

# Magistrate rules Noriega can face charges in France

## Barring a legal miracle, Manuel Noriega will face charges in France stemming from his Miami conviction.

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Former Panamanian dictator Manuel Noriega, set to be released from federal prison next month, will soon be extradited to France. A judge in Miami ruled Tuesday that Noriega can face money-laundering charges there despite his status as a prisoner of war.

His extradition will close a chapter of U.S. history that began with President George H.W. Bush's controversial decision in 1989 to invade Panama to capture Noriega.

Noriega was convicted of taking millions of dollars from Colombian cartels while turning his country into a narcotics hub for cocaine bound for the United States.

In court, the stooped ex-strongman muttered nothing more than his age to U.S. Magistrate Judge William Turnoff, who said he will sign the court order today allowing Noriega's extradition to France.

The State Department will authorize his transfer, which is expected after his Sept. 9 release from a federal prison in Southwest Miami-Dade County. U.S. marshals will accompany the 73-year-old grandfather to France.

Noriega, who is being released after 18 years of imprisonment because of automatic parole and good behavior, sought to return to Panama, where he is wanted on more serious charges, including murder. In France, he could serve up to 10 more years in prison on charges related to his 1992 drug-racketeering conviction in Miami.

### **PRISONER OF WAR**

In a clever legal maneuver, Noriega's attorneys wanted to use his status as a prisoner of war -- granted in 1992 after his sentencing -- to stop his extradition to France. The attempt failed.

Despite the ruling, Noriega's attorneys, Frank Rubino and Jon May, understood from federal prosecutors that France had agreed to extend his POW status. But they expressed outrage after learning the extension may be null and void.

"I can assure this court and everyone else, you haven't heard the end of this," Rubino told Turnoff.

Assistant U.S. Attorney Sean Cronin told the judge that France had, in fact, sent a confidential document agreeing to the continuation of Noriega's POW status, but he said the State Department would not file it with the court.

"It is not in the record," Cronin said. "It is a confidential communiqué."

Noriega's attorneys argued both inside and outside Turnoff's courtroom that Noriega's POW status under the Geneva Conventions prohibited his extradition to France.

But Turnoff cited last week's ruling by U.S. District Judge William Hoeweler denying Noriega's habeas corpus petition. Hoeweler said there were no provisions in the Geneva Conventions or the U.S.-France extradition treaty barring the transfer.

"The court agrees with Judge Hoeweler and adopts Judge Hoeweler's ruling," Turnoff said.

Last week, Hoeweler rejected Noriega's argument that he was a prisoner of war and entitled to return to Panama under the Geneva Conventions. Hoeweler, who presided over Noriega's original trial, had designated him a POW in 1992.

In his 12-page ruling, Hoeweler said he declared Noriega a POW then "in the context of defendant's concerns about the care he would receive while in custody."

Noriega's POW status enabled him to enjoy a custom-built, apartment-like cell -- equipped with exercise machines, a telephone and a color TV.

Hoeweler made it clear that Noriega should not be allowed to use his unprecedented designation to protect himself from further criminal prosecution in another country.

"This court never intended for the proclamation of defendant as a POW to shield him from all future prosecutions for serious crimes he is alleged to have committed," Hoeweler wrote. "That being said, even the most vile offender is entitled to the same protections as those owed to a law-abiding soldier once they have been declared a POW."

## **DRUG LORDS' PAYOFFS**

The former general, captured during the U.S. invasion of Panama in 1989, was convicted of receiving payoffs in exchange for letting Colombian drug lords use his country as a conduit for tons of cocaine bound for the United States.

His attorneys never contested his conviction in Miami or the charges against him in France. They zeroed in on his status as a POW as a legal basis for stopping his extradition to France and requiring his return to Panama.

"Without his POW status, he could be placed in the Bastille underground without the protection of the Geneva Convention," Rubino said outside the courthouse.

May accused the Bush administration of perpetuating a "cult of secrecy" by refusing to disclose France's promise to the United States to extend Noriega's POW privileges.

"The United States has no respect for the rule of law," May said.

Noriega, who had hoped to die on his grandchildren in the twilight of his life, wanted to return to Panama. He preferred going home, even though he could face more prison time for murder charges in the slayings of critic Hugo Spadafora and 10 leaders of a failed 1989 coup against the former dictator. Opinion polls suggest that more than 60 percent of Panamanians want Noriega to do jail time in Panama.

But the U.S. government wanted him sent to France. Noriega's money-laundering charges stem from his alleged funneling of \$3.15 million to a bank account in France. Accused of using some of that money to buy three luxury apartments in Paris, he was convicted in absentia in 1999. The extradition petition allows for a new trial.