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A. To date, only one defendant has been charged with these offenses. In the event that additional evidence implicating others in the murders is developed by investigators, other defendants may be charged with those same offenses or any other relevant offenses. It must be understood that, at this time, we are only prepared to undertake a prosecution of Porfirio and are not prepared to accept custody over anyone else for the purpose of prosecution.

Q. Does the crime with which the defendant is charged permit a jury trial?

A. Both offenses are subject to trial by jury. In such a proceeding, a jury of 12 members must be convinced of the defendant's guilt beyond a reasonable doubt in order to return a conviction.

Q. Would the defendant be entitled to a lawyer of his choice?

A. The defendant would be entitled to retain the lawyer of his choice. In the event that he is unable to retain a lawyer at his own expense, an attorney will be appointed by the court to represent him.

Q. What is the most serious sentence that the defendant could receive following conviction on the charges?

A. Neither offense with which the defendant is charged authorizes imposition of the death penalty. The maximum punishment for the offense of murder is life imprisonment.

Q. If the defendant is acquitted, what would be done with him? Would he be returned to El Salvador for trial?

A. If the defendant is acquitted, he would probably be repatriated to El Salvador. Whether he would be subject to trial in El Salvador for the murders is a matter that is governed by Salvadoran law and would be determined by Salvadoran authorities.

Q. If convicted and sentenced to imprisonment, where would the defendant be incarcerated?

A. The defendant would be incarcerated in a federal prison in the United States. The specific correctional facility would be determined by the Federal Bureau of Prisons.

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Q. In light of the nature of the charges, which involve the extraterritorial murder of United States nationals, would the defendant be deprived of any procedural rights accorded to other defendants in other criminal cases?

A. The defendant will be entitled to all procedural safeguards that extend to any defendant in a criminal case under our Constitution and laws.

Q. Can we be certain that the defendant will not be interrogated concerning other matters?

A. The defendant may be questioned concerning matters other than those involving the murders. Under our Constitution, however, he can decline to answer any question to which he does not wish to respond.

Q. Can we be assured that the defendant will not be tortured?

A. Our Constitution and laws strictly prohibit torture or the application of any form of coercion, and the U.S. is widely recognized as a country that does not countenance torture.


Q. In which court would the defendant be tried?

A. The defendant has been indicted in the United States District Court for the District of Columbia, in Washington, D.C. He will be tried in that court.

Q. Where will the defendant be incarcerated prior to and during the trial?

A. The defendant will be incarcerated in a facility which has reasonable proximity to Washington, D.C. Its precise location will be determined if and when we obtain custody over the defendant.

Sincerely,



James S. Reynolds, Chief
Terrorism and Violent Crime Section
Criminal Division