

emergency assistance, crisis intervention, referrals for counseling, information on financial assistance, and a point of contact for victims to receive information about the investigation.

International Terrorism Victim Expense Reimbursement Program (ITVERP): ITVERP provides U.S. citizen and U.S. government employee victims of international terrorism reimbursement of qualifying expenses that have not been covered by other means, such as personal medical insurance. The Office for Victims of Crime at the Justice Department administers the program and the application is available at <http://www.ovc.gov/itverp> or by calling 1-800-363-0441.

U.S. Attorney's Offices Victim Witness Coordinators: If the Department of Justice files charges in a United States Federal court, victims are entitled to court-enforceable rights during the prosecution. The United States Attorney's Office handling the prosecution is responsible for providing victim services in connection with the U.S. prosecution and ensuring that victims are notified of and accorded their rights.

What is the Office of Justice for Victims of Overseas Terrorism?

The Attorney General of the United States established the congressionally mandated Office of Justice for Victims of Overseas Terrorism (OVT) in 2005. OVT is part of the Department's National Security Division (NSD). OVT's primary responsibilities to U.S. citizen overseas terrorism victims are:

- To work to ensure that where Americans are injured or killed in terrorist attacks overseas, investigation and prosecution remain a high priority within the Department of Justice.
- To monitor the investigation and prosecution of terrorist attacks against Americans abroad in both foreign and United States criminal justice systems.
- To work to ensure that the rights of victims and their families are honored and respected throughout the criminal justice process wherever it takes place.

OVT works with other Justice Department agencies and the FBI to support the rights of victims of overseas terrorism in U.S. investigations and prosecutions. In addition, OVT provides victims with specialized assistance in their pursuit of justice when such matters are investigated and prosecuted by foreign law enforcement entities. OVT's staff includes experienced prosecutors, who can assist victims in understanding and navigating foreign criminal justice systems and participating in those systems to the extent permitted by foreign law. It is important to note that OVT lawyers do not represent victims, nor is OVT the U.S. investigative agency (that is the FBI) or the U.S. prosecutor (that is the United States Attorney's Offices and NSD's Counterterrorism Section). Some of the specific ways that OVT supports victims are:

- Providing victims with information about foreign criminal justice systems.
- Providing information about cases being tried in foreign criminal justice systems through web pages, emails, phone calls and briefing meetings.
- Assisting U.S. victims with participating in foreign systems and asserting any rights the U.S. victims may have under foreign law.
- Putting victims in touch with the appropriate Justice Department or FBI contacts for information and assistance in connection with U.S. investigations and prosecutions.

Pursuing Justice, Protecting Rights, Providing Services



Assistance for U.S. Victims of Overseas Terrorism and Their Families



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Under any circumstance, a loved one's death, or your or a loved one's injury, is difficult. When the death or injury occurs as the result of a terrorist attack in a foreign country, coping can be even more difficult, and complicated by many factors outside your control and experience. This brochure is intended to provide information and help address questions you may have about the criminal justice response to a terrorist attack in a foreign country that harms U.S. citizens. We hope that this information will help you understand what to expect and how the Justice Department and FBI can support you along the way.

Is a terrorist attack in a foreign country a crime under United States laws?

Terrorist attacks in foreign countries that include United States citizen victims are Federal crimes in the United States. The attack is usually also a crime in the country where the attack occurs.

Will the FBI investigate the crime?

Law enforcement agencies in the country where the attack occurs have sole jurisdiction to investigate crimes within their borders. The United States Federal Bureau of Investigation (FBI) may open an investigation into the matter. The FBI must obtain approval from the foreign government before conducting any investigative activities in that country and the FBI usually works with the local law enforcement for that country. Foreign law enforcement's ability to investigate crimes can vary greatly based on many factors, including capability, training, resources, and degree of control over the geographical location where the crime occurred.

Will the crime be prosecuted and if so, where?

If law enforcement is able to collect sufficient evidence to bring charges and apprehend the perpetrators, the crime may be prosecuted in court.

Foreign prosecution: Many times the government of the country where an attack occurs will pursue justice in its own criminal justice system for all of the victims, including U.S. citizen victims. The FBI and United States prosecutors may offer to provide assistance to the foreign government which may or may not accept the offer. Charges and proceedings in the foreign country may be very different from those in the United States. In some countries, the punishment for terrorism crimes may be substantially less than in the United States, while other countries may have comparable penalties, including the death penalty. In some cases, foreign governments have released convicted terrorists before serving their full sentences.

Prosecution in the United States: Early on in the FBI investigation, United States prosecutors will be assigned to work with the FBI. Prosecutors from a United States Attorney's Office and the Counterterrorism Section in the Department of Justice's National Security Division will work closely together to evaluate the case for prosecution in the United States. Generally, the following steps are necessary for a prosecution in the United States:

- (1) Evidence Collection: Sufficient admissible evidence must be obtained, including from foreign authorities;
- (2) Charges: A grand jury must charge the perpetrators in an indictment or the prosecutor must charge the perpetrators through an information or complaint;
- (3) Arrest: The persons charged must be arrested either in the United States or overseas;
- (4) Extradition (or other lawful removal and return of the suspect): If a charged person is in the custody of a foreign government, the foreign government must agree to transfer the person to the United States to stand trial.

This process can take many years. Sometimes charges are filed in the United States, but are not made public. One purpose for nonpublic charges is to make it easier to capture the perpetrators. Although the FBI and prosecutors are generally legally required to provide victims with information about the status of a United States investigation, government staff will not always be able to share particular details about the case because it could interfere with the investigation, would violate a court order, or would otherwise be inappropriate.

The United States may not be able to prosecute a case that occurs in a foreign country, even when a foreign nation cooperates with the FBI. Some of the reasons may include:

- The evidence collected in a foreign country may not be admissible in U.S. courts.
- The United States does not possess sufficient admissible evidence to prove guilt of a perpetrator beyond a reasonable doubt.
- A foreign country's prosecution may take precedence.
- The host country may decide to imprison the perpetrator.
- The host country may not agree to extradite the perpetrator to the United States or there may be legal or other obstacles to extradition.
- The perpetrator cannot be found or apprehended.
- There may be concerns about compromising the investigation if an arrest is made while the case is still being investigated.

What type of assistance for victims is available from the Department of Justice and FBI?

FBI Office for Victim Assistance (OVA): OVA is part of the FBI and is responsible for providing information and assistance to victims both in the immediate aftermath of an attack and throughout the FBI's investigation. OVA has a special unit dedicated to assisting U.S. citizen victims of international terrorism and provides a variety of legally mandated services to victims, including