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## **Set For Release in US, Noriega is Wanted but Not Desired in Panama**

*by Mike Leffert*

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Manuel Antonio Noriega Moreno is scheduled for release Sept. 9 from the US federal prison cell in Miami he has occupied since 1989, but no one seems to know where he is going. The only certainty is that he is not going free. The Panamanian general and de facto dictator of Panama from 1983 to 1989 was never officially elected the country's president. As his sentence in the US ends, Panama wants him extradited home to face additional charges. France also wants him. But Noriega does not want France.

He is reported to think he stands a better chance of convincing his countrymen and women of his innocence of murder and living out his life in freedom than he does trying to overturn a 1999 trial in absentia in France that found him guilty of money laundering and sentenced him to ten years for transferring US\$3 million to a French bank account between 1988 and 1989. His lawyers in Panama petitioned the government to demand Noriega's extradition. "France does not have a greater right than Panama to demand Noriega," said attorney Julio Barrios.

In the 1990s, Barrios was a member of the legal team that indicted Noriega for the murder of ex-guerrilla Hugo Spadafora, the crime for which Panama now wants him (see Update, 1993-03-05, NotiSur, 1996-04-05, NotiCen, 2002-05-02). "He told me that he decided to return to the country to confront the charges that he was charged with in our territory. He doesn't want to go to France," said the lawyer. His legal position is that Panama asked for him first, before France, and the Panamanian charges are more serious.

### *Government's faint-hearted effort*

Additionally, the Segundo Tribunal de Justicia is petitioning for the repatriation of Noriega for the homicide of Maj. Moises Giroldi and the "Massacre of Albrook" in which nine soldiers were killed in an abortive coup attempt against Noriega. Barrios also chided the Panamanian government for its timidity in failing to stand up to the US on the issue. Vice President and Foreign Minister Samuel Lewis has said that Panama would maintain its extradition request but that "it is a legitimate and sovereign decision of the United States of how to define [extradition] requests." Barrios had hoped for a more robust effort on the part of the minister. "The mediocre declarations of the chancellor surprised us. It is not the government of the United States, it is our government that would have to demand and stand up for Panamanian jurisdiction so that Noriega be returned to his country and confront the prosecutions he has pending," he said.

A statement from the office of the presidency was less than confrontational, affirming that the government would "follow the evolution of the case, and as soon as there is a definite decision, coordinate with the corresponding judicial authorities the actions that must be taken for Manuel

Antonio Noriega to complete the sentence imposed in Panama. Extradition is a judicial matter, separate from political considerations." The government would, therefore, said the statement, "act with due respect and the most rigorous obedience to the relevant constitutional and legal requirements."

The wishy-washiness of the government's declarations and actions have led analysts to suspect the French connection is little more than an arrangement on the part of the Panamanian government to avoid the awkward situation that would arise with the sudden return of a figure who splits public opinion and who served Gen. Omar Torrijos as intelligence chief of the Guardia Nacional. Torrijos was the unelected de facto leader of the country before Noriega took over in 1981 after a plane crash killed him. Torrijos was also the father of current, elected President Martin Torrijos.

### *The poor see him differently*

The general is not without his supporters, people who could conceivably put together a movement to gain Noriega a pardon. High on any list of supporters would be Elvira Gayle de Best, a woman with whom the general is thought to have had a close relationship. De Best recently told reporters she has kept the relationship secret since they met in 1988 when "we looked into each other's eyes and connected." She is a member of a small group of people who remember Noriega as a defender of the poor. "A rich person can never perceive Noriega like us poor folks saw him," she told a reporter.

Gayle de Best lives in Colon, on the Caribbean side of the canal, where the poverty rate is 43% and the population predominantly black. "We have problems that are worse than a dictatorship," said de Best. She has run for mayor of her city twice and now works with the children of drug-addicted parents. She lives in a world swept under the rug by governments that succeeded Noriega, ones that flaunt economic achievements. She said those governments "made us yearn for the days of military rule. It should not be this way." Those military governments cared more for the poor than do these neoliberal latecomers, and made the streets a good deal safer, she said.

When she met Noriega, de Best was a Panama Canal security officer and a member of Noriega's Batallon Dignidad. This was one of perhaps 20 paramilitary organizations with a total membership estimated as high as 10,000. Noriega founded them in 1989 to block the US invasion that he said was coming. The US administration led by President George H.W. Bush said at the time that these squads were created with help from Cuban advisors and were modeled after militias formed by Cuban President Fidel Castro after the Cuban Revolution.

The battalions were trained by the Fuerzas de Defensa de Panama, were paid modestly, and came from the urban and rural poor. In addition to homeland defense, Noriega used them to keep a lid on political opposition, which they did by beating opposition leaders bloody. This is not a history Martin Torrijos would want to see remembered fondly. He presides over a Panama City with a distinctly Miami-like veneer and a booming economy resting on a newly penned free-trade agreement with the US and a planned expansion of the canal (see NotiCen, 2006-10-26, 2007-02-15 and 2007-05-24).

This is not a good time for de Best and her cohorts from the country's underbelly to be organizing, as they are, a National Welcome Home Committee. Two such committees have already been organized. De Best calls them "an embrace in freedom; Noriega is coming to receive his embrace." She admits this is not a national uprising; adherents to the movement have been few. "I have been attacked, I have been criticized, but whatever happens, he is going to be released," she said.

Noriega's lawyers in the US have sought to block their client's extradition to France with a writ of habeas corpus. Attorneys Frank Rubino and Jon May have alleged a conspiracy to prevent his return to Panama. Rubino told reporters, "I believe this is about a setup, that the French government was induced to do this by the governments of the United States and Panama. This is not a question of letting things happen expediently. It is a question of planned conspiracy. France has many reasons to keep Panama happy."

Speculating on other reasons why Panama might not want the general back, Rubino said there might be any number of politicians who had been lining their pockets in the old days and do not need anyone coming around with reminders. But perhaps Noriega's best case lies in his having been designated a prisoner of war. Attorney May explained that they have gone before US District Court Judge William Hoeverler. "We are asking specifically that Judge Hoeverler intervene in this case and order the government of the United States to immediately repatriate Gen. Noriega to his country of birth and declare null the extradition request of France."

It was Hoeverler who 15 years ago declared Noriega a prisoner of war. As such, he is subject to the Geneva Conventions. The conventions establish that prisoners of war arrested and tried outside their country of origin must be repatriated upon completion of their sentence. The lawyers said it is "very suspicious that the French extradition request comes, and is being considered, just as Noriega is set to be released, while Panama has on three occasions sought his return on far more serious charges long before. In January 1991, Panama requested extradition on charges of human rights violations and extortion, and in March of that year for the murder of Hugo Spadafora Franco. "It is perfectly clear that the United States has decided with selective criteria to present the petition of France, ignoring the prior, and more serious, extradition requests of Panama," they said.

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