

**IN THE UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE W, in her individual capacity, and in her capacity as the personal representative of the estates of her relatives, James W, Julie W and Jen W;

JOHN X, in his individual capacity, and in his capacity as the personal representative of the estates of his relatives, Jane X, Julie X, James X and Joseph X;

JOHN Y, in his individual capacity;

AND JOHN Z, in his individual capacity,

Plaintiffs,

v.

MOSES W. THOMAS,

Defendant.

Case No. 2:18-CV-00569-PBT

**DECLARATION OF JOHN Y IN SUPPORT OF
PLAINTIFFS' JANE W, JOHN X, JOHN Y, AND JOHN Z
MOTION FOR SUMMARY JUDGMENT**

I, John Y, declare under 28 U.S.C. § 1746 that:

I. Personal Background

1. I was born on [REDACTED], in [REDACTED], Nimba, Liberia. I am a member of the Mano tribe. I currently live in [REDACTED] and work for an [REDACTED].

2. When the first civil war broke out, I lived with my parents, my brothers, and sister in Monrovia. My father worked as [REDACTED] [REDACTED] at John F. Kennedy Hospital (“**JFK Hospital**”), in the Sinkor neighborhood in Monrovia.

3. We moved many times during the war to seek safety, including to JFK Hospital and St. Peter’s Lutheran Church (the “**Lutheran Church**”). My aunt and her unborn child were brutally killed during the July 29, 1990 massacre at the Lutheran Church, but the rest of my family survived.

II. Before the Lutheran Church Massacre

4. As the war intensified in early 1990, my family decided to flee our home in Monrovia in search of safety. By January of that year, I heard from my father that the Armed Forces of Liberia (the “**AFL**”) was targeting anybody in Monrovia that was originally from Nimba, assuming that they were Mano or Gio and supported the rebel soldiers. My father also explained that the AFL soldiers were patrolling mostly Mano neighborhoods like ours and could attack at any moment. On several occasions, I personally saw the AFL patrolling our neighborhood. After other Mano people in our neighborhood started to flee for safety, my father decided that we should too.

5. My parents initially divided our family into two groups: my pregnant mother and my four younger siblings went to [REDACTED], another neighborhood in Monrovia, and my father went to JFK Hospital, where he worked and where my aunt worked too. As the oldest

child, I was responsible for checking on my mother and siblings in [REDACTED] on behalf of my father since he worked long hours at the hospital. My father was also a big guy and easily recognizable, so it was safer for me to travel back and forth. I was very scared but I knew it was my responsibility. Sometimes I would also stop by our old house, where I would feed our dogs in the yard there, using food that my father saved from the JFK Hospital kitchen. Depending on where I was around curfew, I would sleep at either JFK Hospital or [REDACTED] with my mother and siblings.

6. One day in May 1990, I was running through town when I met three or four women in downtown Monrovia, who told me that AFL soldiers attacked the United Nations compound in Monrovia. I did not know these women but they warned me that the war was escalating and they encouraged me to join them at the Lutheran Church, where they planned to seek refuge. I decided to go too.

7. When I first went to the Lutheran Church, there was a watchman at the entrance of the compound, who directed me to a table with a Red Cross sign, where somebody asked me questions about my situation and then gave me a ticket authorizing me to sleep and receive meals at the church. I remember there were several workers—some with Red Cross vests—and church volunteers, including some Americans. They told me that the church was safe, and that under the protection of the Red Cross and its flags, no one would harm internally displaced persons like me. They said many things like this, and I remember feeling moved by their assurances.

8. There were approximately 50 people seeking refuge at the church at this time. During the day, before curfew, we could leave the Lutheran Church compound and move about freely. To return, I just needed to present my ticket. So I continued to move between [REDACTED], [REDACTED], JFK Hospital, and our old house at this time, sleeping at the Lutheran Church compound

depending on where I was at curfew or if my family did not have enough food for me. At nighttime, the compound was divided into three sections: men and older boys slept in the main church, including the balcony; women and older girls were downstairs, on the first floor of the schoolhouse; and pregnant women and young children were upstairs. Because I was usually outside during the day, I had very little interaction with the people at the church, although I knew many were Mano based on their accent and language.

9. In June 1990, my father decided it was no longer safe for my mother and siblings to stay apart because the conflict was getting worse. So he sent me to tell them to pack their things, and he asked a friend, who worked as an ambulance driver for JFK Hospital, to pick them up from [REDACTED], and we all relocated to JFK Hospital.

10. We stayed at JFK Hospital for a few weeks, hiding in my father's office near the [REDACTED] ward. Behind JFK Hospital there was a settlement called Gio Town. Because the people from that settlement were scared of being targeted by the AFL, some of them also hid at the hospital compound. Some stayed in the rooms by the morgue and mortuary, and a larger group stayed in the adjacent nursing school building that had been abandoned. I don't know how many people were staying in the compound in total, but there was a large group of people in the nursing school area by mid-July. They would have been visible to the AFL soldiers, who knew that the school was abandoned at that point in the war.

11. One day, in late July 1990, the AFL attacked JFK Hospital. In the early afternoon, my father and I were visiting my aunt in her office in the hospital's main building. Through my aunt's window, I saw AFL soldiers arriving at the compound in three different trucks. I knew immediately that they were from the AFL because of their trucks and because the soldiers wore camouflage fatigues and combat helmets and held M16s, M1s, and Uzis. The

soldiers started running after civilians in the yard and throwing them into the trucks. The soldiers filled the trucks one by one, and each truck left the yard as it filled up. Thankfully, the elevators of the main building were locked so the soldiers could not come up to my aunt's office.

12. After approximately one hour, the AFL trucks left, and the hospital became quiet. My aunt called the security personnel, who explained that the AFL soldiers had arrested people and taken them away. I personally believe that the soldiers targeted the people at JFK Hospital because they were Gio and the soldiers thought they were rebels.

13. The following day, many of the survivors of the JFK Hospital attack fled elsewhere to seek refuge, including the Lutheran Church. My family and I were uncertain about where we should go but we knew it was no longer safe to stay at the hospital. I suggested to my father that we go to the Lutheran Church since I was registered there. Ultimately, my mother, siblings, aunt, and I went to the Lutheran Church, while my father stayed at JFK Hospital with my aunt's husband, who was very ill [REDACTED] and had to stay at the hospital.

14. We could not leave JFK Hospital through the main entrance because there were AFL soldiers patrolling the front street, Tubman Boulevard. Instead, we used the back doors which open onto 24th Street. On the main road there were only military vehicles in sight. I ran ahead to the Lutheran Church entrance. While waiting, I saw that my mother and family had been stopped by an AFL soldier down the road. I was panicked and worried about what might happen next, but after a short interaction, the soldier left. When my family caught up to me, my mother explained that the soldier asked her about the rice she was carrying. Luckily, she gave the soldier some of the rice as a bribe, and he let them pass.

15. At the entrance of the Lutheran Church, the missionary workers were not letting people in because it was at capacity. But once I presented my ticket, a missionary woman let me

in. I was also able to advocate on behalf of my mother, younger siblings, and aunt, and after pleading with a security guard, he consulted with his boss and let my family in.

16. The Lutheran Church compound was completely packed with people. I believe at least 1,000 people were staying there.

III. The Lutheran Church Massacre

17. On the afternoon of July 29, 1990, my father came to the Lutheran Church to check on our family. When it got closer to curfew and too late to return to JFK Hospital, he decided to sleep at the church with us.

18. That same day, in the mid-afternoon, a military jeep stopped outside the Lutheran Church compound for around five minutes. I was standing by the compound fence and saw two men in the back of the jeep, one in the front, and a driver. They were all in AFL uniforms. The man in the front seat got out of the car and talked to a woman by the compound fence. The woman then got in the jeep and they drove off.

19. In the early evening, sometime after 5:00 p.m., my father and I were attending a church service when the watchman ran through the back entrance and warned the pastor that soldiers were surrounding the compound's fence and coming into the compound. Usually at that time of day, around curfew, the streets were very quiet. So the noise of vehicles and soldiers moving around made us nervous. The pastor asked everyone to pray. My father warned me that the AFL commotion outside was worrying and that the AFL might attack.

20. Later that night, when it was dark out, I suddenly heard a heavy sound, as if the compound's gates were being busted open. Everyone began hiding. My father and I were in the church and he ran upstairs while I ran to the pulpit and sat inside it, holding a Bible close to my

chest. I was very close to the side door that led outside to the pastor's residence and could see the back of the church.

21. There was no electricity so it was pitch black. But then I saw soldiers entering through the side door; one was holding a gas lamp. The soldiers wore camouflage fatigues, black masks, and red berets and carried machine guns. I could not see their faces clearly, but I recognized their uniforms, which were worn by a special unit of the AFL called the Special Anti-Terrorist Unit ("SATU"). I knew about SATU and was familiar with their uniforms from an earlier visit to the Executive Mansion compound. One of my friend's fathers had organized a football match between the children from my community and those at the Executive Mansion compound. During that visit, I saw SATU members in their uniforms and learned about SATU and other AFL units.

22. From my hiding spot in the pulpit, I heard a soldier speak in Krahn for about five minutes and then in English, he said: "you people think that you are rebels, but we will prove to you today that we are more rebel than you." I was very afraid. Then I peaked out and saw a soldier lower the gas lamp, fire a pistol, then walk out the door. As he left, the soldiers started opening fire and shooting randomly at us. It was mayhem. The soldiers were shooting at a very close range. People started running around chaotically, trying to escape. Some jumped through the windows. Some tried to climb the stairs leading up to the balcony, but the stairs broke. The soldiers shot at those trying to escape. I was hiding inside the pulpit, quietly. Suddenly one bullet skimmed my leg and while I couldn't see anything, I felt the blood ooze out as I tried to keep pressure on the wound. After a while, I could not feel my leg. I started to feel incredibly thirsty but I could not move and I just whispered that I wish I could run.

23. In the darkness, I could make out a dead body facing me, lying on top of a little boy, who was still alive. I tried to lift the dead body to place it on its side, but I was so little and the other boy and I combined did not have enough strength to move the body. So we stayed put. I whispered my little brother's name at this boy, even though I knew that my little brother was in the school building with my mother. I just wanted to have my family alive with me, and the thought that my brother was next to me kept me believing that I could survive.

24. The shooting continued for over an hour. Then it got quiet and I heard people crying. It was in the middle of the night when I heard somebody say "ceasefire, soldiers on board." The soldiers left.

IV. After the Lutheran Church Massacre

25. I was frozen in place in my hiding spot. I tried to place my hand out onto the little boy next to me, but he was gone. I did not want to get up because I was afraid the soldiers would come back. But after a while, I started to feel the pain in my leg so I decided to look for my father. By that time, it was around dawn.

26. I saw my father running down the stairs of the church, covered in blood. I called out to him as "Papa" and he started crying. I started crying too. He asked if I was safe and I told him about my leg. He tried to feel my wound through my trousers and assured me that I would be okay. Then he told me to stay where I was while he went to find the rest of our family. But I was also eager to find our family, and I hobbled after him.

27. Unfortunately, we couldn't find my mother and siblings. My father did find my aunt's dead body by the basketball court though, and brought me to see it. My aunt had been pregnant, and both she and her unborn baby were dead and there was blood everywhere. It is

difficult to describe how horrific the sight was—in its own right but also because I kept worrying that the AFL could have done the same to my mother, who was also pregnant.

28. My father left me outside and told me to wait while he went to look for the rest of our family in the schoolhouse. While I was waiting though, I heard people gathering outside the compound fence, talking about how the AFL was returning. So I fled. Down the road, I saw a large group of AFL soldiers passing by. One soldier saw me and started running after me. I ran down 16th Street and jumped over a fence, into a yard. I was so scared that I didn't feel the pain in my leg. The soldier stopped by the fence, but luckily the Lebanese man that owned the house told me to hide in the basement. There were three other boys hiding there. They were wounded, and one had his kneecap exposed, where his skin had been stripped away by a gunshot. The Lebanese man gave us first aid and some food, and he prayed with us.

29. I left the house and the other boys joined me. While we were on the road, an ambulance driver—the same driver, who helped my mother and siblings relocate to JFK Hospital—drove by and stopped his car. He recognized me and approached me, asking me where my father was. I explained that I didn't know where my father was but that he was at least alive. The man told me and the other boys to get in the car and took us to the Catholic Hospital, where I stayed for the next five days. On one of those days a priest woke me up. He prayed over me and looked at my face for a long time before asking how I had gotten there. I asked him if he had seen my mother, and he asked me to describe her. I said my mother was pregnant, had a mark on her face, and was with my little brother and other siblings. The priest told me he had seen a family matching that description alive at Don Bosco, another place where people were seeking refuge in Monrovia.

30. After five days at the Catholic Hospital, I was discharged and I went back to my family's house [REDACTED] in Monrovia, hoping to be reunited with my family. When I got to the house, the neighboring children started shouting my name, and my father ran out and greeted me and we cried and cried. My father and I traveled together towards Soul Clinic in Paynesville. We spent about two weeks there.

31. By August or September, as the Economic Community of West African States Monitoring Group (“**ECOMOG**”) tried to force Charles Taylor and the rebel forces to leave and things grew more tense in Monrovia, my father decided that it was safer for us to flee to Nimba. We arrived there on September 9, the day that President Doe was killed. We met my father's little sister in Nimba, and my father convinced me to go with her to a refugee camp in [REDACTED], where my grandmother was staying. I only stayed in the refugee camp in [REDACTED] for a short time; I was not comfortable because of the living conditions and the lack of people who spoke English, so I returned to Nimba. Meanwhile, my father had returned to Monrovia from Nimba to look for my mother and the rest of our family.

32. It was not until April 1991 that I was reunited with my mother and my siblings, when they arrived in Nimba. I was overjoyed to see them. I was especially excited to see my little brother, who had survived, despite a gunshot wound in his arm. My mother recounted to me how she and my siblings had been in the compound's schoolhouse during the massacre. A soldier came in and stole their money but thankfully did not kill them. Unfortunately, when my mother gave birth in horrible conditions in [REDACTED] in Monrovia after the massacre, the baby did not survive. It was bittersweet, learning about this loss but also feeling so relieved and happy to be with the rest of my family again.

33. In 1994, rebel forces from the United Liberation Movement of Liberia for Democracy (“ULIMO”) captured [REDACTED]—a town near us in Nimba—from the NPFL and we were terrified so I fled to [REDACTED] and [REDACTED]. For years I was scared to return to Monrovia because of all the armed troops roaming the city. In 1996, I returned to Nimba after my father persuaded me that things were returning to normal. But even then, and after the 2003 disarmament, I was petrified knowing that the perpetrators of the Lutheran Church Massacre were holding positions of power and walking freely. I finally returned to Monrovia in [REDACTED] to pursue my higher education. The presence of United Nations troops made me feel more secure. Around that time, there was a memorial service at the Lutheran Church in honor of the victims of the massacre. It was my first time back since the war. I asked the other attendees whether anybody had been held accountable for the massacre; their answers were a resounding no.

34. Although I knew about the Truth and Reconciliation Commission (“TRC”) in Liberia, I found it too difficult to come forward and share my story. I was scared of being re-traumatized and I also was skeptical about what the TRC could accomplish since I knew it was not prosecution or trial-based, so could not result in criminal accountability. From what I understood of the process at the time, people just went and shared their stories.

35. But I did not want to share my story. Each time I recall these events or see the Lutheran Church, I have bad memories. I can’t escape the trauma. For years, at least until 2005, the events of that day would keep reoccurring in my mind—especially the image of my murdered aunt and her baby. Each time I saw someone with weapons, I would jump. Each time I saw someone arrested, I would be fearful. I was so scared that the events that happened at the

church could be repeated. My father told me that I needed to go back to school and continue with my life, but I was petrified. I still have a lot of fear to this day.

36. I was emotionally scarred, but also physically scarred. The scar on my leg from the gunshot wound is very visible, and reminds me of the massacre whenever I look at it. I used to play football but now because of the wound, I cannot kick the ball in the same way.

37. I'm only sharing my story now because there is hope for justice. While I did not recognize any of the individual perpetrators of the massacre, I know that these acts were obvious violations of the Geneva Conventions. No one was held accountable even though they devastated our lives.

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on January 8, 2021, in [REDACTED], Liberia.

John Y [REDACTED]