

# Noriega case hinges on judge in Miami

## The fate of convicted Panamanian former strongman Manuel Antonio Noriega -- including his status as a prisoner of war -- is in the hands of a federal judge in Miami.

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When former dictator Manuel Antonio Noriega was convicted in 1992 for turning Panama into a narcotics hub, U.S. prison authorities wanted to send him to a maximum-security facility in Illinois.

Not so fast, Noriega's attorneys argued in federal court in Miami. They sought -- and obtained -- prisoner-of-war status for the ex-general under the Geneva Convention, so he could be sent to a low-security prison in Southwest Miami-Dade with softer treatment.

Now, with Noriega's release set for Sept. 9 and the French government seeking his extradition on drug-related charges, his attorneys are using his POW designation to try to persuade a federal judge to halt his extradition and to repatriate him to his homeland.

The judge -- William Hoeweler -- is the same one who granted Noriega prisoner-of-war status 15 years ago. His declaration remains a first in the federal courts nationwide.

"Strict adherence to provisions of the Geneva Convention are not just in Gen. Noriega's interests, they are also in the interests of our men and women in uniform all over the world," Noriega's attorney, Frank Rubino, said Monday after filing a habeas corpus petition that aims to stop the extradition.

Said co-counsel Jon May: "You cannot deprive a prisoner of war his rights under the Geneva Convention. It cannot be any clearer than that."

### **PANAMA OR U.S.?**

Both said France should be required to seek Noriega's extradition from Panama -- not the United States.

The Justice Department, which is handling the French request, declined to comment.

Last week, the U.S. attorney's office sought to extradite Noriega to France to serve 10 years in prison in connection with his conviction in absentia for money laundering, said prosecutor Michael "Pat" Sullivan. Despite his conviction there in 1999, the extradition request allows Noriega a new trial.

Noriega, who has been behind bars on international drug-trafficking and money-laundering charges since his surrender to U.S. troops in early 1990, is automatically eligible for parole after more than 17 years in prison.

### **OTHER ACCUSATIONS**

But he is accused of other drug-related crimes in France.

French authorities said Noriega funneled about 15 million francs, about \$3.15 million, to a bank account in France between 1988 and 1989. He used part of the cash to buy three pricey apartments in Paris, officials said.

A magistrate has scheduled the first hearing on the dispute for Thursday.

## **INTERNATIONAL CASE**

It will rekindle memories of a major international case in which Noriega was accused of letting the Medellín cartel use his country to export tons of Colombian cocaine to the United States -- in exchange for millions of dollars in kickbacks.

It will also resurrect Hoeweler's unprecedented decision to declare Noriega a prisoner of war, a designation that enabled the convicted military officer to enjoy a custom-built, apartment-like cell. It is equipped with exercise machines, a telephone and a color TV.

Back in 1992, Hoeweler held that "a convicted POW is entitled to the basic protections of Geneva III for as long as he remains in the custody of the detaining power," according to court records.

## **GENEVA CONVENTION**

"Gen. Noriega is entitled to be repatriated to Panama," his attorneys argued in their filing. "The Geneva Convention requires that he be informed how the United States will fulfill its obligations. The United States, having refused to do so, must be ordered to comply."

Both attorneys called the French request for his extradition "highly suspect."

"It is abundantly clear that the United States has selectively decided to file France's extradition request while ignoring previous and more serious requests for extradition from Panama," they said in court papers.

Rubino said Noriega hopes for a quiet retirement in his native country, where he can dote on his grandchildren.

But that may not be possible.

Panama wants Noriega to serve multiple prison terms for, among other things, the murders of critic Hugo Spadafora and 10 leaders of a failed 1989 coup against Noriega. Opinion polls suggest that more than 60 percent of Panamanians want Noriega to do jail time in Panama.