

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

<p>GERT JANNES KUIPER,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p>v.</p> <p>MARIO ADALBERTO REYES MENA,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. 1:24-cv-01785-RDA-LRV</p>
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**REPLY BRIEF IN SUPPORT OF
DEFENDANT’S MOTION TO DISMISS, OR ALTERNATIVELY, STAY**

Pursuant to Local Civil Rule 7(F) and Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(b)(7), Defendant Mario Adalberto Reyes Mena (“Mr. Reyes Mena”) submits this reply brief in support of his Motion to Dismiss, or Alternatively, Stay (ECF 22).

Pursuant to Federal Rule of Civil Procedure 44.1, Mr. Reyes Mena provides notice that this pleading includes citations to the laws of El Salvador.

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I. ANALYSIS

A. The Court lacks subject matter jurisdiction because Mr. Reyes Mena has foreign sovereign immunity.

1. Mr. Reyes Mena is immune under the FSIA.

Plaintiff contends that “*Samantar* ... forecloses any argument that [Mr. Reyes Mena] is a foreign state for purposes of the FSIA.” (ECF 28 at 14.)¹ Mr. Reyes Mena, however, is not claiming to be a “foreign state” under the FSIA. The Supreme Court in *Samantar* held that the FSIA may still bar a claim against an individual defendant, if a foreign state is either “the real party in interest” or a “required party.”² *Samantar v. Yousuf*, 560 U.S. 305, 324-25 (2010). Both conditions exist here.

a. El Salvador is the real party in interest.

To be the real party in interest, El Salvador need not be named as a co-defendant in this lawsuit. (ECF 28 at 15.) *Samantar* contemplates that a foreign state may be deemed the real party, even if it is not included as a defendant: “[I]t may be the case that *some actions against an official* in his official capacity should be treated as actions against the foreign state itself.” *Samantar*, 560 U.S. at 325 (emphasis added); *see also Heping Li v. Keqiang Li*, No. 20-2008 (JMC), 2023 U.S. Dist. LEXIS 60329, *8 (D.D.C. Apr. 5, 2023) (“A court is obligated to determine whether immunity is available under the FSIA, even where the foreign state does not enter an appearance in the case.”). In *Qandah v. Johor*, the court granted FSIA immunity to the individual defendant, not because a state-owned entity was named as a co-defendant, but because the individual was being sued for the acts he took as an executive of that entity. No. 20-1991, 2021 U.S. App. LEXIS

¹ The pincites to ECF 28 refer to the pacer-stamped page number on the top of each page, and not the page number at the bottom.

² TVPA claims are subject to the FSIA, even after *Samantar*. *See Yirenyki v. U.S. CIA*, 656 F. Supp. 3d 241, 251 (D.D.C. 2023) (citing *Mohammadi v. Iran*, 782 F.3d 9, 17 (D.C. Cir. 2015)); S. Rep. No. 102-249, at 7 (1991) (“[T]he TVPA is not meant to override the Foreign Sovereign Immunities Act (FSIA).”).

34853, at *16 (6th Cir. Nov. 22, 2021). The court’s focus was not on whether a foreign state had been named as a co-defendant. *Id.* The same is true about *Heping Li*, where the court’s inquiry focused on whether “the individual [d]efendants are extensions of the Chinese state” and determined they were because, at all relevant times, they were acting on behalf of the Chinese government and not for personal motivation. 2023 U.S. Dist. LEXIS 60329, *8-11. The real party holdings from these cases did not hinge on whether a foreign state was included in the lawsuit.

The crux of the real party inquiry turns on whether the lawsuit is against “an official in his official capacity.” *Samantar*, 560 U.S. at 325. Plaintiff tries to avoid the reality that El Salvador is the real party in interest, by now asserting that he is suing Mr. Reyes Mena in his personal capacity. (ECF 28 at 15.) How Plaintiff labels this lawsuit—official capacity versus personal capacity—could matter in assessing liability in a § 1983 action. *See Kentucky v. Graham*, 473 U.S. 159, 166 (1985) (explaining the differences in establishing personal liability versus official liability under § 1983). But Plaintiff’s labelling is not conclusive to whether a foreign state should be treated as the real party in interest for purposes of FSIA immunity. Otherwise, a plaintiff could theoretically hail any foreign official into a U.S. court to answer for conduct committed in a foreign state, simply by calling the lawsuit a “personal capacity” action and limiting damages to the official’s personal pockets.³

Instead, the determinative factor is whether a plaintiff’s allegations show that the foreign official was *acting* in an official capacity, as opposed to a personal capacity. *See Strange v. Iran*,

³ If Plaintiff’s theory were true, it would wreak havoc on all former foreign officials residing here in the United States. For example, if former-Prime Minister Tony Blair resided here in the United States, a plaintiff could sue him for acts that he took as Prime Minister of the United Kingdom during the Global War on Terror and theoretically void his FSIA defense simply by asserting that he is being sued in a personal capacity. That cannot be the result.

Civil Action No. 14-435 (CKK), 2016 U.S. Dist. LEXIS 200878, at *13 (D.D.C. May 6, 2016); *Mohammadi v. Iran*, 947 F. Supp. 2d 48, 72 (D.D.C. 2013).

Plaintiff does not allege any acts taken by Mr. Reyes Mena in his personal capacity. To the contrary, Plaintiff alleges that Mr. Reyes Mena was acting in his official capacity as an officer of the Salvadoran military, and that his alleged conduct was then authorized by the Salvadoran government. (ECF 1 ¶¶ 1, 22, 23, 38, 85.) El Salvador is therefore the real party in interest.

b. El Salvador is a required party.

A factor in deciding whether to dismiss an action for nonjoinder is “whether the plaintiff would [otherwise] have an adequate remedy.” FED. R. CIV. P. 19(b)(4). Plaintiff argues that a dismissal would leave him with no adequate remedy. (ECF 28 at 16, n.4.) That is incorrect, because Plaintiff has adequate remedies under Salvadoran law, which are currently being pursued through ongoing Salvadoran court proceedings, to which Mr. Reyes Mena is a defendant. (ECF 1 ¶¶ 152, 155, 156, 158); (ECF 23-1 at 4). In fact, the TVPA requires that a plaintiff first “exhaust[] adequate and available remedies in the place in which the conduct giving rise to the claim occurred.” 28 U.S.C. § 1350, note, § 2(b). The TVPA is a claim of last resort, and if this lawsuit were dismissed, Plaintiff would still have adequate remedies under Salvadoran law.

2. Mr. Reyes Mena has conduct-based foreign official immunity.

The TVPA does not waive conduct-based immunity. Plaintiff focuses on the statutory phrase “color of law” to argue that an official acting within his official capacity deserves no immunity. (ECF 28 at 17-18.) But an act may be under color of law and performed in a *personal* capacity, or under color of law and performed in an *official* capacity. See *Al-Quraishi v. Nakhla*, 728 F. Supp. 2d 702, 752 (D. Md. 2010) (“A person may have acted under color of law, yet still not have acted in an official capacity so as to gain the benefit of sovereign immunity.”). When a foreign official acts under color of law in a personal capacity, conduct-based immunity would not

apply. Under color of law in an official capacity, conduct-based immunity would not apply where the foreign official acted on behalf of a government that is not recognized by the State Department. *Yousuf v. Samantar*, 699 F.3d 763 (4th Cir. 2012). But for comity sake, conduct-based immunity still shields a foreign official who acted under color of law, in an official capacity, for a recognized state.⁴ *E.g., Dogan v. Barak*, 932 F.3d 888, 895 (9th Cir. 2019).

Neither *Al Shimari* nor *Hilao* contradict that *Yousuf* is limited in application to foreign officials from governments that are not recognized by the State Department. In *Al Shimari*, the court held that the United States has no *domestic* sovereign immunity for certain *jus cogens* violations. *Al Shimari v. CACI Premier Tech., Inc.*, 368 F. Supp. 3d 935, 958 (E.D. Va. 2019). But no such ruling was made with respect to *foreign* sovereign immunity, as the defendants were the United States and a U.S. corporation. *Id.* at 940. In fact, the court in *Al Shimari* assessed that “in both the international and domestic contexts, there is general ... agreement that a state may not be sued in the courts of a foreign state for conduct, including *jus cogens* violations, that occurred outside the forum state.” *Id.* at 958. *Al Shimari* therefore supports foreign immunity here.

In *Hilao*, the court did not address whether *jus cogens* violations defeat conduct-based immunity. *Hilao v. Estate of Marcos*, 25 F.3d 1467 (9th Cir. 1994). There, the court analyzed whether former Filipino officials were immune under the FSIA for acting beyond the scope of their authority. *Id.* at 1470-72. The court concluded that, “*upon default*, [one of the officials] admitted that she acted on her own authority, not that of the Republic of the Philippines.” *Id.* at 1470 (emphasis added). With respect to the other official, the ex-President of the Philippines, the court found he acted outside the scope of his authority, because his powers were limited by statute,

⁴ The cases cited by Plaintiff do not suggest otherwise. (ECF 28 at 18-19). None of them analyzed whether the defendants were entitled to foreign immunity. *See Chavez v. Carranza*, 559 F.3d 486 (6th Cir. 2009); *Arce v. Garcia*, 434 F.3d 1254 (11th Cir. 2006); *Ford v. Garcia*, 289 F.3d 1283 (11th Cir. 2002); *Doe v. Saravia*, 348 F. Supp. 2d 1112 (E.D. Cal. 2004).

and “his actions beyond those limitations are considered individual and not [official] actions.”⁵ *Id.* The *Hilao* court recognized that *jus cogens* violations may be immunized under FSIA, just not when the defendant is “accused of engaging in activities outside the scope of his authority.” *Id.* at 1471-72. Here, Plaintiff concedes that Mr. Reyes Mena acted within the scope of his authority. (ECF 1 ¶¶ 1, 22, 23, 38, 85.)

For conduct-based immunity to apply, El Salvador need not make a request for immunity. (ECF 28 at 20.) If a request for immunity from the foreign state were a prerequisite, the court in *Yousuf* could have simply rejected conduct-based immunity based on the lack of such a request, instead of engaging in a lengthy analysis about *jus cogens* violations. 699 F.3d at 767, 775-77. In the absence of a request (or suggestion) of immunity, a district court may itself decide whether conduct-based immunity applies. *Samantar*, 560 U.S. at 311; *see also Rishikof v. Mortada*, 70 F. Supp. 3d 8, 12 (D.D.C. 2014) (analyzing whether the requisites for conduct-based immunity exists, even though the foreign state did not request immunity for the official). The fact that the Salvadoran government charged Mr. Reyes Mena and has requested his return to El Salvador does not defeat, but rather enforces, the application of foreign immunity. *See Philippines v. Pimentel*, 553 U.S. 851, 866 (2008) (“There is a comity interest in allowing a foreign state to use its own courts for a dispute if it has a right to do so. The dignity of a foreign state is not enhanced if other nations bypass its courts without right or good cause.”).

B. The TVPA claim is barred by the ten-year statute of limitations.

By simply arguing that there were “extraordinary circumstances,” Plaintiff has applied the incorrect standard. (ECF 28 at 21-22.) To invoke tolling, a plaintiff must show that the extraordinary circumstances “prevented timely filing.” *Menominee Indian Tribe v. United States*,

⁵ The Philippine government had also waived foreign immunity for the individual defendants. *Hilao*, 25 F.3d at 1472. The Salvadoran government has not waived foreign immunity here.

577 U.S. 250, 255 (2016) (emphasis added). Plaintiff, however, fails to show how any of the alleged circumstances prevented him from filing this action before the expiration of the limitations period.

Plaintiff seeks tolling until 2016, when the Salvadoran Amnesty Law was struck down. (ECF 28 at 23-24). That law, however, did not prevent Plaintiff from timely filing or gathering enough evidence to file. *See Chavez*, 559 F.3d at 495. To file this claim under the TVPA, all Plaintiff had to know was that his brother was killed in an alleged military ambush and that Mr. Reyes Mena was materially involved (which he was not). Plaintiff knew or should have known all this by no later than March 15, 1993, when the U.N. Truth Commission publicly issued a report that “highlighted the killing of the Dutch journalists as among the most emblematic crimes committed by state actors during the [Salvadoran civil war]” and accused then-Colonel Reyes Mena of being involved in planning. (ECF 1 ¶¶ 130-32.) By no later than 1993, Plaintiff had everything he needed to file.⁶

Plaintiff alternatively seeks tolling until September 2018, when he learned about Mr. Reyes Mena’s presence in the United States through a Dutch investigative journalist. (ECF 28 at 24.) This is not a basis for tolling. The only basis to toll might be if Mr. Reyes Mena fraudulently concealed his location, which he did not do. *See Credit Suisse v. Simmonds*, 566 U.S. 221, 227 (2012) (“[W]hen a limitations period is tolled because of fraudulent concealment of facts, the tolling ceases when those facts are, or should have been, discovered by the plaintiff.”). As Plaintiff

⁶ Plaintiff’s contention that he could not gather additional evidence until after 2016 does not justify tolling. *See Deutsch v. Turner Corp.*, 324 F.3d 692, 718 (9th Cir. 2003) (“[The plaintiffs] alleged, for example, that the defendants had kept the plaintiffs ignorant of essential facts in the defendants’ possession. The district court considered these alleged facts and found them insufficient to trigger tolling.”); *Sukyias v. Romania*, No. 15-1946, 2020 WL 6822494, at *8 (C.D. Cal. Nov. 12, 2020) (“[The plaintiff] has not cited any authority supporting the proposition that a statute of limitations may be equitably tolled while a plaintiff seeks *additional* evidence supporting claims that have accrued and of which he or she was already aware.”).

alleges, “[i]n 1984, [then-Colonel Reyes Mena] relocated to the United States as a military attaché for the Salvadoran government based in Washington, D.C.” (ECF 1 ¶ 39.) There was nothing fraudulent nor secret about Mr. Reyes Mena’s diplomatic posting.

Even if tolling were to apply until either 2016 or 2018, which it does not, a plaintiff must “file suit within a *reasonable period of time* after realizing that such a suit has become necessary.” *Herrera v. Clarke*, No. 1:19cv1301, 2021 U.S. Dist. LEXIS 79747, at *7 (E.D. Va. Apr. 22, 2021) (emphasis added). “Once the extraordinary circumstances justifying equitable tolling have ended, [the plaintiff] must file as soon as reasonably possible.” *Id.* Waiting until 2024 to file this lawsuit is unreasonable.

C. The TVPA may not be applied retroactively.

Congress did not intend for the TVPA to apply retroactively. Prospective relief is the default rule, unless Congress “expressly” indicates that a statute has retroactive effect. *Landgraf v. Usi Film Prods.*, 511 U.S. 244, 280 (1994). In the cases relied on by Plaintiff, the courts found that no such indication exists. *See Alvarez-Machain v. United States*, 96 F.3d 1246, 1252 (9th Cir. 1996) (“The [TVPA] is silent with regard to whether Congress intended for it to apply retroactively.”); *Cabello v. Fernandez-Larios*, 157 F. Supp. 2d 1345, 1364 (S.D. Fla. 2001) (“[N]either an examination of the statute’s plain language nor the employment of other ‘normal rules of statutory construction’ clearly indicate the TVPA’s temporal scope.”); *Xuncax v. Gramajo*, 886 F. Supp. 162, 176 (D. Mass. 1995) (“The provisions of the TVPA statute itself do not speak to the question of retroactivity; nor does the statute’s legislative history shed light on the matter.”).

Plaintiff tries to swerve around those cases by raising alleged remarks made during a congressional debate about the bill-version of the TVPA. (ECF 28 at 27.) After a diligent search, the citation provided by Plaintiff could not be found, and therefore the alleged remarks could not be verified. Even if such remarks were made, they make no difference here. Comments about the

bill's initial intent, made during a legislative debate, do not reflect the TVPA's *final* legislation and intent.⁷ See *N.Y.C. Apparel F.Z.E. v. U.S. Customs & Border Prot. Bureau*, 618 F. Supp. 2d 75, 83 (D.D.C. 2009) (“Even assuming that Senator Leahy intended for the OGA to have retroactive effect, that does not mean that the entire Congress intended such a result. ... [The Senator’s] lone statement ‘falls short of providing evidence of an agreement among legislators on the subject.’”).

1. The TVPA is a new cause of action that covers extraterritorial conduct.

Plaintiff cites two cases, decided after *Kiobel*, for the proposition that *Kiobel* has no impact on whether the TVPA has a retroactive effect. (ECF 28 at 25-26.) One of those cases, however, did not address the issue of retroactivity. See *Bidegain v. Vega*, No. 22-CV-60338-RAR, 2024 U.S. Dist. LEXIS 132911, at *1 (S.D. Fla. June 18, 2024). In the other case, the defendant did not specifically argue that *Kiobel* changed the retroactivity analysis, and therefore the court had no occasion to address the precise issue at hand. See *Warfaa v. Ali*, 33 F. Supp. 3d 653, 659 (E.D. Va. 2014). The six other cases cited by Plaintiff—*Samantar*, *Chavez*, *Arce*, *Cabello*, *Hilao*, *Cabiri*, and *Xuncax*—either did not address retroactivity or did, but were decided pre-*Kiobel* and thus have no bearing on retroactivity post-*Kiobel*.

Contrary to Plaintiff's argument, the TVPA was not enacted in response to a “perceived ‘jurisdictional gap.’” (ECF 28 at 28.) Before *Kiobel*, courts did not perceive any jurisdictional gap for claims involving extrajudicial killings or tortures committed abroad. Quite the opposite, courts routinely held that claims under the TVPA could have also been brought under the ATCA. *E.g.*, *Alvarez-Machain*, 96 F.3d at 1252 (“[A]liens have had the right to adjudicate torture claims

⁷ The remarks, if true, are too attenuated to support an initial intent of retroactive application. According to Plaintiff's citation, the debate occurred in January 1991. (ECF 28 at 27.) At that time, the Gulf War was still ongoing.

in our federal courts since the passage of the Alien Tort Claim Act (ATCA) in 1789.”). A “perceived jurisdictional gap,” if any, did not exist until *Kiobel* was decided in 2013—two decades after the TVPA’s enactment.

2. The TVPA increases the statute of limitations from two years to ten years.

Plaintiff fails to rebut the argument that, before the TVPA was enacted, the applicable limitations period would have been two years. (ECF 23 at 28); (ECF 28 at 29). Instead, Plaintiff insists that the TVPA imposes a ten-year limitations period. (ECF 28 at 29.) Plaintiff, however, misses the point. In analyzing the retroactive effect of a statute, courts may consider whether the newly enacted statute lengthens the limitations period that would have applied prior to the statute’s enactment. *Hughes Aircraft Co. v. U.S.*, 520 U.S. 939, 950 (1997). Point being, this Court should compare the limitations period of a viable claim that would have been filed before the TVPA’s enactment, which would have been two years, with the limitations period imposed by the TVPA, which is ten years.

3. If a *jus cogens* exception were to apply here, then the TVPA eliminates the defense of conduct-based foreign official immunity.

Plaintiff states that, before the TVPA’s enactment, foreign immunity was “never” available for *jus cogens* violations. (ECF 28 at 30.) That is clearly wrong. Courts have applied foreign sovereign immunity, even for *jus cogens* violations. *E.g.*, *Al Shimari*, 368 F. Supp. 3d at 956-58; *Dogan*, 932 F.3d at 895. Not until *Yousuf* did a court find that the TVPA overrides conduct-based immunity for *jus cogens* violations. 699 F.3d at 777. *Yousuf* is limited in application to foreign officials from governments that are not recognized by the State Department, and therefore, does not control here. If, however, this Court were to apply *Yousuf*, it must necessarily find that the TVPA eliminates a defense that Mr. Reyes Mena would have otherwise had.

D. Plaintiff lacks standing.

The choice-of-law doctrine of *lex loci delicti* does not apply here.⁸ (ECF 28 at 30-31.) Congress noted that “courts may look to state law for guidance as to which parties would be proper wrongful death claimants.” H.R. Rep. No. 102-367, at 4 (1991). But that statement does not mean this Court should apply Virginia’s choice-of-law doctrine, when Virginia has codified the answer to this issue. The category of proper wrongful death claimants under Virginia law is determined by Va. Code § 8.01-50(C). Congress could have easily said that courts may look to the law where the torture or killing took place, but chose not to.

E. Plaintiff has not exhausted his remedies in El Salvador.

Plaintiff contends that Mr. Reyes Mena must show that the remedies in El Salvador are adequate and obtainable. (ECF 28 at 34.) Plaintiff is wrong. Once a defendant shows that remedies exist in the state where the conduct occurred, “the burden shifts to the plaintiff to rebut by showing that the local remedies were ineffective, unobtainable, unduly prolonged, inadequate, or obviously futile.” *Jean v. Dorelien*, 431 F.3d 776, 782 (11th Cir. 2005) (citing S. Rep. No. 102-249, at 9-10). Plaintiff fails to meet his burden to rebut.

The exhaustion defense is ripe for consideration, because Plaintiff cannot overcome his own allegations about the ongoing proceedings in El Salvador against Mr. Reyes Mena for the same conduct at issue here. (ECF 1 ¶¶ 152, 155-58); *see also* (ECF 23-1 at 4). Nor does Plaintiff dispute that, under Salvadoran law, once the criminal proceeding ends, Plaintiff may then seek and recover civil damages for his brother’s death. (ECF 1 ¶ 156); (ECF 23-3 at 4-5, arts. 70, 74).

⁸ Because choice-of-law principles do not apply here, Plaintiff’s reliance on *Jones* is inapposite. (ECF 28 at 31, n.15.) At any rate, *Jones* did not find that standing is substantive law. In *Jones*, the court differentiated between those who have the *standing to bring the lawsuit*—the decedent’s personal representative—from those who have the *right to recover damages*—the decedent’s heirs. *Jones v. Prince George’s Cnty.*, 541 F. Supp. 2d 761, 766 n.10 (D. Md. 2008). The court held that the right to recover damages (not standing) was substantive law.

Plaintiff has concerns about the enforceability of the judgment and other judgment-related issues. (ECF 28 at 34.) But every plaintiff has such abstract concerns during the pendency of litigation. Importantly, the TVPA was enacted to provide a means of civil redress to victims from countries whose “governments *still* engage in or tolerate torture of their citizens” and are thus unwilling to provide a means of redress. H.R. Rep. No. 102-367, at 3 (emphasis added). To that effect, the exhaustion requirement “ensures that U.S. courts will not intrude into cases more appropriately handled by courts where the alleged torture or killing occurred.” *Id.* at 5. Plaintiff must therefore allow the ongoing Salvadoran proceedings to play out, before prosecuting this claim.

Plaintiff does not dispute that, if any of the three criminal defendants in the Salvadoran proceedings are found guilty, Plaintiff could collect civil damages from the Salvadoran government. (ECF 23-1 at 3); (ECF 23-2 at 4, art. 245). Instead, Plaintiff argues that Mr. Reyes Mena must himself be held liable and pay from his own pockets. (ECF 28 at 34-35.) But Plaintiff misses the point, and he appears to be seeking a double recovery. Absent apportionment, a plaintiff cannot recover the full judgment amount from each and every tortfeasor. *See Gilliam v. Allen*, 62 F.4th 829, 846 (4th Cir. 2023). Thus, if Plaintiff were awarded civil damages by a Salvadoran court, and the Salvadoran government pays such damages in full, Plaintiff will have been fully compensated and cannot then seek additional monies from Mr. Reyes Mena.

F. Absent dismissal, the Court should issue a stay.

Plaintiff contends that Mr. Reyes Mena has not submitted to the jurisdiction of the Salvadoran court, as he is still present here in the United States. (ECF 28 at 36.) Plaintiff, however, ignores that Mr. Reyes Mena is being tried in absentia and that he is defending the Salvadoran criminal charges through counsel. (ECF 23-1 at 4.) Mr. Reyes Mena has even paid a cash bond

into the Salvadoran court, pending resolution of the criminal trial.⁹ See Exhibit 1.¹⁰ Recently, the Salvadoran court issued an Order requesting that Mr. Reyes Mena be extradited, which further supports a stay. See Exhibit 2.¹¹

II. CONCLUSION

For the foregoing reasons, the Court should grant the Motion to Dismiss and dismiss this action with prejudice. Absent a dismissal, the Court should issue a stay pending resolution of the criminal action in El Salvador and any subsequent proceedings under Salvadoran law for civil damages.

Dated: January 8, 2025

Respectfully submitted,

MARIO ADALBERTO REYES MENA

/s/ Kang He

John D. Wilburn (VSB No. 41411)

Kang He (VSB No. 89237)

Zachary J. Poretz (VSB No. 99508)

MCGUIREWOODS LLP

1750 Tysons Boulevard, Suite 1800

Tysons, Virginia 22102

Telephone: (703) 712-5000

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jwilburn@mcguirewoods.com

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zporetz@mcguirewoods.com

Counsel for Defendant

⁹ To clarify, the cash bond of \$9,142.86 does not represent the damages that Plaintiff may be awarded under Salvadoran law. It represents the market value of Mr. Reyes Mena's property for purposes of satisfying a pre-judgment attachment issued by the Salvadoran court. Ex. 1.

¹⁰ The certified English translation is attached as Exhibit 1-A, and the original Spanish version is attached as Exhibit 1-B.

¹¹ The certified English translation is attached as Exhibit 2-A, and the original Spanish version is attached as Exhibit 2-B.

CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will serve a copy on all counsel of record.

/s/ Kang He

Kang He (VSB No. 89237)

EXHIBIT 1-A

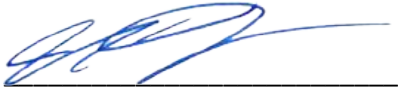
Certification of Translation Accuracy

Translation of **Court Order - Dec. 20, 2024** from **Spanish to English**

We, ImmiTranslate, a professional translation services company with corporate membership to the American Translators Association (Member ID #268442), hereby certify that the above-mentioned document has been translated by an experienced, qualified and competent professional translator, fluent in the above-mentioned language pair and that, in our best judgment, the translated text truly reflects the content, meaning, and style of the original text and constitutes in every respect a complete and accurate translation of the original document. This document has not been translated for a family member, friend, or business associate.

This is to certify the correctness of the translation only. We do not make any claims or guarantees about the authenticity or content of the original document. Further, ImmiTranslate, assumes no liability for the way in which the translation is used by the customer or any third party, including end-users of the translation.

A copy of the translation is attached to this certification.



Ian Hawes
Managing Partner
ImmiTranslate, LLC
Dated: January 8, 2025

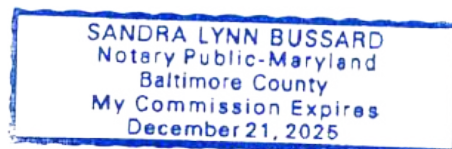


I hereby certify that on **January 8, 2025**, **Ian Hawes** appeared before me, and being duly sworn declared he signed this application in the capacity designated, if any, and further states that he has read the above application and the statements therein contained are true.

As witness my hand and notarial seal.



Signature of notary
Dated: January 8, 2025



Seal or Stamp

Certification of Translator Competency

I, **John Michael Hughson**, am competent to translate from **Spanish** into **English**, and certify that the translation of **Court Order - Dec. 20, 2024** is complete and accurate. This document has not been translated for a family member, friend, or business associate.



John Michael Hughson
Translator
ImmiTranslate, LLC
Dated: January 8, 2025

[illegible] PROCESS SERVER OF THE COURT OF FIRST INSTANCE OF DULCE NOMBRE DE MARIA,
DEPARTMENT OF CHALATENANGO the Licda. Doris Anabell
Gutierrez Ramos
MAKES KNOWN THAT IN CASE NO. Pn 11-1982-3 BROUGHT
BY AGAINST
THERE IS FOUND THE RESOLUTION THAT LITERALLY READS AS FOLLOWS:

Court of First Instance: Dulce Nombre de María, Department of Chalatenango, at fifteen hours [3 p.m.] on the twentieth day of December of the year two thousand twenty-four.

Having received, by National Mail, the Official Doc. No. 2738-12/2024 dated the 6th of December of 2024, sent from the Eleventh Magistrate Court of San Salvador, signed by the Judge Licda. Paula Patricia Velásquez Centeno, which returns, without processing, the Writ of Attachment affecting the property owned by the accused **MARIO ADALBERTO REYES MENA**, ordered in the action with reference number PN. 11-1982-3, that is proceeding against him, and others, for the crime that is provisionally classified as **MURDER**, as regulated and punished in art. 154, Part 2, in relation to art. 153, Sections 2 and 4, both from the Penal Code of 1973/74, Repealed but applicable to this case, to the detriment of the Dutch journalists **KOOS JACOBUS ANDRIES KOSTER, JAN CORNELIUS KUIPER JOOP, HANS LODEWIJK TER LAAG, and JOHANNES JAN WILEMSEN**, said Mr. Reyes Mena having **PROMOTED OR PROCURED** said crime.

[Translator's Note: In Spanish, the salutation Licda. refers to an undergraduate or professional degree.]

Having received, by Institutional Mail, the Official Doc. No. 556 dated the 20th of December of 2024, sent from the Magistrate Court of Juacuacrán, Department of Usulután, signed by the Licda. Claudia Aracely Herrera Argueta, together with the proceedings that consist of 11 useful pages: the duly processed WRIT OF ATTACHMENT affecting the property owned by the accused JOSE GUILLERMO GARCIA, encumbering the real property inscribed in the Real Property and Mortgage Registry of the Second Section of the Eastern Zone, with headquarters in the city of Usulután, under the registration 75157364-00000, situated at Lot number 2, Zone A, El Carrizal Polygon, Hacienda La Piragua or Ojo de Agua de León, corresponding to the geographic Location of Juacuacrán, Usulután Este, Department of Usulután; the undersigned Judge **RESOLVES:**

May the factual backgrounds for the same be attached.

Not having rendered a pronouncement in the subsequent hearing, the opposing party, just as it was transferred by resolution at fifteen hours and fifty-five minutes [3:55 p.m.] on the sixteenth day of December of two thousand twenty-four, added at pg. 3138, so that it would be reflected, with regard to the Revocation Proceedings interposed by the Private Defender Licda. DORIS ANABEL GUTIERREZ RAMOS, from the resolution provided by this Court at fourteen hours [2 p.m.] on the fourth day of December of two thousand twenty-four, in the sense that it revokes the writ of attachment ordered against the property of her client, Mr. **MARIO ADALBERTO REYES MENA**, and, failing that, may an official letter be released to the General Director of the Treasury of the Ministry of Finance, so that the sum of **NINE THOUSAND ONE HUNDRED FORTY-TWO DOLLARS OF THE UNITED STATES OF AMERICA AND EIGHTY-SIX CENTS (\$9,142.86)** may be tendered in substitution of the lien that has been ordered, and the writ of attachment having not been processed against the property owned by the accused **MARIO ADALBERTO REYES MENA**, just as it is reflected in the Official Doc. No. 2738-12/2024, dated the 6th of December of 2024, sent by the Eleventh Magistrate Court of San Salvador, attached at pg. 3132 (item 16); as a consequence, may this manner of attaching an encumbrance on the

property owned by the accused MARIO ADALBERTO REYES MENA be left without effects, so that the encumbrance be left without effect as it would attach to the real property inscribed under Registration 60648930-00000, of a Rustic Nature, with an area of 49,5000 [sic] square meters, situated at the **LOT THAT IS ADDITIONAL TO LOT NUMBER 5, POLYGON I, NEIGHBORHOOD OF GENERAL ARCE,** corresponding to the geographic location of **SAN SALVADOR, DOWNTOWN SAN SALVADOR, SAN SALVADOR,** and, failing that, said accused shall tender the amount of EIGHTY THOUSAND COLONES, or its equivalent in Dollars, being the amount of NINE THOUSAND ONE HUNDRED FORTY-TWO DOLLARS OF THE UNITED STATES OF AMERICA AND EIGHTY-SIX CENTS (\$ 9,142.86)

May an official letter be released to the General Directorate of the Treasury of the Ministry of Finance, for the purpose of tendering the amount of NINE THOUSAND ONE HUNDRED FORTY-TWO DOLLARS OF THE UNITED STATES OF AMERICA AND EIGHTY-SIX CENTS, for its deposit into the Third-Party Funds in Custody account, so that the defendant MARIO ADALBERTO REYES MENA may respond to the outcome of the criminal action with reference No. PN. 11-1982-3, which is proceeding against him for the crime that is provisionally classified as **MURDER,** as regulated and punished in art. 154, Part 2, in relation to art. 153, Sections 2 and 4, both from the Penal Code of 1973/74, Repealed but applicable to this case, to the detriment of the Dutch journalists **KOOS JACOBUS ANDRIES KOSTER, JAN CORNELIUS KUIPER JOOP, HANS LODEWIJK TER LAAG, and JOHANNES JAN WILEMSEN,** as having PROMOTED OR PROCURED said crime.

In view of the Registry of Real Property and Mortgages of San Salvador (RPRH-SS) having reported, through Official Doc. No. 0104/2024 RPRH-SS dated the 2nd of December of 2024, that the accused FRANCISCO ANTONIO MORAN REYES does not possess real property registered in his favor; and for the purpose of enforcing the encumbrance up to the amount of EIGHTY THOUSAND COLONES, or its equivalent in DOLLARS OF THE UNITED STATES OF AMERICA , for the purposes of Penal Arts. 130 and 134, and Arts. 267, 270, and 271 of the Code of Criminal Procedure, both Codes from 1973/74, Repealed, ordered through a resolution from fifteen hours and fifty-five minutes [3:55 p.m.] on the twenty-first day of November of the year two thousand twenty-four, added at pg. 3039 (item 16), may an official letter be released to the Superintendency of the Financial System, requesting a report, with regard to Mr. FRANCISCO ANTONIO MORAN REYES, as to whether there appears any record in favor of said defendant in the archives of bank account records.

May notice be given.
[signature: illegible]

PN. 11-1982 (3)
REF.FGR. 296-055-UALISP-18. AND
REF.FGR. 06-GUIDCAI-2017
Old Rule Framework

before me
[signature: illegible]

SO THAT WHAT IS PROVIDED BY THIS TRIBUNAL WOULD BE SERVED AS [unclear] AND NOTIFICATION TO YOU, THE PRESENT DOCUMENT IS RELEASED IN THE COURT OF FIRST INSTANCE DULCE NOMBRE DE MARIA AT fourteen forty HOURS [2:40 p.m.] ON THE 23rd DAY OF THE MONTH OF December of 2024

[signature: illegible]
Process Server

EXHIBIT 1-B

Gutiérrez Ramos

Pr 11-1982-3

PROVINCIO

Juzgado de Primera Instancia: Dulce Nombre de María, Departamento de Chalatenango, a las quince horas del día veinte de diciembre del año dos mil veinticuatro.

Recibido por Correo Nacional el Of. N° 2738-12/2024 de fecha 6 de diciembre de 2024 procedente del Juzgado Décimo Primero de Paz de San Salvador, suscrito por la Jueza Licda. Paula Patricia Velásquez Centeno, mediante el cual devuelve sin diligenciar el Mandamiento de Embargo, recaído en bienes propios del imputado **MARIO ADALBERTO REYES MENA**, ordenado en el proceso con referencia PN. 11-1982-3, que se le instruye en su contras, y otros por el delito que provisionalmente se califica como **ASESINATO** regulado y sancionado en los arts. 154 Inc. 2° en relación al art. 153 Números 2 y 4 ambos del Código Penal de 1973/74 Derogado pero aplicable para este caso, en perjuicio de los periodistas Holandeses **KOOS JACOBUS ANDRIES KOSTER, JAN CORNELIUS KUIPER JOOP, HANS LODEWIJK TER LAAG, y JOHANNES JAN WILEMSEN**, dicho señor Reyes Mena como AUTOR MEDIATO de dicho delito

Recibido por Correo Institucional el Of. N° 556 de fecha 20 de diciembre de 2024, procedente del Juzgado de Paz de Juacuacrán, Departamento de Usulután, suscrito por la Licda. Claudia Aracely Herrera Argueta, juntamente con diligencias que constan de 11 fs. útiles, debidamente diligenciado el MANDAMIENTO DE EMBARGO, recaído en bienes propios del imputado JOSE GUILLERMO GARCIA, trabado en el bien inmueble inscrito en el Registro de la Propiedad Raíz e Hipotecas de la Segunda Sección de Oriente, con sede en la ciudad de Usulután, bajo la matrícula 75157364-00000, situado en Lote número 2, Zona A, Polígono El Carrizal Hacienda La Piragua u Ojo de Agua de León, correspondiente a la ubicación geográfica de Juacuacrán, Usulután Este, Departamento de Usulután; la suscrita Juez **RESUELVE**:

Agréguese a sus antecedentes los mismos.

No habiéndose pronunciado en la siguiente audiencia la parte contraria, tal como se le corrió traslado por resolución de las quince horas y cincuenta y cinco minutos del día dieciséis de diciembre de dos mil veinticuatro, agregada a fs. 3138, para que se manifestara en cuanto al Recurso de Revocatoria interpuesto por la Defensora Particular Licda. DORIS ANABEL GUTIERREZ RAMOS, de la resolución proveída por este Juzgado a las catorce horas del día cuatro de diciembre de dos mil veinticuatro, en el sentido que se revoque el mandamiento de embargo ordenado contra una propiedad de su representado señor **MARIO ADALBERTO REYES MENA**, y en su defecto se libre oficio al Director General de Tesorería del Ministerio de Hacienda a fin que se consigne la cantidad de **NUEVE MIL CIENTO CUARENTA Y DOS DOLARES CON OCHENTA Y SEIS CENTAVOS DE DÓLAR DE LOS ESTADOS UNIDOS DE AMERICA** (\$9,142.86) en sustitución del embargo que se ha decretado y no habiéndose diligenciado el mandamiento de embargo recaído en bienes propios del imputado **MARIO ADALBERTO REYES MENA**, tal como se desprende del Of. N° 2738-12/2024 de fecha 6 de diciembre de 2024 procedente del Juzgado Décimo Primero de Paz de San Salvador, agregado a fs. 3132 (pieza 16); por consiguiente, déjase sin efecto la forma de cómo trabar embargo en

bienes propios del procesado MARIO ADALBERTO REYES MENA, por lo que deberá dejarse sin efecto trabar embargo en el inmueble inscritos bajo la Matrícula 60648930-00000, de Naturaleza Rústica, con un área de 49,5000 metros cuadrados, situado en **LOTE ADICIONAL AL LOTE NUMERO 5, POLIGONO I, COLONIA GENERAL ARCE**, correspondiente a la ubicación geográfica de **SAN SALVADOR, SAN SALVADOR CENTRO, SAN SALVADOR**, y en su defecto dicho procesado deberá hacer efectiva la suma de OCHENTA MIL COLONES, o su equivalente en Dólares siendo la cantidad de NUEVE MIL CIENTO CUARENTA Y DOS DOLARES CON OCHENTA Y SEIS CENTAVOS DE DÓLAR DE LOS ESTADOS UNIDOS DE AMERICA (\$ 9,142.86)

Líbrese oficio a la Dirección General de Tesorería del Ministerio de Hacienda, a fin de hacer efectiva la suma de NUEVE MIL CIENTO CUARENTA Y DOS DOLARES CON OCHENTA Y SEIS CENTAVOS DE DÓLAR DE LOS ESTADOS UNIDOS DE AMERICA, para su ingreso a la cuenta Fondos Ajenos en Custodia, para responder el procesado MARIO ADALBERTO REYES MENA, a las resultas de la criminal con referencia PN. 11-1982-3, que se le instruye por el delito que provisionalmente se califica como **ASESINATO** regulado y sancionado en los arts. 154 Inc. 2º en relación al art. 153 Números 2 y 4 ambos del Código Penal de 1973/74 Derogado pero aplicable para este caso, en perjuicio de los periodistas Holandeses **KOOS JACOBUS ANDRIES KOSTER, JAN CORNELIUS KUIPER JOOP, HANS LODEWIJK TER LAAG, y JOHANNES JAN WILEMSEN**, como AUTOR MEDIATO de dicho delito.

En vista que el Registro de la Propiedad Raíz e Hipotecas de San Salvador (RPRH-SS,) en el Oficio N° 0104/2024 RPRH-SS, de fecha 2 de diciembre de 2024, informa que el procesado FRANCISCO ANTONIO MORAN REYES no posee bienes inmuebles inscritos a su favor; y a fin de hacer efectivo el embargo hasta por la cantidad de OCHENTA MIL COLONES, o su equivalente en DOLARES DE LOS ESTADOS UNIDOS DE AMERICA, para los efectos de los Arts. 130 y 134 Penal, y Arts. 267, 270, y 271 del Código Procesal Penal, ambos Códigos de 1973/74 Derogados, ordenado por resolución de las quince horas y cincuenta y cinco minutos del día veintiuno de noviembre del año dos mil veinticuatro agregada a fs.3039 (pieza 16), líbrese oficio a la Superintendencia del Sistema Financiero solicitando informe si al señor FRANCISCO ANTONIO MORAN REYES en los archivos de registro de cuentas bancarias, le aparece registro alguno a favor de dicho procesado.

Notifíquese.

PN. 11-1982 (3)
REF.FGR. 296-055-UALISP-18. Y
REF.FGR. 06-GUIDCAI-2017
Antigua Normativa

ante mí
[Signature]
Notificador.-

PARA QUE LO PROVEIDO POR ESTE TRIBUNAL LE SIRVA DE FECA.
NOTIFICACIÓN SE HIZO LA PRESENTE EN EL JUZGADO DE PRIMERA INSTANCIA
CUARTO MEMBRAL DE HACIENDA A LAS veinte y cuatro HORAS DEL
23 DE diciembre de 2024

EXHIBIT 2-A

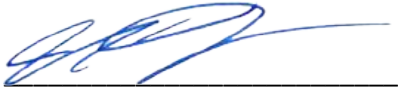
Certification of Translation Accuracy

Translation of **Extradition Request - Mario Adalberto Reyes Mena** from **Spanish to English**

We, ImmiTranslate, a professional translation services company with corporate membership to the American Translators Association (Member ID #268442), hereby certify that the above-mentioned document has been translated by an experienced, qualified and competent professional translator, fluent in the above-mentioned language pair and that, in our best judgment, the translated text truly reflects the content, meaning, and style of the original text and constitutes in every respect a complete and accurate translation of the original document. This document has not been translated for a family member, friend, or business associate.

This is to certify the correctness of the translation only. We do not make any claims or guarantees about the authenticity or content of the original document. Further, ImmiTranslate, assumes no liability for the way in which the translation is used by the customer or any third party, including end-users of the translation.

A copy of the translation is attached to this certification.



Ian Hawes
Managing Partner
ImmiTranslate, LLC
Dated: January 8, 2025

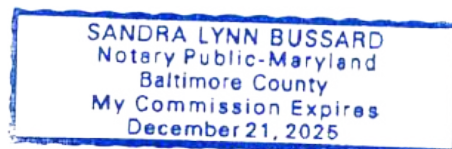


I hereby certify that on **January 8, 2025, Ian Hawes** appeared before me, and being duly sworn declared he signed this application in the capacity designated, if any, and further states that he has read the above application and the statements therein contained are true.

As witness my hand and notarial seal.



Signature of notary
Dated: January 8, 2025



Seal or Stamp

Certification of Translator Competency

I, **Oriana Helena González Guzmán**, am competent to translate from **Spanish** into **English**, and certify that the translation of **Extradition Request - Mario Adalberto Reyes Mena** is complete and accurate. This document has not been translated for a family member, friend, or business associate.



Oriana Helena González Guzmán
Translator
ImmiTranslate, LLC
Dated: January 8, 2025

[Illegible Information], CHALATENANGO DEPARTMENT FOR THE Grad.
Doria Anabell Gutierrez Ramos, [Illegible Information] Pn 11-1982-3
[Illegible Information]

Court of First Instance: Dulce Nombre de Maria, fifteen hours of the day twelve hours and thirty minutes of the nineteenth day of the month of December of the year two thousand and twenty-four.

Following the indications given by the Plenary Court of the Supreme Court of Justice in resolution of twelve hours and forty-two minutes dated November thirtieth, two thousand and twenty-three in the folios 2511-2512 (13th Section), **based on the EXTRADITION TREATY** celebrated on the eighteenth day of the month of April of the year two thousand eleven, in the city of San Salvador, subscribed between the Government of the United States of America and the Government of the Republic of El Salvador, ratified by the Legislative Assembly on May eleventh, two thousand and eleven, and according to Form B: CHECKLIST FOR THE FULLY DOCUMENTED EXTRADITION REQUEST; once again **A PETITION MUST BE FORMULATED TO THE HONORABLE SUPREME COURT OF JUSTICE OF EL SALVADOR**, so that through THE DIPLOMATIC REPRESENTATIVES OR SUPERIOR CONSULAR OFFICIALS, VIA DIPLOMATIC CHANNELS, THE DEPARTMENT OF STATE AND DEPARTMENT OF JUSTICE OF THE UNITED STATES OF AMERICA, be requested to **EXTRADITE** the defendant **MARIO ADALBERTO REYES MENA**, who is currently living in: 14818 Edman Cir Centreville, VA 20121-4496 Fairfax County, Virginia, United States of America; for having Provisional Detention decreed in the file with reference PN. 11/1982-3, for being attributed the commission of the crime provisionally classified as MURDER regulated and sanctioned in articles 154 paragraph 2° in relation to article 153 items 2 and 4 both of the Criminal Code 1973/74 repealed but applicable to this case, as PERPETRATOR of the crime of MURDER to the detriment of the journalists of Dutch origin (Dutch citizens) the citizens: KOOS JACOBUS ANDRIES KOSTER, JAN CORNELIUS KUIPER JOOP, HANS LODEWIJK TER LAAG, JOHANNES JAN WILEMSEN; wherefore the undersigned Judge, **RESOLVES:**

Once again, **A REQUEST BE MADE TO THE HONORABLE SUPREME COURT OF JUSTICE OF EL SALVADOR** to request and obtain an extradition order (preventive arrest) against the defendant **MARIO ADALBERTO REYES MENA** through the DIPLOMATIC REPRESENTATIVES OR SENIOR CONSULAR OFFICIALS, to the competent Judges and Magistrates of the Government of the United States of America, so that the **DEPARTMENT OF STATE AND THE DEPARTMENT OF JUSTICE OF THE UNITED STATES OF AMERICA, EXTRADITE to the Republic of El Salvador, the defendant MARIO ADALBERTO REYES MENA; said request for extradition** pursuant to said international treaty, in accordance with the guide provided by the United States of America for the Extradition request, form B: CHECKLIST FOR FULLY DOCUMENTED EXTRADITION REQUEST: Facts and procedural background of the case. Applicable legal provisions. Identification of the person sought.

translated from Spanish to English, and duly certified by the competent judicial authority of the requesting State; inserting the relevant passages of the proceedings, the necessary data and background information on the identity of the requested person, the transcription of the applicable legal provisions and the information that the treaties or conventions determine or that the Judge considers necessary, article 478 C. Pr. Pn. of 1973 repealed but applicable to the present case, the Certification of the data printout and image of the current process of issuance of the Single Identity Document (DUI) of the defendant MARIO ADALBERTO REYES MENA which is attached to the folio 550 (3rd Section) and the certification of the Red Notice, in English and Spanish, with control number A-7/1-2023, published by the General Secretary Office of INTERPOL, with headquarters in Lyon, France, on January second, two thousand and twenty-three, against defendant MARIO ADALBERTO REYES MENA at the request of OCN INTERPOL El Salvador, attached from page 2527 to 2529 (13th Section), Certifications that must be divided and photocopied and added to the folios 550 and 2527 to 2529 respectively.

Before sending the FULLY DOCUMENTED EXTRADITION REQUEST, the head of the DASI of the Supreme Court of Justice should be requested to translate the pertinent information and documentation referred to in this resolution from Spanish (or Castilian) to English as soon as possible, which will be detailed in the respective document, and once the DASI sends to this Court the translation of the above mentioned, the request for Extradition of the citizen **MARIO ADALBERTO REYES MENA** will be sent to the **HONORABLE SUPREME COURT OF JUSTICE**, so that it may process it, requesting the translation of the above mentioned in an urgent manner.

To be notified.

[Illegible Signature]

Before me,

[Illegible Signature]

[Illegible Name and Surname]

PN. 11-1982 (3)

REF. FGR. 296-055-UALISP-18., and

REF. FGR. 06-UIDCA-2017

Former Regulation

[Illegible Information] THE PROVIDED BY THIS COURT, BE SERVED AS LEGAL BASIS _____ [Illegible Information] AND THIS DOCUMENT IS ISSUED IN THE COURT OF FIRST INSTANCE, DULCE NOMBRE DE MARIA AT **twelve** HOURS AT NOON ON THE **20th** DAY OF THE MONTH OF **December** OF THE YEAR **2024**

[Illegible Signature]

Notifier.-

EXHIBIT 2-B

DEPARTAMENTO DE CHALATENANGO A. I. Hilda Doria Anabell	
Gutiérrez Ramos	PROMOCIONADO
PROCESO	PN 11-1982-3
RESOLUCIÓN DEL LIBERALMENTE IV	

Juzgado de Primera Instancia: Dulce Nombre de María, a las quince horas del día doce horas y treinta minutos del día diecinueve de diciembre del año dos mil veinticuatro.

Siguiendo las indicaciones dadas por Corte Plena de la Corte Suprema de Justicia en resolución de las doce horas con cuarenta y dos minutos del día treinta de noviembre de dos mil veintitrés a fs. 2511-2512 (13ª. Pieza), **con base al TRATADO DE EXTRADICIÓN** celebrado el día dieciocho de abril del año dos mil once, en la ciudad de San Salvador, suscrito entre el Gobierno de los Estados Unidos de América y el de la República de El Salvador, ratificado por la Asamblea Legislativa el día once de mayo de dos mil once, y conforme al formulario B: LISTA DE CONTROL PARA LA SOLICITUD DE EXTRADICIÓN COMPLETAMENTE DOCUMENTADA; nuevamente debe formularse **SUPPLICATORIO A LA HONORABLE CORTE SUPREMA DE JUSTICIA DE EL SALVADOR**, a fin de que por medio de los REPRESENTANTES DIPLOMÁTICOS O FUNCIONARIOS CONSULARES SUPERIORES, VÍA DIPLOMÁTICA le sea requerido al DEPARTAMENTO DE ESTADO Y DEPARTAMENTO DE JUSTICIA DE LOS ESTADOS UNIDOS DE AMÉRICA, **la EXTRADICIÓN** del procesado **MARIO ADALBERTO REYES MENA**, del domicilio y residencia actual en: 14818 Edman CIR Centreville, VA 20121-4496 FairFax County, Virginia, Estados Unidos de Norteamérica; por tener decretada la Detención Provisional en el expediente con referencia PN. 11/1982-3, por atribuírsele la comisión del delito que provisionalmente se califica como **ASESINATO** regulado y sancionado en los Arts. 154 Inc. 2º en relación al art. 153 Números 2 y 4 ambos del Código Penal de 1973/74 Derogado pero aplicable para este caso, como **AUTOR MEDIATO** del delito de **ASESINATO** en perjuicio de los periodistas de origen Holandés (ciudadanos Neerlandeses) señores: **KOOS JACOBUS ANDRIES KOSTER, JAN CORNELIUS KUIPER JOOP, HANS LODEWIJK TER LAAG, JOHANNES JAN WILEMSEN**; por lo que la suscrita Juez, **RESUELVE:**

Nuevamente **FORMÚLESE SUPPLICATORIO A LA HONORABLE CORTE SUPREMA DE JUSTICIA DE EL SALVADOR** para que por medio de los REPRESENTANTES DIPLOMÁTICOS O FUNCIONARIOS CONSULARES SUPERIORES pidan y obtengan una orden de extradición (arresto preventivo) contra el procesado **MARIO ADALBERTO REYES MENA**, a los señores Jueces y Magistrados competentes del Gobierno de los Estados Unidos de América, con la finalidad que el **DEPARTAMENTO DE ESTADO Y DEPARTAMENTO DE JUSTICIA DE LOS ESTADOS UNIDOS DE AMÉRICA, EXTRADITE** hacia la República de El Salvador, al procesado **MARIO ADALBERTO REYES MENA**; dicha solicitud de **extradición** conforme a dicho tratado internacional, conforme a la Guía proporcionada por los Estados Unidos de América para la solicitud de Extradición, formulario B: LISTA DE CONTROL PARA LA SOLICITUD DE EXTRADICIÓN COMPLETAMENTE DOCUMENTADA: Hechos y antecedentes procesales del caso. Disposiciones legales aplicables. Identificación de la persona reclamada.

traducida del idioma Español al Idioma Inglés, y ser debidamente certificada por la autoridad judicial competente del Estado que reclama; debiéndose insertar los pasajes del proceso que sean conducentes, los datos y antecedentes necesarios sobre la identidad de la persona requerida, la transcripción de las disposiciones legales aplicables y la información que los tratados o convenciones determinen o que el Juez considere necesaria, Art. 478. C. Pr. Pn. de 1973 derogado pero aplicable al presente caso, la Certificación de impresión de datos e imagen del trámite actual de emisión del Documento Único de Identidad (DUI) del procesado MARIO ADALBERTO REYES MENA que corre agregada a f s. 550 (3ª. Pieza) y la certificación de la Notificación Roja, en idioma Inglés y Español, con número de control A-7/1-2023, publicada por la Secretaría General de INTERPOL, con sede en Lyon, Francia, el día dos de enero de dos mil veintitrés, en contra de imputado MARIO ADALBERTO REYES MENA a solicitud de OCN INTERPOL El Salvador, agregadas a fs. 2527 al 2529 (pieza 13), Certificaciones que deberán desglosarse y reponerse las mismas en fotocopia y ser agregadas a los folios 550 y 2527 al 2529 respectivamente.

Previo a remitir LA SOLICITUD DE EXTRADICIÓN COMPLETAMENTE DOCUMENTADA, solicítese al Jefe de la DASI de la Corte Suprema de Justicia, que a la brevedad posible sean traducidas del idioma Español (o Castellano) al idioma Inglés la información y documentación pertinente a que se refiere la presente resolución, la cual se detallará en el oficio respectivo, y una vez la DASI remita a este Juzgado la traducción de lo antes señalado, se remitirá, la solicitud de Extradición del ciudadano **MARIO ADALBERTO REYES MENA, A LA HONORABLE CORTE SUPREMA DE JUSTICIA**, para que le dé trámite a la misma, por lo que se solicita la traducción delo referido de manera urgente.

Notifíquese.

ante mí,
[Handwritten signature]
Jefe

PN. 11-1982 (3)
REF.FGR. 296-055-UALISP-18., y
REF.FGR. 06-UIDCA-2017
Antigua Normativa

NOTA QUE LO PROVEIDO POR ESTE TRIBUNAL LE SIRVA DE LEGAL
SE LIBRA LA PRESENTE EN EL JUZGADO DE PRIMERA INSTANCIA
DE LA CIUDAD DE SAN SALVADOR A LAS doc HORAS DE
20 diciembre de 2024
DEL MES DE

[Handwritten signature]
Notificador.-