

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 THREE

March 15, 2023
9:34 a.m.

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

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P R O C E E D I N G S

1
2 (The following proceedings were held in open court
3 before the Honorable Allison D. Burroughs, United States
4 District Judge, United States District Court, District of
5 Massachusetts, at the John J. Moakley United States Courthouse,
6 One Courthouse Way, Courtroom 17, Boston, Massachusetts, on
7 March 15, 2023.)

8 THE COURT: Do you guys have anything?

9 MR. HALEY: I was going to say I think the only thing
10 we have, and it's probably a little bit down the road, although
11 it will come up today, is two objections with respect to
12 deposition designations of one of the witnesses, Mers Ysemé.

13 THE COURT: Does someone want to give them to me? Do
14 I have them or do you have them?

15 MS. VANDERVALK: You don't have them but we can give
16 them to you.

17 MR. HALEY: Yes.

18 THE COURT: Doesn't need to be now. Whenever is
19 convenient I'll take a look at them.

20 MR. HALEY: Your Honor, if I may approach. I have a
21 copy of the transcript. I've highlighted in orange the parts
22 the defendant has objected to and folded over the pages.

23 THE COURT: Excellent. Thank you. Is this for today
24 or not for today?

25 MR. HALEY: It will -- I think it will come up today,

1 right.

2 MS. VANDERVALK: Yes, for today.

3 THE COURT: Before lunch or after lunch?

4 MS. VANDERVALK: Possibly before lunch.

5 THE COURT: I'm going to take these one at a time.

6 What's the objection to the first one, Mr. Haley, cost
7 of treatment?

8 MR. HALEY: The medical expenses, no documents and
9 lack of reliability or no foundation.

10 MS. VANDERVALK: Your Honor, he waived any objection
11 to these when he put in his objections to the pretrial
12 disclosures, and absence of record is not really a basis for
13 excluding testimony, especially here where Mers is testifying
14 that his house was burned twice. Therefore, he wouldn't have
15 these sorts of records.

16 THE COURT: Well, I'm going to let it come in, but I
17 don't think there's an evidentiary exception for having your
18 house burned down. Right? They're either admissible or
19 they're not.

20 MS. VANDERVALK: Understood.

21 THE COURT: I'm going to allow that in, and you can of
22 course make an argument it's totally speculative and
23 unreliable. That's the first one.

24 All right, the second one. So all the testimony about
25 the second burning is excluded. I can't tell -- the question,

1 "Did you rebuild your home?" "Yes. When I was back I rebuilt
2 my house," period. And then what comes after that will be
3 excluded. And then the rest of what's on page 69 is excluded.

4 Now, on the top of page 70, that question, "So how did
5 you come to find your house burned down?" Are we talking about
6 the second time or the first time?

7 MR. HALEY: I thought it was the second time. So my
8 objections were to the testimony regarding the 2011 burning.

9 THE COURT: I'm going to exclude that. But I can't
10 tell with that question, "So how did you come to find out your
11 house burned down," I can't tell if that goes to the first one
12 or the second one.

13 MS. VANDERVALK: Your Honor, we think it's the second
14 one as well, but we think this is all relevant because Mers is
15 testifying that after the first house burned down, he was able
16 to rebuild. But for the second house, he had already expended
17 all his resources and that then rendered him homeless. So we
18 do think it is relevant to damages in terms of the first
19 burning.

20 THE COURT: Like an intervening cause, I'm not going
21 to let the second burning in. Is that it? That's it?

22 MR. HALEY: That's it, Your Honor.

23 THE COURT: There, everyone can be equally unhappy
24 this morning, one for each of you.

25 MR. HALEY: Thank you, Your Honor.

1 MS. VANDERVALK: Your Honor, I did want to flag that
2 there's one verbal objection that's going to be in the video
3 that we weren't able to cut because it overlaps with some
4 testimony.

5 THE COURT: Okay. Does Mr. Haley know about it?

6 MS. VANDERVALK: What's that?

7 THE COURT: Are you talking about --

8 MS. VANDERVALK: I just wanted to give you a heads-up
9 that the video, it has like a spoken objection in it.

10 THE COURT: Are you talking about the ones I just
11 ruled on or something else?

12 MS. VANDERVALK: No, no.

13 THE COURT: Does Mr. Haley know what you're talking
14 about? Because I really don't.

15 MR. HALEY: I think I understand, Your Honor, and I'd
16 ask counsel to correct me, I think what counsel is saying, in
17 the video at some point I, probably me, objects to a question
18 and the question is answered so that it wasn't excised from the
19 video, the point where I say "Objection."

20 THE COURT: That's fine. As long as he knows about
21 it, that's fine. If you need any kind of limiting instruction
22 or whatever when it's played, that's fine, too.

23 MS. VANDERVALK: Thank you.

24 (Recess, 9:41 a.m. - 10:00 a.m.)

25 THE COURT: Karen says we're one juror down.

1 MS. LAU: Do we know the juror number, Your Honor?

2 THE COURT: If I did, I wouldn't tell you. He's not
3 late yet. They would be right on time if they came in now.

4 This is a school group that has come in to observe.
5 We're waiting for one juror. He's supposed to be here at
6 10:00. He's running a little bit late.

7 (Recess, 10:01 a.m. - 10:06 a.m.)

8 THE COURT: The juror just got here. Karen will be
9 out in a second with them. Do you want to put the witness back
10 on the stand?

11 (Jury enters the courtroom.)

12 THE COURT: Good morning, everyone. Welcome to your
13 first full day of court, hopefully. May the spirit be with us.

14 The witness is still on the stand. Just a reminder,
15 you're still under oath.

16 Mr. Haley, when you're ready you can resume your
17 cross.

18 MR. HALEY: Thank you, Your Honor.

19 CROSS-EXAMINATION BY MR. HALEY (Continued):

20 Q. Mr. Ysemé, you testified yesterday that you currently have
21 no job; is that correct?

22 A. Yes.

23 Q. And the last job you had in 2017 paid a salary of 11,000
24 gourdes, and you received a bonus of 6,500 gourdes; is that
25 correct?

1 A. Yes.

2 Q. And your current rent is 300 U.S. dollars a month,
3 correct?

4 A. Yes.

5 Q. And if you're not employed and your current rent is 300
6 U.S. dollars, which would be 42,000 gourdes a month or over
7 500,000 gourdes a year, how do you pay the rent?

8 A. I have the friends, the help of friends and also my
9 lawyers who have made arrangements to have international
10 organizations help me. Amnesty International.

11 Q. So your lawyers and Amnesty International are helping to
12 pay your rent?

13 MS. LAU: Objection. Misstates the witness's
14 testimony.

15 THE COURT: No, that's overruled. The jury heard the
16 testimony.

17 A. My lawyers don't pay the rent for me. They help me
18 getting in contact and made arrangement with an organization to
19 help support with my rent.

20 Q. Mr. Ysemé, returning to the events of April 8, 2008 at the
21 radio station, it was Villeme Duclona who shot you, correct?

22 A. Yes.

23 Q. And when you were shot, your testimony was that you were
24 outside the radio station?

25 A. I had testified that I was on the porch, and the porch was

1 outside of the house by the street.

2 Q. And when you were shot, there was nobody else around
3 outside; is that correct?

4 A. If there were people around, I did not notice then when
5 the event took place. The mayor had his crew with him, but if
6 they were around me, I did not notice them.

7 And at the time it would be very difficult for me to
8 notice who was around and who really wasn't because I was under
9 a lot of stress, trying to run away.

10 Q. And how many gunshots were there?

11 A. They shot and I went down. I don't know there were any
12 other gunshot. Then I got up again and continued to run away.
13 And if they shot again, I wasn't aware at all at that time.

14 Q. And where was Nissage when you were shot?

15 A. At this point I had no idea where Nissage was. Even if he
16 was right next to me, I don't think I would be aware because I
17 was trying to flee.

18 MR. HALEY: And Ms. Folan, if I could, HDMI 1.

19 Q. Mr. Ysemé, directing your attention to the chart that you
20 testified about yesterday, how wide is Nissage's house there,
21 how wide is the porch?

22 A. I'm not an expert or an engineer. I don't have -- I don't
23 know how to say how wide it is.

24 Q. And the house, was the house right on the street, or was
25 there some land in between the house and the street? Was the

1 house back from the street?

2 A. Here is the street and here is the house.

3 Q. So was the house right on the street?

4 A. Yes.

5 Q. And your testimony yesterday was that the number 2 is
6 where Mr. Duclona was when he shot you and number 3 is where
7 you were; is that correct?

8 A. Yes.

9 Q. And you're running away from the house; is that correct?

10 A. It was more my side as I was running away.

11 Q. So your back wasn't to the house? You were running
12 sideways?

13 A. I was running from where -- where counsel is standing
14 right there, and I was running in this direction like this.

15 Q. And were there other houses next to Nissage's house?

16 A. Right across from Nissage's house, his neighbor's house is
17 there.

18 Q. And is there any house next door to his house, on the same
19 side of the street?

20 A. Yes.

21 Q. How many?

22 A. Several houses.

23 Q. And Mers Ysemé is your father; is that correct?

24 A. Yes.

25 Q. And is he somebody who is an honest person? Does he have

1 a reputation for being truthful?

2 A. Yes.

3 Q. And the night that your house burned down, you were hiding
4 beneath a banana tree in your yard; is that correct?

5 A. Yes.

6 Q. And your father was standing in the street?

7 INTERPRETER: Your Honor, this is the interpreter. I
8 need a repeat, please.

9 MR. HALEY: Sure.

10 Q. Your father was standing in the street?

11 A. I don't know where my dad was standing. I was at my house
12 and he was at his house.

13 Q. And how far away is his house?

14 A. Not too far from each other.

15 Q. And the men that you heard talking that night were on the
16 phone in the street, correct?

17 A. Yes.

18 Q. And there were -- there was a phone and there were more
19 than 20 people around it; is that correct?

20 A. Yes.

21 Q. And your testimony was they were holding the speakerphone
22 up?

23 A. Yes.

24 Q. It's nighttime?

25 A. 8:00.

1 Q. And across the street, Rene's house is on fire?

2 A. Yes.

3 Q. Are the 20 people making any noise?

4 A. They were making noise. Once Jean Morose called them, he
5 asked everybody to be quiet and everybody became quiet. There
6 was total silence.

7 Q. And this is about how far away you are from me to you?

8 A. If you can come in front of the device, it would be more
9 accurate.

10 Q. Here?

11 A. Yes.

12 Q. And they were holding up a speakerphone. Is that your
13 testimony?

14 A. Yes.

15 Q. And you were able to hear what was being said on the
16 phone?

17 A. Yes.

18 Q. And it was Mr. Duclona who set the house on fire?

19 A. Yes.

20 Q. And you did not see Mr. Viliena that night at all, did
21 you?

22 A. No.

23 Q. And you believe the value of your house was 250,000
24 gourdes?

25 A. At the time when I lost everything, the estimation, the

1 value was estimated at 250,000 gourdes. But now even if you
2 put it at 100 percent more, it wouldn't help, it wouldn't be
3 helpful.

4 MR. HALEY: I don't have anything further, Your Honor.

5 THE COURT: Redirect?

6 MS. LAU: No redirect, Your Honor. Thank you.

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

8 Next witness, please.

9 MS. ADEMOLA: Your Honor, plaintiffs called Osephita
10 Lebon.

11 OSEPHITA LEBON, Sworn

12 THE CLERK: You can be seated. Can you please state
13 your name and spell your last name for the record.

14 THE WITNESS: My name is Osephita Charles Lebon.

15 Osephita, O-s-s-e-p-h-i-t-a, Charles, C-h-a-r-l-e-s,
16 Lebon, L-e-b-o-n.

17 DIRECT EXAMINATION BY MS. ADEMOLA:

18 Q. How old are you, Ms. Lebon?

19 A. 68 years old.

20 Q. And what kind of work do you do?

21 A. A vendor.

22 Q. And could you tell us where you grew up.

23 A. In Les Irois.

24 Q. And what was your childhood like in Les Irois?

25 A. It was a beautiful childhood.

1 Q. And what was beautiful about your childhood?

2 A. When I was growing up, me and my classmate, we would spend
3 time together. We eat together. We walk together. We go to
4 the beach together. We were very comfortable.

5 Q. And during your childhood in Les Irois, how were your
6 relationships with your elders?

7 A. I respected the elders, and they had priority over me, and
8 they could discipline me if they needed to.

9 Q. And during your childhood in Les Irois did you feel safe?

10 A. Yes.

11 Q. And as a child would you spend time at your neighbors'
12 homes?

13 A. Yes.

14 Q. And how would you describe your relationship with your
15 neighbors during your childhood?

16 A. When I was a child, the neighbors, I could go to their
17 homes, and if I did something that needed to be disciplined,
18 they would. I would eat at their house, and I was comfortable
19 with them. And at home, if we needed help, a neighbor can come
20 and help out.

21 Q. And has that changed today in Les Irois?

22 A. It changed drastically.

23 Q. And how has it changed?

24 A. In Les Irois nowadays, you cannot walk after sundown and
25 you cannot walk in broad daylight because you have a group of

1 gangs that control the space.

2 Q. And today in Les Irois how would your neighbors react if
3 they saw another neighbor in trouble?

4 A. The neighbors nowadays, especially for me, if there's any
5 issue, I cannot call on a neighbor to help. They're not in
6 harmony with me.

7 Q. And today in Les Irois, what is the relationship like with
8 the elders?

9 A. Nowadays the young people, they don't respect their
10 elders.

11 Q. You mentioned the challenges of going out because of the
12 gangs in Les Irois today. Do you feel safe today in Les Irois?

13 A. No, I'm not safe.

14 Q. And when did you start to experience these changes in Les
15 Irois?

16 A. Starting in 2006.

17 Q. And what happened in 2006?

18 A. There was an election of Jean Morose Viliena and William
19 Lebon.

20 Q. And what happened in that election?

21 A. During the election, since Viliena was campaigning, he had
22 a group of gangs that surrounded him and that blocked William
23 Lebon's participation.

24 Q. Ms. Lebon, did the changes in Les Irois happen after the
25 election?

1 A. After the election things degenerated even more.

2 Q. And Ms. Lebon, after the election in 2006, what problems
3 have you experienced personally in Les Irois?

4 A. In 2007, when Jean Morose became mayor with his group of
5 gangs, they started killing people, they beat people up. And I
6 had a brother who got beaten, he got beat up and, after his
7 injuries, died. And other things happened as well.

8 Q. Thank you, Ms. Lebon.

9 Have you held any elected positions in Les Irois yourself?

10 A. Yes. In 1995, I was the mayor of the city.

11 Q. And when did your term as the mayor end?

12 A. I held the position for four years.

13 Q. And in 2007 through 2009, were you still living in Les
14 Irois?

15 A. Yes.

16 Q. And you mentioned the Defendant Viliena. Do you know the
17 defendant Jean Morose Viliena?

18 A. Yes.

19 Q. Have you known the Defendant Viliena since he was a child?

20 A. Yes.

21 Q. And in 2007 through 2009, was the Defendant Viliena your
22 neighbor in Les Irois?

23 A. Yes.

24 Q. Ms. Lebon, I'm going to switch now to your time as the
25 mayor in Les Irois.

1 What was the role of the mayor in Les Irois?

2 A. The role of the mayor, he plays a role of the first
3 citizen of the city.

4 Q. And what does that mean when you say, "first citizen of
5 the city"?

6 A. He has priority. Everything that happens in the city, he
7 has to decide, and he has to say if things should happen or
8 shouldn't happen.

9 Q. And during your time as the mayor of Les Irois, what were
10 some of your daily responsibilities?

11 A. During my term as mayor in Les Irois I would go to the
12 office, and we would have people come in. Sometimes they would
13 come with conflicts. If we are able to counsel them, then we
14 would. When the matter is above our capacity, then we would
15 transfer them to the justice system.

16 Q. And what kind of conflicts might you receive as the mayor?

17 A. The neighbors, sometimes they have issues over land. And
18 if this is something that we can handle, we would. If we
19 cannot, then we would transfer them to the Justice of the
20 Peace.

21 Q. And during your time as the mayor, did you have a director
22 of the Mayoral Hall?

23 A. Yes.

24 Q. And from your experience as mayor, who selects the
25 director of the Mayoral Hall?

1 A. Once you won the election, you become the mayor, then you
2 choose your director of the City Hall.

3 Q. And from your experience as mayor, who directs the actions
4 of the mayor's team?

5 MR. HALEY: Objection.

6 THE COURT: Basis?

7 MR. HALEY: Relevance.

8 THE COURT: Overruled.

9 A. It's the deputy mayor, the incumbent mayor.

10 Q. And when you say "the incumbent mayor," do you mean the
11 mayor of the city?

12 A. Yes, the mayor of the city.

13 Q. And what authority does the mayor have over the mayor's
14 team?

15 A. What he says, tells them to do, they do.

16 Q. Ms. Lebon, I'd like to talk about the 2006 mayoral
17 election that you mentioned earlier.

18 Could you just remind us who the candidates were for mayor
19 in the 2006 election?

20 A. William Lebon, Viliena Morose.

21 Q. And is William Lebon your brother?

22 A. Yes, my brother.

23 Q. And which political party did the Defendant Viliena belong
24 to?

25 A. MODEREH.

1 Q. And do you know if any other organizations supported the
2 Defendant Viliena?

3 A. Yes.

4 Q. And which organizations?

5 A. KOREGA.

6 Q. Ms. Lebon, could you tell us what KOREGA is?

7 A. It's a political organization.

8 Q. And to your knowledge, where is KOREGA based?

9 A. In the department of Jérémie.

10 Q. And is Jérémie close to Les Irois?

11 A. They're not that close. Jérémie is considered the
12 department, and Les Irois is the outskirts city, so they're not
13 that close to each other.

14 Q. Are they both in the Grand'Anse?

15 A. Yes.

16 Q. How did you first learn about KOREGA?

17 A. This is a political organization, and it is affiliated
18 with MODEREH, and it has representatives in Les Irois, and
19 that's how I learned about it.

20 Q. And why did you -- when you say that KOREGA has
21 representatives in Les Irois, why did you have that
22 understanding?

23 A. The acts they committed.

24 Q. And which acts are you referring to?

25 A. Jean Morose as the mayor would do certain things

1 affiliated to KOREGA and KOREGA would always support him.

2 Q. Did KOREGA have a gathering place in Les Irois?

3 A. Yes.

4 Q. And where was that gathering place?

5 A. They would hold meetings at Hautefort Bajon's house and
6 other places that I don't know.

7 Q. Would you see people going to Hautefort Bajon's house for
8 meetings?

9 A. Yes.

10 MR. HALEY: Objection.

11 THE COURT: Hold on. So you haven't laid a foundation
12 for what she saw them going into his house for. So at the
13 moment she can testify that she saw them going into his house,
14 but I don't know that she has personal knowledge about what
15 they're going into the house for.

16 Is that the basis for your objection, Mr. Haley?

17 MR. HALEY: It is, Your Honor.

18 MS. ADEMOLA: I'll ask a different question.

19 Q. Ms. Lebon, did you ever hear anyone in Les Irois say they
20 were with KOREGA?

21 MR. HALEY: Objection.

22 A. Yes.

23 THE COURT: That's overruled.

24 Q. And who did you hear say this?

25 INTERPRETER: Your Honor, may the interpreter ask for

1 a repetition, please.

2 THE COURT: Yes. Hold on one second. So the
3 testimony about what they went into the house for is stricken.
4 She has personal knowledge, or she's testifying that she has
5 personal knowledge that she saw them go into the house, but
6 beyond that it's stricken. The interpreter needs the question
7 repeated.

8 MS. ADEMOLA: Sure.

9 THE COURT: I can probably --

10 COURT REPORTER: I'll read it.

11 *(Question read)

12 A. It's an organization, and they're not in hiding. When
13 they come, everyone could see they are members of the KOREGA
14 team, and they accompany Jean Morose. It's not like they were
15 hiding their affiliation.

16 MR. HALEY: Objection. Move to strike.

17 THE COURT: Overruled.

18 Q. Ms. Lebon, can you name some of the KOREGA associates in
19 Les Irois?

20 MR. HALEY: Objection.

21 THE COURT: You have to lay a foundation for that.

22 Q. Ms. Lebon, you testified that you heard people mention
23 that they were affiliated with KOREGA. Do you remember that?

24 A. Yes.

25 Q. Do you know some of the names of the people who said this

1 to you?

2 MR. HALEY: Objection.

3 THE COURT: Overruled.

4 Q. You can answer.

5 A. I can answer?

6 THE COURT: Yes.

7 A. And I can say their names?

8 Q. Yes.

9 THE COURT: You haven't asked that question. You
10 asked her if she knew the names of the people. She's answered
11 yes.

12 MS. ADEMOLA: I'm sorry.

13 Q. Can you please give us some of the names of those people?

14 A. Jean Morose Viliena, Hautefort Bajon, Pierrot Boileau,
15 Lifaite Livert, Benicoit Bell.

16 INTERPRETER: I'm sorry. The interpreter is asking
17 for a repeat, please. Your Honor, may the --

18 THE COURT: Yes, yes, of course.

19 A. Jean Louis Bell.

20 THE COURT: Hold on. He had the objection. You need
21 to circle back and ask her how she knew that those people were
22 affiliated with the organization. You have to lay a proper
23 foundation.

24 A. They are a very well known organization, and they would
25 hold meetings, and that's how I knew that they were part of

1 this organization and they were having meetings.

2 MR. HALEY: Objection. Move to strike.

3 MS. ADEMOLA: I think she said, I asked her if they
4 told her, and then I asked who the people are, and then she
5 gave the names.

6 THE COURT: Right. But you -- people told her, but
7 that's not an appropriate foundation for who told her, and you
8 need to avoid the hearsay.

9 Q. Ms. Lebon, did anyone in Les Irois ever tell you they were
10 affiliated with KOREGA?

11 A. Jean Morose's crew, they are affiliated with KOREGA.

12 MR. HALEY: Objection. Move to strike.

13 THE COURT: She has to tell us how she knows that.

14 A. It's an open organization. They would have meetings, and
15 they also participated in the campaign for elections.

16 Q. Ms. Lebon, did KOREGA have an emblem that they used?

17 A. Yes, they do have an emblem that they go by for, when
18 during voting, you would know who to vote for.

19 Q. Did you see this emblem during the 2006 election?

20 A. Yes.

21 Q. In 2006, Ms. Lebon, would you see the Defendant Viliena
22 with his associates in Les Irois?

23 THE COURT: Hold on, hold on. The competent testimony
24 is who she saw wearing the emblem. So I think you need to
25 circle back on that.

1 MS. ADEMOLA: Okay.

2 THE COURT: The testimony about the meetings I'm going
3 to have to strike unless she was at the meeting or can describe
4 how she knew that these meetings were taking place with those
5 people, or unless the meetings were out in the open that she
6 could see.

7 Q. Ms. Lebon, did you see anyone in Les Irois wearing a
8 KOREGA emblem?

9 A. No.

10 Q. And Ms. Lebon, did Defendant Viliena ever tell you that he
11 was affiliated with KOREGA?

12 A. Jean Morose never told me that he's affiliated with them,
13 but he would hold meetings with the organization. This
14 organization from Jérémie is affiliated with Les Irois.

15 MR. HALEY: Move to strike as nonresponsive after
16 "never told me he was affiliated."

17 THE COURT: You haven't established that she has
18 personal knowledge of the meetings.

19 MS. ADEMOLA: Okay. I'll go back to the meetings.

20 THE COURT: If she saw an emblem, if he told her. I
21 think the testimony earlier that he was surrounded by those
22 people, that's competent. But at the moment the meetings sort
23 of generally need to be struck, unless you can circle back on
24 it.

25 Q. Ms. Lebon, earlier you testified that there were meetings

1 at Hautefort Bajon's house. Do you remember that?

2 A. Yes.

3 Q. And why did you believe that those meetings were for
4 KOREGA?

5 A. I would see members of KOREGA at the meetings.

6 Q. Why did you believe that they were members of KOREGA?

7 MR. HALEY: Objection.

8 THE COURT: Hold on.

9 MS. ADEMOLA: Sorry.

10 A. I know the political party and their members.

11 MR. HALEY: Objection. Move to strike.

12 THE COURT: How does she know that?

13 Q. And how do you know that, Ms. Lebon?

14 A. It's an organization, well known organization.

15 MR. HALEY: Note my objection.

16 THE COURT: How did she know who the members of the
17 organization were.

18 A. I know the members of the organization, the chapter in
19 Jérémie, and I know that Jean Morose is affiliated with them
20 because they wear the same emblem, the same logo, and they
21 would hold meetings.

22 MR. HALEY: Objection.

23 THE COURT: Okay. Yes, try the emblem question again.

24 Q. Ms. Lebon, did you see any of these individuals wearing
25 emblems for KOREGA?

1 A. They would have T shirt, KOREGA T shirts on them.

2 THE COURT: Okay. Who did she see wearing the T
3 shirts.

4 Q. Ms. Lebon, could you tell us who you saw wearing a KOREGA
5 T shirt?

6 A. Members from KOREGA based out in Jérémie and those
7 affiliated in Les Irois.

8 Q. And who are the individuals in Les Irois who you saw
9 wearing KOREGA T shirts?

10 A. Jean Morose crew.

11 Q. Who was in the crew?

12 A. Jean Morose, Hautefort Bajon, Pierrot Boileau, Benicoit
13 Bell, Jean Louis Bell. It's a slew of them.

14 THE COURT: Just close it up. Those people that
15 you've identified as being in the crew, did you see each of
16 them in a T shirt?

17 THE WITNESS: Yes.

18 THE COURT: Okay. So just so the jury understands,
19 she can only testify about what she's seen or heard or done.
20 And now you'll judge her credibility later when you're doing
21 your deliberations. But what she's testified to now is that
22 she saw these people wearing T shirts with the KOREGA emblem.

23 I'm going to strike and you may not consider all the
24 testimony about the meeting because she wasn't in the meeting,
25 she didn't see a meeting. But you can consider the testimony

1 that she saw people going into Bajon's house because she seems
2 to have seen that. Again, you'll judge her credibility as you
3 go, but again, that's the testimony you can consider.

4 Are you satisfied with that, Mr. Haley? I mean, I
5 know --

6 MS. ADEMOLA: I'm satisfied.

7 THE COURT: Do you want me to add anything to that
8 objection, to that explanation?

9 MR. HALEY: I understand the explanation, Your Honor.

10 THE COURT: Okay. He's made an objection. He's still
11 standing on his objection. I've tried to give you an
12 instruction to explain that. He would still like his objection
13 honored in a more fulsome way, but that instruction will
14 suffice for now.

15 Q. So Ms. Lebon, just jumping forward a little bit, after
16 Defendant Viliena became the mayor, did he have a director of
17 his Mayoral Hall?

18 A. Yes.

19 Q. And who was the director of the Defendant Viliena's
20 Mayoral Hall?

21 A. Hautefort Bajon.

22 Q. And during his time as the mayor of Les Irois, did the
23 Defendant Viliena have a security team?

24 A. Yes.

25 Q. And why would you view that as a security team?

1 INTERPRETER: The interpreter, Your Honor, needs a
2 repetition to this.

3 THE COURT: She needs the question repeated.

4 MS. ADEMOLA: I said why would she view that team as a
5 security team.

6 INTERPRETER: Thank you.

7 A. They always accompany him.

8 Q. Could you please give us some of the names of those
9 individuals who were accompanying the Defendant Viliena?

10 A. Yes.

11 Q. And what are some of those names?

12 A. Hautefort Bajon, Pierrot Boileau, Lifaite Livert, Benicoit
13 Bell, Jean Louis Bell and many others that I don't remember
14 their names.

15 Q. So, Ms. Lebon, I'm going to just switch now to the
16 incident on July 27, 2007. Were you in Les Irois on July 27,
17 2007?

18 A. Yes.

19 Q. Was the Defendant Viliena still the mayor of Les Irois at
20 that time?

21 A. Yes.

22 Q. And could you tell us, does Les Irois have a public market
23 day?

24 A. Yes.

25 Q. And which day of the week is that public market day in Les

1 Irois?

2 A. Thursday.

3 Q. And what happens the day after the public market day?

4 A. Cleanup.

5 Q. And who does the cleanup?

6 A. Voirie, the sanitation department.

7 Q. And so was July 27, 2007 the day after the public market
8 day?

9 A. The public market day is on Thursdays, and cleanup day is
10 on Friday. July 27 I believe was Thursday.

11 Q. So, Ms. Lebon, just thinking about that day, July 27,
12 2007, what did you see in Les Irois that day?

13 A. Jean Morose hit a lady by the name of Ostanie.

14 Q. And could you back up and tell us what happened before
15 that occurred.

16 A. That Friday, they were cleaning the street, and there was
17 a dispute right in front of Ostanie's house over trash, a pile
18 of trash.

19 Q. And who was cleaning the street?

20 A. The sanitation department, Voirie.

21 Q. And who was on the sanitation department team?

22 A. It was the City Hall, the sanitation department Voirie.

23 Q. So after the sanitation department had this interaction
24 with Ms. Ostanie, what happened next?

25 A. They had an argument with Ostanie over the pile of trash,

1 and they went to tell the mayor about that. And when the mayor
2 came, he hit Ostanie.

3 Q. And Ms. Lebon, where were you when this happened?

4 A. I was at the market, the public market, the street market.

5 Q. And how close were you to the events?

6 A. Can I show the distance?

7 Q. Sure.

8 A. The street market is on -- we have on one side is the
9 street market, and the street market is on the other side, and
10 we have the road in the middle, and Ostanie's house is on that
11 side.

12 Q. Were you able to see what was happening?

13 INTERPRETER: Your Honor, the interpreter needs to ask
14 for a repetition, please.

15 THE COURT: Yes.

16 A. I was right across.

17 Q. So you testified that the Defendant Viliena arrived at
18 Ostanie's house.

19 A. Yes.

20 Q. Did you hear the Defendant Viliena say anything to
21 Ostanie?

22 A. There was some exchanges. They were arguing. I couldn't
23 hear what they were saying, and then he hit her.

24 Q. Do you know where did the Defendant Viliena hit Ostanie?

25 A. On her face. He slapped her.

1 Q. And how many times did the Defendant Viliena slap Ostanie
2 on her face?

3 INTERPRETER: The interpreter needs a repetition and
4 to also remind her to speak directly on the mic for me.

5 MS. ADEMOLA: Could we move the mic a little closer?

6 THE COURT: Yes, I can do it.

7 MS. ADEMOLA: Thank you.

8 THE COURT: Let's try that.

9 INTERPRETER: She needs to answer. I don't know if
10 you want to remind her of the question.

11 THE COURT: The question was how many times did the
12 Defendant Viliena slap her on her face.

13 A. I saw him lift his hand and slapped her.

14 INTERPRETER: This is the interpreter, Your Honor. I
15 apologize. Something was added, but she trailed off, I
16 couldn't hear.

17 THE COURT: You can ask her to repeat the answer,
18 please.

19 A. He slapped her, slapped her on her face.

20 Q. How many times did the defendant slap Ostanie on her face?

21 A. He slapped her and she made a sound, bow, bow.

22 Q. Did you see Ostanie do anything else after he slapped her
23 in the face?

24 A. She was crying and she was screaming and arguing.

25 Q. And how did you feel when you saw the defendant slap

1 Ostanie in the face?

2 A. I wasn't well.

3 Q. And Ms. Lebon, earlier you mentioned when you were the
4 mayor of Les Irois you might sometimes work with local judges.

5 And are you familiar with the Justices of the Peace in Les
6 Irois?

7 A. Yes.

8 Q. What was the role of the Justice of the Peace in Les
9 Irois?

10 A. They enforce justice or they apply justice, administer
11 justice.

12 Q. Did they help resolve disputes in town?

13 A. Yes.

14 Q. Did a Justice of the Peace get involved in the dispute
15 with Ostanie?

16 A. They had gone to the judge's house. The mayor had
17 arrested Ostanie and took her to the judge's house to discuss
18 the issue, what had happened.

19 Q. And which judge's house?

20 A. Saint Jean Bell.

21 Q. Were you present when they went to the judge's house?

22 A. Yes.

23 Q. And did this happen on the same day that the defendant
24 slapped Ostanie?

25 A. Yes, at the same time, right away.

1 Q. And why did you go to the judge's house?

2 A. The dispute had caught many people's attention, so many
3 people came. So when he arrested Ostanie and took her to the
4 judge's house, everybody went. It wasn't just me.

5 Q. And did anyone come with Ostanie to the judge's house?

6 A. Yes.

7 Q. And who was that?

8 A. David Boniface.

9 Q. And just to confirm, the Defendant Viliena was also
10 present at the judge's house?

11 A. Yes.

12 Q. Did you see anyone else with the Defendant Viliena at the
13 judge's house that day?

14 A. Yes, his whole crew.

15 Q. And could you tell us specifically who you saw in the
16 defendant's crew that day?

17 MR. HALEY: Objection.

18 THE COURT: Yes. You have to establish how she knew
19 which people were in his crew.

20 Q. Ms. Lebon, you mentioned that you saw the defendant with
21 his crew that day. How did you know that they were with the
22 defendant?

23 A. They always with him. He doesn't go anywhere without his
24 security group.

25 Q. Did you see the defendant walk to the judge's house with

1 his security group?

2 A. Yes.

3 Q. And who did you see walking with the defendant to the
4 judge's house that day?

5 A. And I can list the names?

6 Q. Yes, please.

7 A. It was Jean Morose, Hautefort Bajon, Pierrot Boileau,
8 Benicoit Bell, Jean Louis Bell, Lifaite Livert and all the
9 others.

10 Q. And during this meeting at the judge's house, did you hear
11 the judge say anything?

12 A. Yes, the judge spoke.

13 Q. And what did he say?

14 A. The judge told the mayor he had no right to slap the lady.
15 He spoke with them and decided and told them to leave, they
16 could go home.

17 Q. And what happened after the judge said that they could go
18 home?

19 A. As they were leaving, David was getting ready to go home,
20 the mayor was leaving. And as they got in the street, he made
21 a promise to David.

22 Q. And could you hear the promise that the defendant made?

23 A. Yes.

24 Q. And what promise did the Defendant Viliena make to Mr.
25 Boniface?

1 A. He said, "Later on I'm coming for you."

2 Q. And what was the tone of the defendant's voice when he
3 made this promise?

4 A. The face was really harsh and mean, and the tone also,
5 like he wanted to slap him, but he didn't hit him then.

6 Q. What did you do after you left Judge Bell's house that
7 day?

8 A. I went home.

9 Q. And then later that day, what did you do?

10 A. I went home and in the afternoon some other stuff
11 happened.

12 Q. Did you go out later that day?

13 A. In the afternoon I went, I was on my way to see my mom,
14 who lives in the 11th District, and I notice on the road, I met
15 with the Jean Morose crew, and they were standing in front of
16 David's home.

17 Q. And you said that Jean Morose was standing with his crew.
18 Why did you believe that they were together?

19 A. As I was coming, I saw Jean Morose and his crew, they were
20 standing in the street. They were armed. And I couldn't go
21 through because they occupied the space where I had to pass by,
22 so I went and waited on the porch.

23 Q. And which porch are you referring to?

24 A. It's the porch of a lady by the name of Clorene.

25 Q. And how close is Clorene's porch to Mr. Boniface's home?

1 A. They're very close to David's.

2 Q. Could you see Mr. Boniface's home from Clorene's porch?

3 A. Yes.

4 Q. And how did you feel when you saw the Defendant Viliena in
5 front of Mr. Boniface's home?

6 A. I didn't feel well, but I didn't know what was happening,
7 so I stayed still and kind of was waiting.

8 Q. And why didn't you feel well?

9 A. Because it was a whole slew of them in front of the house
10 and they were armed.

11 Q. And what was the Defendant Viliena and the group of men
12 doing when you saw them?

13 A. While I was waiting, I heard the -- I heard someone called
14 the name of David, and someone from inside the house replied
15 that David wasn't home, and they said to that person to come on
16 out; they had something for David.

17 Q. So you mentioned that you saw the Defendant Viliena with
18 the group of men. Was this the same group of men you saw
19 earlier in the day at the judge's house?

20 A. Yes.

21 Q. And you mentioned that the men were armed. What were they
22 holding?

23 A. They had guns, machetes, clubs.

24 Q. Did you see the Defendant Viliena holding any weapons?

25 A. He had a gun in his hand.

1 Q. And did you see Hautefort Bajon that day?

2 A. Yes.

3 Q. Was he holding anything when you saw him?

4 A. He had a gun.

5 Q. So you mentioned that someone called out for David. Do
6 you know who called out for David?

7 A. No, I didn't see the person, but I heard the voice ask for
8 him.

9 Q. And was that voice coming from the crowd of men that you
10 saw?

11 A. Among them, yes.

12 Q. And after someone responded from inside the Boniface home,
13 you said that someone responded, "Come get something that we
14 brought for David."

15 A. Yes.

16 Q. Who did you hear say that?

17 A. One of the men said that.

18 Q. Was this one of the men in the crowd of men with the
19 Defendant Viliena?

20 A. Yes.

21 Q. And so after they said, "Come and get something that we
22 brought for David," what happened next?

23 A. When he came out, they pulled out a gun and shoot him.

24 Q. And who came out?

25 A. Ecclesiaste.

1 Q. And who is Ecclesiaste?

2 A. It's David's brother.

3 Q. And you said after Ecclesiaste came out they shot him. Who
4 shot Ecclesiaste?

5 A. Jean Morose Viliena.

6 Q. After the Defendant Viliena shot Ecclesiaste, what happened
7 next?

8 INTERPRETER: Your Honor, the interpreter, can I
9 please ask for a repeat?

10 THE COURT: Yes.

11 A. They went home. They went back home.

12 Q. Before the men went home, did they do anything else with
13 Ecclesiaste's body?

14 A. The body was on the ground, and Benicoit Bell picked up a
15 rock and dropped it on his body, on the ground.

16 INTERPRETER: Your Honor, this is the interpreter.
17 Can I please, I need some clarification.

18 THE COURT: Yes.

19 A. Cinder block, they lift up a block and dropped it on his
20 body.

21 Q. And where did they drop the rock or cinder block on
22 Ecclesiaste's body; which part of his body?

23 A. On his head.

24 Q. Did anyone move Ecclesiaste's body that day?

25 A. No. It stayed there until the next day.

1 Q. So after Ecclesiaste was shot, what did you do next?

2 A. When I saw they shot him, I ran inside because I got
3 scared. Then I waited inside, and after a while I left and
4 went home.

5 Q. And how did you feel after you saw Ecclesiaste get shot
6 that day?

7 A. I shivered and I cried because that was a bizarre way, a
8 weird way of losing someone's life.

9 Q. Ms. Lebon, I'd like to discuss what happened the next day.
10 So what happened the next day after Ecclesiaste was shot?

11 A. After they shot him, he remain on the ground, on the
12 floor.

13 Q. Did you return to the place where Ecclesiaste's body was
14 shot?

15 A. I went back there the next day.

16 Q. And why did you go back?

17 A. Mayor Jean Morose called the authorities, the police,
18 another section of the police called UDMO, and all the
19 authorities say that he wanted to go there to do an
20 investigation and reports. He couldn't do it. So he called
21 them up to allow them to do so.

22 Q. And how do you know that the Defendant Viliena called
23 other authorities?

24 A. I saw them. They went over to Jean Morose 's house, and
25 he led them to the scene. But also my husband is a Justice of

1 the Peace, so he was not the one doing the investigation then.

2 Q. And Defendant Viliena was your neighbor in Les Irois?

3 A. Yes.

4 Q. Did you see the authorities come to the Defendant
5 Viliena's house that day?

6 A. Yes.

7 Q. When you returned to the place where Ecclesiaste was shot,
8 had his body been moved?

9 A. No. The body was still there.

10 Q. And you mentioned that a Justice of the Peace may have
11 been there. Who was that Justice of the Peace?

12 A. Saint Jean Bell.

13 Q. And what did Judge Bell do that day?

14 MR. HALEY: Objection.

15 THE COURT: You have to lay a foundation.

16 Q. Ms. Lebon, were you present at the place where
17 Ecclesiaste's body was that day?

18 A. Yes, I was there.

19 Q. And who else was there with you?

20 A. A lot of people went there. The neighbors and other
21 people and the surrounding neighborhoods, a lot of people were
22 there.

23 Q. Were there any authorities there that day?

24 A. Yes.

25 Q. And why were the authorities there?

1 A. They came from Jérémie. Jean Morose is the one who called
2 them. They came from Jérémie. Justice of the Peace was there,
3 and there were journalists. And Jean Morose called them so
4 they can start doing the investigation.

5 Q. And why was the police and Judge Bell there that day?

6 MR. HALEY: Objection.

7 THE COURT: You have to lay a foundation.

8 Q. To your knowledge, Ms. Lebon, why were the authorities
9 there that day?

10 A. Jean Morose called them. He said he could not go to them
11 to do it himself. He called the police to secure the area so
12 he can go ahead and the family of the deceased could just go
13 and take the body and do the funeral.

14 Q. And to your knowledge, Ms. Lebon, when someone dies in Les
15 Irois, what's the procedure?

16 A. When somebody died at home of natural causes, they bury
17 that person, but if that person was killed, whoever killed him,
18 you have to bury that person.

19 Q. And what role do the authorities play when someone dies in
20 Les Irois?

21 A. When somebody died at home, that person is buried by his
22 or her relatives. But if somebody was gunned down, like he
23 did, whoever killed that person would have to bury that person.

24 Q. And why would the authorities be present that day, though?

25 INTERPRETER: Sorry, this is the interpreter speaking.

1 Could you repeat that question.

2 Q. I said why would the authorities come that day after he
3 was shot?

4 A. Jean Morose requested to initiate the investigation.

5 Q. And to your knowledge what did you see the authorities
6 doing that day?

7 A. After they gave the authorization, David picked up the
8 body of his brother so he can bury him.

9 Q. And when you say, "They gave the authorization," who gave
10 the authorization?

11 A. Justice of the Peace, the police, and section of the
12 police called UDMO.

13 Q. And what do you mean by "authorization"?

14 A. The just pick up the body so they can -- they'll be able
15 to bury him.

16 Q. Were you still present at the site where Ecclesiaste's body
17 was when this happened?

18 A. I was still there.

19 Q. What happened after the authorization was given?

20 A. After that, what we did, myself and people in the
21 neighborhood, the whole area, accompanied David and we picked
22 up the body, his brother's body, and walked towards the City
23 Hall and placed it there and insisted that Jean Morose is the
24 one who has to pay for his funeral; he has to bury him.

25 Q. When you got to the Mayoral Hall, was the Defendant

1 Viliena present?

2 A. He was there with the police.

3 Q. Did you hear the police say anything that day?

4 A. Yes.

5 Q. And what did the police say?

6 MR. HALEY: Objection.

7 THE COURT: Hold on a minute. That's hearsay, unless
8 you have an exception.

9 MS. ADEMOLA: I can ask a different question.

10 Q. You mentioned that the Defendant Viliena was present. Did
11 you hear the defendant say anything to the crowd that day?

12 A. Yes.

13 Q. And what did the Defendant Viliena say?

14 A. He said to the police, "Have David pick up his brother's
15 body. Do not let them leave it here on the steps of City
16 Hall."

17 Q. And then what did you see happen to Ecclesiaste's body
18 next?

19 A. While we were there, the police came. They were
20 pressuring us. And myself, I went and kept watching from my
21 house, and I saw David and another official, elected official
22 of CASEC, councilman, just helped David pick up the body and
23 left with it.

24 Q. Ms. Lebon, to your knowledge were there any shootings in
25 Les Irois before the Defendant Viliena became mayor?

1 MR. HALEY: Objection.

2 A. No.

3 THE COURT: What's the basis of the objection?

4 MR. HALEY: Relevance.

5 THE COURT: Overruled.

6 A. No, there was no shootings. The police was the only one
7 who could have.

8 Q. To your knowledge, before Defendant Viliena became the
9 mayor, did you see any guns in Les Irois?

10 A. No.

11 Q. And Ms. Lebon, how did you feel coming to testify here
12 today?

13 A. I feel very proud, very proud to be here, to at least have
14 my day in court and say my side of the story. Because what
15 happened is Mayor Viliena did a lot of abuse to us in the
16 community. He did a lot of wrong to us.

17 MS. ADEMOLA: Thank you, Ms. Lebon. I'll pass the
18 witness, Your Honor.

19 CROSS-EXAMINATION BY MR. HALEY:

20 Q. What color were the T shirts?

21 A. What? I don't understand.

22 Q. You testified that you saw people wearing T shirts that
23 had a KOREGA emblem on them. And my question was what color
24 were the T shirts?

25 A. They can be many colors, but they usually would wear them

1 as a sign to identify themselves going to meetings. They might
2 be white or any color.

3 Q. The night of July 27, when you saw the shooting of
4 Ecclesiaste Boniface, where were you standing?

5 A. It wasn't night, actually. It was in the afternoon. I
6 was on my way to my mother's house.

7 Q. And when you saw the shooting where were you standing?

8 A. I was under a porch, on the porch.

9 Q. Across the street?

10 A. Next to it.

11 Q. So the Boniface house was on the same side of the street
12 as Clorene's house?

13 A. Yes.

14 Q. And there were about 37 men standing around in front of
15 the Boniface house?

16 A. Around there, yeah.

17 Q. And were they standing in between you and Ecclesiaste
18 Boniface when he came out of the house?

19 A. They were standing in front of Ecclesiaste's house.

20 Q. So they were in between you and the house?

21 A. The house is next door to them.

22 Q. Did you witness the attack on the radio station in April
23 2008?

24 A. Yes, I was there.

25 Q. And you saw men shoot their guns into the radio station?

1 A. I did not, I was not there to see the person who shot the
2 gun. But when the event occurred, I was there.

3 Q. Well, you saw who shot Nissage Martyr, correct?

4 A. I did not see who did.

5 Q. And you gave a deposition in this action previously. You
6 testified previously?

7 A. Yes.

8 Q. And did you testify truthfully?

9 A. Yes.

10 MR. HALEY: Counsel, I'm on page 45 at line 12.

11 Q. At your deposition I asked you, "Did you see the men shoot
12 their guns into the radio station?" And you answered, "Yes."

13 Was your testimony truthful then?

14 INTERPRETER: This is the interpreter speaking. I
15 apologize. I'm trying to find the --

16 MR. HALEY: I'm sorry. Your Honor, may I?

17 THE COURT: Yes, of course.

18 INTERPRETER: This is the interpreter speaking. Can
19 you repeat the section for me. Page 45?

20 MR. HALEY: Page 45, line 12 through line 14, actually
21 through 16.

22 INTERPRETER: Your Honor, this is the interpreter's
23 desk. We have page 12 ended in page 17. I'm not sure we're
24 finding page 45.

25 THE COURT: Page 14. Not 45.

1 MR. HALEY: It is 45.

2 INTERPRETER: We have something that says 45 now.
3 What is the line?

4 MR. HALEY: It's line 12 through 16.

5 A. No.

6 Q. So was your testimony at your deposition truthful?

7 A. What I stated was I saw when Jean Morose and his team went
8 in the radio station, but I did not see who actually shot
9 anybody.

10 Q. But your testimony on that day was, "Did you see the men
11 shoot their guns into the radio station?" Answer: "Yes."

12 MR. HALEY: Sorry, I didn't hear it.

13 INTERPRETER: Neither did I.

14 Q. Could you repeat your answer, please.

15 A. I said, yes to I know who went into the radio station, I
16 know the group of people, but I did not see who actually shot
17 anyone in there.

18 Q. And I'm on line 17, counsel. Then the next question was,
19 "Who did you see these men shoot?" And your answer was, "They
20 shoot at the radio station so they can get inside, and Viliena
21 shoot at Nissage on the leg, and Nissage fell down on the
22 ground, and Juders was hit by a bullet in his eyes and fell
23 down as well. And that's how the guys could get inside the
24 radio station and take all of their equipment."

25 A. Yes.

1 Q. And you saw Villeme Duclona shoot Nissage Martyr?

2 A. I saw them, they were shooting, they were shooting inside,
3 but I don't know who actually shot anybody in particular.

4 MR. HALEY: Counsel, on page 46 at line 13.

5 Q. At your deposition you were asked "Who shot Nissage
6 Martyr?" And you answered, "Villeme Duclona."

7 A. Yes.

8 Q. And Jean Morose Viliena wasn't present during the attack
9 on the radio station. He went home after that. Is that
10 correct?

11 A. No. Jean Morose was there.

12 Q. And at your deposition -- and counsel, I'm on page 47 at
13 line 11.

14 "Was Jean Morose participating in this attack on the radio
15 station?" And your answer was, "Jean Morose gave the order to
16 his team, and he went home waiting for his team to bring him
17 results."

18 A. Yes.

19 Q. And also, Ms. Lebon, your house was burned down in October
20 of 2009?

21 A. Yes.

22 Q. But you were not there and you didn't see who burned down
23 the houses?

24 A. No.

25 Q. Do you think things were better in Les Irois when you were

1 the mayor?

2 A. Yes.

3 Q. And you believe, do you not, that Jean Morose stole the
4 2006 election from your brother?

5 A. Yes.

6 MR. HALEY: I don't have anything further, Your Honor.

7 THE COURT: Redirect?

8 MS. ADEMOLA: No redirect, Your Honor.

9 THE COURT: All right.

10 This seems like a good time to take a lunch break.
11 I'm not 100 percent sure your lunch is up there yet, but we'll
12 take until 12:30, and that should give everybody enough time.
13 All right.

14 (Jury exits the courtroom.)

15 MS. ADEMOLA: Can Ms. Lebon leave the witness box,
16 please?

17 THE COURT: Excuse me?

18 MS. ADEMOLA: Can Ms. Lebon leave the witness box,
19 please?

20 THE COURT: Yes. You're all set.

21 MS. ADEMOLA: Thank you.

22 MR. HALEY: Your Honor, can I ask a scheduling
23 question?

24 THE COURT: Yes.

25 MR. HALEY: So I'm just trying to figure out where we

1 were schedule-wise. I know we have the videotaped deposition
2 of Mers Ysemé and then Vilfranc Larrieux. And is that it for
3 today?

4 MS. LAU: We think that should take us through the
5 remainder of the afternoon, Your Honor.

6 THE COURT: So tomorrow, just as long as we are
7 talking scheduling, tomorrow we'll have a full day. On
8 Fridays, I sometimes, if it works out and if it appeals to
9 people, I will often do 9:00 to 1:00 instead of 10:00 to 4:00
10 just so people can get an earlier start on the weekend. I
11 usually leave it up to the jury, but I won't even ask them if
12 it doesn't appeal to you all.

13 One other thing I'll say, I don't know how I got
14 myself into this, but I'm scheduled to be at a breakfast with
15 the federal bar downstairs from 8:00 to 9:00, so we would
16 really be 9:04, if I have to get up here, 9:05, unless I leave
17 the breakfast early. I don't know what I was thinking, doing
18 that.

19 So think about what you want to do on Friday. I don't
20 have to put it to them, but if it makes everybody's life
21 easier, I can put it to them.

22 MS. LAU: We'll confer and get back to you.

23 THE COURT: We're still envisioning going into next
24 week, right? I want to make sure the jury charge is ready to
25 go. Into next week?

1 MS. LAU: Perhaps. And we can confer and get back to
2 you after the lunch break.

3 THE COURT: What I really need to know is if you think
4 it's at all possible that I have to charge the jury on Friday,
5 I need to know.

6 MR. HALEY: No. I would say that there is some
7 possibility we could finish the plaintiff's direct case
8 tomorrow with the full day. The defendant, after its Rule 50
9 motion, will call Mr. Viliena, and then I would say we would
10 then probably, if we went 9:00 to 1:00, we could probably close
11 on Monday.

12 THE COURT: Okay. And then also, confer amongst
13 yourselves whether you would like to close and charge or charge
14 and close. Sometimes it's easier, saves you having to explain
15 the law, but I'm very flexible on it. All right. See you at
16 12:30.

17 (Recess taken 11:55 a.m. - 12:33 p.m.)

18 THE COURT: While they're coming up, are we going to
19 use any interrogatories or requests for admission that the jury
20 needs to be charged on?

21 MS. LAU: Your Honor, it's possible. It will depend
22 on Viliena's exam, but to the extent that we don't, you can
23 obviously draft those instructions. We just gave them in case.

24 THE COURT: The stipulations need to be marked as an
25 exhibit at some point when they go up. I don't know what

1 number that is. I'll ask Karen.

2 The implicit bias instruction, I didn't give it in the
3 preliminary remarks. I'm just not sure what we're talking
4 about. I don't know what bias we're concerned about. You know
5 what I mean?

6 MS. LAU: The implicit bias that all individuals have
7 to give the "be fair" instruction.

8 THE COURT: You're worried about them being biased
9 against whom?

10 MS. LAU: Both sides.

11 THE COURT: But it normally goes -- I give them the
12 "be fair" instruction, but the "implicit bias" instruction --

13 MS. LAU: The "implicit bias" instruction is the "be
14 fair" instruction.

15 THE COURT: No. I mean I give them an instruction that
16 it's your job to be fair and make sure you're fair and
17 impartial, a general value laden instruction. This one, you
18 typically do it when the defendant is of a different race or,
19 you know, than all the witnesses are. I guess I'm -- I'm happy
20 to give it. I'm not sure what the context of it is here. If
21 you want it, I'll give it.

22 MS. LAU: Plaintiffs would request that you offer it.

23 THE COURT: Okay. Can you explain to me -- I always
24 doctor them up a little bit, and I don't know what we're doing.

25 MS. LAU: I think the bias can potentially cut both

1 ways, both against the defendant, but also against the
2 plaintiff in terms of discounting the value of their pain and
3 suffering or injury or harm.

4 THE COURT: I don't really get it, but I'm going to
5 give it.

6 Any objection?

7 MR. HALEY: No, Your Honor.

8 MS. LAU: Your Honor, Mr. Haley and I were able to
9 confer over the lunch break. We would like to take a half day
10 on Friday and conclude at one, if the jury agrees. Then we
11 would prefer to charge before closing.

12 THE COURT: Okay. I'm going to try and get you a
13 draft charge tomorrow. It's going to be rough. I have a lot
14 to do here. I try and be even keeled during trial. I really
15 don't like to be fussing around with the jury charge in the few
16 minutes before I give it. I think they're really important,
17 and I really try to spend some time on it and think about it.
18 I'm going to try and get it to you tomorrow, and then you can
19 email us whatever comments. I'd love to have a charging
20 conference on Friday or Monday or do it all on the papers.

21 MS. LAU: Subject to Mr. Haley's feedback, I think
22 perhaps the Friday afternoon would be a good time for the
23 charge conference.

24 THE COURT: That's assuming I get it to you tomorrow.

25 MS. LAU: Understood, Your Honor. We can be flexible.

1 THE COURT: I'm trying.

2 THE CLERK: All rise for the jury.

3 (Jury enters.)

4 THE CLERK: Court is back in session. Please be
5 seated.

6 So this morning I went down to get my coffee and I
7 forget my money or credit card or anything. I just went down
8 with it. The cashier there doesn't really speak any English,
9 so I'm trying to describe to her I don't have any money and
10 I'll come back and pay for it. I think she thought I was
11 stealing the coffee. I did manage to convey that I would be
12 back at lunch to pay for it but, of course, I never got back at
13 lunch. So if anyone comes up and arrests me, I'll need help.
14 That's what it's about. I had every intention of paying for
15 it.

16 Call your next witness, please.

17 MS. VANDERVALK: Your Honor, plaintiffs present Mers
18 Ysemé by videotape deposition.

19 THE COURT: Hold on a second. Let me instruct the
20 jury.

21 You probably heard my preliminary instructions, but
22 since those were days ago, they have chosen that it's
23 appropriate for the parties to testimony by deposition. All
24 the objections have either been agreed to by the parties or
25 I'll ruled on the objections already. So it should be just a

1 straight run through.

2 Is this the one that has the? So I think in this one
3 there's one time when Mr. Haley says "objection" and they
4 couldn't cut it out of the videotape because it was so close to
5 what else was being said. So you can disregard that objection,
6 but all the other ones have been ruled on and taken care of,
7 and you should be able to just watch straight through.

8 You know you have your screens. It will also play on
9 the big screen if that starts to bother your neck. You can
10 just obviously listen to it as we go. Okay? All set.

11 How long is it, please?

12 MS. VANDERVALK: It's about 40 minutes, Your Honor.

13 THE COURT: Great.

14 (Video deposition testimony played. Transcript text
15 below.)

16 Q. "Mr. Ysemé, can you please state your full name for the
17 record?

18 A. Mers Ysemé.

19 Q. And do you speak English?

20 A. No.

21 Q. What is your current occupation?

22 A. I'm a fisherman and a farmer.

23 Q. And how long have you been a fisherman?

24 A. Since I was 15.

25 Q. And how old are you now?

1 A. 60 years.

2 Q. And how long have you been a farmer?

3 A. Since I was 15.

4 Q. Are you familiar with a town in Haiti called Les Irois?

5 A. Yes.

6 Q. How do you know the town of Les Irois?

7 A. I was born and raised there, and I live there still today.

8 Q. Were you still -- were you living in Les Irois in July of
9 2007?

10 A. Yes.

11 Q. And were you in Les Irois the morning of July 27, 2007?

12 A. Yes.

13 Q. Did you see Jean Morose Viliena in Les Irois that morning?

14 A. Yes.

15 Q. What did you see Jean Morose Viliena doing that morning?

16 A. On Thursday, it's market day in Les Irois, and on Friday,
17 that's when all the trash from the market day are being removed
18 from the street. So on that Friday morning, Jean Morose
19 Viliena and all his staff, his friends, they were in the
20 streets, like, and cleaning.

21 Ostanie Mercier was was taking the trash that she had from
22 home and put them, like, next to the mayor hall and hoped that
23 the cleaning crew from the mayor hall would remove it from the
24 street. The mayor, Jean Morose Viliena, asked the cleaning
25 crew to take the trash that Ostanie put in the street and take

1 it back to her yard. The cleaning crew said, "No, we cannot do
2 this," so the mayor took the trash himself and sent them back
3 -- and took them back in Ostanie Mercier's yard, front yard.

4 Q. And what did Jean Morose Viliena do next?

5 A. He arrested Ostanie and took her to Judge Saint Jean
6 Bell's house, and we all followed him.

7 Q. Did you also follow Jean Morose Viliena as he Ostanie to
8 Jean Bell's house?

9 A. Yes.

10 Q. Okay. Can you tell us what happened next?

11 A. David had in his hand a communication radio that he got
12 from his human rights class, and as he was with the radio, the
13 mayor, Jean Morose, and Hautefort Bajon asked him to leave the
14 space as he was right by a little, like, stairs. They asked
15 him to leave the space.

16 Q. Did anything happen to Ostanie or David while at Judge
17 Bell's house before David left?

18 A. After pushing his back so he would go, David finally left,
19 but Ostanie Mercier stayed at the Judge St. Jean Bell's house,
20 and he told David that later on he would come to your house to
21 see you.

22 Q. You mentioned that David was pushed in his back. Who
23 pushed David Boniface?

24 A. The mayor.

25 Q. Earlier in your testimony you said that Jean Morose

1 Viliena and Hautefort Bajon said that they would go to David's
2 house later. Did you interpret that to be a threat?

3 A. Yes.

4 Q. Later on that afternoon, later on that day, did you see
5 Jean Morose Viliena or Hautefort Bajon?

6 A. Yes. I could see a staff of them passing by. Jean Morose
7 Viliena had a gun with him. Hautefort Bajon had a gun with
8 him, and the other guys were with him. They had their baseball
9 cap, like, backward, and they were all heading to David
10 Boniface's house.

11 Q. When you saw Hautefort Bajon and Jean Morose Viliena both
12 with guns headed to David Boniface's house, where were you
13 standing that you saw them?

14 A. My house is five meters to David Boniface's house. From
15 my front porch, I could see everything that was happening
16 there. They asked for David, and as David was not there,
17 Ecclesiaste come out from the house and said that David is not
18 there. And Hautefort Bajon grabbed David and shoot -- grabbed
19 Ecclesiaste, sorry, and shoot Ecclesiaste.

20 Q. When you say that "they asked for David," who asked for
21 David?

22 A. The mayor, Jean Morose Viliena, and Hautefort Bajon. The
23 mayor asked for him with all his staff.

24 Q. You also said that Hautefort Bajon and Jean Morose Viliena
25 went to David Boniface's house with a group of people. How

1 many people were in this group?

2 A. About 20.

3 Q. Were any other people in this group, other than Hautefort
4 Bajon and Jean Morose Viliena, armed with weapons?

5 A. The others had wood stick with them -- wooden stick.

6 Q. What happened once Ecclesiaste Boniface told Hautefort
7 Bajon and Jean Morose Viliena that David Boniface was not
8 there?

9 A. When Ecclesiaste told that David was not there as Hautefort
10 Bajon didn't find David that day, he shot Ecclesiaste.

11 Q. And you saw Hautefort Bajon shoot Ecclesiaste Boniface?

12 A. Yes, the two houses are not far away apart. It's just
13 five meters apart.

14 Q. And what happened once Hautefort Bajon shot Ecclesiaste
15 Boniface?

16 A. One of the group pulled a stone, a rock, and hit, like,
17 the head of Ecclesiaste with it.

18 Q. During the time -- or after Ecclesiaste Boniface was shot
19 by Hautefort Bajon, did he remain standing or did he fall?

20 A. He fall.

21 Q. And where did he fall?

22 A. He fall right in front of his house, on the street.

23 Q. And so after he fell, do you know whether or not he was
24 still alive after being shot?

25 A. While he was on the ground, the other members of the group

1 took the stone and hit him in the head, and that's when he
2 passed away.

3 Q. And earlier you testified that Jean Morose Viliena was
4 with the group that went to the -- David Boniface's house.
5 Where was Jean Morose Viliena when Hautefort Bajon shot
6 Ecclesiaste Boniface?

7 A. He was there. He was face-to-face with them.

8 Q. Did Jean Morose Viliena say anything while this was
9 happening?

10 A. He said, "As we don't find David, let's shoot Ecclesiaste,
11 like, in his place."

12 Q. When Jean Morose Viliena said to shoot Ecclesiaste Boniface
13 in the place of David Boniface, do you know who Jean Morose
14 Viliena was speaking to?

15 A. He was speaking to Hautefort Bajon.

16 Q. And -- and after Jean Morose Viliena made that statement,
17 did Hautefort Bajon shoot Ecclesiaste Boniface?

18 A. Hautefort Bajon? No, Hautefort Bajon shoot him.

19 Q. And did Jean Morose Viliena try to stop the person from
20 dropping the rock on Ecclesiaste Boniface?

21 A. No.

22 Q. Are you related to Juders Yseme?

23 A. Yes. I'm his father.

24 Q. And on April 8, 2008, do you remember seeing Jean Morose
25 Viliena in Les Irois?

1 A. Yes.

2 Q. And where did you see him?

3 A. I saw him in front of the health clinic in Les Irois with
4 a group of guys.

5 Q. And what was he doing with the group of guys that you saw
6 him with?

7 A. He had this group of guys to wait for him, and he took his
8 motorcycle with a fellow called Maxene Vilsaint, and he went to
9 Anse-d'Hainault. After his trip to Anse-d'Hainault, he came
10 back with Maxene Vilsaint with a bag that had guns in it in his
11 back and another bag in front of him on the motorcycle.

12 Q. And you said earlier that you saw him with a group of guys
13 in front of the health clinic. Where were you standing when
14 you saw him with a group of guys in front of the health clinic?

15 A. I was in front of my porch, which was 5 meters away to
16 them.

17 Q. And what happened -- or what did you see when Jean Morose
18 Viliena and Maxene Vilsaint returned?

19 A. One sack on his back and one sack in front of him all have
20 guns.

21 Q. And what did he do with the two -- with the sacks that he
22 had that had guns?

23 A. While he made it in front of the health clinic where the
24 guys were, he distributed guns to all his -- with his group.

25 Q. Did you see Viliena's hand out weapons to the individuals

1 who were standing in front of the health clinic?

2 A. Yes.

3 Q. Do you recall who made up the group of guy -- of people
4 that he handed the guns out to? Do you remember who they were?

5 A. Yes, I recall.

6 Q. And can you tell us the names that you recall?

7 A. Villeme Duclona, Ti Amerikan Beaublan -- Beaublan Meritus.

8 Q. Did you see Jean Morose Viliena give a weapon to Villeme
9 Duclona?

10 A. Yes, he handed out to him a shotgun, 12 gauge.

11 Q. Okay. Now, you mentioned that Ti Amerikan Beaublan and
12 Villeme Duclona had weapons in their hands. What happened
13 next?

14 A. And then the mayor said, "Let's go." His father had a
15 gallon of moonshine with him, and they were both heading to the
16 radio station.

17 Q. And what did Jean Morose Viliena do after saying, "Let's
18 go?"

19 A. When they get in front of the radio station, Nissage was
20 in front of the house, and he was telling them that they cannot
21 get in as he rent the place to the deputy for a radio station.
22 Only the deputy can get in the house. After Nissage told them
23 this, he asked -- he told Villeme to shoot Nissage.

24 Q. And when you say "he told Villeme to shoot Nissage," who
25 is the "he" that you're referring to?

1 A. The mayor, Jean Morose Viliena, told Villeme to shoot
2 Nissage. And as Villeme Duclona was a little bit hesitant, he
3 said, "I ask you to shoot Nissage. I'm here for a mission that
4 you need to follow. I asked you to shoot Nissage."

5 Q. What happened after Jean Morose Viliena told Villeme
6 Duclona to shoot Nissage?

7 A. And after he said this, Villeme shot Nissage.

8 Q. So Villeme Duclona shot Nissage Martyr. What happened
9 next?

10 A. While he shot Nissage, Juders was trying to come to get
11 Nissage and the bullet, like, sprays with different pellets,
12 about 58 of them, that hit Juders.

13 Q. Where did Villeme Duclona shoot Nissage?

14 A. In his leg.

15 Q. And was Nissage standing inside the house or outside?

16 A. It was outside. They pushed him outside, and that's where
17 they shot him.

18 Q. And when you say "they pushed him," who are you referring
19 to as having pushed Nissage?

20 A. One of the guys from the group that was with the mayor.

21 Q. And what happened to Nissage Martyr after he was shot in
22 the leg by Villeme Duclona?

23 A. He fall.

24 Q. You earlier testified that Juders was hit by shotgun
25 pellets. Who shot at Juders?

1 A. Villeme Duclona.

2 Q. And where did Villeme Duclona shoot at Juders Ysemé?

3 A. In his eye, and one of the pellets even make him lose --
4 lost the eye.

5 Q. I'd like to show you a document that has been marked as
6 Exhibit 4. Do you recognize this picture?

7 A. Yes.

8 Q. Please take your time.

9 When you can, can you please tell me what this is a
10 picture of.

11 A. This is a picture of Juders Ysemé.

12 Q. Is this an accurate representation of Juders Ysemé's
13 injury to his eye after being shot?

14 A. He was not like this before. It was after being shot in
15 the eye that he lost the eye like it is in the picture.

16 Q. And when you say that he lost the eye, how did he lose the
17 eye?

18 A. That was when Villeme shot him that one of the pellets get
19 to his eye. And I have gone to different hospital with him,
20 but after all that I tried, he still lost the eye.

21 Q. And you mentioned that you took Juders to the doctor.
22 Where did -- what doctor did you take him to?

23 A. The same day I took him to Anse d'Hainault and later on I
24 took him to Brenda Hospital in Les Cayes.

25 Q. What happened at the hospital in Les Cayes?

1 A. They took him as an inpatient, and they keep him -- they
2 kept him in the hospital, and they gave him some medicine, and
3 then they asked me to come back after 15 days.

4 Q. And so was Juders in the hospital as an inpatient for 15
5 days?

6 A. Yes.

7 Q. And did you visit him at the hospital during that time?

8 A. I went with him.

9 Q. And did you stay with him at the hospital?

10 A. Yes, I stayed with him. And after 15 days, they let him
11 go home, but when I saw that the eye was still not working, I
12 came back to the hospital.

13 Q. And during this time while he was being treated, who
14 covered the cost of treatment?

15 A. Myself.

16 Q. And how much did it cost to treat Juders while he was at
17 the hospital in Les Cayes?

18 A. About 6- to 7,000 Haitian dollars.

19 Q. And was there a fee associated with Juders's treatment
20 when he was in Anse d'Hainault?

21 A. Yes.

22 Q. And who covered the cost of his treatment in the hospital
23 at Anse d'Hainault?

24 A. Myself.

25 Q. And how much did that cost?

1 A. 1,500 Haitian dollars.

2 Q. After Juders was released from the hospital in Les Cayes
3 after 15 days, what happened next?

4 A. After the 15 days that he was released and I noticed that
5 the eye was still not okay, so I had an appointment for later.
6 I went back with him, and he stayed another eight days at the
7 hospital.

8 Q. And did you also cover the cost of his stay at the
9 hospital for the eight days?

10 A. Yes.

11 Q. And how much was the cost of treatment for the eight days?

12 A. 2,700 Haitian dollars.

13 Q. And did -- during this time while he was at the hospital,
14 did he have to take any medication?

15 A. Yes, he had medications to take.

16 Q. And who covered the cost of his medication?

17 A. Myself.

18 Q. And in total for his treatment from when he was in Anse
19 d'Hainault and his two visits in Les Cayes, what is the cost of
20 medication that you have spent that you have -- what is the
21 full amount of money that you have spent on medication costs
22 for Juders?

23 A. I didn't really count, but I would say it was
24 approximately 15,000 Haitian dollars.

25 Q. And the 15,000 Haitian dollars that you're referencing,

1 does that include the cost of the hospital stay?

2 A. Not including the one in Anse d'Hainault.

3 Q. Okay, but that includes the stay in Les Cayes?

4 A. Yes.

5 Q. And how did your son's injury impact you?

6 A. It makes me really sad. Sometimes I just look at him, and
7 I cry because when this happened, he was not finished with his
8 high school studies.

9 Q. Were you living in Les Irois in October of 2009?

10 A. Yes.

11 Q. And where were you in the afternoon of October 29, 2009?

12 A. I was at home.

13 Q. What happened?

14 A. So this afternoon, there were firing houses in my
15 neighborhood, and I was there on my porch. There was a group
16 of young men. So once they approached over my house, they
17 said, "What are you doing here? Don't you see that we are
18 sparkling fire in the houses?"

19 So once they said this, I took all my children. So I ran
20 out the house with them, and I asked them to go away, and I
21 climbed a mango tree to watch what they were doing.

22 Q. And what did you see after you climbed the mango tree?

23 A. So while I was on the mango tree, I heard them talking on
24 the phone. They asking the mayor, "what should we do?" And the
25 mayor was indicating them which houses that they have to put

1 fire in.

2 Q. And how do you know that they were talking to the mayor?

3 A. I heard them mentioning "Mayor Jean Morose Viliena, we
4 don't hear you well, what do you -- what do you say? What is
5 your order?"

6 Q. And what happened next?

7 A. So after that, I saw them putting fire in my house. So I
8 climbed down the mango tree, and I ran away to meet the
9 children where they were hiding. And I took the children. I
10 go -- I go through the gardens to the countryside areas and I
11 went to Anse d'Hainault to the house of the Deputy.

12 Q. And how long did you stay at the Deputy's house in Anse
13 d'Hainault?

14 A. So five days later, the Deputy asked for police backup for
15 the -- to reply to those guys that were burning houses. They
16 burned about 36 houses, and the five days later, I could visit
17 with my house was.

18 Q. What did you see when you visited where your house was?

19 A. I visited, and I could see nothing. Everything was
20 totally burned down, and they burned my house and other houses.
21 There was a total of 36 houses that were burnt, and we -- we
22 went to the Deputy's house.

23 Q. How long after you visit -- so after you visited the house
24 that had been burnt down, did you go back to the Deputy's
25 house?

1 A. Yes. I went back to the Deputy's house because the area
2 was not safe enough for us to be back.

3 Q. And why do you say that the area was not safe for you to
4 be back?

5 A. Because it is Jean Morose Viliena who was leading all
6 those actions and his partisans were there doing all this. So
7 we didn't want them to kill us.

8 Q. Did you rebuild your house?

9 A. Yes. When I was back, I rebuilt my house."

10 MR. HALEY: Your Honor, I have some
11 counter-designations. I'm going to read those.

12 THE COURT: Okay. So counter-designations, they play
13 the part of the deposition they want to play and this is the
14 cross-examination, the parts of the deposition that he wants to
15 play. Instead of playing it, he's going to read it to you.

16 MR. HALEY: Counsel and for the benefit of the
17 interpreter, I'm on page 80, line 11.

18 Q. And you testified, I believe, that Ostanie's house was
19 five meters away from your house, is that correct?

20 A. Yes.

21 Q. And did you hear what took place at Ostanie's house on
22 that day?

23 A. Yes.

24 Q. Where were are you standing?

25 A. I was standing on the porch of my house. And when I see

1 the people gathering, so I get closer to hear and to see what
2 was happening."

3 I'm now on page 82.

4 Q. "And later that day you saw the mayor pass by your house,
5 is that correct?

6 A. Yes.

7 Q. And was he driving or walking bay?

8 A. He was walking with his compatriots.

9 Q. And how far away from you was he?

10 A. 15 meters.

11 Q. And that was in the street in front of your house?

12 A. Yes.

13 Q. And is Ostanie's house on the same side of the street as
14 your house at the time, or is it across the street from your
15 house?

16 A. Ostanie's house was on the same side of the street as my
17 house and the radio is across the street."

18 I'm now on page 83, line 17.

19 Q. "And you testified earlier that Ecclesiaste Boniface's
20 house was five meters away from your house, is that correct?

21 A. Yes.

22 Q. And was that on the same side of the street as your house
23 or on the other side of the street?

24 A. Same side.

25 Q. And it was immediately adjacent to your house, right next

1 to your house, or was there a house in between your house and
2 Ecclesiaste Boniface's house?

3 A. Their house is in between. And after that, it's
4 Boniface's house.

5 Q. And how many houses in between your house and the Boniface
6 house?

7 A. Only one house in between. When I have to go to
8 Boniface's house, I have to pass that house. And when Boniface
9 has to come to my house, he has to do the same thing.

10 Q. And there were around 20 people with the mayor, is that
11 correct?

12 A. Yes.

13 Q. And did you -- when you heard the confrontation between
14 the mayor and Ecclesiaste Boniface's house, where were you
15 standing?"

16 The interpreter asked me to repeat the question. I
17 said, "Sure."

18 Q. "When -- you testified earlier that you heard a
19 conversation between the mayor and Ecclesiaste Boniface. My
20 question is where were you standing when you heard that
21 conversation?

22 A. I was in front of the house of the Judge Saint Bell.

23 Q. How far away is the Judge's house from the Boniface house?

24 A. It's somehow a long -- a long distance. I think it's 25.

25 Q. And how many people were standing in between you and the

1 mayor at the time you heard this conversation?

2 A. Is it in the house of Judge Saint Bell?

3 Q. No. I'm now talking about the conversation between the
4 mayor and Ecclesiaste Boniface's house -- at the Boniface house
5 that you testified earlier that you -- that you heard.

6 And my question is, when you heard that conversation, how
7 many people were standing in between you and the mayor?"

8 THE COURT: Slow down.

9 THE INTERPRETER: Excuse me. This is the interpreter.
10 I was not able to interpret anything. You're going so fast.

11 MR. HALEY: I'm at the top of page 85, line 1.

12 Q. How far away is the Judge's house from the Boniface house?

13 A. It's somehow a long -- a long distance. I think it's 25.

14 Q. And how many people were standing in between you and the
15 mayor at the time you heard this conversation?

16 A. Is it in the house of Judge Saint Bell?

17 Q. No, I'm now talking about the conversation between the
18 mayor and Ecclesiaste Boniface's house -- at the Boniface house
19 that you testified earlier that you -- that you heard.

20 And my question is, when you heard that conversation, how
21 many people were standing in between you and the mayor?

22 A. Is it at the -- when they kill Ecclesiaste, or is it at
23 Judge Saint Bell's house?

24 Q. No, the conversation that took place before Ecclesiaste was
25 killed, before he was shot.

1 A. So before the mayor and Hautefort Bajon said to him that
2 they were going to come for him later on that day and he had a
3 radio had his hand and we were at the -- at Judge Saint Bell's
4 house, he said to David Boniface that later on today he will
5 come for him.

6 Q. Did you see Ecclesiaste Boniface get shot; is that your
7 testimony?

8 A. Yes.

9 Q. And did you hear anything that Jean Viliena said to
10 Ecclesiaste Boniface before the shooting?

11 A. Yes.

12 Q. And where were you standing when you heard that?

13 A. So at Judge Saint Bell's house, he told David Boniface
14 that they were going to come for him later on. And later that
15 day, he went to David Boniface's house. They didn't -- he
16 didn't find him and he called Ecclesiaste Boniface.

17 Q. Did you hear anything that the mayor said to Ecclesiaste
18 Boniface?

19 A. So they called David Boniface at his house. He was not
20 there, and they called Ecclesiaste Boniface. So when he got
21 out, the mayor said to -- authorized him to shoot Ecclesiaste
22 Boniface because they didn't find David Boniface.

23 Q. And when you heard the mayor say that, what words did the
24 mayor use and who did he speak them to?

25 A. So he was speaking to his staff or speaking to Hautefort

1 Bajon, his staff.

2 So I'm -- so their house is just over there, and my house
3 is just right there. So I couldn't hear everything they were
4 saying.

5 Q. And were you at your house when you heard this?

6 A. Yes.

7 Q. And was the mayor facing Ecclesiaste Boniface when he said
8 this?

9 A. Yes.

10 Q. So his back was to you?

11 A. Yes, but by my side.

12 Q. And there was a house in between your house and Ecclesiaste
13 Boniface's house; correct?

14 A. Yes.

15 Q. At the time of the confrontation -- at the radio station
16 in April 2008, you saw the mayor at the health clinic, is that
17 correct?

18 A. Yes.

19 Q. And the health clinic, you testified, is five meters from
20 your house, is that correct?

21 A. Yes.

22 Q. And are the -- is the health clinic immediately next to
23 your house? Is it adjacent to your house?

24 A. Where are you talking about? Is it where the guys stood?

25 Q. No. My question is, you testified that you heard or

1 observed a -- the mayor at the health clinic on April 8, 2008,
2 and that the health clinic was five meters away from your
3 house. Is that what your testimony was earlier? Is that
4 accurate?

5 A. Yes.

6 Q. Okay. So is the health clinic right next door to your
7 house or are there houses in between your house and the health
8 clinic?

9 A. Nissage house is in between my house and the health
10 clinic.

11 Q. And is Nissage's house the house where the radio station
12 was at?

13 A. Yes.

14 Q. Was Nissage's house right next to your house?

15 A. No, it's across the street on the other side. Ostanie's
16 house is -- it's on the same side with my house."

17 The interpreter said, "Interpreter's correction. And
18 Boniface's house.

19 Q. And when you heard the confrontation at the radio station,
20 where were you standing?

21 A. On the porch of my house.

22 Q. How many people were gathered at the radio station? Was
23 there a crowd there?

24 A. Yes, there was a crowd.

25 Q. And was the crowd making noise? Were they yelling and

1 shouting?

2 A. Yes.

3 Q. And you were standing on the porch of your house, is that
4 correct?

5 A. Yes.

6 Q. And you heard the mayor say something, is that correct?

7 A. Yes, I heard him say, "Villeme, shoot Nissage."

8 Q. And was the mayor facing you when he said that, or was his
9 back to you?

10 A. It was crazy to me when they said this because the radio
11 just across the street, like, right in front of my house.

12 Q. And was -- when Nissage was shot, was he standing in the
13 doorway of his house of the radio station?"

14 I'm going to omit the objection.

15 A. "He was inside the house. And when Jean Morose Viliena
16 was trying to get inside the radio, they pushed him.

17 Q. And his house -- Nissage's house is across the street from
18 your house?

19 A. Yes. He's on the side of the street, and I'm on another
20 side.

21 Q. And Nissage was in the doorway of the radio station? He
22 was coming out of the radio station?

23 A. Yes.

24 Q. And the -- there was a gunshot from a shotgun, is that
25 correct?

1 A. Yes.

2 Q. And how many shots where are there?

3 A. There was -- the shot was from a 12 gauge shotgun.

4 Q. How many times was the 12 gauge shotgun fired?

5 A. Two times. They shot twice. And one bullet hit Nissage,
6 and the other bullet hit Juders.

7 Q. And you testified earlier that there were 58 pellets in
8 the shotgun shell. Did you count the pellets?

9 A. This is what the nurse took out from Juders's body. So I
10 counted them.

11 Q. And the nurse removed 58 pellets from Juders, is that your
12 testimony?

13 A. Yes, and one hit his eye.

14 Q. One hit his heart, is that what you said?

15 A. His eye. Eye.

16 Q. Eye, eye. Thank you. I apologize.

17 In October of 2009, you testified that you heard people
18 talking on the phone to Jean Morose Viliena prior to your house
19 and others being burned. And how was it that you knew they
20 were talking to Jean Morose Viliena?

21 A. So they were talking on the phone, and they said okay --
22 "I don't hear you well, mayor Jean Morose Viliena. Can you
23 repeat yourself, mayor?" And this is how I knew they were
24 talking to the mayor, Jean Morose Viliena.

25 Q. And so they said on the phone "I can't hear you, mayor

1 Jean Morose -- Morose Viliena?"

2 A. Yes.

3 Q. And when you heard this, you -- at this point you had
4 climbed up into a tree, is that correct?

5 A. Yes.

6 Q. And where were the people standing who were having the
7 phone conversation in relation to the tree?

8 A. They were in front of my house. They were those guys who
9 threatened me. And after that, I asked to my kids to run away,
10 and myself, I climbed up the mango tree.

11 Q. Were they right underneath the mango treat when they were
12 having this conversation or were they some place further way
13 from the tree?

14 A. They were standing in front of my house, and I was on the
15 mango tree, which is in the -- behind the house.

16 Q. And you couldn't hear what -- you couldn't hear what the
17 other person on the phone said to them at all, is that right?

18 A. So I heard them -- I heard them saying "Mayor Jean Morose
19 Viliena, I don't hear you well," and this is when -- at this
20 point that I knew that they were talking to mayor Jean Morose
21 Viliena.

22 Q. But you could not hear what mayor Jean Morose Viliena said
23 to them on the phone, correct?

24 A. Yes.

25 Q. Yes, you couldn't hear it. You only heard one side of the

1 conversation. Is that your testimony?

2 A. Yes."

3 MR. HALEY: That is the end of my designation.

4 THE COURT: Next witness.

5 MS. VANDERVALK: Your Honor, plaintiffs call Vilfranc
6 Larrieux.

7 VILFRANC LARRIEUX, sworn

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

10 THE WITNESS: Larrieux Vilfranc, L-a-r-r-i-e-u-x,
11 Vilfranc, V-i-l-f-r-a-n-c.

12 DIRECT EXAMINATION BY MS. VANDERVALK:

13 Q. Good afternoon, Mr. Larrieux.

14 A. Thank you.

15 Q. Mr. Larrieux, where did you grow up?

16 A. Les Irois.

17 Q. Did you live in Les Irois between 2007 and 2009?

18 A. Yes.

19 Q. Do you know the defendant Jean Morose Viliena?

20 A. Yes.

21 Q. How do you know him?

22 A. He was the mayor of the city.

23 Q. What city are you referring to?

24 A. Les Irois.

25 Q. Do you know when he was the mayor of Les Irois?

1 A. 2006.

2 Q. Do you know what time he served as mayor until?

3 A. He first served a term when he was elected in 2006. Then
4 he, under President Martelly, they placed him as an entering
5 mayor until 2012. So 2006 to 2012.

6 Q. When Defendant Viliena was a mayor of Les Irois, did you
7 work for the town of Les Irois?

8 A. Yes.

9 Q. What did you do for the town of Les Irois?

10 A. I was -- I worked for the department of what we call
11 agriculture and I was a social organizer for community based
12 organizations and I was a human rights advocate in Les Irois
13 and I also was -- I oversaw literacy program in Les Irois in
14 Anse d'Hainault and Dame-Marie. And also I was a member of the
15 civil protection unit, the agency for Les Irois.

16 Q. What were the responsibilities of the civil protection
17 unit?

18 A. The role of the civil protection agency Les Irois was to
19 educate the population through diverse trainings. We hold
20 activities, social activities, in the town, and also to alert
21 when there's a disaster, catastrophe, before, during and after.

22 Q. Were there other members of the civil protection unit in
23 Les Irois?

24 A. Yes.

25 Q. How many members?

1 A. Between 25 and 30 members.

2 Q. And who did the civil protection unit report to?

3 A. The mayor of the city, Jean Morose Viliena, who was the
4 coordinator since he was the mayor.

5 Q. Were you paid to be a civil protection officer?

6 A. No. I was volunteering.

7 Q. In your role as a civil protection officer, did Defendant
8 Viliena ask you to take any action related to New Vision Radio?

9 A. Not to me personally, but in a meeting he held with the
10 administrative of the civil protection agency, he had requested
11 that we take the radio in charge.

12 Q. Did you attend this meeting?

13 A. Yes.

14 Q. And what do you mean when you say "take the radio in
15 charge?"

16 A. Because the radio had a group, an administrative group,
17 already taking care of it, the mayor, as coordinator of the
18 civil protection office, had asked and, as coordinator, he had
19 asked that the radio becomes under the civil protection agency.

20 Q. And did the civil protection action agency agree to take
21 control of the radio station?

22 A. No.

23 Q. Why not?

24 A. The members of the civil protection agency had said, since
25 there's already a group in charge of the radio station, rather

1 than taking over the radio, it would be best if they just
2 create another radio station for the city.

3 Q. Did the civil protection office take any other action
4 related to the radio station?

5 A. Yes.

6 Q. What did it do?

7 A. The -- we made two proposals to the mayor. The first one
8 was to create another radio station. The second one was to
9 create a three member commission to see if they can negotiate
10 between the deputy Orelie and Viliena with regards to coming
11 to a common ground with regards to the radio station.

12 Q. And was that commission ever created?

13 A. Yes.

14 Q. And who was on that commission?

15 A. Me personally, Vilfranc Larrieux, Plrre Polgelain, Valiar
16 Vilsaint.

17 Q. What did you do as part of that commission?

18 A. Quickly after the meeting, we had contacted deputy Orelie
19 over the phone.

20 Q. And what happened after you contacted deputy Orelie over
21 the phone?

22 A. The same day the radio show was airing a show and deputy
23 Orelie had taken that opportunity to get on the air and send
24 an invitation to mayor Viliena.

25 Q. Were you listening the day this was broadcast over the

1 air?

2 A. Yes. The whole population was listening to the radio show
3 while it was airing.

4 Q. And what happened after deputy Orelie made this
5 invitation?

6 A. The mayor Viliena replied to the deputy.

7 Q. Replied how?

8 A. They were having an argument. There were conflicts on the
9 radio show.

10 Q. Could you hear Defendant Viliena on the radio as well?

11 A. Yes. He was on the air.

12 Q. And how did the call end?

13 A. They finish with they were still arguing.

14 Q. Mr. Larrieux, did you ever have an opportunity to speak on
15 the radio?

16 A. Yes.

17 Q. What did you speak about?

18 A. I had a presentation on civic education aired on the
19 radio.

20 Q. Did you ever speak about Defendant Viliena on the radio?

21 A. Yes.

22 Q. What did you say?

23 A. A member of the civic protection agency, I alerted the
24 population to let them know that the radio station was a
25 community radio station for the people.

1 Q. And what did you say about Defendant Viliena?

2 A. I explained to the population that the mayor, Jean Morose,
3 had no right to take over the radio station because it was the
4 people's radio station.

5 Q. Was any action taken against you after your broadcast?

6 A. Yes.

7 Q. What happened?

8 A. The next day I was with Rodane Marc on a motorbike.

9 Q. And what happened next?

10 A. The mayor with his group of gang, they had stopped the
11 motorcycle.

12 Q. And then what happened?

13 A. They had asked that Rodane Marc leave with the motorcycle,
14 and they had me get off the motorcycle. Now I was on foot.

15 Q. What happened after that?

16 A. Quickly after the group of gang, they charged against me
17 and they started beating me up, slapping me, and beating me all
18 over my body.

19 Q. Were you able to recognize who was beating and slapping
20 you?

21 A. Yes.

22 Q. Who was it?

23 A. There were a crowd of 25 of them approximately.

24 Q. And did you recognize any of them?

25 A. Yes.

1 Q. Who did you recognize?

2 A. While they were beating me up, Ms. Oxcell was screaming
3 and I went to take refuge at her house.

4 Q. Before you took refuge while you were being beaten, did
5 you recognize any of the individuals that were beating you?

6 A. In particular, it was Pierrot Boileau who was hitting me
7 and slapping me. He hit me all over my body.

8 Q. Was Defendant Viliena there while you were being beaten?

9 A. Yes.

10 A. He was pacing back and forth on the porch while he looked
11 quite happy that his henchman was beating me up.

12 Q. Could Defendant Viliena see you from his location?

13 MR. HALEY: Objection.

14 A. Yes.

15 THE COURT: Basis?

16 MR. HALEY: Competency.

17 THE COURT: Yes. I'm sorry. That's sustained. He
18 doesn't know what the defendant could see.

19 Q. Could you see Defendant Viliena from where you were being
20 beaten?

21 A. I took refuge at the house. I was against the wall when
22 Ms. Modoxil Oxcell and Maxeme Yfen, they push me all the way
23 inside the house.

24 Q. Before you got into the house from the location where you
25 were being beaten, could you see Defendant Viliena from that

1 location?

2 A. Yes.

3 Q. You said that Modoxil Oxcell brought you into the house.
4 What happened after that?

5 A. Maxeme Yfen then stood in front of the front door of the
6 house, the entrance, to prevent the group of gangs from getting
7 me from inside the house.

8 Q. Then what happened?

9 A. The mayor, while inside the house, the mayor Jean Morose
10 was still outside going back and forth. There was a citizen, a
11 community member, an elderly, went by and said to the mayor,
12 whatever happened to me, they would know that he's responsible
13 for it.

14 Q. Did Defendant Viliena do anything after that?

15 A. Yes.

16 Q. What happened?

17 A. Right after that mayor Jean Morose Viliena came closer to
18 where I was and said to me that I could leave to go home, but I
19 didn't listen to what he said because I didn't feel safe to
20 take the street and get out from where I was taking refuge.

21 Q. I want to talk to you about the day that New Vision Radio
22 was attacked.

23 Were you in Les Irois that day?

24 A. Yes.

25 Q. Did you see Defendant Viliena that day?

1 A. Yes.

2 Q. Where did you first see him?

3 A. In the afternoon.

4 Q. Where did you first see him?

5 A. At the station in Les Irois, the bus station in Les Irois.

6 Q. And where were you when you saw him?

7 A. I was at the bus station as well.

8 Q. When you were at the bus station and saw Defendant Viliena
9 at the bus station, what was he doing?

10 THE INTERPRETER: I'm sorry. This is the interpreter.
11 May I please ask for a repeat. Is it what he was doing or what
12 the defendant doing.

13 MS. VANDERVALK: What the defendant was doing.

14 A. He came from the -- he was heading -- he came from the
15 Anse-d'Hainault area, and he had a bag in front of him, and he
16 was on a motorcycle.

17 Q. What happened after that?

18 A. His crew was already on the location. Looks like they
19 were waiting for him.

20 Q. You said his crew. How many people were there waiting for
21 him?

22 A. Many of them.

23 Q. Were you able to identify any of the individuals in this
24 crew?

25 A. Yes, I did. There were.

1 Q. Who were you able to identify?

2 A. The -- I was able to identify mayor Jean Morose Viliena
3 handing over a 12 gauge gun to Villeme Duclona, and they were
4 accompanied by Ti Amerikan.

5 Q. Anyone else that you recognized in that crew?

6 A. Yes.

7 Q. Who else?

8 A. I saw Benicoit Bell, Jean-Pierre was there, and Isme
9 Frantz was there.

10 Q. You said Defendant Viliena handed a gun to Villeme
11 Duclona. Did you see what type of gun it was?

12 A. Yes.

13 Q. What type was that?

14 A. It was a 12.

15 Q. Did you see who else he handed guns to?

16 A. Yes.

17 Q. Who else?

18 A. Ti Amerikan. He handed over a gun to Ti Amerikan, but he
19 also had a gun.

20 Q. Who also had a gun?

21 A. The mayor Jean Morose.

22 Q. After Defendant Viliena handed out guns, what happened
23 next?

24 A. The crowd started moving in the direction of the radio
25 station.

1 Q. And what did this crowd look like?

2 A. They were protesting and shooting in the air.

3 Q. And what did you do when you saw this?

4 A. I went in and took shelter inside the health clinic for my
5 safety.

6 Q. How long were you in the health clinic?

7 A. I spent a long time in there because the crowd was
8 immense.

9 Q. What's the next thing you recall happening at the health
10 clinic?

11 A. While I was at the health clinic, they had brought
12 Mr. Martyr Nissage and Juders Yseme because they got shot.

13 Q. What did Juders look like when he arrived at the health
14 clinic?

15 A. Drenched in blood. He was bathing in blood, and so was
16 Nissage.

17 Q. What was the scene at the health clinic when they arrived?

18 A. We saw Nissage's family and Juders's family. They were
19 screaming.

20 Q. What happened to Juders and Nissage after they arrived?

21 A. They give them -- they took care of them, give them
22 medical care.

23 Q. Did they stay at the health clinic?

24 A. They were transferred to Jérémie.

25 Q. Why were they transferred to Jérémie?

1 MR. HALEY: Objection.

2 THE COURT: You have to lay a foundation for that.

3 Q. To your knowledge, was Nissage Martyr hospitalized for his
4 injuries?

5 A. Yes.

6 Q. Did you visit Nissage in the hospital?

7 A. Yes.

8 Q. Did you visit him after he had his leg amputated?

9 A. Yes.

10 MS. VANDERVALK: Your Honor, permission to publish
11 previously admitted Exhibit 3.

12 THE COURT: Yes.

13 Q. Does this photo fairly and accurately show how Nissage
14 Martyr looked after his leg was amputated?

15 A. Yes.

16 Q. And how did you feel seeing Nissage like this in the
17 hospital?

18 A. I was horrified and saddened and I knew it could have been
19 me because I got attacked before Nissage.

20 MS. VANDERVALK: I'm all set with Exhibit 3. Thank
21 you.

22 Q. Mr. Larrieux, did you ever try to testify in Haiti about
23 what you saw the day that Juders and Nissage were shot?

24 A. Yes.

25 Q. And where did you go to testify?

1 A. At the court in Jérémie.

2 Q. And were you able to reach the courthouse in Jérémie that
3 day?

4 A. No.

5 Q. Can you describe what happened on your way to Jérémie.

6 A. On our way to the court in Jérémie, that area is under the
7 authority of mayor Georges Simon Joe, who is affiliated with
8 mayor Jean Morose Viliena and part of the KOREGA platform.
9 They had barricaded the road preventing people from reaching
10 Jérémie.

11 MR. HALEY: Objection. Move to strike.

12 THE COURT: Basis?

13 MR. HALEY: I'm sorry, Your Honor. Foundation and
14 non-responsive.

15 MS. VANDERVALK: I'm going to fill in some of the
16 details.

17 THE COURT: You need to lay a foundation for that.

18 Q. Who is Georges Simon?

19 A. Georges Simon is the mayor of Anse-d'Hainault.

20 Q. Did you ever see Georges Simon with Defendant Viliena?

21 A. Yes.

22 Q. What were they doing when you saw them together?

23 A. They were under the same banner, political banner,
24 campaigning for former president vie all.

25 Q. Did you ever see Defendant Viliena and Georges Simon

1 together as part of Defendant Viliena's campaign for mayor in
2 2006?

3 A. Yes.

4 Q. Now, you mentioned on your way to Jérémie you hit a
5 barricade. Can you describe what that looked like.

6 INTERPRETER: This is the interpreter speaking. May I
7 ask him to repeat, Your Honor?

8 THE COURT: Yes.

9 A. When they placed the barricade, on our way, to stop us
10 from getting to Jérémie, they were throwing rocks at us and the
11 car I was in. We had to make a U-turn and go back to the
12 precinct Anse d'Hainault.

13 Q. And where was this barricade located?

14 A. The lower area. The headquarters, the area for mayor
15 Georges Simon.

16 THE COURT: How much more do you have left on direct?

17 MS. VANDERVALK: Maybe 10 minutes.

18 THE COURT: Time for the afternoon break. Do you want
19 to take it?

20 MS. VANDERVALK: I can wrap it up.

21 THE COURT: You can finish before the break if it's
22 another ten minutes or you can finish after the break.

23 MS. VANDERVALK: I'd like to do it before the break.

24 THE COURT: Okay. Go ahead.

25 Q. Did you ever make it to Jérémie that day to testify?

1 A. No.

2 Q. Why not?

3 A. It was the officers at the Anse-d'Hainault for this
4 precinct that delegate for that department and the director of
5 the police force who made up a team to come and get us so we
6 can get protected.

7 Q. And what happened after that police force came?

8 A. On our way there to testify, we then learned that they
9 gave us a continuance and we had to go back to Les Irois.

10 Q. Did anything unusual happen on your way back to Les Irois?

11 A. Yes.

12 Q. What happened?

13 A. The car dropped us off in the area of Dame-Marie. It was
14 around ten p.m.

15 Q. What happened after you were dropped off in Dame-Marie?

16 A. We got off in Dame-Marie by foot walking towards Les
17 Irois.

18 Q. And did anything happen on your walk back to Les Irois?

19 A. Yes.

20 Q. What happened?

21 A. We reached Anse-d'Hainault. It must have been around
22 midnight.

23 Q. Keep going, please.

24 A. There was two paths, one path that's taken by the cars,
25 and another secondary path. While we were on the path for the

1 cars, we heard on the second path the motorcycle riding on that
2 path. Once we got to the area called Labouche, which is part
3 of Anse d'Hainault, the motorcycle was riding right towards us.
4 The headlight of the motorcycle flashes bright on us and the
5 person riding the motorcycle was shooting in the air. Those of
6 us who were walking, we just scattered in the bushes, yes.

7 Q. You said this happened in Labouche in Anse d'Hainault. Is
8 that the same location where the barricade was earlier that
9 day?

10 A. Yes.

11 Q. How did you feel after having rocks thrown at you and
12 being shot at all in one day?

13 INTERPRETER: This is the interpreter speaking. Can
14 you repeat that, please.

15 Q. How did you feel after having rocks thrown at you and
16 being shot at all in one day?

17 A. I was really scared.

18 Q. Did you ever go back to Jérémie to testify?

19 A. Yes.

20 Q. Why did you do that?

21 A. Firstly, in defense of myself, I had to go back and,
22 secondly, in defense of the victims, I had to go back, and in
23 addition, to defend the population where I live.

24 MS. VANDERVALK: I pass the witness.

25 THE COURT: Let's take a break and come back at 2:30.

1 THE CLERK: All rise for the jury.

2 (Jury exits the courtroom.)

3 MR. HALEY: My cross-examination is going to be
4 remarkably brief. I'm not sure we have other witnesses after
5 that.

6 THE COURT: Isn't there one more video deposition?

7 MS. LAU: We were going to run the video deposition
8 this afternoon.

9 MR. HALEY: Is that Laguerre?

10 MS. LAU: Yes, Laguerre.

11 THE COURT: How long is that?

12 MS. VANDERVALK: 32 minutes.

13 MR. HALEY: Are you ready to cross on that?

14 MR. HALEY: Yeah, but don't we have objections
15 unresolved on that?

16 THE COURT: How many? He can take a break. Can I
17 rule on the objections in the next 15 minutes?

18 MS. VANDERVALK: I don't know offhand.

19 MR. HALEY: They're not particularly short. I have
20 them.

21 Counsel, I was going to approach the Court and give
22 them a copy of my letter that lists the objections.

23 MS. VANDERVALK: Yes. Thanks.

24 MR. HALEY: Your Honor?

25 THE COURT: Yes. Come on up. Does someone have the

1 deposition?

2 MS. LAU: Yes, Your Honor.

3 THE COURT: Do you have any objections to the
4 counter-designations?

5 MS. VANDERVALK: I don't believe so. Maybe if we
6 could have the break to get our ducks in a row.

7 THE COURT: To look at his counter-designations or to
8 read the deposition?

9 MS. VANDERVALK: To look at the objections.

10 THE COURT: His objections.

11 MS. VANDERVALK: Yes.

12 THE COURT: But I can look at his objections.

13 MS. VANDERVALK: Yes.

14 THE COURT: That's great.

15 MS. VANDERVALK: Thank you, Your Honor.

16 THE COURT: Go ahead. Take your break.

17 (Recess, 2:16 - 2:27 p.m.)

18 THE COURT: Mr. Haley, as I was ruling on these
19 objections, I told them you were a man of few objections but
20 generally right. I started to rule on them all. I sustained
21 your objections on everything on page 11 through 15. I
22 overruled the objection on page 18, and after that, they have
23 told me that the only one from 21 forward that they were still
24 looking to use is page 24, lines 5 and 6, and I'm letting them
25 have that. Then I stopped ruling because they said they had

1 already taken everything else out after getting your
2 objections.

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

4 THE COURT: I'll try to pay attention to it as we're
5 going in case there's anything anyone -- can I keep this copy
6 of the deposition or do you need it? Or I'll give it back and
7 somebody else can keep track of it.

8 MS. VANDERVALK: You can keep it.

9 THE COURT: If somebody's going to keep track of the
10 objections.

11 THE CLERK: All rise for the jury.

12 (Jury enters the courtroom.)

13 THE CLERK: You may be seated.

14 THE COURT: So Maria is the new Karen for the
15 afternoon. Kristin is the new Kelly every afternoon.

16 Karen's son is in the state basketball championships.
17 He doesn't really play a lot of basketball. He's sort of not
18 that great, but he's really a great soccer player, and they
19 made the state tournament and she missed it because we had
20 another trial. So she's not going to miss the basketball even
21 though it would have been more interesting to watch the soccer.
22 So Maria is with us.

23 Are you ready, Mr. Haley?

24 MR. HALEY: Yes, Your Honor.

25 CROSS-EXAMINATION BY MR. HALEY:

1 Q. Mr. Larrieux, who paid for your travel here to testify at
2 court?

3 A. My attorneys did.

4 Q. And you were not present when Ecclesiate Boniface was
5 killed, is that correct?

6 A. I was at the health clinic.

7 Q. But you didn't see what happened to him when he was shot,
8 did you?

9 A. No. I didn't see.

10 Q. In the fires of October 2009, your house did not burn
11 down?

12 A. No.

13 Q. And on April 8, 2008, the shooting at the radio station,
14 you observed that Juders and Nissage were shot while they were
15 inside the radio station; is that correct?

16 A. I was in hiding at the health clinic.

17 Q. So did you observe when they were shot?

18 A. No, I did not. I was at the health clinic then.

19 MR. HALEY: I don't have anything further, Your Honor.

20 THE COURT: Redirect?

21 MS. VANDERVALK: No, Your Honor.

22 THE COURT: You're excused.

23 THE WITNESS: Thank you.

24 THE COURT: Next witness, please.

25 MS. VANDERVALK: Plaintiffs present the testimony of

1 Jean Denais Laguerre by videotape deposition.

2 (Video deposition testimony played. Transcript text
3 below.)

4 Q. "Good morning, Mr. Laguerre.

5 A. Good morning.

6 Q. Would you please state your full name for the record.

7 A. Yes.

8 Q. Can you give us -- thank you.

9 A. So the first name is Jean Denais and the last name is
10 Laguerre.

11 Q. Are you familiar with a town in Haiti called Les Irois?

12 A. Yes, this is where I live.

13 Q. When did you first start living in Les Irois?

14 A. Since October 1976.

15 Q. Do you know Les Irois well?

16 A. Yes.

17 Q. Do you know Jean Morose Viliena?

18 A. Yes.

19 Q. How do you know him?

20 A. He is -- because he is from Les Irois. He was the mayor
21 of Les Irois. He was a teacher and also the principal of a
22 school in Les Irois.

23 Q. Who won the 2006 election for mayor in Les Irois?

24 A. Mayor Jean Morose.

25 Q. Could you give us the names of the individuals who worked

1 with Viliena as part of his mayoral staff?

2 A. Yes.

3 Q. Please do.

4 A. Okay. So the three -- some people who were just right
5 after the three members of the mayor council is Hautefort
6 Bajon. He is the director of the mayor hall. There was Agnel
7 Jean.

8 Q. Any others?

9 A. There was Benicoit Bell, Lifaite Livert, Michelet Noel.
10 There was Meritus Beaublanc, aka Ti Amerikan, Pierrot Boileau,
11 just to mention only those names. Four.

12 Q. I want to now ask you questions about the killing of
13 Ecclesiaste Boniface. Were you still living in Les Irois in
14 July of 2007?

15 A. Yes.

16 Q. Do you remember where you were on the morning of July 27,
17 2007?

18 A. I was in Les Irois.

19 Q. Did you see Jean Morose Viliena in Les Irois on that day?

20 A. Yes, I saw him.

21 Q. What did you witness Jean Morose Viliena doing on that
22 day?

23 A. I met him at the entrance of the -- of the judge -- of
24 this Saint Jean Bell house. So I met him at the moment that
25 David Boniface was asking the judge if officially the mayor has

1 the right to slap the lady. And he was making a lot of -- he
2 was making a lot of pressure on David Boniface.

3 Q. When you say "he was making a lot of pressure," who are
4 you referring to?

5 A. I was talking about Jean Morose Viliena.

6 Q. Did you know why Jean Morose Viliena and David Boniface
7 were at Judge Bell's house?

8 A. Yes, I knew why.

9 Q. Why were they there?

10 A. As I said it, there was an altercation between the mayor,
11 Jean Morose Viliena, and a lady because of a trash issue.

12 Q. At Judge Bell's house did you hear any of the words
13 exchanged between David Boniface and Jean Morose Viliena?

14 A. Yes.

15 Q. Could you tell us what those words were, please?

16 A. Jean Morose Viliena was asking to David if he was a
17 lawyer, why he came here at the Judge house to defend the lady.

18 Q. Did you hear anything David Boniface said back to Jean
19 Morose Viliena?

20 A. David didn't reply.

21 Q. And you said earlier that Jean Morose Viliena was putting
22 pressure on David. What do you mean by that?

23 A. It was not only Jean Morose who was putting pressure. All
24 of his partisans who were there were putting pressure.

25 Q. What do you mean by "putting pressure?" Can you give us

1 examples of that pressure?

2 A. Yes. They were saying bad words to him. And they
3 threatened to beat him. Thanks to a pastor that was passing by
4 who saw this, who saw that the men were -- threaten him and
5 wanted to hit him, so he said to David to go away from this
6 place.

7 Q. Did you see Jean Morose Viliena later that day?

8 A. Yes.

9 Q. Where did you see him?

10 A. While I was sitting at the house of Nissage Martyr, we
11 were commenting the -- what -- the events that -- which
12 occurred in the morning. While we were there, we saw him and
13 his partisans passing by going toward Matador and Beniçoit's
14 house.

15 Q. What was Viliena doing when you saw him?

16 A. I said his house was turning the apartment side,
17 because -- into the back. His father had a gallon of
18 moonshine, and with his partisans, so they were passing by
19 going to Matador.

20 Q. When you say "his father," who's father are you referring
21 to?

22 A. The father of Jean Morose Viliena.

23 Q. And you said that Viliena was with his partisans. Do you
24 remember the names of any of those partisans?

25 A. I recall some of them but not all of them.

1 Q. Can you give us the names of those that you do recall?

2 A. Yes. Michelet Noel, Agnel Jean, Pierrot Boileau, Meritus
3 Beaublanc, Lifaite Livert, Rolande Vilsant, France Ysemé. So
4 this is those -- there are those people that I saw and whose
5 name I remember.

6 Q. Thank you. And are all of those individuals affiliated
7 with KOREGA?

8 A. Yes.

9 Q. Did you know Ecclesiaste Boniface?

10 A. Yes.

11 Q. What, if anything, happened to him that night on July 27,
12 2007?

13 A. It was the death of Ecclesiaste Boniface.

14 Q. Did you see Ecclesiaste Boniface's body the night he was
15 killed?

16 A. Yes.

17 Q. Where was the body located whether you saw it?

18 A. It was on the ground on the public street.

19 Q. Was it near David Boniface's home?

20 A. Yes, nearby.

21 Q. What did the body look like?

22 A. It was many marks of where people have beaten him, and he
23 was bleeding and the head was crushed.

24 Q. Did it look like Ecclesiaste had died of natural causes?

25 A. No.

1 Q. When you said the head was crushed, could you tell how it
2 had been crushed?

3 A. So we saw a hole at the back of his head, and we saw the
4 marks of him that was -- that he was beaten. And there was a
5 large rock near him, and people said that he was -- his head
6 was -- the -- this rock was used to kill him. Yeah, they use a
7 rock to crush his head.

8 Q. And how do you feel -- how did you feel when you saw the
9 body of Ecclesiaste Boniface on that night?

10 A. Yes. So it's -- I can't even tell you how I felt that
11 day. I just saw this picture. I had to make a lot of efforts
12 to not cry right now. And that day I can tell you that I have
13 cried a lot because Ecclesiaste was my student.

14 Q. Are you familiar with a community radio station in Les
15 Irois called Radio Vision Nouvelle?

16 A. Yes.

17 Q. Where was that radio station located?

18 A. It was located in a place called Pont-Pigy at the house of
19 someone called Nissage Martyr.

20 Q. Did you play any role in the radio station?

21 A. I didn't play any role in the radio station, but it was my
22 dream to have a radio station in my town. So I really
23 appreciate the fact that the radio station was set up there.

24 Q. Why was it so important to you to have a radio station in
25 Les Irois?

1 A. For three reasons. The first one is the radio station
2 keep people informed. And second, the radio station, like,
3 inform you. And then it provide distraction for people. And
4 there's one more thing that I would like to add. I don't know
5 if you would allow it.

6 Q. Please do. Thank you.

7 A. Also, we felt a little bit jealous in Les Irois because
8 the closest city to Les Irois, which is Anse d'Hainault, had
9 two radio station operating and us in Les Irois didn't have
10 none.

11 Q. Were you a member of the civil protection agency in Les
12 Irois?

13 A. Yes, and until now.

14 Q. And as a member of the civil protection agency, did you
15 ever meet with Jean Morose Viliena to discuss the radio
16 station?

17 A. Yes.

18 Q. Could you describe that meeting, please.

19 A. Yes, I can.

20 On March 29, 2008, we were part of a meeting as civil
21 protection with the mayor, Jean Morose. He told us that he
22 could hear that there is a radio station and the city that is
23 not aware of and he ask us as civil protection to take over the
24 radio station. Some of the civil protection members explain to
25 him that the radio station is already managed by a different

1 group, so there's no way that we can do this. So he respond by
2 saying, as you don't want to take it, I will do this myself.

3 Following this, we agreed to have the mayor Jean
4 Morose to have a meeting with the deputy so they could discuss
5 about the operation of the radio station.

6 Finally, the mayor, Jean Morose, had talked with the
7 deputy regarding the radio station, and it was on the air, and
8 it ended really bad as the mayor, Jean Morose, was insulting
9 the deputy with some very bad words.

10 Q. When you said he had a talk on the air, what do you mean
11 by that?

12 A. As the deputy couldn't come for an in person meeting, he
13 called the radio station and asked the radio station to open
14 the line so he could talk with the mayor from Diquere. And
15 that's how the mayor could have the talk with the deputy, but
16 it ended really in a bad way as was a lot of insults through
17 the talk.

18 Q. And were you listening that day as Jean Morose and the
19 deputy had this conversation over the air?

20 A. I was inside of the radio station at the time.

21 Q. So you could hear their conversation?

22 A. Yes, and it was at that talk that he told to the deputy
23 that he would destroy the radio no matter what.

24 Q. And could others who were listening on the radio also hear
25 Viliena say that he would destroy the radio station no matter

1 what?

2 A. Yes.

3 Q. Do you remember where you were on April 8, 2008?

4 A. The entire incident happened in front of me.

5 Q. Did you see Jean Morose Viliena that day?

6 A. Yes.

7 Q. Where did you see him?

8 A. I saw Jean Morose Viliena at the location where now we
9 have the police station and he was distributing guns to his
10 partisans so they would go and destroy the radio station.

11 Q. About how many people were in the group of partisans that
12 Viliena was distributing weapons to?

13 A. About 20 to 30 of them, approximately.

14 Q. Could you identify any of the individuals in this group?

15 A. Yes.

16 Q. Could you provide us with the names of the individuals who
17 you could identify in that group, please?

18 A. Meritus Beaublanc was the head of the group, was leading
19 the group. Lissage Viliena had his gallon of moonshine in his
20 hand. Pierrot Boileau, Michelet Noel, Lifaite Livert, Roland
21 Vilsant, France Ysemé, Villeme Duclona, and others.

22 Q. What kind of weapons did you see Jean Morose Viliena
23 distributing to his partisans?

24 A. I am not an expert on guns, but I could see two rifle
25 and -- fusil, and they say that there were shotgun, 12 gauge.

1 Q. Did Viliena distribute a weapon to Villeme Duclona?

2 A. Yes. Villeme Duclona had a fusil, a rifle, in his hand.

3 Q. A rifle. Is this the same gun -- I know you're not an
4 expert, but is this the same type of gun that you qualified as
5 a shotgun?

6 A. Yes. It was after the incident that people said these
7 guns were 12 gauge shotguns.

8 Q. Do you remember where you were opt day of the arsons?

9 A. The day of the arson I was at home.

10 Q. Do you remember what happened that day?

11 A. Yes. That same day, it was the day after Hautefort Bajon
12 pass away, had his last breath. His partisan started burning
13 down houses and my entire -- whole village. They went down,
14 continued to burn down houses. And they get together with the
15 guys who were next to the Hautefort Bajon headquarters, and
16 they started burning down houses in the city now.

17 Q. Was your house burned down?

18 A. Yes. My house was burned down.

19 Q. At the moment that your house was burned down, were you
20 inside that house?

21 A. No. I was not in it because when I knew that they were
22 burning down houses, and also someone called me to let me know
23 that I should leave my home right now, so I went to my
24 mother-in-law house, but at the time, my wife, like, didn't
25 want to leave the house.

1 Q. From your mother-in-law's house, could you see the smoke
2 of your house burning down?

3 A. Yes. I could hear the smoke, and I could hear the noise
4 of the rock that they were using to break down the door.

5 Q. What did Les Irois look like the next day?

6 A. It was like a movie, burning in Les Irois.

7 Q. And from what you could tell, were particular houses
8 targeted in the mass arsons that night?

9 A. Yes.

10 Q. Which houses? Which houses?

11 A. For example, if the house is next to the partisan's house,
12 they will not burn it. They have someone who had five storage
13 houses, and they burned down all the five storage building. So
14 they would remove everything inside of the house and put them
15 outside to burn them down when it's too close of their
16 partisan.

17 This guy Villeme, he have his house burned down because
18 his house was just next door to the house of one of the
19 partisans."

20 THE COURT: That's the end, right?

21 MS. VANDERVALK: Yes.

22 THE COURT: Counter-designations?

23 MR. HALEY: Yes, Your Honor.

24 THE COURT: Talk slowly. Okay?

25 MR. HALEY: I will, Your Honor. I've got to work on

1 that.

2 Counsel, on page 52, I started at line 23, but I
3 realized there was a pronounce not defined there, so I'm going
4 to start at line 19.

5 MS. VANDERVALK: Can you say the lines again?

6 MR. HALEY: Sure. I'm going to start at line 19
7 because if I start at 23, that line isn't going to make sense
8 there.

9 MS. VANDERVALK: Okay.

10 MR. HALEY: Thank you. Appreciate it.

11 So for the interpreter and counsel, I'm on page 52,
12 line 19.

13 Q. "When was the last time you spoke with Mr. Viliena?

14 A. I talk to him a long time ago, even before all these
15 incidents.

16 Q. So have you spoken to him while he was in the United
17 States?

18 A. No."

19 I'm on page 25, line 23.

20 Q. "And where were they when they were shot?

21 A. Juders was coming in but Nissage was inside of his house
22 because he rent one side of his house for the radio station."

23 I'm on page 37, line 23.

24 Q. "And you described him as the director of mayor hall for
25 Jean Morose Viliena, correct?

1 A. I want to rectify this, that Jean Morose Viliena was still
2 mayor in 2009 but he was just not in Les Irois in that period.
3 That's something that I want, like, to rectify."

4 I don't have anything further, Your Honor.

5 THE COURT: That's it for the day, right? My fondest
6 desire was to fill the whole day today, but the parties have
7 been very efficient and they planned the whole day, and we've
8 gone quickly enough, that we've reached the end of the day.

9 So since we're accomplishing what we need to
10 accomplish and we're ahead of schedule, I'm happy to let you go
11 now. We'll start tomorrow at ten. I think we should go the
12 full day tomorrow, right? They have a full day planned. We'll
13 see where we end up.

14 I'll tell you we are ahead of schedule now. We are
15 anticipating at the moment that there will be closings and
16 charge and begin your deliberations on Monday. When we are
17 ahead of schedule, I give you the option of going 9 to 1
18 instead of 9 to 4, if that gets you ahead of your weekend, if
19 want. If we start at ten, it's possible we would get you out
20 before four. Either way, we should be done with the case
21 sometime Friday afternoon. Decide what want. Some people like
22 the ten o'clocks. They get their kids off to school and the
23 commute's not so bad, but sometimes people like to shorten up
24 the other end of the day. So just let me know what you want to
25 do sometime tomorrow. It really doesn't matter to any of us.

1 Whatever works for the majority of you is great.

2 Keep an open mind. Don't talk to anybody about the
3 case. Stay away from any media. No extracurricular research.
4 Have a good night. See you tomorrow.

5 THE CLERK: All rise for the jury.

6 (Jury exits.)

7 THE COURT: Anything else for this afternoon?

8 MR. HALEY: For tomorrow, Your Honor, my understanding
9 is that the expert witness Mr. Concannon will testify,
10 Mr. Ysemé we still have. Is that?

11 MS. LAU: And Nissage Martyr, the plaintiff.

12 MR. HALEY: So if the plaintiffs get to the end and
13 rest, can we start with Mr. Viliena Friday morning or would you
14 expect us to go ahead on Thursday?

15 THE COURT: Is he your only witness?

16 MR. HALEY: Yes.

17 THE COURT: How long is the direct?

18 MR. HALEY: An hour.

19 THE COURT: What are you anticipating for cross? Let
20 me rephrase. I don't want to not use time wisely and then not
21 finish by Friday afternoon. So if you all can talk amongst
22 yourselves and come up with a schedule where we definitely
23 finish the evidence by Friday afternoon, you can do what you
24 want. Okay?

25 MS. LAU: I think there's no question that we'd

1 complete the evidence by Friday afternoon.

2 MR. HALEY: I agree with that.

3 THE COURT: Okay. So as long as you do that, I like
4 to keep the jury apprise for their own plans, so let's try to
5 communicate what we're doing, but whatever works for you all is
6 fine. Then we'll plan on charging and closing Monday morning.

7 MR. HALEY: With respect to the defendant's Rule 50
8 motion, any procedure or protocol you want us to follow there?

9 THE COURT: I've never granted one.

10 MR. HALEY: I assumed that was the case, Your Honor.
11 However, in service of my role.

12 THE COURT: I'm happy to have you. My thinking is
13 I'll rule a motion once we get the verdict. I'm not going to
14 try a case, get a verdict and find out I ruled wrong. If we
15 decide we got it wrong, at least the Court of Appeals can look
16 at it and we don't end up here together again.

17 MR. HALEY: Understand. Procedurally, my requirement
18 is before it goes to the jury.

19 THE COURT: I guess I'm just telling you to --

20 MR. HALEY: Not to spend all night drafting it.

21 THE COURT: Exactly.

22 MR. HALEY: I appreciate that, Your Honor.

23 THE COURT: Because those extra few hours will likely
24 not make a difference. May save you some time on the other
25 end.

1 MR. HALEY: Understood, Your Honor.

2 THE COURT: I have a sentencing tomorrow morning. I
3 forget what time it is, but it's before you all. Just leave
4 them a little bit of space on the table, if you could. 9:15.
5 It won't be long. So maybe not right at 9:30, but 9:40 if
6 anybody needs anything, I'll be on the bench. If anybody
7 really needs anything, knock on the door and tell Karen. I can
8 be on the bench by nine.

9 MS. LAU: Your Honor, we anticipate having a few
10 issues tomorrow morning but we don't believe that we would need
11 longer than the 9:30 window to cover them.

12 THE COURT: It might not be until 9:40. If it starts
13 to look like it's getting long, I'll come out at nine and do
14 what we can. I'll probably come out on the bench at 9 anyway
15 to get the sentencing started earlier if I can. Okay?

16 MS. LAU: Thank you, Your Honor.

17 MR. HALEY: Thank you, Your Honor.

18 (The Honorable Court exited.)

19 (Adjourned, 3:15 p.m.)
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CERTIFICATE OF OFFICIAL REPORTERS

Kelly Mortellite, RMR, CRR and Kristin Kelly,
RPR, CRR, 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 our skill and ability.

Dated this 15h day of March, 2023.

/s/ Kelly Mortellite

/s/ Kristin Kelley
