

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID BONIFACE, NISSAGE MARTYR,)	
AND JUDERS YSEMÉ,)	
)	
Plaintiffs,)	Civil Action
)	No. 17-10477-ADB
v.)	
)	
JEAN MOROSE VILIENA,)	
a.k.a. JEAN MOROSE VILLIENA,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE ALLISON D. BURROUGHS
UNITED STATES DISTRICT JUDGE

JURY TRIAL DAY ONE

March 13, 2013
11:16 a.m.

John J. Moakley United States Courthouse
Courtroom No. 17
One Courthouse Way
Boston, Massachusetts 02210

Kelly Mortellite, RMR, CRR
Official Court Reporter
One Courthouse Way, Room 3200
Boston, Massachusetts 02210
mortellite@gmail.com

1 APPEARANCES:

2 On Behalf of the Plaintiffs:

3 Bonnie Lau

4 Christina L. Golden Ademola

5 Sarah Jane Vandervalk

6 Morrison & Foerster LLP

7 425 Market Street

8 San Francisco, CA 94105

9 (415) 268-6511

10 blau@mofo.com

11 cademola@mofo.com

12 svandervalk@mofo.com

13 Daniel McLaughlin

14 Elzbieta Matthews

15 Center for Justice and Accountability

16 268 Bush Street

17 Suite 3432

18 San Francisco, CA 94104

19 (347) 989-5138

20 dmclaughlin@cja.org

21

22 Philip A. O'Connell, Jr.

23 Dentons US LLP

24 Suite 2750

25 101 Federal Street

Boston, MA 02110

(617) 235-6802

philip.oconnelljr@dentons.com

26

27 On Behalf of the Defendant:

28 Peter J. Haley

29 Nelson Mullins Riley & Scarborough LLP

30 One Post Office Square

31 30th Floor

32 Boston, MA 02109

33 (617) 217-4714

34 peter.haley@nelsonmullins.com

35

36

37

38

39

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS

PAGE

ROBERT MAGUIRE

Direct Examination By Ms. Matthews	28
Cross-Examination By Mr. Haley	57
Redirect Examination By Ms. Matthews	65
Recross-Examination By Mr. Haley	65

Exhibits

- 1 Body of Ecclesiaste Boniface, dated July 28, 2007
- 2 Photograph of Juders Ysemé's injured eye
- 3 Photograph of Nissage Martyr and wife in hospital, dated April 2008
- 4 Copy of pages of Jean Morose Viliena's passports

1 * * * * *

2 (Resumed, 11:11 a.m.)

3 (Jury enters the courtroom.)

4 THE COURT: When you're ready.

5 MS. LAU: I am ready, Your Honor.

6 THE COURT: Go ahead.

7 MS. LAU: Thank you.

8 Good morning, members of the jury.

9 This case is about murder, torture, arson, and the
10 abuse of power. The man who abused his power is the defendant,
11 Jean Morose Viliena. He was a mayor of a small town in Haiti
12 called Les Irois. And during this trial we will focus on three
13 times when defendant abused that power and, together with his
14 associates, violently attacked the plaintiffs.

15 First, on July 27, 2007, defendant and his associates
16 retaliated against plaintiff David Boniface. They extracted
17 their revenge on his younger brother, Ecclesiaste Boniface. You
18 will hear that they lured him out onto the street, shot him
19 point blank, and then smashed his head with a large rock. They
20 left his dead body out on the middle of the street all night to
21 send a message to anyone who would dare speak out against the
22 defendant.

23 Second, on April 8, 2008, defendant led his
24 associates, he armed them with guns, machetes, ice picks and
25 clubs, and they attacked a local radio station. The defendant

1 feared this radio station because he thought it was going to
2 give voice to the political opposition.

3 During the attack, defendant himself viciously beat
4 and pistol-whipped Nissage Martyr while his associates
5 vandalized the radio station and stole all of its equipment.
6 Defendant then savagely beat Juders Ysemé all across the face
7 and the body. Then defendant instructed his associate Villeme
8 Declona to shoot them at close range with a .12 gauge shotgun.
9 Nissage lost his leg and Juders lost his eye.

10 Third, on October 29, 2009, defendant directed and his
11 associates carried out a mass arson of 36 homes in a single
12 night, all set ablaze in that one night, all in Les Irois, and
13 all belonging to supporters of the Struggling People's Party,
14 the defendant's political opponents. The homes of each of the
15 plaintiffs was burned down in that mass arson, and they lost
16 everything in that arson spree the defendant orchestrated.

17 So this trial now is the culmination of plaintiffs'
18 decades-long pursuit of justice. And at the conclusion of this
19 trial we are going to ask that you finally hold defendant
20 accountable for his role in these atrocities.

21 My name is Bonnie Lau, and together with my team, it
22 is my privilege to represent the plaintiffs here, David
23 Boniface, Juders Ysemé and Nissanderé Martyr. I'd also like to
24 introduce my team members. This is Daniel McLaughlin, Ella
25 Mathews, Christina Ademola, Sarah Vandervalk and Phil

1 O'Connell. Thank you for your attention. I really appreciate
2 your service.

3 Our plaintiffs have been waiting for 15 years for this
4 day in court, and you have made it possible today by your
5 willingness to serve as jurors, so I thank you for your time
6 and attention and for your willingness to listen carefully when
7 we go through what are going to be some challenging events.

8 Okay. So I want to take you back to a different time
9 and place. Actually, before I do that -- before I go on, you
10 might be wondering, why are we here 15 years after the fact?
11 Or, why are we here trying this case in U.S. Federal Court
12 instead of in Haiti? And the answer is we're here because the
13 defendant lives here. He lives in Malden. And as the court
14 just instructed you, this case is brought under the Torture
15 Victim Protection Act. And what it says is that plaintiffs may
16 file suit in the U.S. against human rights abusers if they are
17 here in the U.S. And so because Defendant Viliena has lived
18 here in Malden since 2009, that's why he's rightly being tried
19 here in Boston Federal Court.

20 Any other screens that need to come out? We can take
21 a minute.

22 THE COURT: Let me just explain to the jury, the ones
23 in the front row, you have the screen right in front of you.
24 The ones in the back, they're in your armrest. So let us know.
25 She's going to put the first demonstrative out, and we'll make

1 sure you can all see them before she goes on.

2 MS. LAU: I can put that up now, Your Honor.

3 THE COURT: Can everyone see that, what's on her
4 screen?

5 MS. LAU: Okay.

6 Now let me take you back to a different time and
7 place. So I'm taking you to the town of Les Irois. It's a
8 very small town in Haiti. You can see it's very coastal and
9 remote on the isolated southwestern tip of Haiti, far removed
10 from Haiti's bustling capital of Port-au-Prince.

11 Most of the people in Les Irois live modest lives.
12 They fish, they trade, they farm. And what you'll hear is that
13 before 2006, Les Irois was safe. It was a pretty idyllic place
14 to live. Generally neighbors got along without incident, and
15 there wasn't even a police station. But in 2006, Mayor Viliena
16 became the mayor of Les Irois and everything changed. The
17 defendant ran as a candidate for the MODEREH political party,
18 MODEREH, and he was supported by an armed group called KOREGA.

19 So we're going to hear from Professor Robert Maguire.
20 He's one of the country's foremost experts on Haiti, and he's
21 going to explain to you that Haiti's political system is pretty
22 different from the U.S. So in Haiti, many political parties
23 are actually supported by these community-based armed groups.
24 They're basically violent supporters, like KOREGA. And what
25 they do is they use that violence to get and to keep political

1 control.

2 Now, Professor Maguire will explain that
3 politicians -- woops, excuse me. Professor Maguire will
4 explain that politicians like Defendant Viliena, they reward
5 their associates for their loyalty, for their violent support
6 by giving them jobs, money, weapons, motorcycles and even
7 government posts. And so in this case you're going to hear
8 that those KOREGA associates who violently attacked the
9 plaintiffs, some of them actually worked in the mayor's office
10 under Defendant Viliena.

11 Now, once mayor in 2006, Defendant Viliena and his
12 KOREGA associates unleashed a campaign of armed violence, the
13 likes of which Les Irois just had never seen, and he
14 specifically targeted those he thought were his political
15 opponents, the supporters and members of the Struggling
16 People's Party, like the plaintiffs.

17 So now let's turn to the three times that the
18 defendant violently attacked the plaintiffs and abused his
19 power, the killing of Ecclesiaste, the attack on the radio
20 station, Nissage and Juders, and the mass arson.

21 So Plaintiff David Boniface, he's well-educated,
22 speaks multiple Romance languages. He used to be a school
23 teacher, and he is a certified human rights advocate. David
24 has always been a well-respected member of the Les Irois
25 community, and he supported political causes like the

1 Struggling People's Party. Now at age 42, he's a loving
2 husband and a caring father of two young children.

3 So on the morning of July 27, 2007, Defendant Viliena
4 was supervising a street-cleaning crew, and he got into a
5 dispute with a neighbor over where the trash should be dumped.
6 When the neighbor protested, Defendant Viliena slapped her hard
7 across the face. And so she went to a local judge's house to
8 complain about it, and the defendant and his associates, they
9 followed her.

10 Now, David, because of his human rights training, he
11 also attended this, right, to monitor the proceedings at the
12 judge's house. And David, at that hearing, was brave enough to
13 speak out against Defendant Viliena's conduct and to criticize
14 the defendant. So when David turned and tried to leave,
15 defendant and his associates confronted him. They surrounded
16 him. They threatened him. They tried to hit and push him.
17 Luckily, there was another group of bystanders there, and so
18 they surrounded David and protected him and tried to escort him
19 to safety.

20 Now, the defendant and his associates still tried to
21 follow, still threatening, still trying to push David, but
22 eventually the defendant instructed his associates, Let him go,
23 threatening, we will come for him later.

24 So later that night, 5:30 p.m., David goes to church
25 with his mother. His younger brother, Ecclesiaste Boniface, he

1 stays behind in the family home. Later at 6:00 p.m., defendant
2 and his associates, armed, come to David's house. They're
3 calling for David. David is not there. He went to church.
4 He's not home anymore. And his brother Ecclesiaste
5 unsuspectingly opens the door.

6 Two eyewitnesses at trial are going to testify to what
7 happened next. They could see and hear defendant and his
8 associates as they lured Ecclesiaste out onto the street.
9 Ecclesiaste was totally unarmed, he hadn't done anything wrong,
10 and defendant and his associates, they were armed with guns and
11 machetes and sticks.

12 Defendant led the pack with his right-hand man,
13 Hautefort Bajon, who also worked in the mayor's office.
14 Ecclesiaste was shot, and his body fell to the ground, and
15 another associate of defendant grabbed a large rock and smashed
16 his head. Ecclesiaste's dead body was left out on the street
17 the entire night. It was a message about defendant's political
18 power and how he could act with impunity and a warning to
19 everyone else in Les Irois that might try to speak out or
20 criticize his behavior. That is a violation of human rights
21 and U.S. law, and that's one of the reasons that we're trying
22 this case.

23 The next event, April 8, 2008, the second attack was
24 on the radio station. Stepping back, this was the first radio
25 station ever in Les Irois, so it was a source of great pride

1 and excitement amongst the community. It had been financed and
2 supported by two politicians from the Struggling People's
3 Party. But because of that, the defendant viewed it as a
4 threat to his power as mayor.

5 The radio station was located in the home of Nissage
6 Martyr. Nissage was a farmer who supported his large extended
7 family and hosted the radio station in just half of his house.
8 Now, you're going to learn that Nissage died just days after
9 this lawsuit was filed and so he is going to be represented in
10 this case by his son, Nissanderé Martyr.

11 Our other plaintiff is Juders Ysemé. He was only 21
12 at the time of the attack, still a student. He was a bright
13 and ambitious young man, and he spent nearly every free
14 afternoon at the radio station because he loved it. He was so
15 excited about it. And now he's 36. He also has a wife and two
16 beautiful children.

17 So you're going to hear that the defendant opposed
18 this radio station from the very beginning. In fact, he said
19 live on-air that he wanted to shut the radio station down. So
20 everyone in Les Irois heard him say that. He even tried to use
21 a government agency to shut down the radio station, but those
22 officers refused, and attempts to mediate the dispute failed.

23 So on the afternoon of April 8, 2008, defendant
24 organized and provided guns to each of his KOREGA associates.
25 Some also brought machetes, ice picks and gloves. Defendant

1 himself, you'll learn that he was armed with a 9 millimeter
2 handgun, and he gave to his associate Villeme Duclona a 12
3 gauge shotgun.

4 Around 1:00 p.m., they headed towards the radio
5 station, chanting and firing shots into the air as they walked.
6 Nissage Martyr and his family and Juders Ysemé, because he was
7 always at the radio station, they were at the house. They were
8 sitting together on the front porch, and they could see this
9 crowd of armed men coming towards them. But as soon as they
10 heard the gunshots, they ran inside for safety. Juders hid in
11 the very, very back of the house.

12 When defendant and associates got to Nissage's house,
13 they immediately broke down the door. Now, because Nissage has
14 died, he's unable to testify, and so you won't get to hear from
15 his personal perspective how defendant grabbed him, beat him
16 all over his body and pistol-whipped him in the face. All the
17 while, the other KOREGA associates were vandalizing the radio
18 station and stealing its equipment and carrying it out the
19 front door.

20 Instead we will hear what happened to Nissage from the
21 perspective of Juders, who was hiding in the very back of the
22 house. But he could hear this vicious beating of Nissage. He
23 was only feet away, and he could hear Nissage screaming and
24 crying out in pain to the mayor. The defendant paused his
25 beating of Nissage, started searching around the house, and he

1 found Juders in the back of the home, and he grabs him by the
2 lapel, and he starts punching and striking him and then drags
3 him all the way up to the front of the hallway, and he tells
4 one of his associates, Restrain Juders, and he does. And he
5 says, We're going to take Juders and hang him in the public
6 park.

7 Now, remember I mentioned these other associates,
8 they're still stealing the radio equipment, and they have to
9 carry it out the front door. So Nissage and Juders, they seize
10 this momentary opening and they make a run for it, they make a
11 break for the street outside of Nissage's house. The defendant
12 saw them trying to escape and he orders Villeme Duclona, Shoot
13 at Juders and Nissage. And so Duclona does. He raises his
14 shotgun. He opens fire. Shotgun pellets spray out, striking
15 Juders all over the right side of his face and body, striking
16 Nissage in the right leg. Defendant and his associates then
17 seize the rest of the radio equipment, and they fled the scene.

18 The attack on these two men was incredibly brutal.
19 But it was about more than just harming these two individuals.
20 It was about silencing an entire community.

21 Now, miraculously, Juders and Nissage actually
22 survived this shooting. And this is them now, permanently
23 maimed and disfigured. Nissage's beating and gunshot wounds
24 were so severe that he was hospitalized for months. They had
25 to amputate his leg, his right leg above the knee. And Juders

1 was permanently blinded in his right eye. He required multiple
2 surgeries to remove each of those individual pellets from his
3 body and his face. Some of them, they were too sensitive, they
4 actually couldn't remove them. They're still in his body now,
5 and they cause him severe pain and dizziness and blinding
6 headaches.

7 So let's talk next about the mass arson. In and
8 around October 2009, shortly before the arson, Hautefort Bajon,
9 who is the mayor's secretary general, he had fallen ill, and
10 for some reason the supporters of Defendant Viliena thought
11 that the Struggling People's Party members had done something
12 to make him ill. So in the days right before the arson,
13 defendant's associates marched through the streets of Les
14 Irois, threatening to kill people and burn down houses if
15 Hautefort died. He died of illness on October 29, 2009.

16 So that same day, defendant's associates announced the
17 death in the middle of the Les Irois market. They were
18 throwing vendor merchandise from the stalls. They were
19 shouting at people to go home, and they were threatening
20 trouble was coming.

21 And later that same night, defendant's associates went
22 on an arson rampage, targeting dozens of homes to avenge the
23 death of Hautefort Bajon. Witnesses saw defendant's associates
24 setting fire intentionally to residential homes in Les Irois.
25 Although defendant was not physically present, witnesses will

1 testify that they could hear defendant speaking on a cell phone
2 speakerphone with his associates, directing them which houses
3 to burn down and soliciting updates on the progress of the mass
4 arson.

5 And the homes of all of the plaintiffs, David
6 Boniface, Nissage Martyr, and Juders Ysemé, they were all
7 burned down in this arson spree the defendant directed and his
8 associates carried out. All of the plaintiffs' personal and
9 priceless possessions in those homes, those all went up in
10 flames that night.

11 In all, defendant's associates burned down 36 homes in
12 Les Irois, all Struggling People's Party supporters, leaving 40
13 families and hundreds of individuals homeless. But the homes
14 of defendant and his associates, all of them were spared. None
15 of them were burned down that night.

16 So over the course of this trial, we are going to
17 introduce evidence of each of the things that I've described
18 for you this morning. You will hear testimony from each of the
19 plaintiffs as well as numerous eyewitnesses about all three
20 attacks. Most of them will testify live, and a few of them are
21 going to testify by their prior videotaped deposition. And
22 what that means is they gave sworn testimony under oath prior
23 to trial in this case.

24 You're also going to see a few exhibits and some
25 photographs, but because of the nature of this case and the

1 passage of time, including documents that were lost because of
2 the mass arson, there are some things that you won't see.

3 So, for example, we don't have evidence that you might
4 think we might have had there been a proper thorough
5 investigation back in 2007, right. So there was no autopsy
6 conducted of Ecclesiaste's body, certainly no forensic
7 investigation. So, like the judge said, this isn't going to be
8 like television. You won't see those scientific techniques or
9 evidence that you might have seen in your favorite episode of
10 Law and Order, so I'll just ask you to keep that in mind as we
11 go through the trial.

12 And similarly, because of the passage of time, some of
13 the witnesses may have differing recollections of the precise
14 events. Most of the differences are small and some are not.
15 As the judge will instruct you later and as you know from real
16 life and common sense, two people can see and hear the same
17 event and have slightly different recollections of what
18 happened, especially when the event is really chaotic. So you
19 can use the same tools here as you use in your regular life to
20 determine the facts.

21 When we have shown you all of this evidence and
22 eyewitness testimony, I think you'll see it's overwhelming that
23 these three attacks occurred. You will see that the defendant
24 is responsible for this killing, torture, and arson. Defendant
25 either directly participated in the attacks or he directed,

1 ordered, solicited, aided and abetted, or conspired with his
2 associates in order to commit each of these attacks.

3 And as the judge noted, at the very end of this case,
4 she's going to give you instructions, detailed ones, about the
5 law that governs this case. And at that time she's going to
6 explain to you what each of those terms means. But she
7 generally will explain that the law holds the defendant equally
8 accountable if he did it himself or if he directed, solicited,
9 or conspired with others to kill, torture, and commit arson.

10 So now, what is the defendant's response? Essentially
11 implausible denials. We don't know yet what Defendant Viliena
12 is going to say to you at trial, but when he gave prior sworn
13 testimony in this case, he claimed he didn't do any of it. He
14 had nothing to do with the murder of Ecclesiaste. He had
15 nothing to do with the radio station attack where Nissage and
16 Juders were brutalized and shot. He had nothing to do with the
17 mass arson. In fact, he testified that he didn't go to the
18 radio station that entire day, even though he is the mayor of
19 this town where this vicious attack occurred.

20 But at trial, you will hear eyewitness testimony from
21 five different witnesses, plus the three plaintiffs, the
22 defendant actively participated in each of these attacks. And
23 in contrast, you will not see a single person take the stand on
24 defendant's behalf to corroborate any of his denials.

25 Now, plaintiffs, before coming to this court, they

1 worked very diligently in Haiti to try to seek justice for
2 these vicious crimes. They tried for more than a decade, but
3 ultimately their efforts proved futile, and the Haitian courts
4 failed them. Now, that's not disputed in this case, but it's
5 important because it helps us understand why we're here now in
6 a Federal Court in Boston.

7 So because of plaintiffs' efforts to seek justice,
8 Haiti launched a criminal investigation into the killing of
9 Ecclesiaste and the radio station attack. Defendant Viliena was
10 actually briefly jailed, but when he got out, he fled Haiti and
11 came here to Malden to avoid the Haitian proceedings. Now, I
12 want you to know that while he lived here in Malden he was
13 still the mayor of Les Irois and he continued to go back and
14 forth to Haiti with impunity despite these criminal proceedings
15 that were pending against him. So even when Defendant Viliena
16 was not physically present when he might have been here in
17 America, he was still maintaining that grip on power in Les
18 Irois. He was still directing his KOREGA associates to
19 threaten, harm, and follow the plaintiffs any time, in
20 particular, when they sought justice in the Haitian
21 proceedings.

22 You'll hear some of our witnesses testify about these
23 threats and retribution at trial. So for example, one witness
24 tried to testify against the defendant in a Haitian proceeding.
25 The KOREGA associates blocked the road, barricaded the road to

1 the courthouse, and they threw rocks at him, and even gunmen on
2 motorcycles shot at him. And you'll hear about our three
3 plaintiffs. They have been so badly and repeatedly threatened
4 and harassed that they have lived in hiding for more than 15
5 years while they have patiently waited for their moment in this
6 court.

7 You'll hear from our expert, Brian Concannon. Brian
8 is an expert on the Haitian court system. And he's going to
9 explain to you how retributive violence is often used to
10 silence and deter those who would try to seek justice in Haiti,
11 especially for human rights and political crimes.

12 So you, our members of the jury, you're going to have
13 the powerful responsibility of deciding whether to hold
14 defendant legally accountable for these atrocities, and you'll
15 have the opportunity to finally give plaintiffs some measure of
16 justice.

17 At the end of this case, after you've heard all of the
18 evidence, I'm going to come back and stand in front of you, and
19 I'm going to ask you to return a verdict in favor of plaintiffs
20 for the killing of Ecclesiaste, for the torture and the
21 attempted killing of Nissage and Juders, and for the arson of
22 plaintiffs' homes as part of a mass arson in Les Irois.

23 I'm going to ask you to compensate the plaintiffs for
24 the terrible injuries and suffering the defendant has caused
25 and ask you to send a message that defendant's abuse of power,

1 his shocking conduct, it is unacceptable. And after the 15
2 years that plaintiffs have been waiting for justice, I'm going
3 to ask you to finally hold the defendant, Jean Morose Viliena,
4 accountable for his role in these atrocities. Thank you.

5 THE COURT: Mr. Haley.

6 MR. HALEY: Thank you. My name is Peter Haley. I
7 represent John Viliena. John was born in Les Irois in Haiti.
8 His father was a farmer. They lived outside of town, in the
9 outskirts of town, and there was a little bit of a pejorative
10 outsidersness to that. It was more highly valued to live in the
11 center.

12 When John was born in Les Irois, there was no
13 electricity, no running water, no paved roads, no police, no
14 hospitals, sewage, no system for the removal of sewage, of
15 human waste, which was otherwise just brushed into the ocean.

16 But John was a smart person and a very hard worker.
17 He graduated from the high school. He left town and went on to
18 get a college level degree in economics. And he came back to
19 town and became the vice principal of the high school in town
20 at age 30.

21 But not much had changed in Les Irois. It remained a
22 place where there was little infrastructure at all, no
23 hospital, no police, no paved roads, no system for the removal
24 of trash or sewage or human waste. It was lacking a lot. And
25 John thought that maybe he could help his neighbors build that

1 infrastructure in the town they lived in. So he decided to run
2 for mayor.

3 He ran for mayor first in 2006, and in December 2006,
4 there was a mob that destroyed the ballots. There was a
5 re-vote in the spring of 2007. And Jean was not a popular
6 candidate with everybody. He was only 35 years old. He was
7 from the outskirts of town. The primary opponent, William
8 Lebon, who was associated with the Struggling People's Party,
9 was older. He was a pastor. He was well-respected in town.
10 And there were people who didn't want the change that Jean
11 wanted.

12 But in the spring of 2007 it turned out that more
13 people agreed with Jean than supported William Lebon and the
14 Struggling People's Party. More people had an earnest desire
15 for change and improvement for the infrastructure of their
16 town, so Jean became mayor. And a lot of the things that he
17 wanted to do, he accomplished. He paved more roads. He
18 brought a medical clinic to town. He improved the schools. He
19 built up the infrastructure, he removed the trash from the
20 streets. Violence -- and Les Irois had always had a reputation
21 for violence in the community -- remained a problem. He was
22 never able to build the police force or get the police to come
23 to Les Irois. And the opposition to Jean did not go away on
24 his election. Many people remained opposed to his tenure of
25 mayor, and there were violent outbreaks as a result, but he

1 continued to work hard at it.

2 While he was mayor, he came twice to the United States
3 to attend conferences of mayors around the country. And while
4 he was here, he developed an earnest desire to move to the
5 United States, and so he worked to do that. In 2009, 2010, he
6 moved to Malden, Massachusetts. He got his green card. He's
7 got a job as a truck driver up in Lynn, and he remains a very
8 productive member now of our community where he works hard to
9 support himself in his new community of Malden.

10 This lawsuit was started against him in 2017. And as
11 you've heard counsel say, it concerns events that took place in
12 2007, 2008, and 2009, 14, 15 and 16 years ago. The lawsuit is
13 led by Jean's cousin, David Boniface. David's mother is the
14 sister of Jean's father. David is a member of the opposition
15 political party, the Struggling People's Party. And he
16 describes himself as a human rights worker. And he's been the
17 force in terms of prosecuting these claims against Jean.

18 When I try cases, I always go back and look at my
19 notes from the last cases to see what I can do better. And
20 there's always a lot to work with. And in looking at what one
21 should do when you giving an opening statement, what you see
22 from people writing these things is you should give the jury a
23 story, a narrative that they can believe in. And I think that
24 works a lot of time. People like stories. It provides a frame
25 of reference. It sometimes can make us feel a little bit

1 better about ourselves.

2 But I've come to distrust that a little bit because
3 human experience tells us that not everything fits into a
4 narrative or a story. And when you're working to fill in that
5 narrative or story, you can tend to take every fact you find
6 and twist it and place it into the narrative. And in this case
7 there is a good story. I mean, the story of the Struggling
8 People's Party. Who of us cannot identify with struggling
9 people?

10 There was a judge in New York. His name was Learned
11 Hand. Great name. He was a judge on the federal bench in New
12 York in the 1930's and 1940s. He gave a speech in Central Park
13 in 1944. And he said, "The spirit of liberty is the spirit
14 that is not quite so sure that it is right." I think the
15 spirit of justice is the spirit that has the humility to
16 recognize that not all of the events of the world fit into a
17 narrative or a story and that our job in the courtroom is not
18 to vote on which story we like best but to decide whether or
19 not the facts that we hear about these events that took place
20 14, 15 and 16 years ago in a town we've never been to and in a
21 place we could hardly imagine have been demonstrated and
22 established to the point of proof.

23 When I come back at the end of the case, I'll ask you
24 to find that they have not met that burden of proof, and I'll
25 ask you to allow Jean Viliena to be free, to resume his life as

1 a productive member of our community without the burden of
2 these claims against him. Thank you.

3 THE COURT: All right, it's five of 12:00. Their
4 lunch is being delivered at 12:00. Would you like me to read
5 the stipulations before I release them for lunch? Okay.

6 All right. So you've just heard opening statements.
7 We have some joint stipulated facts. These are facts that the
8 parties agree are true, so you can accept them as proven, and
9 then you can give them whatever weight you think they merit.
10 So you decide how important these facts are, but you accept the
11 facts as true. I'm going to read them to you. You'll have a
12 written copy in the jury room with you as well.

13 The joint stipulated facts, the parties have agreed
14 certain facts are true. You must treat the following facts as
15 proved for this case:

16 One. Plaintiffs David Boniface, Juders Ysemé, and
17 Nissandére Martyr are citizens of Haiti.

18 Original Plaintiff, Nissage Martyr, now deceased, was
19 a citizen of Haiti.

20 Plaintiff Nissandére Martyr is the son of Nissage
21 Martyr and was substituted as a plaintiff by the Court in this
22 action following Nissage's death.

23 Defendant John Morose Viliena, the defendant, is a
24 citizen of Haiti and a legal permanent resident of the United
25 States since July 14, 2008, residing in Malden, Massachusetts.

1 Defendant's father is Lissage Viliena.

2 Gilnor Niclas is defendant's brother-in-law.

3 Hautefort Bajon worked in the mayor's office as
4 general secretary.

5 Meritus Beaublanc worked in the mayor's office.

6 The following people are known to defendant: Villeme
7 Duclona, Pierrot Boileau, Meritus Beaublanc, Leonel Livert,
8 Lifaite Livert, Mones Dorcenat, Louines Charles Keleman,
9 Guerson Pierre, France Isme, Cedernier Fleurine, and George
10 Simon.

11 There was an election for mayor of Les Irois in
12 December 2006.

13 From the period of June 2007 through February 2010,
14 defendant held the elected position of mayor of the town of Les
15 Irois.

16 One of defendant's opponents in the mayoral election
17 was the candidate of the Struggling People's Party, William
18 Lebon.

19 As mayor, Viliena's duty was to administer and manage
20 the city of Les Irois.

21 As mayor, defendant did not have a boss and had
22 authority to issue warning letters and to send letters to the
23 Ministry of Interior such as for enforcement or disciplinary
24 actions for mayoral staff.

25 Defendant was present in Les Irois, Haiti on July 27,

1 2007 and July 28, 2007.

2 On July 27, 2007, Ecclesiaste Boniface, brother of
3 plaintiff Boniface, died in Les Irois.

4 In or around March of 2008, a new radio station, New
5 Vision Radio, was established in Les Irois.

6 On April 8, 2008, defendant was present in Haiti.

7 On April 8, 2008, during the attack on the radio
8 station, Plaintiff Ysemé and original Plaintiff Nissage Martyr
9 sustained injuries.

10 On September 16, 2008, defendant returned to Haiti.

11 On October 29, 2009, Hautefort Bajon died.

12 Defendant left Haiti for the United States on November
13 27, 2009 and did not return to Haiti until 2012.

14 From the period of August 27, 2012 to around October
15 2015, defendant held the appointed position of Interim
16 Executive Agent for Les Irois.

17 In August 2019, defendant traveled to Haiti and was
18 present in Les Irois.

19 The plaintiffs are each Haitian citizens who reside in
20 Haiti.

21 The plaintiffs had never had direct communications
22 with defendant while he was in the United States.

23 A meter is equal to 3.2 feet.

24 1,000 Haitian gourdes is approximately 7 U.S. dollars
25 and, in 2009, was equal to approximately 26 U.S. dollars.

1 That I think takes us to the lunch break.

2 We ordered it for 12:00. It's probably up there. I
3 know you guys -- normally we sit from 10:00 to 4:00, but I know
4 you got here super early today, so I want to try and shorten
5 the end of the day so you're not here for quite so long.

6 So would you like a half hour for lunch or would you
7 like 45 minutes? Does anyone want 45 minutes? Half hour is
8 enough for lunch? Okay. Is half hour enough for everybody
9 here?

10 So Karen is going to walk up and make sure lunch is
11 there. If not, we'll give you an extra 15 minutes, but it
12 should be there.

13 (Jury exits the courtroom.)

14 THE COURT: I'm going to assume their lunch is here.
15 12:30. Okay.

16 (Recess, 11:55 a.m. - 12:32 p.m.)

17 THE COURT: Call your first witness, please.

18 MS. MATTHEWS: Plaintiffs call their first witness,
19 Professor Robert Maguire.

20 ROBERT MAGUIRE, Sworn

21 THE CLERK: Can you please state your name and spell
22 your last name for the record.

23 THE WITNESS: Right. My name is Robert Earl Maguire.
24 That's M-a-g-u-i-r-e.

25 THE COURT: So that whole thing, the whole thing can

1 pull towards you.

2 THE WITNESS: Is that better?

3 THE COURT: That's good.

4 When you're ready.

5 DIRECT EXAMINATION BY MS. MATTHEWS:

6 Q. Professor Maguire, where do you currently work?

7 A. At the current time -- is that too loud? No?

8 THE COURT: It's okay for me.

9 A. At the current time I am an adjunct professor at George
10 Washington University. It's Elliot School of International
11 Affairs. I've had that position since I retired from the
12 full-time faculty in 2017.

13 I also work as an expert advisor on Haiti for the National
14 Intelligence Council of the U.S. government, and I have a small
15 consulting firm that I manage.

16 Q. Can you briefly describe your prior academic experience
17 for the jury.

18 A. Sure. In addition to working at George Washington
19 University, I worked prior to that at Trinity Washington
20 University in D.C., and I've also taught at Johns Hopkins
21 University in Baltimore, New York University and Georgetown
22 University. And at Georgetown University, that's when I
23 created and directed the Georgetown University Haiti program.

24 Q. And at George Washington University, what did you teach?

25 A. At George Washington, I taught in the international

1 development studies programs, and I taught a course on Haiti
2 after the earthquake.

3 Q. Can you tell the jury briefly about the Haiti program at
4 GW -- sorry -- at Georgetown?

5 A. Yes. Well, the Haiti program at Georgetown has actually
6 followed me because I also directed that, created that and
7 directed that at George Washington University. And what it
8 does essentially is it provides a forum to give information and
9 analysis to U.S. policymakers and practitioners, mostly in
10 Washington, D.C., and to bring voices from Haiti to enable them
11 to inform the D.C. community about what's going on in Haiti.
12 It also has occasional publications.

13 Q. Can you tell the jury about your work experience outside
14 of academia?

15 A. Sure. Outside of academia, before I was a professor, I
16 had a career in the U.S. government. I worked for 20 years
17 with an organization agency called the Inter-American
18 Foundation, which supports grassroot, bottom-up development in
19 Latin America and the Caribbean. I was its representative for
20 its Haiti programs.

21 I spent one year, the last year of my government career,
22 detailed to the State Department where I assisted the
23 administration as the Haiti expert on the State Department
24 staff at that time.

25 And I've also, concurrently, I chaired for almost 25 years

1 the advanced area studies program on Haiti at the State
2 Department's Foreign Service Institute, and it's called the
3 FSI. And at the FSI, that's where they train diplomats before
4 they go to their post for their two- or three-year assignments,
5 and I was training them on conditions in Haiti.

6 Q. Have you ever been asked to advise the U.S. government on
7 Haiti?

8 A. Oh, on many occasions, yes. And I've always been happy to
9 do that. I think one thing that's striking for me is the times
10 the Defense Department had asked me to advise them, the 82nd
11 Airborne. And one time in particular, the Joint Chiefs of
12 Staff, they brought me out to Quantico where they sat me down
13 in front of a video camera for about eight, nine hours and
14 peppered me with lots of questions about Haiti because they
15 were preparing the intervention in Haiti in 1994.

16 And they told me later that they gave that videotape to
17 all of the commanding officers for the intervention force. So
18 that was pretty interesting stuff.

19 Q. Professor Maguire, have you spent time in Haiti?

20 A. Yes. I've spent a fair amount of time in Haiti. I first
21 went to Haiti 49 years ago, just a young man, and that was in
22 1974.

23 From 1977 to 2000, while I was working full time with the
24 Inter-American Foundation and State Department, I went to Haiti
25 an average of four, five, six times a year to do my work, and I

1 would go from ten days to three weeks at a time. I stopped
2 counting my visits when they reached 125, so I think that was
3 quite a few visits.

4 Once I left government in 2000 and went to the university
5 full time, I continued to go to Haiti as a researcher, going
6 generally twice a year.

7 THE COURT: Can you push that two inches further away
8 from you. It's a little loud.

9 THE WITNESS: How is that, better?

10 THE COURT: It's probably better.

11 THE WITNESS: Okay.

12 THE COURT: Try that.

13 Q. Professor Maguire, do you speak Haitian Creole?

14 A. (Answer in Haitian Creole) Yes, I speak Haitian Creole.

15 Q. Have you ever testified before Congress?

16 A. Yes, I have. I testified twice before Congress. One time
17 the House of Representatives invited me as a witness on the
18 conditions of political turmoil in Haiti in the mid 1990s.

19 Another time the Senate invited me as an expert witness to
20 discuss opportunities and needs and possibilities for
21 rebuilding Haiti after its earthquake in 2010.

22 Q. Have you ever spoken with the media on Haiti?

23 A. Yes, many times. In fact, about a week ago I was
24 contacted by the New York Times for analysis on what's going on
25 in Haiti today. In the past, I've been on with Dan Rather and

1 Peter Jennings, the PBS News Hour and NPR Radio quite
2 frequently as well and other outlets also.

3 Q. Have you published any works relating to Haiti?

4 A. Yes. I have a fairly long list of publications on Haiti,
5 ranging from letters to books, and most recently my most recent
6 publication is a book published by the University Press of
7 Florida called, Who owns Haiti? With a question mark.
8 Subtitle is People, Power and Sovereignty. And it's a study to
9 try to analyze the kind of struggle between international
10 organizations and Haitian entities to kind of claim control of
11 the sovereignty of the nation.

12 I published, also I think I mention because it's highly
13 relevant here, I published an article called State Terror in
14 Mufti. That's about Haiti. Mufti is not a common U.S. term,
15 but it's a British term, and it means essentially people who
16 don't wear uniforms but who engage in kind of military,
17 paramilitary acts. And that's when I analyzed the paramilitary
18 organizations in Haiti in the late '90s.

19 Q. Are any of these works peer-reviewed, Professor Maguire?

20 A. Yes, some of them are peer-reviewed. Whenever you publish
21 a book at University Press, it's heavily peer-reviewed.

22 Q. Have you previously served as an expert witness?

23 A. Yes, on a couple of occasions I served as an expert
24 witness. I served as an expert witness about 14 years ago in a
25 trial somewhat similar to this one. It was called *Doe v.*

1 *Constant*. And it was about a paramilitary group in Haiti that
2 had meted out a lot of violence, including surrogate violence,
3 on three women, Jane Doe plaintiffs, who were seeking damages.

4 I've also testified on several occasions for immigration
5 cases, removal cases.

6 Q. And were you asked to serve as an expert witness in
7 connection with this trial?

8 A. Yes, I was.

9 Q. What subject were you asked to opine on?

10 A. I've been asked to opine on the conditions of political
11 violence in Haiti and particularly organizations that are
12 characterized as community-based armed gangs, armed groups.

13 Q. Have you submitted an expert report in this case
14 reflecting the opinions you expect to offer today?

15 A. Yes, I have.

16 Q. Could you please tell the court about your specific
17 conclusion in this case.

18 A. Sure. My specific or main conclusion is that there's this
19 organization called KOREGA, which is active in the Grand'Anse
20 department of Haiti. And this organization bears all the
21 trademarks and characteristics of community-based armed groups
22 that I've studied and experienced in the past.

23 Q. What other opinions did you reach in coming to that
24 conclusion?

25 A. Well, I would say three main opinions, I think. One is

1 that Haiti is a country that is suffering under many
2 challenges, and primary among them would be extreme poverty,
3 dysfunctional or weak organizations, particularly in rule of
4 law, and as well it would be -- the use of unrestrained
5 violence in politics is another very common trait in Haiti.
6 That's number one.

7 Number two is that these community-based armed groups that
8 I mentioned, that they have what I would call a symbiotic
9 relationship with a patron, or patron, usually a politician who
10 they serve. And when they serve this politician, they receive
11 benefits in return, material and financial benefits and access
12 to power.

13 And the third one, sorry. The third one is that these
14 groups, these community-based armed groups, given their
15 relationship with the political sponsor, they can function in
16 their communities with impunity, or, in other words, they
17 function above the arm of the law.

18 Q. What sources did you rely on in reaching these opinions or
19 conclusions?

20 A. A multitude of sources. I consulted many international
21 reports, U.N. and U.S. government, the reports of NGOs and
22 humanitarian organizations that work on the ground in Haiti.
23 Of course my own experience of working for 40 years in Haiti
24 comes in handy when you kind of want to analyze the situation.
25 I've read a lot of contemporary reports, including newspaper

1 articles about Haiti and the situation. I've consulted with
2 members of my well-established contact of sources in Haiti
3 also.

4 Q. Before I move on, I would invite the jury now to take out
5 their screens so you can see Professor Maguire's slides.

6 A. And speaking of that, I apologize for the long hair. This
7 was kind of a retirement move on my part, compared with the
8 photograph you saw earlier when I was working full time. I
9 went kind of long-haired.

10 Q. Before we get into your opinions, Profess Maguire, could
11 you help us situate the jury. Could you tell the jury what
12 we're seeing on this map?

13 A. Sure. This is a physical map of Haiti. It's a little
14 interesting and maybe deceptive because it shows Haiti as an
15 island, but as you know, Haiti is not an island. It's the
16 western one-third of the larger island called Hispaniola. So
17 on the east or right side of this would be the Dominican
18 Republic.

19 Q. Where is the island of Hispaniola and Haiti located?

20 A. Well, it's located in the northern part of the Caribbean,
21 not too far from the U.S., actually.

22 Q. And where is the Grand'Anse department located within
23 Haiti?

24 A. The Grand'Anse department is located at the far western
25 end or left-hand side of what they call in Haiti the southern

1 peninsula. You can see it there at the tip of that southern
2 peninsula on the northern part of it.

3 Q. What else can you tell us about the makeup of the
4 Grand'Anse?

5 A. As you can see, it indicates Port-au-Prince on the map,
6 and it indicates the community of Les Irois. And we may think
7 of Haiti as a small country, but it's a long distance from
8 Port-Au-Prince to Les Irois. Maybe not the way the crow flies.
9 It might 190 miles. But if you're traveling overland or by
10 boat, it takes a long time to get this because this is a very
11 isolated part of Haiti.

12 Google Maps tells you it takes about nine hours. I think
13 Google Maps is optimistic. The conditions of the roads are
14 very bad. And so it's therefore a rather isolated part of
15 Haiti. It's not easy to get to, and it's often out of the
16 beaten path, we can say.

17 Q. How big is the Grand'Anse, just for context?

18 A. Okay. Well, it's actually about half the size of the
19 state of Rhode Island.

20 Q. And is the population of the Grand'Anse mostly rural or
21 urban?

22 A. It's a mix. There are, along the coast in particular,
23 there are a number of settlements. There's a major city called
24 Jérémie which is the capital city. And then there are these
25 smaller communities along the coast principally, but the

1 population is rather scattered really throughout the
2 department, both in small towns, villages and into rural areas.

3 Q. Have you ever traveled to the Grand'Anse?

4 A. Yes, I have on a number of occasions. I've been to
5 Jérémie arriving by boat, air and overland. And I've been to,
6 you see on the map a place called Anse d'Hainault. I've been
7 to Anse d'Hainault as well.

8 Q. What can you tell us, other than the remoteness which we
9 discussed, what can you tell us about the unique challenges of
10 the Grand'Anse?

11 A. Well, the unique challenges, essentially a lot of it boils
12 down to the poverty of the region. So there's a very little
13 investment in public infrastructure, schools, roads, hospitals,
14 that sort of thing.

15 The population, being isolated, lives a pretty basic
16 existence. Many of the people work on a daily basis just to
17 meet the daily needs of them and their family. Many of the
18 people who live in these communities might work as fisher folk
19 if they're on the coast, or they might work as small farmers.
20 Many of the women tend to be involved in commerce. They do
21 buying and selling generally on a very small scale.

22 Q. And where does Les Irois fit within the Grand'Anse?

23 A. Oh, as you can see, Les Irois is in the very tip of the
24 Grand'Anse. It's interesting, it doesn't show it as much on
25 our maps, but Les Irois is actually closer to Jamaica than it

1 is to Port-au-Prince. So to the west would be a little bit of
2 Jamaica, so it's in the southwest tip of the department of the
3 Grand'Anse.

4 Q. And roughly how big is Les Irois?

5 A. The population of Les Irois is about 24,000 people,
6 according to the Haitian Statistics Division. And that
7 population is divided among people who live in the town itself
8 and people who live in the surrounding countryside areas.

9 Q. Have you ever been to Les Irois?

10 A. I have not been to Les Irois.

11 Q. And why not?

12 A. Well, you know, there's two reasons basically why I
13 haven't been there. One was, when I was traveling regularly to
14 Haiti, I was visiting communities from which I had received a
15 proposal for assistance from a community-based organization,
16 doing grassroots development work.

17 So I would visit these communities to check on the
18 organization and its proposal to see if I could get them some
19 help. That's why, for example, I went to Anse d'Hainault.
20 There was a fishermen's group there I needed to visit. But
21 I've never received in my 20 years any communication from Les
22 Irois from an organization there seeking assistance, so I had
23 no real need to go there.

24 And as well, you know, it's a pretty isolated place. It's
25 not someplace you can drive to easily and just go there out of

1 curiosity, so I never really had the need to go there.

2 Q. Turning now to your first opinion, Professor Maguire, one
3 of your conclusions is that Haiti has faced several challenges.
4 Can you remind the jury what challenges you are referring to?

5 A. Sure. I mean, I think the key challenges that are
6 relevant to this case that Haiti experiences is extreme
7 poverty. Its institutions are very weak, and particularly of
8 the institutions the realm of rule of law. And as well,
9 there's unrestrained political violence that is used commonly
10 in Haiti over the struggle to gain and maintain power.

11 Q. Turning to the grinding poverty that you just noted, could
12 you help us understand what that meant in Haiti in the 2000s?

13 A. Sure. I'm sure that if you've ever heard anything about
14 Haiti, you've probably heard that it's the quote-unquote
15 poorest country in the Western Hemisphere. A lot of Haitians
16 say that's their country's middle name. They say that with
17 some resentment, actually. But the truth of the matter is that
18 Haiti's economy is extremely weak. The gross domestic product
19 is roughly \$1900 a year, which is not much. And in that
20 context, Haiti is a very uneven society in economic
21 distribution. There's a small group of elites that are very
22 wealthy, and the vast majority of Haitians have little, to the
23 point that roughly 60 percent of Haitians live below the
24 poverty line if you measure that at two dollars a day. So it's
25 a tough situation economically for the country. It leads to

1 poverty and desperation.

2 Q. What are the employment rates like in Haiti?

3 A. Well, in Haiti, you know, very few people have, especially
4 outside of the capital city, very few people have a full-time
5 job. Employment is quite low. People in Haiti talk about the
6 informal community. I call it the hustle community where
7 people are out hustling to make ends meet on a daily basis
8 through commerce, through agriculture, through whatever they
9 can do.

10 So the unemployment might be set at about 40 percent. I
11 think it's higher than that, frankly, but those are the
12 statistics. So it's a difficult environment in which to --
13 anyone has a full-time job.

14 Q. Can you explain what the education system is like for the
15 jury?

16 A. Sure. You know, the education, there are really good
17 schools. Most of them are in Port-au-Prince, and most of those
18 are private schools. The government has its own schools. They
19 tend to be not of a high quality, both in terms of very crowded
20 classrooms, teachers that are not well prepared for teaching,
21 inadequate materials. And so the opportunities for education
22 for most Haitians are constrained and limited.

23 Q. What are the literacy rates like in Haiti?

24 A. The illiteracy rate, when I first started working in
25 Haiti, it was said that Haitians were 80 percent illiterate.

1 Now they say it's about 40 percent. And some of that increase
2 is because of the fact that there's more written Creole now
3 than there used to be.

4 So French is normally viewed as the official language of
5 Haiti, and it's used in the courts and in the government very
6 commonly, but only about 5 to 10 percent of the people speak
7 French, and everybody speaks Creole. So there's greater
8 literacy now than there used to be, but still 40 percent of the
9 population illiterate. This leads to a situation where you
10 have a very limited recordkeeping, you know, on paper and so
11 on. And most information is passed by word of mouth, or radio
12 is extremely important in Haiti for passing information and
13 getting news.

14 Q. You stated that violent power struggles is another
15 challenge that Haiti faces. Could you tell the jury a little
16 bit more about that?

17 A. Sure. You know, in a society where there are limited
18 opportunities, getting access to the resources that power
19 brings is very, very important. And the struggle for that can
20 be a very hard-edged one. So there's a lot of competition over
21 gaining access to political posts, and this leads there to be
22 kind of extremes and abuses of power that can occur.

23 Q. During the last 50 years has Haiti experienced a
24 democratic government?

25 A. Not really. What Haiti has experienced in terms of

1 governance over the last 50 years, first you started out and
2 you had the Duvalier dictatorship, which lasted 29 years but
3 ended about four years ago. And then you've had periods of
4 governance by military strongmen. You've had periods of
5 governance by autocratic leaders. These are kind of leaders
6 that get in power and become like the central figure in the
7 government.

8 Q. What has been the impact of these military dictatorships
9 and autocracies in Haiti?

10 A. Sure. When you have a military dictatorship and an
11 autocracy or one-man rule or military rule, one thing they do
12 not want to have is well-developed institutions that can
13 perform checks and balances on them. So one result of this
14 kind of governance is the fact that institutions in Haiti are
15 extremely weak. Another kind of impact of that is that this
16 severe competition over access to power has led there to be a
17 proliferation of the use of violence, unrestrained violence, to
18 try to make sure the people get in power and they retain power
19 in their exercise of power.

20 Q. How have military dictators and autocrats sought to enforce
21 that rule historically in Haiti?

22 A. Yeah. Well, so there's a tradition in Haiti of the
23 creation of community-based armed groups that work for and with
24 and kind of maintain the interest of their patron, or patron,
25 who they work for.

1 So probably the most well-known of these groups that
2 existed in Haiti was something under the Duvaliers called the
3 Tonton Makouts, and these were men, there were estimated to be
4 at least 70,000 of them who were loyal specifically to the
5 dictator and did what the dictator needed to maintain power so
6 they would maintain their favor with the dictator.

7 And over time, when the dictatorship collapsed, these
8 individuals were still there, and a number of them had been
9 affiliated with something in the rural communities called the
10 section chief system. The section chief was an individual
11 appointed by the Army who was in charge of a section or rural
12 area of the country. And these section chiefs often recruited
13 these kind of vigilantes to work with them as their enforcers
14 to protect their interests. So that system itself collapsed in
15 1995. But the thing is, all these people remained on the
16 ground.

17 And these men, mostly who had access to this kind of
18 access to power without any rule checks on it, they were still
19 there. They were in their communities, and they were, you
20 know, essentially ready to do the next job that would come
21 along. So you had the resurgence of various types of gangs
22 since the late 1990s in Haiti, and it continues to this day.

23 Q. And historically, what were some of the methods used by
24 these community-based armed groups like the Tonton Makouts?

25 A. Yes, I know these very well because some of the

1 organizations that I funded who were doing the grassroots,
2 bottom-up development fell victim to these acts. There were
3 such things as, you know, it was essentially abuse of power and
4 intimidation of people, and that could occur in a number of
5 different ways. If the people had weapons, they could use
6 them. There were kidnappings. There were disappearances.
7 People were beaten up if they didn't agree with the status quo.
8 And it gave rise to something where, there's an expression in
9 Creole that I heard very commonly, the expression in Creole is
10 pran rak which means to have to go underground.

11 So in many instances the citizens of Haiti who felt
12 threatened by this unrestrained violence would go underground
13 and disappear or find safe havens to wait it out.

14 Q. Were there any other methods that these groups
15 specifically used?

16 A. Sure. There were, in addition to what I've just
17 described, you would find examples of surrogate killings. You
18 would find examples of rape as a weapon against women. And in
19 this in particular was practiced by this group that in my
20 earlier testimony in the trial 14 years ago, this group used a
21 lot of these same methods. Particularly the surrogate violence
22 was one where, if they were looking for someone and that person
23 had gone underground or gone into hiding, they would take out
24 -- to send a message, they would take out the violence on a
25 family member or a friend.

1 Q. You also noted that Haiti suffers from weak institutions.
2 Could you explain how all this relates to the weak institutions
3 you noted?

4 A. Sure. Well, you know, when there's no police or judiciary
5 to keep you in check, you feel that you can function as you
6 wish. So with weak institutions or even no institutions or
7 dysfunctional institutions, institutional officials who are
8 prone or susceptible to bribes or something, this kind of opens
9 the terrain to this kind of abuse of power that local officials
10 and community-based armed groups did working hand in hand.

11 Q. What has been the outcome of these challenges, the
12 grinding poverty, the weak institutions and unrestrained
13 political violence in Haiti?

14 A. Well, I mean, you see the outcome on a number of different
15 levels. One of them would be that the average citizen is
16 fearful and fears at risk to this unrestrained violence. You
17 know, people walk around looking over their shoulder. People,
18 when they hear there's something going on, they're sometimes
19 afraid to go outside. So it affects everyone in the country,
20 this kind of violence.

21 Q. You've described the development of community-based armed
22 groups. Would you say that these challenges have impacted
23 that?

24 A. The challenges of poverty, oh, yeah, absolutely,
25 absolutely. I mean, there's a level of desperation. So if a

1 community-based armed group gets certain favors, it becomes an
2 attractive magnet for particularly young men who are often
3 bereft and without good opportunities for work and access to
4 resources, so most definitely.

5 Q. Let's move on to your second opinion. You stated that
6 those seeking power and community-based armed groups have
7 strong symbiotic relationships. Could you explain what you
8 mean by a symbiotic relationship in the context of Haiti?

9 A. Sure. You know, I use this image (gesturing) for
10 symbiotic relationships. But you could say it's kind of like
11 you scratch my back and I'll scratch yours. So these
12 relationships that evolved, each side is rendering a service to
13 the other. So the community-based groups are rendering a
14 service to their patron, the person who sponsors them; and in
15 return, they're going to expect something.

16 So what these community-based groups can get is they can
17 get access to jobs, patronage jobs or other kind of jobs. They
18 can get access to material resources, and that can include
19 things like motorbikes. It can also include basic things like
20 rum or food. It can include, the worst example, weapons. They
21 can get access to those kind of resources.

22 And by aligning themselves with the patron, they get
23 access to the reins of power. So they get access to the local
24 organizations, institutions, and whatever goodies they can get
25 from having that kind of access.

1 Q. What repercussions have state actors faced in Haiti for
2 supporting community-based armed groups?

3 A. Well, given the weak institutions that I've described,
4 generally there are very few, if any, repercussions. Sometime
5 the International Committee will intercede and insist that
6 something would happen. But within the context of Haiti, the
7 repercussions might be a slap on the wrist, might be removal
8 from your position for a certain period of time, but it's
9 really nothing ever much more serious than that.

10 Q. And you noted that community-based armed groups provide
11 services to the politicians they serve. Could you explain how
12 they provide those services, what those services are?

13 A. Sure. The groups aligned with a political patron, there's
14 a package of services they can provide. One of them
15 essentially is to engage in the electoral process and try to
16 get people to vote for their candidate. On the other side of
17 that, they may discourage, find ways of discouraging people
18 from voting against their candidate. This could be through
19 means of intimidation or threats.

20 These groups are known to engage in kind of vandalism at
21 ballot stations. They can either stuff ballot boxes or perhaps
22 even destroy ballot boxes depending on what serves their
23 interests. They also can use threats of violence and violence
24 itself against voters. And even election officials are
25 sometimes threatened by these gangs to try to get the way of

1 their patron.

2 Q. Once the patron wins the election, do the community-based
3 armed groups continue to support the candidate?

4 A. Yes. I mean, once the patron wins, the groups do not
5 stand down. They stay with him, and they're going to serve his
6 interest because it serves their interest as well. It's a
7 symbiotic relationship. So they want to maintain access to
8 power and control over the limited resources, so they will
9 continue to serve that master as he retains power and as he
10 continues to extend his power.

11 Q. Could you summarize for the jury the benefits the
12 political patrons provide to the members of the community-based
13 armed groups and vice versa?

14 A. Sure. Well, in summary, the one with the power, the
15 political patron, he can provide access to resources, such as
16 to jobs or material resources. He can assist these individuals
17 function with a sense of impunity or being above the law, and
18 these individuals and their groups, we could think of them as
19 community-based armed groups, kind of vigilante groups, they
20 are the muscle that helps to keep this person in the position
21 that he is in.

22 Q. Let's move on to your third opinion. Can you explain what
23 you mean, and you just mentioned it, that community-based armed
24 groups function with impunity.

25 A. Right. I mean, "impunity" means that you view yourself as

1 being above the law because you have the power, and the law is
2 beneath you, and it's not going to touch you. So you can do
3 whatever it is you want. And there's going to be no
4 repercussions for you.

5 So you can beat people. You can threaten people. You can
6 intimidate people. And in the worst instances you can get away
7 -- literally get away with murder.

8 Q. And how did the rise in unchecked violence by these
9 community-based armed groups impact life in local communities
10 in Haiti in the 2000s?

11 A. Okay. Well, I mentioned earlier that people tend to live
12 in fear of these groups with a great deal of insecurity. It's
13 a phrase that I've heard in Haiti so many times, people talking
14 about insecurity, and fear as well. And this thing, what I
15 mentioned earlier, pran rak you know, to go underground and go
16 into hiding. So people are fearful of this. It limits their
17 protection of their interest. It limits their expression of
18 their participation in the society.

19 And here is an example of how it can work. I mean, there
20 was an earthquake in Haiti in 2021, and international
21 organizations came in with humanitarian supplies. This
22 earthquake incidentally was in the Grand'Anse, the area we're
23 talking about. And one of the repercussions of having these
24 gangs being so powerful was the fact that international
25 organizations were having a very difficult time delivering the

1 supplies that would assist the people who were the victims of
2 the earthquake. So, you know, people lived -- the
3 repercussions for the average citizen of this kind of
4 unrestrained political violence can be very real and it can be
5 very severe.

6 Q. Do community-based armed groups face any consequences for
7 the actions they take in support of that political patrons?

8 A. As a rule, as long as they maintain a good standing with
9 their political patron and their political patron remains in
10 power, as a rule there would be no real repercussions to them.

11 Q. So let's turn to your specific conclusion in this case.
12 Could you share your specific conclusion.

13 A. Sure. As I mentioned earlier, there's this organization
14 active in the Grand'Anse department of Haiti called KOREGA, and
15 I conclude that KOREGA, the way it goes about what it does is
16 very consistent with traditionally what I understand and have
17 witnessed as the way community-based armed groups conduct
18 themselves in Haiti.

19 Q. What does KOREGA stand for?

20 A. It stands for, as I recall, it's a Creole acronym, and it
21 stands for the regional coordination in the Grand'Anse.

22 Q. And what is KOREGA?

23 A. KOREGA is essentially what I've been describing as a
24 community-based armed group. It has interest in supporting
25 politicians to defend the interests of its own members and to

1 get access to and control over various resources.

2 Q. You mentioned that they were active in the Grand'Anse.
3 Where in the Grand'Anse did KOREGA operate in the 2007 to 2009
4 period?

5 A. KOREGA was active extensively throughout the Grand'Anse,
6 including in the community at issue here, Les Irois.

7 Q. Could you tell the jury a little bit about the origins of
8 KOREGA.

9 A. Certainly. KOREGA came about in the 1980s. It was
10 established by a group of individuals from the Grand'Anse as a
11 kind of clandestine resistance group to the Duvalier
12 dictatorship.

13 My understanding is several members of the organization
14 were sent to Cuba for some training, and they formed the basis
15 of a paramilitary unit that KOREGA had. And then when the
16 Duvalier dictatorship collapsed, KOREGA was free to rise out of
17 being clandestine and started affiliating itself with political
18 groups and providing them with the muscle they needed to make
19 sure they would get power and get in office.

20 So since that time KOREGA has affiliated itself with a
21 number of different political groups as the political terrain
22 in Haiti has evolved and as groups have come and as groups have
23 gone.

24 Q. And do you know who founded KOREGA?

25 A. Yes. It was founded by principally by two men. One is a

1 fellow named Maxine Roumer who later became a senator in Haiti,
2 and another one is a fellow named Laurent Batista.

3 Q. And what role has the KOREGA played in the Grand'Anse
4 broadly?

5 A. Well, I mean, broadly KOREGA has been at the beck and call
6 of political leaders or want-to-be political leaders who it
7 supports and who want to work with it. So KOREGA has put its
8 resources of muscle at the behest of political leaders. So
9 this is where this kind of symbiotic relationship can be
10 established.

11 Q. How did KOREGA provide that muscle to political leaders in
12 the Grand'Anse?

13 A. Well, we've seen instances of that muscle being provided
14 by the same kind of services that other community-based groups
15 have provided that I mentioned earlier in terms of voter
16 intimidation, vandalism, threats at the ballot box, threats to
17 opponents and in extreme cases the actual use of violence.

18 We've seen at different instances, particularly in 1999,
19 U.N. reports that indicated that KOREGA was trying to block the
20 elections in 1997 by destroying election machinery in the
21 capital city and by intimidating election officials, for
22 example.

23 Q. Were there other political actors operating in the
24 Grand'Anse and in Les Irois during the late 2000s?

25 A. Yes. In the late 2000s, Haiti has had a number of

1 political parties, and in the late 2000s there were two major
2 political groups or parties in the Grand'Anse. One was a
3 regional party. That was called MODEREH, and that stands for
4 the Movement for the Reform of Haiti, Democratic Reform of
5 Haiti, I believe.

6 And that organization was the vehicle that KOREGA aligned
7 itself with in order to get access to power and support of
8 political patrons. The opposing group, the largest opposing
9 group in the Grand'Anse in this period was a national political
10 party that was called the OPL, and that's an acronym for, in
11 Creole, the Struggling People's Party. So these were the two
12 major formal political actors in the Grand'Anse at this time.

13 Q. And you mentioned the KOREGA was aligned with political
14 leaders. Which political party was KOREGA aligned with in the
15 late 2000s?

16 MR. HALEY: Objection.

17 THE COURT: Basis?

18 MR. HALEY: Competency.

19 THE COURT: Lay a foundation, please.

20 Q. Professor Maguire, do you know which political party
21 KOREGA aligned itself with in the late 2000s?

22 A. Yes, it was common knowledge throughout Haiti by political
23 observers and by myself that KOREGA was very closely aligned to
24 MODEREH.

25 MR. HALEY: Objection and move to strike.

1 MS. MATTHEWS: I laid the foundation.

2 THE COURT: You need to lay a better foundation for
3 that. Common knowledge is not an adequate foundation.

4 Q. Professor Maguire, do you observe politics in Haiti and
5 were you observing politics in Haiti in the late 2000s?

6 A. Yes, of course I do. Yes, that's part of, for example,
7 why I advised the National Intelligence Council.

8 Q. And specifically in the late 2000s were you observing
9 politics in the Grand'Anse region?

10 A. I was observing politics throughout Haiti, including the
11 Grand'Anse, yes.

12 Q. And do you know, Professor Maguire, if any political party
13 was aligned with KOREGA in the late 2000s?

14 A. Yes, I do. I know this through my own information sources
15 and through my research.

16 Q. Could you tell us which political party KOREGA was aligned
17 with in late 2000s?

18 MR. HALEY: Objection.

19 THE COURT: Overruled.

20 A. KOREGA was aligned with the MODEREH party in the period in
21 question.

22 Q. And how would you describe the relationship between KOREGA
23 and MODEREH during the period in question?

24 A. I would describe it as using a term I used earlier, was a
25 symbiotic relationship.

1 Q. What was KOREGA's role during its alliance, its
2 affiliation with MODEREH during this period?

3 A. KOREGA filled the role of these kind of community-based
4 armed groups in providing muscle to their patron, their
5 political patron.

6 Q. And what conclusions, in writing your expert report, what
7 conclusions did you draw about KOREGA's operations in Les Irois
8 in the 2007 to 2009 period?

9 A. Right.

10 MR. HALEY: Objection.

11 THE COURT: Basis?

12 MR. HALEY: Competency.

13 THE COURT: Well, she asked what conclusions he drew.
14 He can give the conclusions and then we'll go back and lay the
15 foundation for them.

16 MS. MATTHEWS: I can go back and do that now.

17 THE COURT: Okay.

18 Q. Professor Maguire, did you review any materials regarding
19 KOREGA's operations in Les Irois in the 2007 to 2009 time
20 period in preparing for your expert report?

21 A. Yes, I did. I reviewed written documents. There are very
22 few written documents about KOREGA, incidentally. It began as
23 a clandestine group and it doesn't have like a daily newspaper
24 or something. But I reviewed what documents were available.

25 And I consulted with my network of sources in Haiti on the

1 ground, and I had heard of KOREGA prior to this in my own
2 research, in the 2000s and 1990s, I knew of KOREGA already.

3 Q. And what conclusions did you draw about KOREGA's
4 operations in Les Irois in the 2007 through 2009 period?

5 MR. HALEY: Objection.

6 THE COURT: You need to be more specific about what
7 he's relying on.

8 Q. Professor Maguire, did you -- specifically what materials
9 did you review regarding KOREGA operations in Les Irois in the
10 late 2000s?

11 A. Well, I can recall reading a number of newspaper reports
12 published in Haiti on what was going on in Les Irois in that
13 period of time, and KOREGA was mentioned. One newspaper, for
14 example, that I read on a weekly basis is called Haiti en
15 Marche, and they had reports on that.

16 So I mean, I was aware, as this was evolving, what was
17 going on in that area as part of my standard practice of
18 keeping my thumb firmly on Haiti's political pulse.

19 Q. What else did you review about KOREGA's operations in Les
20 Irois in the late 2000s?

21 A. I reviewed some of the expert reports from the U.N. and
22 other organizations that mentioned KOREGA, and I've also
23 reviewed the sworn depositions of plaintiffs and their
24 witnesses who outlined what KOREGA was doing in Les Irois in
25 that period of time.

1 Q. And what conclusions, from your review of those materials,
2 what conclusions did you draw about KOREGA's operations in Les
3 Irois in the 2007 to 2009 period?

4 MR. HALEY: Objection.

5 THE COURT: Overruled.

6 A. My conclusions were essentially what I learned about
7 KOREGA and what it was doing were remarkably similar to what I
8 knew and experienced and witnessed of what other
9 community-based armed groups did in Haiti, so it was very, a
10 kind of a traditionally similar approach, using a method such
11 as arson and surrogate killings and beatings and threats and
12 intimidation.

13 MS. MATTHEWS: Thank you. I pass the witness. Thank
14 you, Professor Maguire.

15 THE COURT: Cross?

16 CROSS-EXAMINATION BY MR. HALEY:

17 Q. Mr. Maguire, you were not present in Les Irois in July
18 2007, April 2008 or October of 2009, were you?

19 A. That's correct.

20 Q. Correct, you were not present?

21 A. I was not present.

22 Q. You mentioned that you had visited Grand'Anse. When was
23 your visit to Grand'Anse?

24 A. My most recent visit to Grand'Anse was 1999.

25 Q. 1999. So 24 years ago?

1 A. That's right.

2 Q. And you've never been to Les Irois?

3 A. I have not been to Les Irois.

4 Q. And with respect to the testimony that you just gave to
5 the court and the jury about the connection between MODEREH and
6 KOREGA, that was based on things that you read in the
7 newspaper, correct?

8 A. In part, yes.

9 Q. And things that you read about that the plaintiffs in this
10 case said?

11 A. In part, yes.

12 Q. And then things that you read about in government reports?

13 A. In part, yes.

14 Q. Was there a government report about KOREGA's involvement
15 in Les Irois?

16 A. There were reports about KOREGA's involvement in the
17 Grand'Anse. Les Irois reports were more press reports within
18 Haiti. And also, I mean, I want you to remember that I've got
19 a network of trusted sources in Haiti that I've developed over
20 40 years, people who follow politics extremely carefully. And
21 since I can't be there all the time myself, I call upon these
22 trusted sources to inform me of what's going on.

23 Q. So it wasn't your personal knowledge. It was things other
24 people told you?

25 A. It was personal knowledge through research and personal

1 knowledge because, having worked in Haiti for so long, I mean,
2 40 years, I understand the place fairly well, and I can pretty
3 much tell if somebody is B.S.-ing me, and these people I have
4 as my trusted sources are trusted because they do not do that.

5 Q. You graduated from Trenton State College in 1969?

6 A. That's correct. It's now called the College of New
7 Jersey.

8 Q. And you received your doctoral degree in geography?

9 A. That's correct.

10 Q. And are you being paid to testify in this case?

11 A. Yes, I am a paid expert witness.

12 Q. And who pays the bill; who did you get the money from?

13 A. I believe I'm paid by the Morrison Foerster law firm.

14 Q. And how many other active matters do you have at the
15 moment in which you're receiving payment?

16 A. None.

17 Q. And Haiti is a poor country with a low standard of living;
18 is that correct?

19 A. It's the most impoverished country in the Western
20 Hemisphere. You can say that. I don't like to say "poor
21 country" because Haiti has a lot of very rich attributes among
22 its people, who are very welcoming people, genuine people, and
23 knowledgeable people. So it's an impoverished country, yes.

24 Q. I apologize. I have a very American view of poor and rich
25 which tends to revolve around money. My mistake. I'm a

1 product of my own environment, I guess.

2 If you could leave Haiti and move to the United States,
3 would you agree with me that that would be a good thing to do?

4 A. Well, I mean, look, I come from a family of immigrants who
5 left Ireland and came here. And they left there because the
6 conditions were bad, and they were attracted here because they
7 were welcomed here.

8 For Haitians, it's a little different. They're not
9 welcomed when they leave Haiti. So it's a major decision.
10 It's not easily made. It does reveal somewhat the levels of
11 desperation within these communities of how people come to make
12 these decisions.

13 But by and large, I mean, most Haitians I know, they would
14 prefer to stay in Haiti. What they would prefer to see is an
15 expansion of opportunities for them to work in Haiti and create
16 and develop themselves in Haiti.

17 Q. But you could understand, could you not, the desire to
18 move from Haiti to the United States to make a better life?

19 A. Yeah, I could understand it, yeah.

20 Q. And in your report, I believe you say that violence is a
21 common occurrence in Haiti?

22 A. Violence occurs in Haiti, unfortunately, in much too often
23 instances, yes.

24 Q. Arson is a common occurrence?

25 A. Arson has been a common occurrence used by these kind of

1 paramilitary groups and politically related gangs.

2 Q. And there are many killings in Haiti; I believe in your
3 report you stated what the homicide rate was. It was quite
4 high.

5 A. I don't recall that I stated the homicide rate in Haiti.
6 But I mean, yes, there are killings in Haiti, of course.

7 Q. I think it was 936 homicides in the year or something in
8 your report.

9 A. Okay. I would have to check my report to see that.

10 Q. And do political parties in Haiti resort to violence to
11 advance their causes?

12 A. Some of them do, and some of them don't. It's a mixed
13 bag.

14 Q. And I think you wrote that armed members like to think of
15 themselves as fighters for a cause rather than opportunistic
16 criminals. Is that something that you believe to be true?

17 A. Yes. This is something that, in particular, if you see
18 the work of -- oh, gosh, I can't recall the name right now --
19 the scholar from Yale University who studied the gangs in
20 Haiti. This is a very clear conclusion that she comes to, yes.

21 Q. And do you think political parties in Haiti would attempt
22 to advance their cause by telling lies?

23 A. Yes.

24 Q. And do you think that they would use the justice system in
25 Haiti to that, end to advance their political cause?

1 A. I'm not sure I understand the question.

2 Q. Well, my question is, would the political parties in Haiti
3 seeking to advance their interest attempt to subvert or use the
4 justice system to that end?

5 A. To the extent that the justice system could do something
6 like that, I could see that they might try to do that, but the
7 justice system in Haiti is pretty weak and dysfunctional, and
8 pliable, I would say as well.

9 Q. And with respect to the political parties attempting to
10 advance their causes by telling lies, is that something that
11 you believe to be true of KOREGA?

12 A. Well, I don't see KOREGA as a political party, per se. I
13 see it as a community-based action or community-based armed
14 group that allies itself with political groups.

15 Q. And what about OPL, the Struggling People's Party, do you
16 believe that they engage in any untoward or improper activity
17 to advance their political ends?

18 A. Yeah. I have never witnessed incidents of OPL engaged in
19 the mobilization of groups that enact politically based armed
20 violence for them. And I've asked many people in my networks
21 that I mentioned to you earlier. And the conclusion seems to
22 be that no -- OPL does not have a reputation for engaging in
23 politically based armed violence.

24 Q. In paragraph 47 of your expert report you said the
25 competition between KOREGA and OPL was competitive and

1 hard-edged. What do you mean by that?

2 A. Well, what I meant was that these are the two principal
3 groups struggling to try to get elected to office. And, you
4 know, it's hard-edged because the stakes are high. If you get
5 access to power, then you get access to and control over
6 resources. If you don't, you're just left out. So that's why
7 it's hard-edged and highly competitive.

8 Q. And did you think that only one side of the hard-edged
9 competition was taking action that was improper, and the other
10 side of the hard-edged competition was just being taken
11 advantage of?

12 A. From what I have learned, that OPL was not proactively
13 engaged in violence during this period of time.

14 Q. And when you say, "What I have learned," that's from these
15 sources that aren't in court this afternoon?

16 A. Well, it's from sources. It's also from the absence of
17 reports that describe this. So, you know, when you don't have
18 any information about this when it's absent in the reports that
19 give you information on other episodes of violence, it helps
20 you to conclude that this side must not be engaging in the same
21 thing.

22 Q. Are the political events in Les Irois covered widely?

23 A. Within Haiti they're known, sure, sure.

24 Q. And are you familiar with the attack on the United States
25 Capitol that took place on January 6, 2021?

1 A. Of course I am.

2 Q. Do you regard that as political violence?

3 A. You know, I don't really want to get involved in that
4 because I don't see its relevance here. And I know that that
5 tends to be a highly politically partisan sense of analysis.
6 I'm a professor. I do impartial analysis. And it's very hard
7 to get that out of this issue.

8 Q. You've testified this afternoon about political violence
9 in Haiti, and I'm trying to put it in a context that we can
10 understand domestically. My question is, do you regard the
11 attack on the United States Capitol on January 6, 2021 as
12 political violence?

13 A. I do based upon, well, what the January 6 Committee has
14 found and helped Americans learn about.

15 Q. And in the prosecution of crimes that took place on
16 January 6, 2021, in the United States, would the fact that a
17 person was a member of the Republican Party make it more likely
18 that they committed a crime that day?

19 MS. MATTHEWS: Objection, relevance.

20 THE COURT: Sustained, sustained.

21 Q. How much time did you spend in Les Irois, Mr. Maguire?

22 A. I have not visited Les Irois.

23 Q. Ever?

24 A. Ever.

25 MR. HALEY: Nothing further, Your Honor.

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION BY MS. MATTHEWS:

3 Q. Professor Maguire, do you think that OPL would attempt to
4 advance that cause by telling lies?

5 A. My experience with OPL would lead me to suspect no, it
6 would not.

7 MS. MATTHEWS: Thank you.

8 THE COURT: Recross.

9 RECROSS-EXAMINATION BY MR. HALEY:

10 Q. What is your experience with OPL?

11 A. My experience with OPL, one of Haiti's established
12 national parties, is that I've followed it carefully over years
13 and did meet some of the people who were leading OPL.

14 Q. And have you ever met any of the OPL members in Les Irois?

15 A. No, I have not.

16 MR. HALEY: Nothing further, Your Honor.

17 THE COURT: You're excused. Thank you.

18 So we would normally -- sorry. We would normally go
19 to 4:00 today. But since you guys had to get here so early
20 this morning, I'm going to let you go now. We'll start
21 tomorrow at 10:00, unless the Boston schools are closed.

22 I have certain instructions that I'm going to give you
23 every night. I'm going to give them to you now. The first is
24 to keep an open mind. The second is not to talk to anybody
25 about the case. And the third is not to do any extracurricular

1 research. So it's just a reminder every single night. So
2 Karen is going to make arrangements for the phones for
3 tomorrow. And we'll see you back at -- we'll be back at 10:00.
4 You should get here early.

5 Karen says you also don't have to come if Boston
6 Public Schools are delayed. Delayed or canceled, we cancel
7 jury duty. I don't know if any of you guys have kids, but I
8 have kids, so we're adamant followers of the snow day
9 calculator in our family, and the snow day calculator at the
10 moment says you will all be here tomorrow.

11 So again, we'll bring you out right at 10:00. Get
12 here a little before. You'll have breakfast up there for them,
13 right, Karen? Breakfast will be waiting for you. All right.
14 Thanks very much. See you tomorrow.

15 (Jury exits the courtroom.)

16 THE COURT: Tomorrow morning I have a quick status at
17 9:00 and a quick status at 9:30. Neither one will take the
18 full half an hour. So do you anticipate any issues for
19 tomorrow morning?

20 MS. LAU: At present, Your Honor, I don't believe the
21 parties have any issues for the court.

22 MR. HALEY: No, Your Honor.

23 THE COURT: Okay. If you change your mind, I'll be on
24 the bench from 9:15 to 9:30 and hopefully back again by quarter
25 of 10:00. So if you have anything, I'll make myself available

1 at that time. If it looks like it's going to be longer, let us
2 know and we'll start earlier.

3 MS. LAU: Thank you, Your Honor, we will do so.

4 THE COURT: All right. I'll see everyone tomorrow.

5 MR. HALEY: Your Honor, the boxes we can leave
6 overnight?

7 THE COURT: Yes.

8 MR. HALEY: Thank you.

9 THE COURT: Just leave the -- actually both things
10 tomorrow are by phone, so you don't need to clear the table
11 off.

12 MR. HALEY: Okay. Thank you, Your Honor.

13 MS. LAU: Thank you, Your Honor.

14 (Recessed, 1:35 p.m.)
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF OFFICIAL REPORTER

I, Kelly Mortellite, Registered Merit Reporter and Certified Realtime Reporter, in and for the United States District Court for the District of Massachusetts, do hereby certify that the foregoing transcript is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter to the best of my skill and ability.

Dated this 13th day of March, 2023.

/s/ Kelly Mortellite

Kelly Mortellite, RMR, CRR

Official Court Reporter