

Center for Justice and Accountability

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

<https://cja.org/court-of-appeals-allows-torture-and-extrajudicial-killing-case-against-former-haitian-mayor-to-proceed/>

Public Facing Advocacy Writing

MEDIA ADVISORY

Boston, Massachusetts, February 21, 2020 This week, the First Circuit Court of Appeals denied the request of former Haitian mayor Jean-Morose Viliena to challenge the constitutionality of the torture and extrajudicial killing claims brought against him by Haitian citizens who were violently persecuted for challenging corruption and brutality in their government. The Center for Justice and Accountability (CJA), Morrison & Foerster LLP and Dentons US LLP represent the Plaintiffs.

In August 2018, the United States District Court for the District of Massachusetts allowed claims of torture and extrajudicial killing filed by David Boniface, Juders Ysem, and Nissage Martyr (since deceased) to proceed under the Torture Victim Protection Act (TVPA) against Viliena, who is alleged to have led a violent campaign of terror against media activists and human rights defenders while mayor of Les Irois. In September 2019, the District Court denied Vilienas motion for reconsideration of this order, finding that the TVPA was constitutional and that the federal court had jurisdiction to hear claims under the TVPA. Viliena requested the First Circuit Court of Appeal revisit the District Courts decision, claiming that Congress did not have the authority to pass the TVPA and that the federal courts did not have the authority to hear claims under the TVPA. Plaintiffs opposed this request, arguing that the case should proceed to trial.

The First Circuit Court of Appeals denied Defendants request, finding that Viliena had not demonstrated that an immediate appeal is necessary. The case will now return to the District Court of Massachusetts.

Today's ruling is a victory in our decade-long search for justice, said plaintiff David Boniface. Viliena has escaped accountability, despite our complaints to Haitian courts and the United Nations. We came to the United States as a last resort, and hope Viliena will finally answer for my brother Ecclesiastes death and the harm he has caused the people of Les Irois.

The constitutionality of the TVPA and the federal courts jurisdiction over TVPA claims are clear legal principles which have been applied in courts across the United States since the TVPA was passed close to three decades ago. We are pleased that the First Circuit Court of Appeals has affirmed the consensus around these issues, says CJA senior staff attorney Daniel McLaughlin.

For more information on the case, visit <https://cja.org/what-we-do/litigation/boniface-v-viliena/>, or contact Daniel McLaughlin, CJA Senior Staff Attorney, at dmclaughlin@cja.org.

About the Center for Justice and Accountability

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 serious human rights abuses around the world through innovative litigation and transitional justice strategies. CJA partners with impacted communities seeking truth, justice, and redress, and has successfully brought cases against high-ranking military and public officials for their participation in atrocity crimes. Visit www.cja.org.



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GERALD GRAY FOUNDED CJA IN 1998 AND CONTINUES
WORKING TO HELP TORTURE SURVIVORS TODAY.

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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."***