

4 May 1981

**EL SALVADOR-US: Legal Defeat In Murder Case**

President Magana [redacted] will pursue other means of prosecution following recent judicial setbacks in the cases of those accused in the murders of two US labor officials in 1981 [redacted]

An appellate court has ruled that it does not have sufficient evidence to continue prosecution of Lt. Lopez Sibrian, who allegedly gave the order and provided the weapons for the killings. The decision affirms a lower court finding of last year that enabled Lopez Sibrian to return to active duty. [redacted]

[redacted] the state has one year to introduce new evidence or the case will be closed, although it can then be appealed to the Supreme Court. Meanwhile, he is preparing an appeal to the Supreme Court to overturn lower court rulings in favor of others involved in the murders, one of whom is living in Miami. (S)

Magana [redacted] will push for additional appeals regarding Lopez Sibrian. [redacted] Considering invoking an emergency decree that empowers the government to make arrests on suspicion of terrorism or subversion. [redacted]

**Comment:** The court's refusal to rule in favor of the state suggests it again has been intimidated by extreme rightists. The evidence against Lopez Sibrian is formidable and includes confessions by the two who did the killing. The chances of successful prosecution are likely to diminish the longer the case drags on in the courts. [redacted]

Magana, [redacted] the emergency decree, is concerned that the judicial setback will jeopardize US assistance. Nevertheless, the decree previously has been applied exclusively to suspected insurgents or their sympathizers, and its application in this case would encounter opposition from extreme rightists and some elements in the military. The strongest objection could come from Vides, who might argue that invoking the decree would threaten military unity and the prosecution of the war. [redacted]

Approved for Release

NOV 1993

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