

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

DAVID BONIFACE,  
NISSANDÈRE MARTYR, and  
JUDERS YSEMÉ,  
  
                    Plaintiffs,  
  
                    v.  
  
JEAN MOROSE VILIENA  
(a.k.a. JEAN MOROSE VILLIENA),  
  
                    Defendant.

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

**DECLARATION OF JUDERS YSEMÉ**

I, Juders Ysemé, declare as follows:

1. I am one of the three named plaintiffs in the above-captioned civil action filed against the defendant Jean Morose Viliena (“Defendant”) on March 22, 2017 for extrajudicial killing, attempted extrajudicial killing, torture, and arson perpetrated in Les Irois, Haiti.
2. Except as specifically indicated, I have personal knowledge of the matters set forth in this declaration. If called upon to do so, I could and would testify competently thereto.
3. I testified under oath before the Court on Tuesday, March 14, 2023.
4. Franckel Isme testified under oath before the Court on Thursday, March 16, 2023.
5. The parties concluded their case on Friday, March 17, 2023, and closing arguments are scheduled for Monday, March 20, 2023.
6. I was recently alerted that on March 18, 2023, hours after Defendant presented his testimony in this case, Defendant posted a link to a YouTube music video on his Facebook page with a cover photo that reads: “*Yon konba ret yon konba, epem nan menm map avanse*” (“A battle remains a battle. With my sword in my hand, I go forward.”)

7. The song is a well-known Haitian battle song that is used to show determination, that the person is ready to kill to win a fight. It refers explicitly to acts of violence and includes lyrics such as:

*I have my sword, I will keep moving forward  
I am in war, I need to fight.  
Don't be a coward  
My sword already has blood on it not the time to stop  
Already bleeding, so no way to stop  
No move back. Getting closer than ever  
Soldiers stand up for Haiti  
Do you want to fight raise your hand*

8. A screenshot of Defendant's Facebook page post is attached as Exhibit A.
9. The implication in this song of violence that was posted by the Defendant right after he testified in this trial is that he is armed and is planning revenge against me and everyone else who testified against him in this trial. I am also fearful for my family in Haiti, particularly given the ominous timing of Defendant's Facebook post, and Defendant's documented past history of threats towards me and my relatives even while he is physically present in the United States. (Dkt. 78; Dkt. 105; Dkt. 178.).
10. Following the start of the trial, additional and more targeted threats have also been made against others with whom I communicate.
11. On March 19, 2023, Pastor William Lebon, who has been the subject of testimony before the Court, sent me a series of WhatsApp messages that he received from his wife, Anite Gelen Lebon. I spoke with Pastor Lebon by phone after I received the messages. He told me that Mrs. Lebon received these messages from an anonymous sender as she was leaving church that same day in Anse D'Hainault, Haiti. Anse D'Hainault is about 9 miles away or 30 minutes by car from Les Irois.

12. The first message contained a photo of a machine gun with a caption in Haitian Creole that read: “Take a good look at how you would have died. You may think you are smart to go hiding, but you are here now, it no longer about just speaking, the day is coming.” A screenshot of this message is attached as Exhibit B.
13. The second message contained a photo of Mrs. Lebon with a caption in Haitian Creole that read: “The day is here”. A screenshot of this message is attached as Exhibit C.
14. In addition, on March 17, 2023, the day after Franckel Isme testified before the Court, his son, Ruben Isme, who resides in Les Irois, was approached by two individuals who told him that they had heard that Franckel had testified against the Defendant and that Franckel and all the other witnesses would get what was coming to them when they returned to Haiti. This was meant as a threat.
8. I am terrified by these recent events. My fear is based on the long history of threats, intimidation, and retaliation by Defendant, particularly now that we are on the eve of a decision in this trial.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on March 20, 2023 in the United States.

/s/ Juders Ysemé  
Juders Ysemé

**CERTIFICATE OF SERVICE**

I hereby certify that on March 20, 2023, I caused to be filed electronically a true copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will notify the parties of record via electronic notification.


/s/ Bonnie Lau

# Exhibit A

# facebook



**Jean M Viliena**

10 h · 



**YON KONBA  
RET  
YON KONBA**

**EPEM NAN MENM  
MAP  
AVANSE**

YOUTUBE.COM

**YON KONBA RET YON KONBA , EPEM NAN  
MENM MAP AVANSE**

# Exhibit B



Gade byen konnen kijan outap  
pwal mourri ougen rezon oupanse



# Exhibit C



Gade byen konnen kijan cutap

10:15 mat.



10:15 mat.



Jou ala

10:15 mat.

San jezi kouvrin ke menas ou a San zefe

10:31 mat. ✓✓