

Center for Justice and Accountability

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://cja.org/judge-allows-torture-lawsuit-to-proceed-against-former-haitian-mayor-turned-boston-school-bus-driver/>

Public Facing Advocacy Writing

Jean Morose Viliena to Answer for Attacks on Journalists and Human Rights Defenders

Boston, Massachusetts, September 4, 2018 Late last week, the [U.S. District Court in Massachusetts ruled](#) that torture, murder, and arson claims can proceed against [former Haitian mayor Jean Morose Viliena](#), a Boston area resident and former school-bus and Uber driver. The lawsuit was filed on March 23, 2017 by the [Center for Justice & Accountability \(CJA\)](#) and pro bono co-counsel [Dentons US LLP](#) on behalf of [David Boniface](#), [Juders Ysem](#), and [Nissage Martyr](#) (since deceased), Haitian media activists and human rights defenders who survived a campaign of violence led by Mayor Viliena and his political supporters.

The court allowed plaintiffs claims to proceed for torture and extrajudicial killing under the federal Torture Victims Protection Act (TVPA) and their claims for arson under Haitian law. However, the court ruled that plaintiffs claims for crimes against humanity in violation of international law did not have a sufficient link to the United States for them to be heard in a U.S. court under the Alien Tort Statute.

Today's ruling is the first time in over 10 years that we have been able to receive justice, said plaintiff David Boniface. The Haitian government has protected Mayor Viliena. Rather than putting him in jail, they kept him in power. Despite our complaints to the Haitian courts and the United Nations, there has been no protection for witnesses and no fair trial. We had to come to a courthouse in Boston to find justice, and now finally our testimony will be heard.

[The complaint](#) alleges that as mayor of the rural village of Les Irois, Haiti, Viliena led an armed militia in a campaign of terror against media activists and human rights defenders. In July 2007, plaintiff Boniface, a human rights activist and grade school teacher, denounced Viliena in a local court for assaulting a neighbor. Later that night, Viliena led his fighters in a reprisal attack that killed Boniface's younger brother, Ecclesiaste.

In April 2008, Viliena announced that he was shutting down a community radio station hosted in the home of plaintiff Nissage Martyr. Viliena and his fighters then invaded Martyr's home, beating Martyr and plaintiff Ysem and shooting them when they tried to escape. Ysem was blinded in one eye, while Martyr's wounds led to the amputation of one leg.

The three victims began pursuing criminal charges against Viliena in Haiti in 2007. Two years later, after Haitian authorities opened a murder investigation, Viliena fled to suburban Boston where he obtained a license as a school bus driver. In January 2010, Viliena and his co-conspirators were indicted in Haiti for murder, battery, and property destruction, yet witness tampering, corruption and political interference have prevented Viliena's victims from getting a fair trial. On August 27, 2012 Viliena was even reappointed mayor by Haitian President Michel Martelly. In 2015, the Inter-American Commission on Human Rights called on Haiti to ensure justice and to protect witnesses in the case against Viliena. Nonetheless, to this day Viliena continues to enjoy impunity, traveling regularly between Haiti and Massachusetts.

[In a shocking turn of events, on March 25, 2017, two days after the case was filed, plaintiff Nissage Martyr died suddenly under mysterious circumstances.](#) At the Martyr family's request, the Haitian government opened a criminal inquest and conducted an autopsy, but despite repeated petitions has refused to provide the autopsy result to the Martyr family and their lawyers. Today's ruling by the court authorized Martyr's son, Nissandere Martyr, to pursue his late father's claims.

My father lived to see Viliena accused of torture and arson in an American court and I am honored that the court will allow me to complete my father's mission, said Nissandere Martyr. This case is our only chance to seek justice and accountability and without accountability Viliena will continue to terrorize my family and our community with threats and violence.

Impunity is a national tragedy for Haiti: a force as destabilizing as any natural disaster, said Scott Gilmore the lawyer leading the case for CJA. Justice has been obstructed at every turn in Haiti and that lack of trust in the courts is fatal to establishing a peaceful and functioning democracy. The reality for many Haitians is that confronting corrupt and violent politicians in a court of law is likely a death sentence. Our clients paid the ultimate price, losing life and limb, losing loved ones, losing their homes. With today's ruling, they know that Mayor Viliena will at last be forced to answer for his crimes.

NOTES TO THE EDITOR:

About the Center for Justice & Accountability (CJA)

The Center for Justice and Accountability (CJA) is a San Francisco-based human rights legal organization dedicated to deterring torture, war crimes, crimes against humanity, and other severe human rights abuses around the world through innovative litigation, policy and transitional justice strategies that strengthen the global net of accountability. CJA partners with victims and survivors in pursuit of truth,

justice, and redress. Visit www.cja.org

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*"We will never catch all the torturers—but we will always catch some,
and none of them will ever know who is next."*