

May 25th, 2010

Honorable Hillary Rodham Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington D.C. 20520

RE: General Manuel Antonio Noriega

Dear Madam Secretary,

I am writing to protest the shameful and mean spirited treatment General Noriega received the day he was extradited to France. On that day, General Noriega was roused at 3:00 a.m. and told that he had fifteen minutes to prepare to leave. He was not permitted to take his legal documents with him or his medical records. He was taken to a location that was extremely cold and kept there without even a blanket until late in the afternoon when he left for the airport. During this time he was not allowed to take his medicine for his blood pressure. He asked to call our secretary Chris Machin but that request was denied on the grounds that the State Department had prohibited any calls. He was treated very disrespectfully by the government agents transporting him.

Our office first learned that General Noriega had been taken to the airport from the press. In fact, we saw General Noriega's arrival at the airport on our local Channel 7. While we can understand why the Marshal Service would not disclose the day or time of his departure, there was no principled reason for your office not to notify us of your decision so that we could have met with General Noriega and alerted him to his imminent departure.

General Noriega left three boxes of personal items at the prison. There was \$1300 in his commissary. He left instructions as to the disposition of his property. But those instructions were disregarded. Two of the boxes were sent to the

Panamanian consulate, one to the State Department, and \$1777.29 sent to the Panamanian consulate as well. We do not know what happened to the balance of the money in the account.

Article 48, paragraph 1, of the Geneva Convention expressly provides that “prisoners of war shall be officially advised of their departure and their new postal address. Such notifications shall be given in time for them to pack their luggage and inform their next of kin.” That provision was disregarded by our government.

Article 48, paragraph 2 of the Geneva Convention expressly provides that prisoners of war “shall be allowed to take with them their personal effects, and the correspondence and parcels which have arrived for them.” Although the amount is limited to 25 kilograms, paragraph 3 provides that measures will be taken “to ensure the transport of the prisoners’ community property and of the luggage they are unable to take with them...” These provisions were disregarded by our government as well.

In regard to the money in commissary, the actions of the United States were also in contravention of the Geneva Convention. Article 65, Management of Prisoner’s Accounts” clearly and unambiguously states that “When prisoners of war are transferred from one camp to another, their personal accounts will follow them.” As the commentary to this Article makes clear, its provisions apply when prisoners of war are transferred from one Detaining Power to another, 3 Int=I Committee of Red Cross, Commentary, Geneva Conventions Relative to the Treatment of Prisoners Of War (1960) 325.

As you are aware, General Noriega is 74 years old and in ill health. As a result of a stroke his movements are restricted. Article 46 of the Geneva Convention states that “The transfer of prisoners of war shall always be effected humanely and in conditions not less favorable than those under which the forces of the Detaining Power are transferred. Account shall always be taken on the climatic conditions to which the prisoners of war are accustomed and the conditions of transfer shall in no case be prejudicial to their health.” This provision was disregarded with impunity

Despite the government’s pledge to honor General Noriega’s rights as a prisoner of war, it is quite clear that this Administration sought to strip General

Noriega of his rights under the Geneva Convention at a time when he would have no opportunity to complain to the ICRC. If this was intended to send some sort of message, how small, how petty our government has become.

Sincerely,

Jon May, Esquire

Frank A. Rubino, Esquire