo rele Milot.
- Eske ou te wè Marc-Arthur ap mete dife nan Matadò rive Iwa. ? Iwa mwen pat wè tout men li t'al dèyè Anzdeno
- Mwen wè Marc-Arthur ak je pam lèl t'ap mete dife a.
- Eske ou te wè Duclona Vilème t'ap mete dife ? Se dènye chimè apre Marc-Arthur Conte li ye , li boule kay tonton'l.

Ce témoin a déposé oralement et a répondu a toutes les questions qui lui ont été posés. Après la deposition, le juge a demandé au témoin si ce sont des accusés présent qu'il a entendu parler et aux accusés qu'ils veulent répondre a ce qui d'être dit contre eux et la deposition a fait l'objet des débats.

Duclona Vilème Reponn

Mande'l pou mwen poukisa li pote plent pou mwen an 2012 ? Mwen pat pote plent pou li . Kòm moun li te wè k'ap boule kay papa'l.

Izmé France :

Misye gen pwoblèm avèk mwen depi lekòl, sou kesyon politik ; yo nan brigad mache bat moun.
Marc-Arthur : Explike pwoblèm ki fè temwen sa a vin pale kont li.

Le sixième témoin après prêté serment de parler sans haine et sans crainte, de dire toute la vérité rien que la vérité a été interrogé sur ses nom, prénom, âge, profession, demeure et domicile, s'il ne connaissait les accusés avant le fait mentionné dans l'acte de l'accusation, si les parent, allié, domestique ou serviteur des parties, a déclaré se nommer :

Le conseil de la défense a demandé au tribunal d'ordonner au témoin de présenter sa citation et sa carte d'identification. Ce qui a été fait.

Le Ministère Public, a demandé l'application de l'article 256 du CIC conte le témoin Franckel Izmé.

La partie civile a demandé au tribunal d'entendre le témoin à titre de renseignement.

Le conseil de la défense s'y oppose quant à l'audition du témoin Franckel Izmé.

La partie civile a déclaré au tribunal que la loi ne s'oppose à l'audition d'un cousin de l'accusé.

Le conseil de la défense réitère sa demande.

Le Ministère public, partie principale et poursuivante dans le procès ; art 256 du CIC, arrêt du 23 Avril 1989.

La partie civile a déclaré qu'il n'y a pas d'alliance.

Le conseil de la défense, à la parole a dit qu'il y a une doute, le doute profite aux accusés.

Le tribunal : Le texte ne parle pas le témoin sera entendu.

En substance il a déposé comme suit : Magistrat : Mardi 27 mal Okay (paske mwen gen pitit mwen ki lekòl Okay ; mwen moute yon boat ak Michelet li pa touche nan menm , lè mwen retounen yo dim Odfort malad se pote yo potel, se Michelet ki pote'l , mwen di bon Michelet pa di'm sa ?

Odfort vin mouri , tout moun mache a di nan ranmase, paske yo te di y'ap boule yo an sann. Mwen gen yon akolit mwen ki rele'm ki di'm yo met dife lakay li , li site non tout moun ki te nan boule kay li , pandan mwen abrite mwen, mwen tande gen yon gwoup ki di : an al boule kay Destone nan, après mwen monte yon pye mango labich mwen wè yap boule, Après mwen desann m'al kache nan yon touf bannann , mwen wè Franky ki rele Gilbert ki di gaz la fini epi li di se kay Marc-Arthur pou l'al pran'l. Vilème vin parèt ak yon galon gaz , yal mete dife kay Senta.

Ministère Public

Vè 7 :30 PM kay sa yo te kòmanse boule ? Mwen te kache ; Lapolis pat kapab.

La partie civile a questionné le témoin par le biais du tribunal.

Kiyès ki patisipe nan met dife a ? Mwen pa ka di kiyès ki patisipe nan met dife.

Le conseil de la défense a questionné le témoin par le biais du tribunal.

- Eske ke lòt akize li pa site non yo , eske yo pa patisipe ? Lòt moun gen dwa wè yo.

- Mwen pa janm gen kont ak yo youn la.

- Eske ou nan menm pati politik avèk akize sa yo? Non

- Eske ou gen pwoblèm ak Izmé ? Non

- Moun pa konn fè moun malad, se Bondye, Wi Marc-Athure fè politik.

- 2000 Kandida fusion , apre sa li te reprezante Preval.

- Ravaj k'ap fè la a se sou modere l'ap fèt.

- Bò frèl la ki mouri a pat nan menm gwoup politik avèl (Marc-Arthur)

Ce témoin a déposé ralement et a répondu à toutes les questions qui lui ont été posés. Après la déposition, le juge a demandé aux accusés présents qu'ils aient entendu parler et aux accusés qu'ils veulent répondre à ce qui d'être dit contre eux et la déposition a fait l'objet des débats.

Avons entendu les plaignants

Le premier plaignant a répondu se nommer : Destoine Lebon, âgé de 68 ans, cultivateur de profession né aux Irois, y demeurant et domicilié.

En susbance il a déclaré ce qui suit. Magistrat : Mwen se yon viktim, gen yon gwoup moun ki vin lakay mwen , ki vin pranm yo bat mwen anpil , Lifaite Livers te la, France, Vilème menm koupe zòrèy mwen , yo mennenm kay ti meriken ki se ougan, viliena, lè mwen rive kay Timeriken mwen jwen Marc-athur yo mande'm kisa'm konnen de maladi Odfort ? se talè yo bat mwen . Mwen di yo mwen pa konnen anyen de maladi Odfort , mwen di yo, yo mèt fè sa yo vle avè'm. Ti Meriken vin parèt , li rale kòd la epi li di kisa n'ap fè Destone la a? li fè lage'm aprè sa lifèt banm anpil kalòt , yo te mete Tochon nan kòd tou , mwen paka kouri, yo pranm yo retounen avè'm ankò pou touye'm; Ti Meriken di al touye'm sou kare a. (ironi). Ti Lifèt di Michel ou ale avè'l , lè nou bezwen'l fòn jwenn li . Yo mennenm lopital yo vin dèyèm lopital. Aprè mwen pran lafuite pou Anzdeno vè 6è.

Ministère public

Se Ansèn ki vin mare'm lakay mwen, se sèl Mercidieu ki pat nan tire kou, pou dife mwen pa konnen , tout se zanmi'm , mwen konn jwe ak Lifaite ; se pou kou mwen pran , kay la se dèyè dom yo boule.

Mwen gen 2 kay ki mòmanse rekonstwi, yo poko fini.

La partie civile

- Ki rapò kay boule e kou nou resevwa ? Se Michelet ki koupe zòrèy mwen li vale'l

Le deuxième plaignant a répondu se nommer : Nissage Martyr, âgé 53 ans, marchand de profession né aux Irois, y demeurant et domicilié.

Magistrat : Mwen pa janm bezwen pale, paske Haiti se kriminel ki gade la.

Moun Matadò sa yo ap pase yo di'm si Odfort mouri, se koupe tèt, boule kay . Bajon Odfort vin mouri le 29 oktòb 2009, nèg sa yo mwen sot site la , mwen wè yo ap vini , mwen wè yo mare Destone , Tòchon. Mwen di konm wè nèg sa yo pase devan komisaria , se lè sa map konnen si nèg sa yo ap gen lavi. Aprè mwen wè Destone rantre lopital la , mis yo te pè anpil . Lissage te a la tèt bann, vè 6è PM, mwen te lakay mwen .M wè lifaite rele'm li di'm gen 4 kay ki boule déjà . Mwen di madanm mwen al chache yon kote pou'l dòmi . Aprè mwen kache nan yon touf vetivè , mwen wè tout kay yap boule . Aprè yo rele Marc-Athure se demi galon gaz mwen rete. Michelet, Lifaite, Lissage , lè yo rele Marc-Arthur mwen di kay mwen an pap boule paske li se konpèm, se lè yo fin boule kay mwen an, yo boule kay M. Senès.

Ministère Public

08 Avril 2008, se Vilème Duclona ki domaje'm ak yon 12 ; 14 kay boule an 2007, se yo ki boule yo . Tout nèg sa yo se patizan Bajon yo ye , Se Marc-Arthur ki otè principal , Ti Meriken sove.

Vilème ak Lissage di mwen koupe pye'l map fini avèl.

Vè 9 vè PM-10 zè, nèg yo boule kay mwen . Mwen gen yon sèl kay ki boule.

Le troisième plaignant a répondu se nommer : Ismé Judès , âgé 26 ans, pêcheur de profession né aux Irois, y demeurant et domicilié.

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En substance il a déclaré ce qui suit : Magistrat : Le 27 Octòb 2009 , mwen chita lakay mwen tou pre kay la , mwen wè yon lekòl reg k ap pase ki ch dep. Odford mouri , se boule kay , koupe tèt, Marc-Arthur te a la tèt.

Le Conseil de la défense ayant sollicité et obtenu la parole a déclaré au tribunal que :

Ismé , Judès n'est pas victime dans cette affaire, il a été victime depuis 2008 , cette affaire ne lui concerne pas . D'écarter le plaignant pure et simplement.

Le Ministère public a déclaré même s'il n'a pas été victime, s'il était présent le tribunal peut l'entendre à titre de renseignement.

La partie civile a demandé au tribunal de l'entendre parce qu'il est un plaignant.

Le conseil de la défense : S'y oppose sur cette question.

Le Ministère public a déclaré au tribunal tout ce qui avance en droit, abonde.

Le conseil de la défense réitère sa demande, ce plaignant n'a pas entendu.

Le quatrième plaignant a répondu se nommer : François Prenel, âgé 47 ans, ébéniste de profession né aux Irois, y demeurant et domicilié.

Magistrat : 27 Octob 2009, Odford debake nan Kayiman.

Le conseil de la défense a demandé au tribunal d'ordonner au plaignant de communiquer la copie de la citation. Le nom de ce plaignant ne figure pas dans l'arrêt d'ordonnance.

Le Ministère Public, a déclaré au Tribunal que c'est grâce à un consensus qu'on va arriver à entendre 8 parmi 40 plaignants.

Ce 4^e plaignant n'est pas entendu.

Le cinquième plaignant a répondu se nommer : Mme Julia Dorval Souverain, âgé 46 ans, marchande de profession née aux Irois, y demeurant et domiciliée.

En substance elle a déclarée ce qui suit : Magistrat : le 28 octòb 2009, yo rele'm ak No prive, yo dim si ou nan mache a, kite mache a vini paske Odford Bajon malad, s'il mouri se koupe tèt boule kay. Men Eric Bell te di'm kay mwen pap boule. Yon lòt moun rele'm li di'mm si mwen lakay mwen kite kay la . Aprè m'al kache nan yon lekòl, mwen wè tout moun ki t'ap mete dife : Lissaj V. Francky, Gilbert, Benissoit, Boileau ; Jean Louis, Marc-Arthur.

France Izmé rele Marc-Arthur pa gen gaz non. Marc-Arthur pote gaz ak men'l menm.

Ministère public.

Mwen gen 3 kay se kay Dalbeton an ki boule. , mwen pat gen anyen ak moun sa yo. Kay pam boule a 8è . Marc-Arthur se pwomotè , li te gen yon gallon gaz nan men'l.

M p'at wè Mercidieu-Hebert-Vilème- Michelet: Mwen pa konn poukisa yo boule kay nou, se yo ki pou di ki pwoblèm yo gen avèk nou.

Le sixième plaignant a répondu se nommer : Boniface David, âgé 32 ans, enseignant de profession né aux Irois, y demeurant et domicilié.

En substance il a déclaré ce qui suit : Magistrat : Odford Bajon se te pwofesè mwen li te rive malad , li vin kite vil la ale Port-au-Prince . Patizan li yo di si li mouri se koupe tèt , boule kay. 27 Oktòb 2009, Odfort te vini nan vil la, men mwen te mete'm aleka , paske yo te vini asasine'm deja , se frè'm yo asasine nan plas mwen.

Lissage-Marc-Arthur-Vilème-Michelet nan lè 9è 30 PM yo mete dife nan kay mwen.

Mwen pat gen pwoblèm ak yo ditou, se 36 kay ki boule nan Iwa. Ti Meriken se kòmandan an chef lame a. Asistan yo se Viliena ak Marc-Arthur Conte. Marc-Arthur te avèk yon galon gasoline nan men'l.

Le 7^e plaignant a répondu se nommer : Vilsaint André Marc , agé 39 ans, Informaticien de profession né aux Irois, y demeurant et domicilié.

En substance il a déclaré ce qui suit :

Majistra : Vè 3zè PM, Mwen kanpe lakay mwen , mwen te gen yon rankont mwen ta prale , se lè a mwen wè yon gwoup moun k'ap vini ak 2 moun mare se te Destone ak Torchon.

Lifaite- Michelet- Francky-Benissioit-Aubourg . France banm yon kalòt , aprè sa France banm yon kout wòch , figim tire san , aprè mwen kouri m'al kache nan yon touf wozo , 9,10 zè mwen 'tande bann ap vini Bajon mouri se koupe tèt, boule kay , se lè sa a genyen se lè sa a genyen ki di boule , gen lòt ki di pa boulè . Pandan kay ap kontinye boule, gen yon zanmi'm ki al depoze nou Tibiwon nan yon Fly Boat.

Mwen pat wè.-

Marc-Arthur Conte, Mercidieu, Kelleman.

Le 8^e plaignant a répondu se nommer : Antoine Kesnel , agé 53 ans, enseignant de profession né aux Irois, y demeurant et domicilié.

En substance il a déclaré ce qui suit :

Majistra : Odfort Bajon malad , li retounen lakay li, mwen pat konprann kijan patizan'l yo di , s'il mouri se koupe tèt , boule kay. Jedi 29 oktòb 2009 , mwen te kache , men pa gen moun ki te ka pwoche nan zòn yo.

Yo kraze yo, brize, Madan Marc-Arthur fè yon deklarasyon li di yo boule kay pitit pou yo pa boule kay papa. Gaz yo te fini. Marc-Arthur pote lòt gaz pou yo boule kay la. Se sèlman Mercidieu mwen pat wè nan 12 la yo. Yo tout se moun Iwa yo ye. Yo boule 36 kay . Se general Francky Aubourg, Lissage Viliena, Marc Arthur, Walton, Smith et Co, mwen pa gen relasyon ak Ti Meriken.

Il est 10h 30 PM, la séance est suspendue pour demain matin à 10h AM.

La séance est reprise

Le 1^{er} accusé a répondu se nommer : Marc -Arthur Conte, âgé de 46 ans, enseignant de profession né aux Irois y demeurant et domicilié.

En substance il a interrogé comme suit :

Majistra : Mwen fèt nan komin nan , tout moun se mwen , an 2000 , mwen gen vizyon politik , mwen te nan ESKANP, men mwen pèdi devan fanmi Lavalas. Se Odfort ki di mwen gen lajan refijye nan menm. Kamarad Andre Marc di , se sèl mwen li pat wè , Dye swa louwe se mon konpè nou ye. Odfort te kont mwen , se li kif è mwen pèdi eleksyon an , misye te nan MODERE, mwen menm mwen mwen t'ap fè eleksyon pou Maxime Roumer . FAES banm yon sètifika pou'm jere zafè dlo nan zòn nan nan zòn sa a. Kounye a popilasyon an ap soufri pou dlo. Mwen andedan legliz , tout pè yo apresye'm . Popilasyon an repwoche'm mal de zak sa a . 28 oktòb madanm mwen rele'm Mako , Odfort malad anpil , eske mwen pa ta rele Cubain yo pou ba'l yon dènye swen pou li , mwen pran Ernest Oxil , li ale avè'm kote Cubain yo, yo di'm yo pral bay

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Odfort yon premye swen pou mwen. Se konsa yo preskri yon medikaman , se mwen menm k'al achete medikaman an. Apre sa li l'ap achete yon lot medikaman . Lè li ap retounen , yo rele'm nan telefòn pou di-m Odfort mouri. Lè mwen rive, mwen jwenn tout moun ap kriye , mwen di madanm mwen konsole'l, gen yon sè Madanm mwen rele'm depi Ozatazini pou'm mete'l nan mòg , madanm li vin pa aksepte , li di l'ap antere mari'l nan moman sa a , mwen pran aparèy mwen yo , mwen t'ap bay son tout lan nuit nan veye a. An demen m'al dèyè Keloke pou vin pran lajan fè kèk kouròn pou mwen e Douby vin pran kèk imaj pou mwen, se lè sa a mwen resevwa yon kout fil de Andre Marc ki dim poum kite vil la vit paske y'ap vin arete'm , paske mwen konn vann gaz , men gen Marc-Arthur Conte et Marc-Athur Leillant. Se konsa mwen wè yon machin UDMO vin arete'm pou machann gazolin epi mwen fè twa jou nan komisarya Dame-Marie a, nan entèwogatwa polisye yo t'ap fè pou mwen , mwen te di se Marc-Arthur Leillant mwen rele paske se li ki konn vann gazolin. Poutèt sa li rele komisè Arisidas pou bal kont randi. Komisè a di ekri nom jan li konnen li ye a. Yo vin transfere'm isit , depi lè sa a mwen la, mwen pa gen atitid a fè boule kay.

Ministère Public

- Ki kote ou te ye , lè èvènman ki te pase Iwa? Mwen te nan veye bò frè mwen.
- Vè kilè dife a te pran? Mwen pa konnen mwen pat la.
- Kilè ou konnen afè dife a? Mwen pa konnen a kilè
- A kilè dife a fini? Si ou di'm veye wi, dife non.
- Poukisa yo te di'w retire kòw? Se paske yo te di yap vin arete'm
- Depi kilè yo arete'w? Depi 1e Novanm 2009.
- Kiyès moun ou tande yo di ki fè zak sa a? Mwen pa konnen.
- Ki pwoblèm ou gen ak moun sa a? Pwoblèm politik sèlman

Le Conseil de la défense a questionné l'accusé par le biais du tribunal.

- Kilè ou te apwann ke kay Iwa boule? Se lè mwen nan wout
- Kilè ou kite kote moun nan mouri ? a 6 zè
- Mwen te retoune Iwa a 6zè 30
- Eske ou te kontan kay sa yo boule? Non
- Eske ou te konnen kay yo pral boule? Non
- Eske ou se yon bon moun? Wi
- Moun ki depoze kont pou ou yo kisa yo gen avè'w? Poutèt politik sèlman

Le 2^e accusé a répondu se nommer : Lissage Viliena âgé de 68 ans, cultivateur de profession né à l' Anse d'Hainault (Mandou 4^e section) demeurant aux Irois.

En substance , il a interrogé comme suit :

Majistra : Nan lè kay te boule Iwa yo mwen pat la , mwen gentan gen 15 jou andeyò , lèm vin desann nan lèndi , mwen wè Lapolis vin arete'm pou kay boule.

Ministère public

- Kijan non'w fè site nan zak sa ? Majistra , pitit mwen se majistra nan vil la , mwen pa t'ap janm rantre nan yon bagay konsa. Mwen te andeyò, yon kote yo rele wòch blanch.

Le 3^e accusé a répondu se nommer Michelet Noel Conte, âgé de 32 ans, cultivateur , pecheur de profession né aux Irois (Divino 3^e section) y demeurant et domicilié.

En substance , il a interrogé comme suit :

Majistra : le 29 janvyè 2010 , lapolis ak yon gwoup Brigad vin arete'm pou sa mwen pa konnen se moun OPL ki akize-m na dosye sa a,

Ministère Public

- Lou Dife a mwen te Tiburon
- Mwen pa konnen a kilè dife a te pran, ni a kilè li fini, lè mwen te retounen se lakay mwen divino mwen te ale dirèk, se an demen mwen te wè afè dife a.

Le 4^e accusé a répondu se nommer Lifaite Livers , âgé de 43 ans, cultivateur de profession né aux Irois (3^e section) y demeurant et domicilié.

En substance, il a interrogé comme suit :

Majistra : Mwen se youn nan OPL , mwen te ansanm avèk Majistra Wiliam, epi nou tout te gentan gen djòb na section Galèt Potonye , se li ki pi fò , alò mwen vin pa ak nèg yo . pandan mwen Galèt Potonye , yo dim majistra mouri , poutan se Ofort , mwen pat menm konnen si li te la , mwen te konn travay kont li. Epi yo di KAZEK la fòk yo arete'm kanmèm.

Ministère public

Mwen arete le 6 mars 2010 , mwen aret Galèt Potonye (Tabas) ; mwen pa konnen anyen nan bagay sa paske se Galèt Potonye mwen rete.

Le 5^e accusé a répondu se nommer Ebert Saintilus, âgé de 50 ans, cultivateur de profession né aux Irois y demeurant et domicilié.

En substance , il a interrogé comme suit :

Majistra : mwen paka di anyen sou afè dife a, mwen pa nan politik; Odfort pat anyen pou mwen se 5 novanm 2009, mwen wè yo vin arete'm a nojou.

Le 6^e accusé a répondu se nommer Vilème Duclona , âgé de 26 ans, marchand de profession né aux Irois (Cité Laroc) demeurant et domicilié à Port-au-Prince , Bicentenaire Village de Dieu

En substance , il a interrogé comme suit :

Majistra : Mwen pa konn anyen nan afè dife , se Pòtoprens mwen abite , men gen yon kesyon politik , mwen kite Iwa 11 jen 2009 pou ale Port-au-Prince, se machann mwen ye , se yon jou mwen sot vann 14 novanm 2010 , mwen moute yon machin epi te gen diskisyon ant mwen avèk yon lòt moun vin gen yon goumen chofè a kanpe machin nan , li remèt nou bay Lapolis se konsa apre 14 jou yo vin transfere'm isi pou dosye dife ke mwen pa konnen.

Ministère public

- Mwen aprann afè dife a se nan radio paske se Port-au-Prince mwen te ye , mwen pa konnen sa Marc-Arthur te ye nan zafè dife a.

Le Conseil de la defense a questionné l'accusé par le biais du tribunal.

- Eske ou fè politik ? Wi
- Sa ou te konn fè Iwa ? mwen lekòl
- Kote ou te ye le 29 octòb la ? Pòtoprens
- Kisa ou t'ap fè jou 29 oktòb la ? Mwen t'ap vann sandal
- Lè yo te arete'w , kisa yo te di ou fè ? anyen
- Ou te konnen afè dife sa a pral pase? Non
- Ou te patisipe nan boule kay ? Non

Le 7^e accusé a répondu se nommer : Smith Bajon, âgé de 31 ans, électricien de profession né aux Irois , demeurant à l'Anse d'Hainault

En substance il a interrogé comme suit :

Majistra : Mwen pa konnen anyen de afè dife a, se Anz Deno mwen abite

Mwen arete le 4 fevriye 2010, Anz Deno pa Lapolis

Le 8^e accusé a répondu se nommer Mercurieu Jean Pierre, âgé de 64 ans, cultivateur de profession né aux Irois y demeurant et domicilié.

En substance il a interrogé comme suit :

Majistra : Mwen gen 2 moun nan pati OPL la ki di mwen te nan dife a, Majistra mwen pa konnen anyen nan afè dife sa a , kay Mesye Raymond ap koule li pa envite'w , mwen fè jounen nan travay li a, nan evènman sa a mwen pa konn anyen ditou . Mwen te sot nan mache, mwen tande yo arete Doudou , Tirenord , lèm rive nan wout mwen jwenn UDMO ki mete men sou depi lè a mwen la. Sa fèm preske 4 tran nanprizon.

Le Conseil de la défense a questionné l'accusé par le biais du tribunal

- Avan mwen pran pwizon se nan sèl OPL mwen te ye ankò.
- Lè yo te mare Destone Lebon kote ou te ye? Li pat wèw
- Kote ou te ye lè dife a te pran nan Iwa? Jou a mwen pat menm dòmi lakay, mwen te fè yon pa chat.
- Eske sa fè ou mal ? Wi majistra
- Eske moun OPL vin wè'w nan prizon an ? Non
- Ou gen relasyon ak manm MODERE? Mwen di bonjou nan lari
- Poukisa yo mete'w nan moun ki boule kay yo ? Mwen pa konnen pou kisa; mwen pa janm gen kont ak yo youn

Le 9^e accusé a répondu se nommer : Bell Benissoit Conte, âgé de 45 ans, cultivateur de profession né aux Irois (3^e section Matador) y demeurant et domicilié.

En substance il a interrogé comme suit :

Majistra : Jou sa a mwen fè nuit nan dèyè do madanm mwen ki te gen tranche , se an demen mwen tande afè dife , mwen pa konn anyen nan afè dife. Jou a madanm mwen akouche a 4trè di maten.

Ministère public

- Akize ki patisipasyon ou nan zak sa ? Majistra mwen te sou kabann lakay mwen

Le 10^e accusé a répondu se nommer : Ysmé France , âgé de 27 ans, écolier de profession né aux Irois y demeurant et domicilié.

En substance il a interrogé comme suit :

Majistra : Mwen pa konn anyen nan dosye a

Ministère Public

- Ki patisipasyon ou nan afè dife a? Majistra mwen pa konn anyen nan afè a
- Ki rezon ki fè ou t'al rann tèt ou lajistis ? Majistra genyen yon kò dèye a, siw pa avè yo ou kont yo, se pou rezon sa a.

Le Conseil de la défense

Mande li pou nou majistra s'il nan yon pati politik ? Wi majistra se modere

- Nan pati politik ou ye a ou konn denonse zak sa yo ? Wi

Le 11^e accusé a répondu se nommer Bell Jean Louis, âgé de 29 ans, cultivateur de profession né aux Irois (3^e section Matador) y demeurant et domicilié.

En substance il a interrogé comme suit :

Majistra : Pandan mwen andeyò , mwen tande yo di yon Majistra mouri ,mwen te konnen se Morose Viliena, mwen pa konnen anyen nan afè dife , mwen al dèyè majistra pou fè konsta pou mwen , epi li arete'm. Li di se patizan Monrose mwen ye fòk li arete'm.

Ministère public

- Majistra mwen te ale Ma rouj 28 oktòb ,mwen retounen le 29 oktòb , mwen pat tande moun pale de anyen kip ase Iwa.

Le 12^e accusé a répondu se nommer Kelleman Charles , âgé de 35 ans, pecheur de profession né aux Irois (3^e section Divino) y demeurant et domicilié.

En substance il a interrogé comme suit :

Majistra : An 2009 , Gaspard fè arete'm ak kò brigad , mwen pa konnen anyen nan afè dife , mwen preske 4tran nan prizon , jij pa janm tande'm .

Ministère Public

Mwen arete le 23 desanm 2009 , yo voye'm isit depi lè sa jij pa janm tande'm.

Le Conseil de la défense a interrogé l'accusé par le biais du tribunal

- Kisa ou gen ak moun kif è arete'w yo ? Mwen pa gen anyen avèk yo , se afè politik.
- Ou te nan mete dife nan kay Iwa? Non

Une suspension est requise par le tribunal, l'audition des parties étant épuisée. Le juge en siège a déclaré débats particuliers sont fermés et les débats généraux sont déclarés ouverts.

Le Ministère public a la parole

Me Aujour Jean Luc est le premier qui a pris la parole, a exposé les moyens dont il entend se servir, la justice c'est la loi mère . Le crime d'incendie reproché à ces 12 accusés ici présent nous les avons entendus, le tribunal va prononcer sur le sort selon le crime d'incendie, les plaignants et les témoins se contredisent, ils compliquent la situation. Ce pareil acte va être réprimé. L'incendie a causé beaucoup de tort dans la communauté Iroisienne, art 22 Constitution haïtienne :Toute personne a droit à un logement ; Art 1^{er} Droit de l'homme qui parle de la fraternité . Nous sommes à l'ère de l'Etat de droit. Votre conscience doit être interpellé, vue à ce acte barbare.

Me Antoine Rosny Saint Louis Le Ministère public a demandé au tribunal d'engager la république en rendant une décision équitable. Dans ce procès qui a été nous lie, l'essentielle n'a jamais revelé. La justice ne vit de scandale, elle meurt (Etzer-Vilaire) dans la nuit du 29 au 30 octobre 2009, un feu a été mis dans les maisons iroisiennes pour des raisons politiques nous avons punir un tel comportement. Il reviendra au tribunal de dire le mot du droit.

Éléments constitutifs (4)

- 1- L'acte lui-même / Matériel →un bien appartenant à autrui.
- 2- Le moyen → par le fait d'une substance explosive → La Gazoline
- 3- Intention criminelle / la volonté , selon la doctrine l'incendie est considéré ...
- 4- Element legale de l'infraction (Pas de peine sans loi).-

Le Ministère public, renonce contre l'accusation contre Mercurieu Jn Pierre et Vileme Duclona, ils ont déjà passé 4 ans en prison , bénéficieront-ils les circonstances atténuantes? revient au tribunal, a demandé d'appliquer l'article 356 du C.P contre les accusés. Pour ceux qui sont en fuite, le Ministère public demande au tribunal de les juger par contumace.

LA PARTIE CIVILE

A la parole, **Me Ariel Chery** est le premier a pris la parole, 36 maisons ont été incendiées, l'oeuvre des douze incendiaires. C'est à bon droit que le Ministère public a fait la réquisition de cet article.

Me Antoine Michelet Sanon : Nous sommes victimes, nos maisons sont complètement incendiées nous sommes ça et là . Comment vous allez donner la peine ? heureusement le législateur a tout bien planifié, nous avons entendu une pléiade de témoins . Dans ce cas vous allez rendre une décision équitable.

Me Jean Michel : a développé ses moyens pour dire que, Irois c'est une zone de non droit comme le cité soleil d'autrefois, Magistrat vous allez trancher selon votre conviction en faveur des victimes.

Me Yvon Janvier : Si les hommes de bien ont assez de courage pour faire face....le monde est perdu.

La mort de Odfort est un prétexte pour que les accusés arrivent à faire cette situation :Violation de droits humains art 276-2 l'a si bien dit (Constitution haïtienne) .

Me Mercier Josma : a développé ses Moyens a déclaré que personne ne reconnaît pas leur participation dans cette incendie. Mercurieu a été dénoncé d'avoir brûlé la maison de Jean Renold Noel a demandé solidairement à 800,000 gourdes pour chaque en tôle , 1,500,000 gourdes pour chaque maison en béton à 2,000,000 de gourdes de Dommages –Intérêts.

LE CONSEIL DE LA DEFENSE A LA PAROLE

Me Osnel Sejour est le premier qui a pris la parole, a déclaré avec beaucoup d'intérêt qu'il a suivi le fait. L'alternance politique est totalement prescrit par notre Constitution ; An 2009, il y a eu là pas un incendie regrettable . On a émis un lot de 200 mandats, 150 personnes ont pris la fuite (Ceux qui se sentaient fautifs) mais les accusés ici présent ne savent pas qui à faire à personne, ils se sont sentis confortable de rester chez eux.

Trois témoins d'entre eux disaient que Marc-Arthur Conte était en train de faire de la musique ce soir là. Le Ministère Public selon ce qu'il a entendu voir qu'il ya des intègres parmi eux, c'est une question de la politique pour que les messieurs ne sont plus. « Même si je suis homme, je ne vis pas de l'humain » (Theran) . ,

Marc-Arthur jusqu'à présent, il est fort aux Irois . Je prend le soin de demander à un témoin est ce qu'il n'existe pas un autre Marc-Arthur là bas , il a répondu par l'affirmation ; il y a doute , sur ce , il ya une certaine circonstance atténuante ?

Me Jean Fedy Charles : Le Ministère a déclaré que la Politique tue le Droit, c'est vrai aujourd'hui vous vous trouvez devant une situation complexe, le I qu'on se trouve dans l'incendie se trouve dans Irois , divin , vilain, dedin. Art 52-1 de la Constitution montre comment... le but de la peine c'est de réhabiliter les personnes fautifs, accidentellement, ce événement c'est produit dans votre décision, permettre ces accusés de retrouver leurs familles parce qu'ils sont père de familles.

Me Roosevelt Charles : Il ya une situation socio-politico , les temoins qui sont deposes ici sont des Case 117-0477-ADB Document 146-12 Filed 03/28/22 Page 39 of 41
civile a renforcé le renoncement du Ministère Public contre les accusés Mercurieu Jn Pierre et Vilème Duclona , nous le félicitons, il ya une procédure pour juger par contumace, le Ministère Public doit decerner le mandat d'arrêt contre les fuillardards .Où sont-ils ?Le Ministère public a frappé la mauvaise porte.

Me Joseph Descharles : Nous avons en face d'un procès complexe, où une trentaine de maisonnettes fit incendiées par qui? La commune des Irois nous appartiennent aussi, construire une maison ça coute beaucoup on peut pas le tolérer, mais la justice c'est pas la politique nous traine par devant la justice. En tenant de tous ces paramètres dans ce cas, vous allez rendre une décision qui ne sera pas cassable. Ils sont tous des présumés innocents, ils ne sont pas des voyous, ils sont des personnes comme nous, la partie civile les identifie comme des voyoux.

Le Ministère public, les identifie comme des individus, dans ce cas on peut chercher les vrais auteurs, le tribunal ne peut pas faire foi aux déclarations des témoins qui font la partir des parties politique, le Ministère public , la parti civile , reconnaissent qu'il y a du doute, les 2 premiers témoins disaient que Març-Arthur Conte était à la veillée . Le Ministère Public a reconnu que l'essentiel n'a pas été dit. Qui a brulé? Où les avaient prisent la main dans le sac ? Le doute profite à l'accusé. Ils sont tous innocents. Le législateur de 1835 l'a si bien dit, l'Etat d'esprit de l'intention des incendiaires. Les incendiaires rodent encore le département ; le Ministère Public me donne un cadeau en or, Merci Ministère public, sur les circonstances attenantes ? « M'vle'l , m'pran'l » ; ils ne sont pas coupables, en cas de rejet par impossible, donne les circonstances attenantes contre ceux qu'il n'a pas mis hors des liens de la prévention.

Pour allouer des dommages-intérêts... l'un des plaignants a déclaré qu'il a reçu une subvention de l'Etat. Dans ce cas, le conseil de la défense a demandé au tribunal d'appliquer l'article 383 alinéas 4. Dans le cas contraire donne trois ans aux accusés et même la peine inférieure, ce sera justice.

Le tribunal a demandé le dépôt des pièces pour se prononcer dans le délai légal. Séance tenante.

DROIT :

Les accusés Marc-Athur CONTE, Lissage Viliena, Michelet NOEL, Lifaite LIVERS, Ebert SAINTELOUS, Vilème DUCLONA, Smith BAJON, Mercurieu JEAN-PIERRE, Bel BENISSOIT, France IZME, Bel JEAN-LOUIS, Kelleman CHARLES, ont-ils commis le crime d'incendie aux préjudices de Madame Glossel LIGONDE; André Marc Vilssaint; Madame Gérard CHARLES; Madame Antoine Kesnel; Thelismène PIERRE-LOUIS; Jean Noel Gislaine; Louis Frederick; Petit Blanc Denis; Delicia Pierre-Louis; Raymond Jean Noel; Vanite Logis; Izmé Mary; Madame Canès Jean-Pierre; Destone Lebon; Celeste Zamor; Madame Jean Daniel Laguerre; Lissage Matyre; Lebon Macula; Boniface David; Maurice Auguste; Julio Auguste; Jean-Pierre Venita; William Julien; Andrel Dorval; Madame Samuel Michel; Izmé Gaspard; Lorena Wilbert; Flobert Milord; François Renold; Madame Paul Desrosiers; Izmé Jude; Romelus Moïse; Madame Sansarick Mardy; Marie Monique Noel ?

Si oui, ne tombent-ils pas sous les rigueurs du code pénal ?

Pendant, y a-t-il des circonstances atténuantes en faveur des accusés, si oui, le tribunal ne tranchera-t-il pas selon ces dites circonstances ?

Quoi dire des dommages – intérêts demandés ? Et des valeurs réclamées comme prix estimatif des maisons brulées ?

Quid des dépens ?

- Vu au dossier de la cause, les pièces de la procédure

- Vu le procès-verbal d'audience
- Vu les conclusions du ministère public
- Vu les conclusions de la partie civile
- Vu les conclusions du conseil de la défense
- Vu les dispositions de la loi en la matière
- Tout vu et après examen
- Considérant que par l'arrêt ordonnance en date du onze octobre deux mille douze et de la citation en date du vingt quatre juillet deux mille treize, les nommés Marc-Athur et Co. Ont été appelés à la barre du tribunal criminel de Jérémie sous l'accusation de crime d'incendie de maisons aux préjudices de Madame Glossel LIGONDE et Co.
- Considérant que les accusés ont nié les faits qui leur sont reprochés ;
- Considérant que selon les dépositions des témoins reçues au cours de l'instruction, les faits portés à la charge des accusés sont prouvés ;
- Considérant qu'ainsi les accusés tombent sous les rigueurs du code pénal ;
- Considérant que, cependant, ce drame a eu lieu à l'occasion de la mort d'un certain Odfort BAJON un proche des accusés ;
- Considérant que, ces accusés attribuaient le décès D'Odfort BAJON d'une maladie surnaturelle provenant des victimes de l'incendie ;
- Considérant que, les accusés pouvaient ne pas se posséder en pleurant d'Odfort BAJON qu'il est était cher ;
- Considérant que, par conséquent, il y a lieu de leurs accordés les circonstances atténuantes ;
- Considérant qu'ainsi les accusés tombent sous les rigueurs de l'article 382, 2^{ème} alinéa du code pénal qui stipule.

« Si la peine est celle de travaux forcés à perpétuité, le tribunal appliquera celle des travaux forcés à temps ou celle de la réclusion »

- Considérant que les victimes ont souffert atrocement dans leur âme à la vue de leurs maisons qui disparaissaient dans les flammes ou brisé à coups de pierres, de marteau ou de max ;
- Considérant qu'elles ont du dormir à la belle étoile, après la disparition de leurs maisons ;
- Considérant par conséquent, les dites maisons leurs seront payées à leurs juste prix ;
- Considérant que les victimes ont souffert des préjudices réels qui méritent réparations ;
- Considérant que les dommages qu'elles demandent sont de droit et qu'ils leurs seront alloués ;
- Considérant que toute partie qui succombe doit supporter les depens.

PAR CES MOTIFS

Le Tribunal condamne les accusés : Marc-Athur Conte ; Lissage Viliena ; Michelet Noel ; Lifaité livers ; Saintius Ebert ; Vilème Duclona ; Smith Bajon ; Mercurieu Jean-Pierre ; Benissoit Bell ; France Izmé ; Jean Louis Bell ; Charles Kelleman à trois ans de travaux forcés au terme de l'article 382, 2^{ème} alinéa du code pénal, lu à l'audience inséré dans le jugement ; les condamne solidairement à payer 100,000 gourdes pour les maisons en tôle, brulées ou brisées et 500,000 gourdes pour les maisons en béton brulées ou brisées, les condamne solidairement à 1,000,000 (un million) de gourdes dommages-intérêts aux profits des victimes Madame Glossel LIGONDE ; André Marc Vilssaint ; Madame Gérard CHARLES ; Madame Antoine Kesnel ; Thelismène PIERRE-LOUIS ; Jean Noel Gislaine ; Louis Frederick ; Petit Blanc Denis ; Delicia Pierre-Louis ; Raymond Jean Noel ; Vanite Logis ; Izmé Mary ; Madame Canès Jean-Pierre ; Madame Destone Lebon ; Celeste Zamor ; Madame Jean Daniel Laguerre ; Lissage Matyre ; Lebon Macula ; Boniface David ; Maurice Auguste ; Julio Auguste ; Jean-Pierre Venita ; William Julien ; Andrel Dorval ; Izmé Gaspard ; Lorena Wilbert ; Flobert Milord ; François Renold ; Madame Paul Desrosiers ; Izmé Jude ; Romelus Moïse ; Madame Sansarick Mardy ; Marie Monique Noel et les condamne aux frais et depens, declare que la loi de lespinasse sera appliquée en faveur des accusés, dit que les accusés en fuite seront jugés par contumace.

Ainsi jugé et prononcé par nous Me Jean Baptiste LUISS JEAN Avocat, Juge, assistée du Greffier Jean Serge EUGENE et de l'huissier audiencier Osna Jean Petit. En présence de Me Rosny SAINT-LOUIS, Commissaire du Gouvernement, Officier du ministère public, en audience publique et criminelle du mardi treize Août deux mille treize, à 6 heures de l'après midi, An 210^{ème} de l'Indépendance.

Il est ordonné à tous huissiers sur ce requis de mettre le présent jugement à exécution, aux officiers publics près les Tribunaux civils d'y tenir la main, à tous commandants ou autres agents de la force public d'y prêter main forte, lorsqu'ils en seront légalement requis.

En foi de quoi, la minute du présent jugement a été signée du Juge et du Greffier.

Ainsi signé : Me Jean Baptiste LUISS JEAN, Av, Juge au Tribunal Civil de Jérémie et de Jean Serge EUGÈNE, Greffier.

COLLATIONNÉE

POUR EXPEDITION CONFORME :

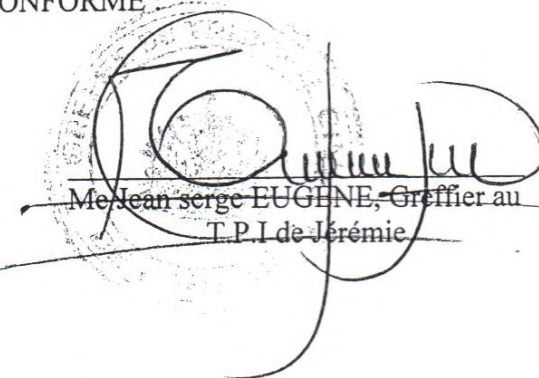

Me Jean serge EUGÈNE, Greffier au
T.P.I de Jérémie

EXHIBIT 13

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION
CASE NO.: 1:17-cv-10477-ADB

DAVID BONIFACE,
NISSANDÈRE MARTYR, and JUDERS YSEMÉ,
Plaintiffs,
-vs-
JEAN MOROSE VILIANA
(a.k.a. JEAN MOROSE VILLIANA),
Defendant.

-----/

DEPOSITION OF: MERS YSEMÉ

DATE: Thursday, October 29, 2020

TIME: 10:00 a.m. - 2:54 p.m.

PLACE: VIRTUAL ZOOM

STENOGRAPHICALLY

REPORTED BY: VANESSA OBAS, RPR

A P P E A R A N C E S :

1
2
3
4 KATHIANA AURELIEN, ESQUIRE
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7
8
9 PETER J. HALEY, ESQUIRE
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APPEARING ON BEHALF OF THE DEFENDANT
12 (Appearing via ZOOM)
13

ALSO PRESENT:

14
15 BONNIE LAU, ESQUIRE
LORRAINE WEEKS, ESQUIRE
16 DANIEL MCLAUGHLIN, ESQUIRE
ELLA MATTHEWS, ESQUIRE
17 BRENNAN BOLT, ESQUIRE
CONNOR SCOTT, ESQUIRE
18 CURTIS ROGINSKI, VIDEOGRAPHER
19

- - -

1 Q. And who were the people that tried to stop you
2 on your path to go to the burial?

3 A. The same team connected with the Mayor, Jean
4 Morose, his team.

5 MS. AURELIEN: Okay. I think now it's 9:00
6 Pacific time is a good time for a break. Let's
7 return at 9:15.

8 MR. HALEY: Thank you.

9 MS. AURELIEN: It will be 12:15 eastern.

10 THE VIDEOGRAPHER: This is Media Unit Number 2.
11 Going off record. The time is 12:00 o'clock p.m.
12 (Thereupon, a recess was taken in the deposition,
13 after which the deposition continued as follows:)

14 THE VIDEOGRAPHER: This marks the beginning of
15 Media Unit Number 3. We're back on record. The
16 time is 12:17 p.m.

17 BY MS. AURELIEN:

18 Q. Welcome back.

19 I'd like to move our focus now to the events
20 that occurred at the community radio station on April
21 8th, 2008.

22 A. So the radio station is something that the
23 Deputy Aurélien Joachim had set up for the city of Les
24 Irois.

25 Q. And were you -- I'm sorry. I might have cut

1 you off.

2 A. We're ready for your question.

3 Q. Okay. Were you living in Les Irois at the time
4 in April 8th, 2008?

5 A. Yes.

6 Q. And was Jean Morose Viliena still the mayor of
7 Les Irois in April of 2008?

8 A. Yes.

9 Q. And you mentioned Deputy Aurélien Joachim set
10 up the radio station. Do you know the name of the
11 community radio station that Mr. Aurélien Joachim set
12 up?

13 A. Yes.

14 Q. And what is that name?

15 A. New Vision, Vision Nouvelle.

16 Q. Okay. And where was the radio station located?

17 A. It was located at Nissage Martyr's house.

18 Q. And is that the same Nissage Martyr who was one
19 of the plaintiffs in this case previously?

20 A. Yes.

21 Q. And do you know who's involved in the radio
22 station?

23 A. Yes, I know.

24 Q. And who worked at the radio station?

25 A. Juders, who was involved in the radio station

1 through the computer class.

2 Q. And when you say Judas -- Juders, who -- what
3 is Juders's last name?

4 A. Juders Ysemé.

5 Q. Are you related to Juders Ysemé?

6 A. Yes, I'm his father.

7 Q. Okay. And you mentioned that he was taking a
8 computer class there; is that correct?

9 A. Yes.

10 Q. And who else -- other than Juders Ysemé, who
11 else was involved in the radio station, if any?

12 A. I know of a SonSon, but I don't remember -- I
13 don't remember his last name.

14 Q. Okay.

15 A. There was also a guy named Odlin. I don't know
16 his last name. But he was involved in the learning
17 process there.

18 Q. Okay. And the home that the radio station was
19 in, Nissage Martyr's home, was that located in Les
20 Irois?

21 A. Yes.

22 Q. And you mentioned that Aurélien Joachim helped
23 to set up that radio station. Was Jean Morose Viliena
24 also involved?

25 MR. HALLEY: Objection.

1 THE WITNESS: The Deputy Aurélien Joachim
2 helped set up the radio station as a deputy, but the
3 Mayor, Jean Morose Viliena, was -- told them this
4 radio station would not operate here.

5 BY MS. AURELIEN:

6 Q. Okay. You mentioned earlier in your testimony
7 that for any project in Les Irois, Jean Morose Viliena
8 would have to give his approval or would have to go
9 through him.

10 Did Deputy Aurélien Joachim receive approval
11 from Mayor Viliena?

12 MR. HALEY: Objection.

13 THE WITNESS: The Deputy Aurélien Joachim went
14 to see him, and as he is like a mayor himself, he
15 went to talk to him so he would have the
16 authorization for the radio station. But the Mayor,
17 Jean Morose Viliena, didn't want a radio station to
18 run there.

19 BY MS. AURELIEN:

20 Q. And how do you know that Jean Morose Viliena
21 didn't want the radio station to run?

22 MR. HALEY: Objection.

23 THE WITNESS: Juders is my son, and he was
24 involved in the project as he was learning computer
25 skills and the radio station. And he would talk to

1 me and explain to me that the mayor didn't want the
2 radio station there.

3 BY MS. AURELIEN:

4 Q. Okay. And on April 8th, 2008, do you remember
5 seeing Jean Morose Viliena in Les Irois?

6 A. Yes.

7 Q. And where did you see him?

8 A. I saw him in front of the health clinic in Les
9 Irois with a group of guys.

10 Q. And what was he doing with the group of guys
11 that you saw him with?

12 A. He had this group of guys to wait for him, and
13 he took his motorcycle with a fellow called Maxene
14 Vilsaint, and he went to Anse-d'Hainault. After his
15 trip to Anse-d'Hainault, he came back with Maxene
16 Vilsaint with a bag that had guns in it in his back and
17 another bag in front of him on the motorcycle.

18 Q. And you said earlier that you saw him with a
19 group of guys in front of the health clinic. Where were
20 you standing when you saw him with the group of guys in
21 front of the health clinic?

22 A. I was in front of my porch, which was five
23 meters away to them.

24 Q. So you were standing on your porch which is
25 five meters away from where you saw Jean Morose Viliena;

1 is that correct?

2 MR. HALEY: Objection.

3 THE WITNESS: Yes.

4 BY MS. AURELIEN:

5 Q. And could you hear what Jean Morose Viliena was
6 saying while he was standing in front of the health
7 clinic?

8 A. I could see him distributing guns to the
9 different guys who were there.

10 Q. You testified earlier that he was there with a
11 group of guys, and then he left and came back and
12 distributed the guns. I'd like to focus first on prior
13 to him leaving on a motorcycle, while he was standing in
14 front of the health clinic.

15 A. Before heading to Anse-d'Hainault, he left the
16 group of guys in front of the health clinic, and then he
17 head to Anse-d'Hainault.

18 Q. Did anyone go with him to Anse-d'Hainault?

19 MR. HALEY: Objection.

20 THE WITNESS: Maxene Vilsaint did.

21 BY MS. AURELIEN:

22 Q. And did you see Maxene Vilsaint with the group
23 of guys that Jean Morose Viliena was with in front of
24 the health clinic?

25 A. Yes, he was within the group before until the

1 Mayor came to take him on the motorcycle to head
2 together to Anse-d'Hainault and left the other guys in
3 front of the health clinic.

4 Q. And is this the same Maxene Vilsaint that you
5 said was -- served as security for Mayor Viliena?

6 A. Yes.

7 Q. And how do you know that they were headed to
8 Anse-d'Hainault?

9 A. They were taking the direction of
10 Anse-d'Hainault, and they took approximately ten minutes
11 to head back.

12 Q. And what happened -- or what did you see when
13 Jean Morose Viliena and Maxene Vilsaint returned?

14 A. One sack on his back and one sack in front of
15 him, all have guns.

16 Q. And what did he do with the two -- with the
17 sacks that he had that had guns?

18 A. While he made it in front of the health clinic
19 where the guys were, he distributed guns to all his --
20 with his group.

21 Q. Did you see Viliena hand out weapons to the
22 individuals who were standing in front of the health
23 clinic?

24 A. Yes.

25 Q. Do you recall who made up the group of guy --

1 of people that he handed the guns out to? Do you
2 remember who they were?

3 A. Yes, I recall.

4 Q. And can you tell us the names that you recall?

5 A. Vileme Duclona, Ti Amerikan Beaublan --
6 Beaublan Meritus.

7 Q. You said Ti Amerikan Beaublan. Is that the
8 same person as Beaublan Meritus, or are they different
9 people?

10 A. Yes, that's the same. That's the same.

11 Q. Anyone else?

12 A. These names were the leaders. They were
13 leading the group, and all the other people were just
14 following them.

15 Q. Did you see Jean Morose Viliena give a weapon
16 to Vileme Duclona?

17 MR. HALEY: Objection.

18 THE WITNESS: Yes, he handed out to him a
19 shotgun, 12 gauge.

20 BY MS. AURELIEN:

21 Q. And did you see Jean Morose Viliena give
22 anything to Ti Amerikan Beaublan, also known as Beaublan
23 Meritus?

24 A. Yes.

25 Q. What did he give Ti Amerikan Beaublan?

1 A. He handed out 9 millimeter caliber to Ti
2 Amerikan and a shotgun 12 gauge to -- to Vileme Duclona.

3 Q. And did you see Viliena give anything else to
4 anyone else while standing in front of the health
5 clinic?

6 A. Yes. He distributed to many other guys, but I
7 didn't recognize the other guys.

8 Q. And did you recognize what he was giving to the
9 other guys?

10 A. Guns that he was distributing to them.

11 Q. And these guns that he distributed to the other
12 guys, did he take them out of the two sacks that you
13 mentioned earlier?

14 A. Yes.

15 Q. Okay. And you specifically mentioned Vileme
16 Duclona and Ti Amerikan Beaublan as having been handed
17 guns by Jean Morose Viliena. Do you know whether those
18 two people are members of his mayoral staff?

19 MR. HALEY: Objection.

20 THE WITNESS: Yes.

21 BY MS. AURELIEN:

22 Q. And to your knowledge, are Vileme -- strike
23 that.

24 To your knowledge, is Vileme Duclona a member
25 of KOREGA?

1 MR. HALEY: Objection.

2 THE WITNESS: He is always with Jean Morose
3 Viliena, the Mayor, and KOREGA was in a partnership
4 -- in an alliance with Jean Morose Viliena.

5 BY MS. AURELIEN:

6 Q. So you said that Vileme Duclona is always with
7 Jean Morose Viliena. Do you see them together in Les
8 Irois frequently?

9 MR. HALEY: Objection.

10 THE WITNESS: Any time he's going around, he
11 always has his staff with him. They never let him
12 go around by himself.

13 BY MS. AURELIEN:

14 Q. And the staff that you're referencing, does
15 that include Vileme Duclona?

16 A. Yes.

17 Q. And Ti Amerikan Beaublan, is he part of Jean
18 Morose Viliena's mayoral staff as well?

19 MR. HALEY: Objection.

20 THE WITNESS: Yes.

21 BY MS. AURELIEN:

22 Q. And did you also see Ti Amerikan Beaublan, also
23 known as Beaublan Meritus, with Jean Morose Viliena
24 frequently in Les Irois?

25 MR. HALEY: Objection.

1 THE WITNESS: Yes.

2 BY MS. AURELIEN:

3 Q. Okay. Now, you mentioned that Ti Amerikan
4 Beaublan and Vileme Duclona had weapons in their hands.
5 What happened next?

6 A. And then the Mayor said, "let's go." His
7 father had a gallon of moonshine with him, and they were
8 both heading to the radio station.

9 Q. And when you say "his father," what's the name
10 of the man you're referencing?

11 A. Lissage Viliena.

12 Q. And what did Jean Morose Viliena do after
13 saying "Let's go"?

14 MR. HALEY: Objection.

15 THE WITNESS: When they get in front of the
16 radio station, Nissage was in front of the house,
17 and he was telling them that they cannot get in as
18 he rent the place to the deputy for a radio station.

19 Only the deputy can get in the house. After Nissage
20 told them this, he asked -- he told Vileme to shoot
21 Nissage.

22 BY MS. AURELIEN:

23 Q. And when you say "He told Vileme to shoot
24 Nissage," who is the "he" that you're referring to?

25 A. The Mayor, Jean Morose Viliena, told Vileme to

1 A. Yes.

2 Q. So the next set of events that I'd like to talk
3 about is from October 2009, the mass arson.

4 A. Yes.

5 Q. Were you living in Les Irois in October of
6 2009?

7 A. Yes.

8 Q. And was Jean Morose Viliena still mayor of Les
9 Irois in October of 2009?

10 A. Yes.

11 Q. And where were you in the afternoon of
12 October 29th, 2009?

13 A. I was at home.

14 Q. And what happened that afternoon?

15 A. This afternoon there was Hautefort Bajon, who
16 is a close friend to Jean Morose Viliena. He was in
17 Port-au-Prince for about three years, and he was very
18 sick. So he was back in Les Irois. And before his
19 death, they threatened everyone that they were going to
20 burn houses and destroy things.

21 Q. I'd like to pause for a moment. I'd like to
22 hear the rest of your recounting, but you said that they
23 threatened to burn houses. Who are they that you're --
24 who are the "they" that you're referring to?

25 MR. HALEY: Objection.

1 occurred on Wednesday and that Hautefort Bajon
2 passed away on Thursday.

3 BY MS. AURELIEN:

4 Q. What were the individuals, Torchon and Albert
5 Jean-Pierre, what were they arrested for?

6 A. They wanted to arrest Cenes, but after they
7 didn't find him, they arrested his brother, Albert
8 Jean-Pierre instead of him. I'm talking about the same
9 team of the Mayor, Jean Morose Viliena, who was in
10 alliance with the guys of Hautefort Bajon.

11 Q. Okay. And so backing up a bit, you mentioned
12 that you heard people talking about burning houses. Did
13 anything happen to your house that evening?

14 A. Yes.

15 Q. What happened?

16 A. So this afternoon, they were firing houses in
17 my neighborhood, and I was there on my porch. There was
18 a group of young men. So once they approached over my
19 house, they said "What are you doing here? Don't you
20 see that we are sparkling fire in the houses?"

21 So once they said this, I took all my children.
22 So I ran out the house with them, and I asked them to go
23 away, and I climbed a mango tree to watch what they were
24 doing.

25 Q. And what did you see after you climbed the

1 mango tree?

2 A. So while I was on the mango tree, I heard them
3 talking on the phone. They asking the Mayor, "What
4 should we do?" And the Mayor was indicating them which
5 houses that they have to put fire in.

6 Q. And how do you know that they were talking to
7 the Mayor?

8 A. I heard them mentioning "Mayor Jean Morose
9 Viliena, we don't hear you well, what do you -- what do
10 you say? What is your order?"

11 Q. And what happened next?

12 A. So after that, I saw them putting fire in my
13 house. So I climbed down the mango tree, and I ran away

14 to meet the children where they were hiding. And I took
15 the children. I go -- I go through the gardens to the
16 countryside areas and I went to Anse-d'Hainault to the
17 house of the Deputy.

18 Q. And how long did you stay at the Deputy's house
19 in Anse-d'Hainault?

20 A. So five days later, the Deputy asked for police
21 backup for the -- to reply to those guys that were
22 burning houses. They burned about 36 houses, and the
23 five days later, I could visit where my house was.

24 Q. And did you, in fact, visit where your house
25 was?

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CERTIFICATE OF OATH

STATE OF FLORIDA:

COUNTY OF MIAMI-DADE:

I, VANESSA OBAS, RPR, Notary Public, State of Florida, do hereby certify that the Interpreters and MERS YSEMÉ personally appeared before me on October 29, 2020, and were duly sworn.

Signed this 12th day of November, 2020.

VANESSA OBAS, RPR
Notary Public, State of Florida
My Commission No.: GG 364117
Expires: September 13, 2023

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CERTIFICATE OF REPORTER

STATE OF FLORIDA:
COUNTY OF MIAMI-DADE:

I, VANESSA OBAS, RPR, Notary Public, State of Florida, certify that I was authorized to and did stenographically report the deposition of MERS YSEMÉ; that a review of the transcript was requested; and that the foregoing transcript, pages 7 through 93, is a true and accurate record of my stenographic notes.

I further certify that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this 12th day of November, 2020.



VANESSA OBAS, RPR

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November 12, 2020

MERS YSEMÉ
MORRISON & FOERSTER
555 W 5th Street
Los Angeles, California 90013
kaurelien@mofo.com

In Re: October 29, 2020, Deposition of MERS YSEMÉ

Dear MERS YSEMÉ:

This letter is to advise that the transcript for the above-referenced deposition has been completed and is available for review. Please contact our office at (305)376-8800 to make arrangements for read and sign or sign below to waive review of this transcript.

It is suggested that the review of this transcript be completed within 30 days of your receipt of this letter, as considered reasonable under Federal Rules*; however, there is no Florida Statute to this regard.

The original of this transcript has been forwarded to the ordering party and your errata, once received, will be forwarded to all ordering parties for inclusion in the transcript.

Sincerely,

VANESSA OBAS, RPR

cc: KATHIANA AURELIEN, Esquire
PETER J. HALEY, Esquire

Waiver:

I, _____, hereby waive the reading and signing of my deposition transcript.

Deponent Signature

Date

*Federal Civil Procedure Rule 30(e)/Florida Civil Procedure Rule 1.310(e)

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

ERRATA SHEET*IN RE: DAVID BONIFACE V. JEAN MOROSE VILIENA***DEPOSITION OF MERS YSEMÉ****DEPOSITION DATE: OCTOBER 29, 2020**

Page:Line	Correction	Reason
5:14	Change “Spanish and from Spanish” to “Haitian Creole and from Haitian Creole”	Transcription error
5:20	Change “Spanish and Spanish to” to “Haitian Creole and Haitian Creole to”	Transcription error
5:25	Change “Spanish and from Spanish to” to “Haitian Creole and from Haitian Creole to”	Transcription error
6:6	Change “to Spanish and Spanish to” to “to Haitian Creole and Haitian Creole to”	Transcription error
6:11	Change “Spanish and from Spanish” to “Haitian Creole and from Haitian Creole”	Transcription error
6:17	Change “Spanish and Spanish to” to “Haitian Creole and Haitian Creole to”	Transcription error
31:10	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
31:12	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
31:13	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
31:22	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
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31:24	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
33:13	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
33:17	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
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33:21	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
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34:4	Change “Ecclesiate” to “Eclesiaste”	Spelling error
34:8	Change “Ecclesiate” to “Eclesiaste”	Spelling error
34:12	Change “Ecclesiate’s” to “Eclesiaste’s”	Spelling error
34:14	Change “Ecclesiate” to “Eclesiaste”	Spelling error
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41:7	Change “Ecclesiate” to “Eclesiaste”	Spelling error
41:17	Change “Ecclesiate’s” to “Eclesiaste’s”	Spelling error
42:23	Change “Aurélien” to “Orelien”	Spelling error

43:9	Change “Aurélien” to “Orelien”	Spelling error
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49:5	Change “Vileme” to “Villeme”	Spelling error
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57:6	Change “Vileme” to “Villeme”	Spelling error
64:3	Change “Vileme” to “Villeme”	Spelling error
64:3	Change “Beaublan” to “Beaublanc”	Spelling error
78:14	Change “Here he’s in” to “Here he is”	Transcription error

Date: December 12, 2020



MERS YSEMÉ

EXHIBIT 14

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION
CASE No.: 1:17-cv-10477-ADB

DAVID BONIFACE,
NISSANDÈRE MARTYR, and
JUDERS YSEME,
Plaintiffs,

vs.

JEAN MOROSE VILIENA
(a.k.a JEAN MOROSE VILIENA),
Defendant.

_____ /

Videotaped Deposition of: JEAN DENAIS LAGUERRE

Date Taken: Wednesday, October 28, 2020

Time: 10:01 a.m. - 12:36 p.m.

Taken By: The Plaintiffs

Location: VIA VIDEOCONFERENCE

Reported By: Alyssa Zumpano,
Stenograph Shorthand Reporter and
Notary Public, State of Florida at Large.

1 A. Yes.

2 Q. And as the mayor was Viliena -- I'm sorry.
3 And as -- strike that. And as the mayor could Viliena
4 direct Benicoit Bell's actions?

5 A. Yes.

6 Q. And was Agnel Jean affiliated with KOREGA?

7 A. Yes.

8 Q. As the mayor could Viliena direct Agnel
9 Jean's actions?

10 A. Yes.

11 Q. If I understand your testimony Viliena was
12 able to direct the actions of his mayoral staff,
13 including those of the individuals I just named all, whom
14 were associated with KOREGA; is that correct?

15 MR. UITERWYK: Objection.

16 THE WITNESS: Yes.

17 BY MR. MCLAUGHLIN:

18 Q. I want to now ask you questions about the
19 killing of Ecclesiaste Boniface. Were you still living in
20 Les Irois in July of 2007?

21 A. Yes.

22 Q. Do you remember where you were on the morning
23 of July 27th, 2007?

24 A. I was in Les Irois.

25 Q. Did you see Jean Morose Viliena in Les Irois

1 on that day?

2 A. Yes, I saw him.

3 Q. What did you witness Jean Morose Viliena
4 doing on that day?

5 A. I met him at the entrance of the -- of the
6 Judge -- of this Saint Jean Bell house.

7 Q. Please, I didn't mean to interrupt.

8 A. So I met him at the moment that
9 David Boniface was asking the judge if officially (ph)
10 the mayor has the right to slap the lady? And he was
11 making a lot -- he was making a lot of pressure on David
12 Boniface.

13 Q. When you say he was making a lot of pressure,
14 who are you referring to?

15 A. I was talking about Jean Morose Viliena.

16 Q. Did you know why Jean Morose Viliena and
17 David Boniface were at Judge Bell's house?

18 A. Yes, I knew why.

19 Q. Why were they there?

20 A. As I said it, there was an altercation
21 between the mayor, Jean Morose Viliena, and a lady
22 because of a trash issue.

23 Q. And how did they get from the altercation to
24 Judge Bell's house?

25 MR. UITERWYK: Objection.

1 THE WITNESS: So after -- this happened after
2 the mayor, Jean Morose Viliena, has slapped the
3 lady in the face.

4 BY MR. MCLAUGHLIN:

5 Q. At Judge Bell's house did you hear any of the
6 words exchanged between David Boniface and Jean Morose
7 Viliena?

8 A. Yes.

9 Q. Could you tell us what those words were,
10 please?

11 A. Jean Morose Viliena was asking to David if he
12 was a lawyer, why he came here at the Judge house to
13 defend the lady.

14 Q. Did you hear anything David Boniface said
15 back to Jean Morose Viliena?

16 A. David didn't reply.

17 Q. And you said earlier that Jean Morose Viliena
18 was putting pressure on David. What do you mean by that?

19 A. It was not only Jean Morose who was putting
20 pressure. All of his partisans who were there were
21 putting pressure.

22 Q. What do you mean by "putting pressure"? Can
23 you give us examples of that pressure?

24 A. Yes. They were saying bad words to him. And
25 they pretend to bite him. Thanks to a pastor that was

1 passing by who saw this, who saw that the men were --
2 threaten him and wanted to hit him, so he said to David
3 to go away from this place.

4 Q. You mentioned that there had been an
5 altercation between Viliena and a woman that he had
6 slapped. Do you know the name of that woman?

7 A. This woman is named Ostanie Mercier.

8 Q. Was she present at Judge Bell's house?

9 A. No, she was not there.

10 Q. So after you witnessed Viliena and his
11 partisans threaten David at Judge Bell's house, what
12 happened next?

13 MR. UITERWYK: Objection.

14 THE WITNESS: So I went back home. I didn't
15 stay.

16 BY MR. MCLAUGHLIN:

17 Q. Did you see Jean Morose Viliena later that
18 day?

19 A. Yes.

20 Q. Where did you see him?

21 A. While I was sitting at the house of Nissage
22 Martyr we were commenting the -- what -- the events
23 that -- which occurred in the morning. While we were
24 there, we saw him and his partisans passing by going
25 toward Matador and Benicoit's house.

1 Q. What was Viliena doing when you saw him?

2 A. I said, his house was turning the apartment
3 side, because -- into the back. His father had a gallon
4 of moonshine, and with his partisans, so they were
5 passing by going to Matador.

6 Q. When you say his father, whose father are you
7 referring to?

8 A. The father of Jean Morose Viliena.

9 Q. And you said that Viliena was with his
10 partisans. Do you remember the names of any of those
11 partisans?

12 A. I recall some of them but not all of them.

13 Q. Can you give us the names of those that you
14 do recall?

15 A. Yes. Michelet Noel, Agnel Jean, Pierrot
16 Boileau. Meritus Beaublanc. Lifaite Livert. Roland
17 Vilsant. France Yseme. So this is those -- there are
18 those people that I saw and whose name I remember.

19 Q. Thank you. And are all of those individuals
20 affiliated with KOREGA?

21 A. Yes.

22 Q. You said that the father of Jean Morose
23 Viliena had a gallon of moonshine. Do you remember the
24 name of his father?

25 A. It is Lissage Viliena.

1 Q. And if you know, why do you think they had a
2 gallon of moonshine?

3 MR. UITERWYK: Objection.

4 THE WITNESS: Maybe they were about to go to
5 drink alcohol at their partisans' house.

6 BY MR. MCLAUGHLIN:

7 Q. Did you know Ecclesiaste Boniface?

8 A. Yes.

9 Q. Who was he?

10 A. He is -- his father name is Salvane Boniface,
11 and his mother was Mrs. Salvance Boniface. And he was
12 the younger brother of David Boniface.

13 BY MR. MCLAUGHLIN:

14 Q. Please, go ahead.

15 A. And also Ecclesiaste Boniface was my student
16 when I was teaching for the first time in a place named
17 Jorgue.

18 Q. What if anything, happened to him that night
19 of July 27th, 2007?

20 A. It was the death of Ecclesiaste Boniface.

21 Q. How do you know?

22 A. So as the jamoods (ph) and his partisans,
23 they were moving out from Matador, so they went to
24 Boniface house. As they didn't find Boniface there, so
25 they substitute him by his brother, Ecclesiaste Boniface.

1 Q. When you say they substituted him with his
2 brother, what do you mean?

3 A. So Jean Morose Viliena and his partisans, who
4 were drinking alcohol, and Matador, I'm talking about
5 them.

6 Q. But you said that they -- Jean Morose Viliena
7 and his partisans substituted Ecclesiaste Boniface for
8 David Boniface. What you mean by that, by the
9 substitution?

10 A. To kill him.

11 Q. How did you know that Jean Morose Viliena and
12 his partisans killed Ecclesiaste Boniface?

13 MR. UITERWYK: Objection.

14 THE WITNESS: So according to what people in
15 the neighborhood reported, because I was not there
16 when he was killed, but when people were screaming,
17 shouting this, so we all hear the noise. So we
18 went outside to see what happened and we saw him.

19 BY MR. MCLAUGHLIN:

20 Q. So would people -- can you tell us what
21 people were shouting and screaming?

22 A. So they were crying and repeating that Jean
23 Morose Viliena and his partisans have killed Ecclesiaste
24 Boniface. They said that people from KOREGA have done
25 this. This was their words at this time.

1 Q. And were there -- was there one person saying
2 those words or more than one person saying those words?

3 A. Many people were saying these words.

4 Q. Did you see Ecclesiaste Boniface's body the
5 night he was killed?

6 A. Yes.

7 Q. Where was the body located when you saw it?

8 A. It was on the ground on the public street.

9 Q. Was it near David Boniface's home?

10 A. Yes, nearby.

11 Q. What did the body look like?

12 A. It was many marks of where people have bitten
13 him, and he was bleeding and the head was crushed.

14 Q. Did it look like Ecclesiaste had died of
15 natural causes?

16 A. No.

17 MR. UITERWYK: Objection.

18 BY MR. MCLAUGHLIN:

19 Q. When you said the head was crushed, could you
20 tell how it had been crushed?

21 A. So we saw a hole at the back of his head, and
22 we saw the marks of him that was -- that he was beaten.
23 And there was a large rock near him and people said that
24 he was -- his head was -- the -- this rock was used to
25 kill him.

1 (Reporter clarification).

2 THE WITNESS: Yeah, they use a rock to crush
3 his head. Rock.

4 MR. MCLAUGHLIN: Rock, R-O-C-K.

5 THE WITNESS: R-O-C-K, yes.

6 BY MR. MCLAUGHLIN:

7 Q. Mr. Laguerre, I would like to show you what's
8 been marked as Exhibit 1.

9 (Plaintiff's Exhibit No. 1 was marked for
10 identification.)

11 MR. MCLAUGHLIN, Patrick, you should have a
12 copy of all these exhibits as well.

13 MR. UITERWYK: I assume so, yes. Yes.

14 BY MR. MCLAUGHLIN:

15 Q. Do you recognize -- if we can -- if there is
16 a way to close this side tab. Mr. Laguerre, do you
17 recognize the body in this photograph?

18 A. Yes, that's the body of Ecclesiaste.

19 Q. And does this photograph fairly and
20 accurately depict the body of Ecclesiaste as you saw it on
21 the night of July 27, 2009, outside of David Boniface's
22 home?

23 A. So you know, this is a photograph. There was
24 some slight difference as this is a photograph, but in
25 real, the body had been -- so the face had been more

1 vivid.

2 Q. So when you saw the body, it was more vivid
3 than just looking at this photograph; is that correct?

4 A. Yes.

5 Q. And how do you feel -- how did you feel when
6 you saw the body of Ecclesiaste Boniface on that night?

7 MR. UITERWYK: Objection.

8 THE WITNESS: Yes. So it's -- I can't even
9 tell you how I felt that day. I just saw this
10 picture, I had to make a lot of efforts to not cry
11 right now. And that day I can tell you that I have
12 cried a lot because Ecclesiaste was my student.

13 BY MR. MCLAUGHLIN:

14 Q. Okay. Thank you. We can probably take the
15 photo down now, thanks. So if I understand your
16 testimony correctly, you witnessed Viliena and his
17 partisans threaten David Boniface on the morning of
18 July 27th. And then later in the day, you saw Viliena
19 and his partisans drinking moonshine. And then, that
20 same night, after hearing screams that Viliena and his
21 partisans had killed Ecclesiaste Boniface, you saw
22 Ecclesiaste's body outside of his brother, David
23 Boniface's home. Is that right?

24 MR. UITERWYK: Objection.

25 THE WITNESS: Yes.

1 BY MR. MCLAUGHLIN:

2 Q. To your knowledge, were there any judicial
3 hearings held in Haiti for the killing of Ecclesiaste
4 Boniface?

5 A. Yes.

6 Q. Were you present at any of those hearings?

7 A. Yes.

8 Q. Were any of Viliena's partisans present at
9 those hearings?

10 MR. UITERWYK: Objection.

11 THE WITNESS: Yes.

12 BY MR. MCLAUGHLIN:

13 Q. Did any witnesses testify at these hearings?

14 A. Yes.

15 Q. Do you remember the name of any of those
16 witnesses?

17 A. Yes.

18 Q. Could you give us those names please?

19 A. They was Vilfranc Larrieux. There was
20 Franckel Ysme. There was Mers Yseme. And there was
21 myself, Jean Denais Laguerre --

22 Q. Were any -- please, sorry. My apologies.

23 A. So there were other witnesses, but as they
24 are not -- they are not willing to testify any longer, so
25 I did not mention their name.

1 Q. Were any of the witnesses who testified at
2 those hearings in Haiti intimidated?

3 A. Yes.

4 Q. Could you describe how they were intimidated?

5 A. So first, when the hearing was held in
6 Jérémie, there were many members of KOREGA who were there
7 putting pressure. They even switch up the generator that
8 was giving electricity to the court building so that they
9 can kill the witnesses who were there. Thanks to the
10 police vigilance, so we could escape that.

11 Q. When you say they switched out the generators
12 so they could kill the witnesses, who are you referring
13 to?

14 A. I'm talking about myself, Franckel Ysme.

15 Q. So you were the targets of their attempts; is
16 that correct?

17 A. No. It would be they -- no. They -- we were
18 all their targets.

19 Q. And who is doing the targeting?

20 A. I don't know their names, of those people in
21 Jérémie, but they were members of KOREGA. They were here
22 to support their friend Jean Morose Viliena.

23 Q. To your knowledge was it common practice for
24 the supporters of Jean Morose Viliena to intimidate those
25 who might testify against them?

1 MR. UITERWYK: Objection.

2 THE WITNESS: Often.

3 BY MR. MCLAUGHLIN:

4 Q. Do you have any other examples of that
5 intimidation that you could share with us?

6 A. Yes.

7 Q. Please do.

8 A. There was a lady. Her name is Cenes
9 Jean-Pierre. She was not a witness, but she was a
10 partisan of the victims. So once she get out of the
11 court to buy something to drink and this man slapped her.
12 She even fall down.

13 Q. And this happened at the hearings for the
14 death of Ecclesiaste Boniface that you attended?

15 A. Yes.

16 Q. I want to switch now to another topic. And I
17 want to turn your attention to the attack on the radio
18 station that took place in April 2008. Were you still
19 living in Les Irois at the time?

20 A. Yes.

21 Q. Was Viliena still the mayor of Les Irois in
22 2008?

23 A. Yes.

24 Q. As the mayor could Viliena still direct the
25 action of the partisans in April 2008?

1 THE VIDEOGRAPHER: This marks the end of
2 Media Unit Number 1. Going off record. The time
3 is 11:24 a.m.

4 (Off the record from 11:24 a.m. to 11:35
5 a.m.)

6 THE VIDEOGRAPHER: This marks the beginning
7 of Media Unit Number 2. Going back on the record.
8 It is 11:35 a.m.

9 BY MR. MCLAUGHLIN:

10 Q. Mr. Laguerre, I want to now ask you some
11 questions about the mass arsons that took place in Les
12 Irois.

13 A. Yes.

14 Q. Were you still living in Les Irois in October
15 of 2009?

16 A. Yes.

17 Q. Was Jean Morose Viliena still the mayor in
18 October of 2009?

19 A. No.

20 Q. You testified that you were familiar with an
21 individual named Hautefort Bajon?

22 A. Yes.

23 Q. And you described him as the director of the
24 mayor hall for Jean Morose Viliena; is that correct?

25 A. I want to rectify this, that Jean Morose

1 Viliena was still a mayor in 2009, he was just not in Les
2 Irois in that period. That's something that I want,
3 like, to rectify.

4 Q. Thank you for that clarification.

5 A. The day of the arson.

6 Q. Thank you for that clarification. Let me ask
7 my question again following your clarification. So you
8 testified that you were familiar with an individual named
9 Hautefort Bajon?

10 A. Yes.

11 Q. And you described him as director of the
12 mayor hall for Jean Morose Viliena; is that correct?

13 A. Yes.

14 Q. And you said that Hautefort Bajon was
15 associated KOREGA; is that correct?

16 A. Yes.

17 Q. Was Hautefort Bajon in Les Irois in or around
18 October 28th, 2009?

19 A. Yes, he was in Les Irois in October 28th,
20 2009. But he was very sick, and on the next day
21 October 29th, he passed away.

22 Q. Around that time did you meet with Hautefort
23 Bajon's family?

24 A. Yes.

25 Q. And what did they say to you, if anything,

1 the arsons?

2 A. The day of the arson, I was at home.

3 Q. Do you remember what happened that day?

4 A. Yes. The same day, that was the day after
5 Hautefort Bajon passed away, had, like, his last breath.
6 His partisan started burning down houses and my entire --
7 whole village. They went down -- continued to burn down
8 houses. And they get together with the guys who were
9 next to the Hautefort Bajon headquarters, and they
10 started burning down houses in the city now.

11 Q. Was your house burned down?

12 A. Yes, my house was burned down.

13 Q. At the moment that your house was burned
14 down, were you inside that house?

15 A. No I was not in because when I knew that they
16 were burning down houses and also someone called me to
17 let me know that I should leave my home right now. So I
18 went to my mother-in-law house. But at the time my wife,
19 like, didn't want to leave the house.

20 Q. From your mother-in-law's house could you see
21 the smoke of your house burning down?

22 A. Yes, I could hear the smoke, and I could also
23 hear the noise of the rock that they we're using to break
24 down the door.

25 Q. What did Les Irois look like the next day?

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CERTIFICATE OF REPORTER

STATE OF FLORIDA:

COUNTY OF BROWARD:

I, Alyssa Zumpano, Stenograph Shorthand Reporter, certify that I was authorized to and did stenographically report the foregoing deposition of JEAN DENAIS LAGUERRE; that the review of the transcript was requested; and that the foregoing Pages 4 through 57, inclusive, are a true and complete record of my stenograph notes.

I further certify that I am not a relative or employee of any of the parties, nor am I a relative or counsel connected with the parties' attorneys or counsel connected with the action, nor am I financially interested in the outcome of the action.

DATED this 20th day of November, 2020.



Alyssa Zumpano,
Stenograph Shorthand Reporter

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DECLARATION UNDER PENALTY OF PERJURY

I, JEAN DENAIS LAGUERRE , the witness herein, declare under penalty of perjury that I have read the foregoing deposition in its entirety and that the testimony contained therein, as corrected by me, is a true and accurate transcription of my testimony elicited at said time and place.

Dated this ____ day of _____,
20____, at _____, _____.

JEAN DENAIS LAGUERRE

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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EXHIBIT 15

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION
CASE NO. Case No. 1:17-cv-10477-ADB

DAVID BONIFACE,
NISSANDERE MARTYR, and
JUDERS YSEME

Plaintiffs,

vs.

JEAN MOROSE VILIANA
(a.k.a. JEAN MOROSE VILLIENA),
Defendant.

_____ /

VIDEOCONFERENCE
VIDEOTAPED DEPOSITION OF VILFRANC LARRIEUX
Haiti
Monday, 10:06 A.M.-1:54 P.M.
October 26, 2020

Taken before Carla D. Smith, RPR, RMR, Notary Public
in and for the State of Florida at Large, pursuant to
Notice of taking Deposition in the above cause.

1 you.

2 Q. Do you know if any judicial hearings were
3 held for the killing of Ecclesiate?

4 A. Yes.

5 Q. Did you attend the hearings?

6 A. Yes.

7 Q. What, if anything, did you do at the hearings
8 for Ecclesiate Boniface's death?

9 A. I was a witness and I gave my testimony to
10 bring light to the justice court.

11 Q. Did any other witnesses testify at the
12 hearings?

13 A. Yes. And I could provide an example.

14 There was a lady name Clorene Francois who
15 gave her testimony to the audience. She was a neighbor
16 of the Boniface, both David and Ecclesiate. And right
17 after her testimony, they kill her. She was
18 assassinated.

19 Q. Did you see Clorene Francois testify at the
20 hearing?

21 A. I was there.

22 Q. Can you remember what she testified to?

23 MR. HALEY: Objection.

24 THE WITNESS: Yes.

25 MR. HALEY: Objection.

1 BY MS. MATTHEWS:

2 Q. What did she say?

3 MR. HALEY: Objection.

4 THE WITNESS: Clorene was a very close
5 neighbor of the Boniface and what she told that
6 it was Hautfort Bajon and Jean Morose Viliena who
7 killed Ecclesiate.

8 BY MS. MATTHEWS:

9 Q. And you said that -- you testified that after
10 the hearing they killed her. Who do you mean by "they?"

11 MR. HALEY: Objection.

12 THE WITNESS: It was many other witnesses.
13 More than me, there were some witnesses in the
14 hearing. In one example is Clorene Francois.

15 BY MS. MATTHEWS:

16 Q. Do you know if any of the witnesses who
17 testified at the hearing regarding Ecclesiate's
18 Boniface's death were intimidated for providing
19 testimony?

20 MR. HALEY: Objection.

21 THE WITNESS: Yes.

22 BY MS. MATTHEWS:

23 Q. Which of the witnesses were intimidated?

24 MR. HALEY: Objection.

25 THE INTERPRETER: Could you repeat for me,

1 please.

2 BY MS. MATTHEWS:

3 Q. Which of the witnesses were intimidated for
4 testifying?

5 MR. HALEY: Objection.

6 THE WITNESS: One example is Clorene
7 Francois who was killed right after she
8 witness -- she gave her testimony. Myself have
9 been victim of different type of aggression
10 several times.

11 BY MS. MATTHEWS:

12 Q. Can you give an example of the aggression
13 that you have experienced?

14 A. I used to be involved in one broadcast in the
15 radio station. After one of my broadcast, I was like --
16 seeing Jean Morose Viliena and himself and they pushed
17 me and slapped me in the face. I could escape from this
18 aggression because a cousin of my wife hosted me in her
19 home for a while. Even if I was lock inside of my wife
20 cousin house, the partisans of Jean Morose Viliena were
21 still trying to force the door to get me inside.

22 My salute was because there was someone like
23 in the neighbor and, someone who is quite an elderly guy
24 who could witness that the mayor, Jean Morose Viliena,
25 was still patrolling the house where I was smiling

1 because he was really happy that his partisans would do
2 this to me.

3 And this elderly guy told Jean Morose
4 whatever would happen to me would be his responsibility.
5 And this was at that moment three other people from the
6 community they came and get me from the house and they
7 escort me to my house. That was one first experience of
8 aggression.

9 A second one --

10 Q. Mr. Vilfranc, thank you. Can I -- sorry.
11 I'm going to interrupt you for a second.

12 Were you ever intimidated for testifying at
13 the hearings regarding the killing of Ecclesiate
14 Boniface?

15 A. Yes.

16 Q. Who intimidated you for testifying at the
17 hearings about the killing of Ecclesiate Boniface?

18 A. First, the partisan of KOREGA. More
19 specially KODEKA of Anse d'Hainault was leaded by George
20 Simon aggress like several of us as to intimidate us so
21 we would not provide our testimony to the hearing. It
22 was through the support of Joaquim Orelie who was --
23 who is a former deputy who ask for police backup escort
24 to take us to Jeremie to court.

25 When we arrive halfway to -- the hearing was

1 the day. So we head back to Les Irois. It was that
2 night and when we get to Anse d'Hainault, there was a
3 partisan of KODEKA who start shooting at us. We spent
4 all night going under the woods and it was miraculously
5 that we were escape from this. Thank you.

6 Q. How do you know that the shooting of you was
7 related to the hearings regarding the killing of
8 Ecclesiate Boniface?

9 A. KOREGA walks collaboratively with KODEKA and
10 MODEREH in Les Irois.

11 Q. Did they say anything to you when they were
12 trying to shoot you?

13 A. It was at night and we were walking toward
14 our city. The bandits were on motorcycle. They shoot
15 in the air but also they shoot at men level.

16 Q. How do you know that the men on motorcycles
17 were partisans of KODEKA?

18 A. Because earlier in the morning they were the
19 one stopping us from going to the hearing in Jeremie.
20 On our way back, we're not escorted as earlier with the
21 police backup.

22 Q. And did the partisans of KODEKA work with
23 Jean Morose Viliena?

24 MR. HALEY: Objection.

25 THE WITNESS: Yes.

1 BY MS. MATTHEWS:

2 Q. How did they work together?

3 MR. HALEY: Objection.

4 THE WITNESS: They work together to win the
5 election even if they were not popular. And
6 secondly, while there was the hearing and the
7 prosecution -- the prosecutor in Jeremie the
8 victims accompanied with the witnesses, they were
9 victims of a lot of repressions from both the
10 partisans of KODEKA and KOREGA.

11 BY MS. MATTHEWS:

12 Q. Did you recognize any of the individuals who
13 tried to stop you from attending the hearing in Jeremie
14 and then who attacked you on your way back?

15 A. No. It was at night.

16 Q. Earlier you testified that Clorene Francois
17 testified at the hearings, is that correct?

18 A. Yes.

19 Q. Do you know if she was intimidated for
20 testifying at the hearing.

21 MR. HALEY: Objection.

22 THE WITNESS: Yes.

23 BY MS. MATTHEWS:

24 Q. Do you know what happened to Clorene
25 Francois?

1 A. Yes.

2 Q. What happened to Clorene Francois?

3 A. After she provided her testimony on the
4 prosecutor's office in Jeremie, she was dead. And she
5 was assassinated.

6 Q. How do you know that Clorene Francois was
7 assassinated?

8 A. After she died, I went to justify this.

9 Q. How did you justify it?

10 MR. HALEY: Objection.

11 THE WITNESS: I went to watch like where
12 she was dead.

13 BY MS. MATTHEWS:

14 Q. And just to clarify, did you mean identify or
15 justify?

16 A. So what I would say is more I went to watch.
17 I went to watch what happened like that she was dead.
18 The same that I would say is watch.

19 Q. And what did you see when you went to watch?

20 A. I could watch that she was dead and they
21 twisted her neck.

22 Q. What makes you say that she was assassinated
23 for providing testimony --

24 MR. HALEY: Objection.

25 BY MS. MATTHEWS:

1 Q. -- at the hearing?

2 A. She was not the only one who has been a
3 victim of aggression after her deposition.

4 Q. So if I understand your testimony correctly,
5 you believe that Clorene Francois was intimidated and
6 killed because of her testimony at the hearing for
7 Ecclesiate Boniface's death because others were also
8 intimidated for testifying at the hearing?

9 MR. HALEY: Objection.

10 THE WITNESS: Yes.

11 MS. MATTHEWS: Okay. Thank you.

12 I think this would be a good time to take a
13 10-minute break.

14 THE WITNESS: Thank you.

15 MS. MATTHEWS: So we can go off.

16 THE VIDEOGRAPHER: This marks the end of
17 Media Unit Number 2. Going off record. Time is
18 11:49 A.M.

19 (A recess was taken from 11:49 A.M. to 12:01
20 P.M., after which the following proceedings were had.)

21 THE VIDEOGRAPHER: This marks the beginning
22 of Media Unit Number 3. Going back on record.

23 The time is 12:01 P.M.

24 BY MS. MATTHEWS:

25 Q. I now want to turn to a different event in

1 A. How I felt is that after the population has
2 voted for a mayor just to accompany the population to
3 develop the city. And that's the second crime that the
4 mayor has committed in term of result and this really
5 hurts me. Thank you.

6 Q. And how do you feel now seeing this photo of
7 Nissage in the hospital?

8 A. This double my pain.

9 Q. Thank you. I think we can take down the
10 exhibit.

11 A. Thank you.

12 Q. Thank you.

13 A. That's really bad.

14 Q. I'd like to turn to a different event that
15 occurred in Les Irois in October 2009. But before I do
16 so, I just want to check if you would like to take a
17 quick break, Mr. Vilfranc?

18 A. Thank you. You can continue.

19 Q. Were you still living in Les Irois in
20 October 2009?

21 A. Yes.

22 Q. Was Jean Morose Viliena still the mayor of
23 Les Irois in October 2009?

24 A. Yes.

25 Q. Did anything happen in Les Irois in October

1 of 2009?

2 MR. HALEY: Objection.

3 THE WITNESS: Yes.

4 BY MS. MATTHEWS:

5 Q. What happened?

6 MR. HALEY: Objection.

7 THE WITNESS: After the death of Hautfort
8 Bajon, so there was the arson of 36 houses in
9 Les Irois. Thank you.

10 BY MS. MATTHEWS:

11 Q. Do you remember where you were when the arson
12 of the 36 houses happened?

13 THE INTERPRETER: Can you repeat it,
14 please?

15 BY MS. MATTHEWS:

16 Q. Do you remember where you were while the
17 arson happened?

18 A. I was in Les Irois.

19 Q. How did you learn about these events?

20 A. Because I could see all of this house burned
21 down so from a long distance.

22 Q. What did -- can you tell me what you saw that
23 night?

24 A. So this event start and begins in Matador at
25 Benicoit Bell house. It's kind of the headquarter for

1 Viliena Morose. So they started burning houses at
2 Matador to right to the Downtown of the city. Thank
3 you.

4 Q. Was your home burned that night?

5 A. My house didn't burn miraculously because I
6 have mean dogs at my house. And there were other in a
7 bit of the neighborhood who protected my house from
8 being burned. Thank you.

9 Q. How did you learn about your house not being
10 burned down?

11 A. Because I was there.

12 Q. And how did it make you feel seeing the
13 houses being burned in Les Irois?

14 A. That really had an impact on me. It's like
15 the trade disaster that occurred in the community and
16 it's always from the same group, the same group of the
17 partisans of Jean Morose Viliena. So regarding the
18 death of Hautfort Bajon, which occurred while it was at
19 his house. Thank you.

20 MS. MATTHEWS: So I think now we will
21 actually take about a 10-minute break if that's
22 okay. Go off the record.

23 MR. HALEY: So 1:10?

24 MS. MATTHEWS: Yes.

25 THE VIDEOGRAPHER: This marks the end of

1 RE : DAVID BONIFACE vs. JEAN MOROSE VILIENA
DEPO OF: VILFRANC LARRIEUX
2 TAKEN : October 26, 2020
3

4 EXCEPT FOR ANY CORRECTIONS
5 MADE ON THE ERRATA SHEET BY
6 ME, I CERTIFY THIS IS A TRUE
7 AND ACCURATE TRANSCRIPT.
8 FURTHER DEPONENT SAYETH NOT.

9 -----
VILFRANC LARRIEUX

10
11 STATE OF FLORIDA)
12) SS:
13 COUNTY OF BROWARD)

14
15 Sworn and subscribed to before me this _____
16 day of _____, 2020.

17
18 PERSONALLY KNOWN _____ or I.D. _____
19

20 _____
21 Notary Public in and for
22 the State of Florida at
Large.

My commission expires:

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CERTIFICATE OF READER-INTERPRETER

I, _____, whose address

(Please print)

is _____, a person

(Please print)

who speaks the language of the deponent, namely,

_____, do hereby certify that on the _____ day of

_____, 20____, I did translate the

foregoing deposition from the English language into the

_____ language, reading same to the deponent in his

native tongue, to the best of my ability;

That all corrections and changes requested by the deponent were made and initialed by the deponent;

That, upon completion of said reading, the deponent did confirm to me that she had understood the reading.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: _____, 20_____.

READER-INTERPRETER

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REPORTER'S DEPOSITION CERTIFICATE

I, CARLA D. SMITH, Florida Professional Reporter, Registered Merit Reporter, certify that I was authorized to and did stenographically report the deposition of VILFRANC LARRIEUX, the witness herein; on October 26, 2020; that a review of the transcript was requested; that the foregoing pages numbered from 1 to 83 inclusive is a true and complete record of my stenographic notes of the deposition by said witness; and that this computer-assisted transcript was prepared under my supervision.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action.

DATED this 9th day of November 2020.



CARLA D. SMITH
Registered Merit Reporter
Florida Professional Reporter

Federal Rules of Civil Procedure

Rule 30

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(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

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ERRATA SHEET*IN RE: DAVID BONIFACE V. JEAN MOROSE VILIENA***DEPOSITION OF VILFRANC LARRIEUX****DEPOSITION DATE: OCTOBER 26, 2020**

Page:Line	Correction	Reason
3:16	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
7:10	Change "questions. I ask after" to "questions I ask. After"	Punctuation error
13:19	Change "Pierroit" to "Pierrot"	Spelling error
14:18	Change "Pierroit" to "Pierrot"	Spelling error
14:22	Change "Pierroit" to "Pierrot"	Spelling error
14:25	Change "Pierroit" to "Pierrot"	Spelling error
15:4	Change "Pierroit" to "Pierrot"	Spelling error
19:14	Change "judge of this Saint Jean" to "judge of peace Saint Jean"	Transcription error
21:5	Change "Anse d'Hainault?" to "Anse d'Hainault."	Punctuation error
23:19	Change "Pierroit" to "Pierrot"	Spelling error
26:10	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
26:25	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
27:5	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
27:7	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
27:9	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
27:11	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
28:3	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
28:6	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
28:14	Change "Ecclesiate" to "Ecclesiaste"	Spelling error

29:8	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
29:16	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
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34:16	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
35:7	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
35:17	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
37:13	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
37:17	Change “Ecclesiate” to “Ecclesiaste”	Spelling error

38:8	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
38:9	Change “KOREGA walks” to “KOREGA works”	Transcription error
41:7	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
44:19	Change “offices” to “officers”	Transcription error
44:25	Change “offices” to “officers”	Transcription error
48:4	Change “Pierroit” to “Pierrot”	Spelling error
49:1	Change “Pierroit” to “Pierrot”	Spelling error
49:23	Change “It was Tap tap” to “It was the Tap Tap”	Transcription error
50:14	Change “partisan” to “partisans”	Plural
51:9	Change “Pierroit” to “Pierrot”	Spelling error
52:8	Change “Pierroit” to “Pierrot”	Spelling error
52:13	Change “Pierroit” to “Pierrot”	Spelling error
56:1	Change “Pierroit” to “Pierrot”	Spelling error
61:15	Change “trade disaster” to “third disaster”	Transcription error
64:12	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
66:15	Change “Ti Fre.” to “Ti Amerikan.”	Transcription error
67:13	Change “Pierroit” to “Pierrot”	Spelling error
69:3	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
69:11	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
70:18	Change “Ecclesiate” to “Ecclesiaste”	Spelling error

Date: December 9, 2020


VILFRANC LARRIEUX

EXHIBIT 16

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UNITED STATES DISTRICT CIRCUIT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

CASE NO.: 1:17-cv-10477-ADB

DAVID BONIFACE, NISSANDERE MARTYR, AND JUDERS YSEME,

Plaintiffs,

vs.

JEAN MOROSE VILIENA, (a/k/a JEAN MOROSE VILLIENA),

Defendants.

-----/

ZOOM VIDEOTAPED DEPOSITION OF OSEPHITA LEBON
TAKEN ON BEHALF OF THE PLAINTIFFS

Remote Via Zoom

June 4, 2021

10:00 a.m. to 1:43 p.m.

REPORTED BY

MARLA SCHREIBER, COURT REPORTER

NOTARY PUBLIC, STATE OF FLORIDA

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APPEARANCES OF COUNSEL

ON BEHALF OF THE PLAINTIFFS:

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By BONNIE LAU, (pro hac vice), ESQ.

By BEN KAGEL, ESQ.

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ON BEHALF OF THE DEFENDANTS:

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ALSO PRESENT:

JEFF MENTON, Videographer

NICOLE PHILLIPS, Interpreter

DANIEL TILLIAS, Interpreter

SARAH VANDERVALK, ESQ.

MEROUA ZOUAI

DANIEL McLAUGHLIN

INDEX OF EXAMINATION

WITNESS: OSEPHITA LEBON

DIRECT EXAMINATION

PAGE

By Mr. Ben Kagel, Esquire

5

CROSS-EXAMINATION

By Mr. Patrick Uiterwyk, Esquire

57

1 Q Did you see Viliena try to go to the radio
2 station on that Monday?

3 A Yes.

4 Q Did you see anything happen to the radio
5 station on that Monday?

6 A No.

7 Q Do you play any role in the radio station?

8 A It was from my political party so I had
9 something to see with it. I was a supporter of it.

10 Q Did anything ever happen to you because you
11 supported the radio station?

12 A Yes.

13 Q What happened to you?

14 A After Jean Morose was involved in the
15 massacre on April 8th on October 29, 2009 he burned
16 down, he burned down 36 houses that belongs to members
17 of the political party named OPL.

18 Q You said on that Monday nothing happened to
19 the radio station, correct?

20 A On Monday, he notice that he couldn't take
21 over the radio station. That's when he decided that he
22 would have a different strategy on a different day, go
23 in to look for guns so he could really find a new way
24 to take over the radio station.

25 Q Did you see Viliena after that Monday do

1 houses being burned down was going to come true?

2 A Yes, exactly.

3 Q What did you think was going to happen?

4 A I thought they could come and just burn
5 houses so I decided I would flee my home and leave.

6 Q Did you flee your home at that time?

7 A I flee my home and went into a different
8 town called Constable.

9 Q All right. I think this is a good time to
10 take a break. We will go off the record.

11 THE VIDEOGRAPHER: We are going off the
12 video record. The time is 12:14 p.m.

13 (Off the record.)

14 (Back on the record.)

15 THE VIDEOGRAPHER: We are back on the video
16 record at 1:01 p.m.

17 BY MR. KAGEL:

18 Q Osephita, you said you fled town after
19 Hautefort Bajon died. Why did you flee town?

20 A Because Andromarque came telling me that it
21 is said if Hautefort Bajon die, they would come and
22 burn my house and that's why I took all of my children
23 with me and fled.

24 Q And did your house burn down?

25 A I fled, took anything in the house and they

1 burn it all the way down, everything that was inside
2 was burned.

3 Q Do you know who burned down your house?

4 A The same team working with Jean Morose
5 Viliena did this. I was not there. I did not see the
6 person who did it, but I know it was the same team
7 because I fled. I was not there to see anyone doing
8 it.

9 Q How do you know that Jean Morose Viliena
10 and his team burned down your house?

11 A So they had a meeting while Hautefort Bajon
12 was still alive and sick, and they said that it's
13 really the people from OPL who are involved and the
14 cause of the death of Hautefort Bajon, if he die, we
15 should burn down all of their houses. And they said
16 that they would start like with the lower people and
17 position in OPL and they would take the one with higher
18 position later on.

19 Q When you say "they," are you referring to
20 Jean Morose Viliena and his supporters?

21 A Jean Morose and his supporters.

22 Q Was anyone else's house burnt down?

23 A 36 houses.

24 Q 36 houses in Les Irois were burned down?

25 A Yes.

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CERTIFICATE OF OATH

STATE OF FLORIDA)

COUNTY OF BROWARD)

I, the undersigned authority, certify that
Osephita Lebon remotely appeared before me and was duly
sworn.

WITNESS my hand and official seal this 4th
day of June, 2021.



MARLA SCHREIBER, Court Reporter
Notary Public, State of Florida
My Commission No. GG 916693
Expires: 10/14/2023

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CERTIFICATE

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, MARLA SCHREIBER, Court Reporter, do hereby certify that I was authorized to and did stenographically report the foregoing deposition of Osephita Lebon; that a review of the transcript was not requested; and that the transcript is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 10th day of June, 2021.



MARLA SCHREIBER, Court Reporter
and Notary Public

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CERTIFICATE OF NOTARY PUBLIC

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, Marla Schreiber, Notary Public for the State of Florida, DO HEREBY CERTIFY, that Osephita Lebon, remotely appeared before me via Zoom, and was duly sworn by me to tell the truth on the date of June 9th, 2021.

WITNESS MY HAND AND SEAL in the City of Fort Lauderdale, Broward County, State of Florida, this 10th day of June, 2021.



MARLA SCHREIBER, Court Reporter
Notary Public, State of Florida
My Commission No. GG916683
Expires: 10/14/2023

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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ERRATA SHEET*IN RE: DAVID BONIFACE V. JEAN MOROSE VILIENA***DEPOSITION OF OSEPHITA LEBON****DEPOSITION DATE: JUNE 4, 2021**

Page:Line	Correction	Reason
9:7	Change “Jorque” to “Jorgue”	Spelling error
9:20	Change “team of jamb holes” to “team of Jean Morose”	Transcription error
9:22	Change “porter” to “brother”	Transcription error
15:17	Change “sweep cleaners” to “street cleaners”	Transcription error
17:8	Change “as is someone who” to “as he is someone who”	Transcription error
22:9	Change “morning after” to “morning, after”	Punctuation error
22:21	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
26:7	Change “stake” to “stick”	Transcription error
27:21	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
27:22	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
28:10	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
28:19	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
28:21	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
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29: 25	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
30:2	Change “Ecclesiate” to “Ecclesiaste”	Spelling error
30:9	Change “Ecclesiate’s” to “Ecclesiaste’s”	Spelling error

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33:2	Change “Ecclesiate’s” to “Eclesiaste’s”	Spelling error
33:14	Change “Ecclesiate” to “Eclesiaste”	Spelling error
33:16	Change “Ecclesiate” to “Eclesiaste”	Spelling error
33:19	Change “and Jeremie” to “in Jeremie”	Transcription error
35:17	Change “Nisandere” to “Nissandere”	Spelling error
35:19	Change “He” to “Nissage”	Clarification
36:1	Change “Commune Anse D’Hinalt” to “Commune Anse D’Hinault”	Spelling error
37:17	Change “warning” to “running”	Transcription error
44:7	Change “Get him the radio station” to “Get in the radio station”	Transcription error
44:15	Change “they had to like -- and” to “they had like to run and”	Transcription error
44:16	Change “There were -- beside” to “There were inside”	Transcription error
44:16-17	Change “the deaths and there were,” to “leaders and they were --”	Transcription error
48:11-12	Change “OPL’s quarters” to “OPL supporters”	Transcription error
51:13	Change “involved and the” to “involved in the”	Transcription error

51:16-17	Change “people and position in OPL” to “people in positions in OPL”	Transcription error
52:11	Change “I leave Les Irois” to “I live in Les Irois”	Transcription error
52:23	Change “they” to “the”	Transcription error
53:7	Change “Viliena and while” to “Viliena’s while”	Transcription error
53:18	Change “and since he has” to “and since he was”	Transcription error
54:13-14	Change “am in the either” to “am either”	Transcription error
55:12	Change “and sport event” to “in a sport event”	Transcription error
57:1-2	Change “would do that he cannot do because he still have from his team and” to “want to do in Les Irois that he cannot do because he still have a strong solidarity from his team so”	Correction

07/15/2021

Date

Lebon Osephita

OSEPHITA LEBON

EXHIBIT 17

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

CASE No.: 1:17-cv-10477-ADB

DAVID BONIFACE,
NISSANDÈRE MARTYR, and
JUDERS YSEME,
Plaintiffs,

vs.

JEAN MOROSE VILIENA
(a.k.a JEAN MOROSE VILIENA),
Defendant.

_____ /

Videotaped Deposition of: FRANKEL YSEME

Date Taken: Tuesday, October 27, 2020

Time: 10:06 a.m. - 12:43 p.m.

Taken By: The Plaintiffs

Location: VIA VIDEOCONFERENCE

Reported By: Alyssa Zumpano,
Stenograph Shorthand Reporter and
Notary Public, State of Florida at Large.

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On behalf of the Defendant

Also Present: Curtis Roginski, Videographer

1 because they were his political supporters and friends?

2 MR. HALEY: Objection.

3 THE WITNESS: Yes.

4 BY MR. SCOTT:

5 Q. And so what did you do next after the police
6 came?

7 A. I run away.

8 Q. And do you know if there were any judicial
9 hearings for the killing of Ecclesiate Boniface?

10 THE INTERPRETER: He doesn't understand the
11 question.

12 BY MR. SCOTT:

13 Q. I'll rephrase.

14 THE INTERPRETER: Yes.

15 BY MR. SCOTT:

16 Q. Were there ever any hearings in Haiti for the
17 killing of Ecclesiate Boniface?

18 A. Yes.

19 Q. Were you present at those hearings?

20 A. No, not all the times.

21 Q. But you were present for some of the time?

22 A. Yes.

23 Q. Did you ever testify at any of the hearings?

24 A. No.

25 Q. And during the hearings at which you were

1 present did you ever see any members of
2 Jean Morose Viliena supporters?

3 A. Yes. One day I went and I remember they went
4 after us.

5 Q. Why did they run after you?

6 MR. HALEY: Objection.

7 THE WITNESS: They were intimidating us so we
8 would not tell the truth.

9 BY MR. SCOTT:

10 Q. So if I understand correctly, your testimony
11 is they were trying to intimidate you because you might
12 be witnesses?

13 MR. HALEY: Objection.

14 THE WITNESS: Yes.

15 BY MR. SCOTT:

16 Q. And when you say "they," can you clarify who
17 you mean.

18 A. The partisan of Viliena.

19 Q. So did you see any witnesses being
20 intimidated at the hearings by the partisans of Viliena?

21 MR. HALEY: Objection.

22 THE WITNESS: Yes. Many of them were
23 intimidated.

24 BY MR. SCOTT:

25 Q. Can you please describe what you saw.

1 A. Yes.

2 Q. Can you please do so.

3 A. I remember one of the hearing that I
4 attended. I can't remember the exact date, but the
5 partisan of Jean Morose were intimidating everyone. And
6 I remember that they hit Jean William Lebon. And they
7 were intimidating people, saying if we don't run away, we
8 would see what would happen to us. And some of us who
9 were there have, like, to left the prosecutor office.
10 Myself, I have been intimated by Altema, and I run away
11 from the prosecutor office after this.

12 Q. And other than what you've just described to
13 me, do you know of any other witnesses being intimidated
14 after they've testified?

15 MR. HALEY: Objection.

16 THE WITNESS: We have been intimidated all
17 the time, and until now we've been intimidated. So
18 we all have been intimidated.

19 BY MR. SCOTT:

20 Q. And do you know -- at the hearings in Haiti
21 for the murder of Ecclesiaste Boniface do you know if Jean
22 Morose Viliena was present?

23 MR. HALEY: Objection.

24 THE WITNESS: The one that I attended, yes,
25 Jean Morose Viliena was present.

1 A. They destroyed the radio station. They took
2 the computers. They took different equipment that were
3 important and they left with them. I also forget to
4 mention that within the radio station there was a small
5 library that was available for children to come and read
6 and make some research, even if there was not a large
7 library, but still they destroyed the library and they
8 left with what they could.

9 Q. So did you see them -- do you know what
10 happened to the equipment that you saw being taken from
11 the radio station?

12 A. I don't know what they did with the equipment
13 that they took from the radio station, but I know that
14 they took them from the radio station. They probably
15 went home with them.

16 Q. And did you stay in Les Irois after you saw
17 this?

18 A. I spent a little time in Les Irois. But
19 after this I left Les Irois.

20 Q. Okay. And now I want to ask you a different
21 set of questions about another event that happened in
22 Les Irois, the mass arson of homes.

23 A. No problem.

24 Q. Was the defendant still the mayor of
25 Les Irois at the time that happened?

1 MR. HALEY: Objection.

2 THE WITNESS: I don't understand.

3 BY MR. SCOTT:

4 Q. That's okay. I'll come back to this later.

5 Do you have an uncle named Mers Yseme?

6 A. Mers Yseme, yes, the father of Juders.

7 Q. And that's the same Juders who is the
8 plaintiff in this lawsuit?

9 A. Yes.

10 Q. Did anything happen to your uncle in October
11 of 2009?

12 A. Yes.

13 Q. What happened?

14 A. They burn down his house.

15 MR. SCOTT: I'm sorry, could I get that
16 repeated? My Internet cut out. I missed the
17 translation.

18 THE WITNESS: They burned down my house.

19 MR. SCOTT: Clarification. Did he say they
20 burned down my house or they burned down his house?

21 MS. PHILLIPS: They burned down his house,
22 sorry.

23 BY MR. SCOTT:

24 Q. Where were you when your uncle's house burned
25 down?

1 A. I was not there. I was in a place named
2 Jorgue (ph).

3 Q. So how did you learn about your uncle's house
4 burning down?

5 A. So the next day, when I heard about it, I
6 come to the city, hiding, and I saw the location, the
7 place where the house was, and I saw the smoke coming out
8 from this place. And I have to tell you that I was
9 living in that house and everything -- all my belongings
10 were there.

11 Q. So you saw your uncle's house was burned?

12 A. Yes.

13 Q. Was his the only house in Les Irois that was
14 burned?

15 A. No, 36 houses.

16 Q. And you saw these houses that were burned
17 because you came to the city the next day?

18 A. Yes.

19 Q. What did Les Irois look like that day?

20 A. So as I could say it, its' -- it's look like
21 the same way as I watch on the TV when airplanes get into
22 World Trade Center buildings. It looked like the same.
23 I could see the smoke coming out from the place.

24 Q. Was there a lot of smoke?

25 A. Yes, a lot of smoke, and the city was dark.

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CERTIFICATE OF REPORTER

STATE OF FLORIDA:

COUNTY OF BROWARD:

I, Alyssa Zumpano, Stenograph Shorthand Reporter, certify that I was authorized to and did stenographically report the foregoing deposition of FRANKEL YSEME; that the review of the transcript was requested; and that the foregoing Pages 4 through 55, inclusive, are a true and complete record of my stenograph notes.

I further certify that I am not a relative or employee of any of the parties, nor am I a relative or counsel connected with the parties' attorneys or counsel connected with the action, nor am I financially interested in the outcome of the action.

DATED this 20th day of November, 2020.



Alyssa Zumpano,
Stenograph Shorthand Reporter

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DECLARATION UNDER PENALTY OF PERJURY

I, FRANKEL YSEME, the witness herein, declare under penalty of perjury that I have read the foregoing deposition in its entirety and that the testimony contained therein, as corrected by me, is a true and accurate transcription of my testimony elicited at said time and place.

Dated this _____ day of _____,
20____, at _____, California.

FRANKEL YSEME

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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ERRATA SHEET*IN RE: DAVID BONIFACE V. JEAN MOROSE VILIENA***DEPOSITION OF FRANCKEL YSEME****DEPOSITION DATE: OCTOBER 27, 2020**

Page:Line	Correction	Reason
9:15	Change "I am a foreman" to "I am a farmer"	Transcription error
12:18	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
12:21	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
13:1	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
14:5	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
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14:11	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
14:15	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
14:23	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
14:25	Change "find" to "found"	Transcription error
14:25	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
15:16	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
15:17	Change "call" to "called"	Transcription error
16:7	Change "on" to "in"	Transcription error
16:10	Change "of" to "over"	Transcription error
16:19	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
17:9	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
17:17	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
19:21	Change "Ecclesiate" to "Ecclesiaste"	Spelling error
21:8	Change "Oganizasyon Pep Kap Lite" to "Organisation du Peuple en Lutte"	Spelling error

23:7	Change "Pipiritte" to "Pipi rite"	Spelling error
23:9	Change "WT" to "Deputy"	Transcription error
23:14	Change "WT" to "Deputy"	Transcription error
34:11	Change "Marcene Wilson" to "Maxene Vilsaint"	Transcription error
34:12	Change "Marcene" to "Maxene"	Transcription error
36:6	Change "Beaublan" to "Beaublanc"	Spelling error
37:21	Change "Marcene Wilson" to "Maxene Vilsaint"	Transcription error
40:18	Change "Villeme" to "Viliena"	Transcription error
40:25	Change "Goulette" to "bullet"	Transcription error
42:14	Change "Martyr's, son" to "Martyr's son,"	Punctuation error
53:15	Change "Ecclesiate" to "Ecclesiaste"	Spelling error

Date: December 14, 2020


FRANCKEL YSEME