

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

JANE DOE I, JANE DOE II AND  
JANE DOE III,

Plaintiffs,

v.

EMMANUEL CONSTANT,  
a.k.a. TOTO CONSTANT,

Defendant.

)  
) **Case No.: 04-CV-10108 (SHS)**  
)  
)  
)  
)

) **AFFIDAVIT OF MOIRA FEENEY IN**  
) **SUPPORT OF MEMORANDUM OF LAW**  
) **REGARDING PARTIAL CLOSED COURT**  
) **TESTIMONY FOR JANE DOE I AND II**  
) **AND CONTINUED USE OF**  
) **PSEUDONYMS**  
)  
)  
)

STATE OF CALIFORNIA )

COUNTY OF SAN FRANCISCO )

) ss.:

MOIRA FEENEY, being duly sworn, deposes and says:

I am a member of the bar of the state of California. I have been admitted *pro hac vice* to this Court in the above-captioned case. I am an attorney with the Center for Justice and Accountability, co-counsel for all Plaintiffs in the above-captioned action. I have personal knowledge of the facts set forth below, except as to those facts based on information and belief, and, if called as a witness, could and would competently testify thereto.

1. I make this affidavit in support of the Memorandum of Law Regarding Partial Closed Court Testimony for Jane Doe I and II and Continued Use of Pseudonyms.

2. Haiti continues to suffer from political instability and violence. Former members of FRAPH and the Haitian Armed Forces, including people with close connections to Defendant Constant, continue to live freely in Haiti and commit violence there. Former members of FRAPH and the Haitian Armed Forces also wield influence in the Haitian community in the United States.

3. Jane Doe I is recognizable within the Haitian community in the United States. She fears that if she testifies in open court, even using a pseudonym, she will be recognized and her identity will be known. Jane Doe I fears for her personal safety and the safety of her family if her identity is revealed publicly. Although Jane Doe I would prefer to give testimony in open court, she fears that doing so at this time would endanger herself and the lives of her family.

4. Jane Doe I is the mother of five children, all under the age of 19, all of whom currently reside in Haiti. Jane Doe I currently resides in the United States and Jane Doe I's husband is deceased, therefore her children do not live accompanied by a guardian other than the oldest son, age 19. In addition to her five children, Jane Doe I has other close relatives who continue to live in Haiti. She fears that all these relatives could suffer reprisals if her identity is revealed in connection to this action.

5. Jane Doe II similarly fears for her personal safety and the safety of her family if her identity is revealed publicly. Jane Doe II is recognizable within the Haitian community in the United States. She fears that if she testifies in open court, even using a pseudonym, she will be recognized and her identity will be known. Although Jane Doe I would prefer to give testimony in open court, she fears that doing so at this time would endanger herself and the lives of her family.

6. Jane Doe II has close relatives who continue to live in Haiti. She fears that these relatives could suffer reprisals if her identity is revealed in connection to this action.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on August 11, 2006 in San Francisco, California.

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/s/  
MOIRA FEENEY