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Paris, November 19, 2010

Loïc GUÉRIN  
Antonin LEVY  
Benjamin GRÜNDLER  
Marie CHAUMARD  
Florence LOTY

The Honorable Hillary RODHAM CLINTON  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520  
USA

**Re. GENERAL MANUEL ANTONIO NORIEGA**

Dear Madam Secretary:

Please will find attached a letter sent today to the Attorney General of the United States regarding the case of **General Manuel Antonio NORIEGA**.

Respectfully yours,



Olivier METZNER  
Avocat à la Cour



Antonin LEVY  
Avocat à la Cour  
Admitted to practice in New York

Exhibits.

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The Honorable Eric H. HOLDER, Jr.  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
USA

**Re. GENERAL MANUEL ANTONIO NORIEGA**

Dear Mr. Attorney General:

We are the **French lawyers of General Manuel Antonio NORIEGA.**

We make reference to the **Extradition Treaty between the United States of America and France dated April 23, 1996** and approved by the US Senate (Treaty Number: 105-13) (hereinafter, the "Treaty").

We make specific reference to **article 20** ("*Reextradition to a Third State*") of the Treaty, which stipulates:

**1. When a person has been surrendered by the Requested State to the Requesting State, the Requesting State shall not surrender the person extradited to a third State for an offense prior to the person's surrender, unless:**

**(a) the Requested State consents to such surrender; or**

**(b) the person extradited, having had the opportunity to do so, did not leave the territory of the Requesting State within 30 days of the person's final release, or returned to the territory of the Requesting State after having left it.**

**2. Before granting a request under paragraph 1(a) above, the Requested State may request the documents referred to in Article 10, and any statements made by the person extradited with respect to the offense for which the consent [33] of the Requested State is requested.**

General Manuel Antonio NORIEGA has been extradited from the United States to France pursuant to the Treaty on April 26, 2010, after **having fully served a seventeen-year sentence in the US** for drug traffic and having spent in **addition nearly three years awaiting extradition either to France or to Panama**.

On July 7, 2010, General Manuel Antonio NORIEGA has been sentenced to **seven years of prison by the Paris criminal Court for money laundering of funds coming from drug traffic**. General NORIEGA decided **not to appeal** this decision, which is therefore final.

On June 3, 2010, **Panama presented an extradition request for General NORIEGA to France**. Under the rules of the French Code of criminal Procedure, such request has been notified to General NORIEGA who agreed to his extradition.

We understand from our discussions with French officials that **the French Government transmitted the case to your office for approval, pursuant to article 20 of the Treaty**.

In this context, we wanted to present several arguments **in favor of an approval of this extradition by the United States of America**.

#### **1) General NORIEGA's health**

General NORIEGA was born on 1934. He is now a **76-year-old** man.

He has been **detained for the past 20 years**, in France and in the United States of America.

In France, he is currently being detained in the jail of Paris La Santé, under the general regime of detention, after **being refused the Prisoner of War status** in violation of the Third Geneva Convention of 1949 and of the commitments taken by France towards the United States of American upon General NORIEGA's extradition.

General NORIEGA suffers low blood pressure, heart condition and a severe stroke that left him partially paralyzed.

Under French law, and in violation of the Third Geneva Convention, General NORIEGA has been deprived of his medical documents and history. However you will easily be able to confirm those elements with the medical center of the Federal Correctional Institute of Miami where General NORIEGA's medical record should be kept.

We therefore believe urgent that General NORIEGA could be entitled to go back to Panama.

#### **2) General NORIEGA fully served his sentence in the United States of America**

You will find attached a copy of General NORIEGA's Notice of Release and Arrival, issued by the Federal Bureau of Prisons. Pursuant to this document, **General NORIEGA has been released from US prisons without any form of supervision and has therefore fully served his sentence**. (Exhibit 1)

You may record that, following his sentence to forty years in jail, General NORIEGA's motion for reduction of sentence has been granted in part and his sentence has been reduced to thirty years. (Exhibit 2) This reduction of sentence has been granted by the District Judge who sentenced him in the first place, the Honorable William H. HOEVELER.

The same Honorable William H. HOEVELER issued an affidavit in favor of General NORIEGA's request for parole liberation. The terms used by Judge HOEVELER in a letter dated February 20, 2004 are crystal clear towards the position of American Justice towards General NORIEGA:

*"Since that time my impression of him based on information I have received has tempered my view and I think that, **in light of his advancing age, he is a good candidate for parole.** Among other things, which I take seriously myself, he has converted to the Baptist faith. It has been reported to me that, while incarcerated, General Noriega has frequently received the pastor who baptized him in the courthouse yard.*

*I am advised by his attorney that the General has no thoughts about involving himself further in politics. His only desire is to retire to his home and be with his grandchildren. His incarceration began during the latter part of December 1989 and he has been incarcerated ever since.*

***This would put him 13 or 14 years and I believe that this amount of time should be adequate for his rehabilitation and release."*** (Exhibit 3)

More than six years later, those terms are even more applicable today.

On March 20, 2000, Mr. Donald WINTERS, former senior intelligence officer with the CIA issued also an affidavit in favor of General NORIEGA for his parole hearing:

*"he provided a real service to the United States which is not reflected in the sentence he received. **Without taking anything away from the seriousness of the charges he was convicted of, I believe that on balance, the sentence he has already served is enough punishment given his contribution to the foreign policy efforts of the United States.**"* (Exhibit 4)

The Honorable Arthur DAVIS, former US Ambassador in Panama, issued a similar opinion on General NORIEGA:

***"I understand the General Noriega has been a good prisoner for over ten years and I feel that he should be paroled."*** (Exhibit 5)

Therefore, General NORIEGA paid his dues towards the United States of America.

We believe that France should decide, with the prior agreement of the United States of America pursuant to the Treaty, whether General NORIEGA should be extradited to Panama.

### **3) General NORIEGA should return to his home country**

After more than twenty years out of Panama, away from his family and relatives, General NORIEGA should be able to return to Panama. His three daughters, who still live in Panama, keep travelling to France, after travelling to the United States, to be able to visit their father.

Moreover, his extradition is being requested for murder charges. If the relation of General NORIEGA with Justice is maybe not over yet, it is time for him to face the authorities of his country. General NORIEGA is willing to do so, and we believe that the people of Panama would not understand to be deprived of such a right.

**As a consequence, we respectfully request from the American authorities to consent to the reextradition of General NORIEGA, pursuant to article 20 of the Treaty and to transmit promptly such approval to the French authorities.**

We remain of course at your disposal shall you need any further information on this matter.

Respectfully yours,



Olivier METZNER  
Avocat à la Cour



Antonin LEVY  
Avocat à la Cour  
Admitted to practice in New York

Copy: The Honorable Hillary RODHAM CLINTON – Secretary of State

Exhibits.

NOTICE OF RELEASE AND ARRIVAL  
U.S. DEPARTMENT OF JUSTICE



FEDERAL BUREAU OF PRISONS

Inmate Name Noriega, Manuel Antonio	Reg No.: 38699-079 FBI No.: 746265PA2	Institution/Address FCI MIAMI 15801 SW 137 <sup>TH</sup> Avenue Miami, Florida 33177
Release Date September 7, 2007		Release Method: Mandatory Release
Public Law Days 2 days	Supervision to follow release: (if yes, advise inmate of Obligation to Report for Supervision) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

RELEASED TO: (Check one)	
<input type="checkbox"/> Community  Transportation arranged to: Method of transportation: Date of expected arrival at residence:	<input checked="" type="checkbox"/> Detainer  Detaining Agency: U.S. Marshals Service  Agency Address: 301 N Miami Ave, Ste 205 Miami, Florida 33128

SUPERVISION JURISDICTION(s)	
<b>Sentencing District</b> Chief/Director: Reginald D. Michael, CUSPO Supervision Agency: US Probation Office District: Southern District Of Florida Address: 300 NE 1 <sup>st</sup> Ave Miami, FL 33132 Phone: (305) 523-5330	<b>District of Residence (for relocation cases)</b> Chief/Director: N/A Supervision Agency: District: Address:  Phone:
Address of proposed residence: Detainer with the U.S. Marshals Service, Miami FL	

DNA STATUS		
DNA sample required: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If YES date sample taken 2-08-2007	DNA Number MIA00408

Obligation to Report for Supervision: If you were sentenced to, or otherwise required to serve, a term of supervision, this term begins immediately upon your discharge from imprisonment, and you are directed to report for supervision within 72 hours. If you are released from a detaining authority, you shall report for supervision within 72 hours after your release by the detaining authority. If you can not report for supervision in the district of your approved residence within 72 hours, you must report to the nearest U.S. Probation Office for instruction. Failure to obey the reporting requirements described above will constitute a violation of release conditions.

Inmate's Signature (file copy only)

MAN

Distribution:

Inmate Central File (Section 5), Inmate, Chief Supervision Officer in Sentencing District, Chief Supervision Officer in District of Residence, and U.S. Parole Commission (if applicable)  
(This form may be replicated via WP)

conviction.




### **CONCLUSION**

I am moved toward reduction principally by two of Defendant's arguments; the nature of the confinement and the considerable disparity between Defendant's sentence and the sentences actually served by his co-conspirators. What the Defendant may have done to the citizens of Panama or to his political opponents are not factors which I can properly consider. He was, as were his co-defendants, charged with specific crimes against the United States and it was for those crimes both he and they were sentenced. Finally, if there was some divine way one could equate the nature of Defendant's confinement to that which would be more normal, I suppose we would find that he has in fact done more time now than the nine years which have passed. By reducing Defendant's sentence, we do not diminish the importance of the work done by the able prosecutors in this cause, nor lessen the important message that justice is indifferent to position. On the other hand, that same pursuit of justice requires the Court, upon the motion presented, to fully consider the circumstances which bear on the fairness of the sentence imposed. I conclude a reduction is just.

The Defendant's Motion for Reduction of Sentence will be granted in part. His sentence of forty years will be reduced to thirty years and he will, of course, be given credit for the time served thus far.

DONE AND ORDERED in Chambers at Miami, Florida, this 4th day of March,

1999.

  
\_\_\_\_\_  
WILLIAM M. HOEVELER  
SR. UNITED STATES DISTRICT JUDGE

02/20/04 FRI 14:57 FAX 305 530 7776

JUDGE ROEVELER

002

United States District Court  
Southern District of Florida  
301 North Miami Avenue  
Ninth Floor  
Miami, Florida 33128



William M. Hoeveler  
Senior District Judge  
(305) 523-5570

February 20, 2004

Edward F. Reilly, Jr., Chairman  
U.S. Department of Justice  
U.S. Parole Commission  
5550 Friendship Boulevard  
Suite 420  
Chevy Chase, MD 20815-7286

Dear Mr. Reilly,

I understand that the parole hearing for General Noriega was held on February 18, 2004 instead of the previously scheduled date established in March. I also understand that you will consider this letter if promptly provided and I submit my thoughts on the matter at this time. I gave General Noriega thirty years at his sentencing in April 1992. Since that time my impression of him based on information I have received has tempered my view and I think that, in light of his advancing age, he is a good candidate for parole. Among other things, which I take seriously myself, he has converted to the Baptist faith. It has been reported to me that, while incarcerated General Noriega has frequently received the pastor who baptized him in the courthouse yard.

I am advised by his attorney that the General has no thoughts about involving himself further in politics. His only desire is to retire to his home and be with his grandchildren. His incarceration began during the latter part of December 1989 and he has been incarcerated ever since. This would put him at 13 or 14 years and I believe that this amount of time should be adequate for his rehabilitation and release.

If you wish any further information I would be happy to respond by letter or by telephone. My office number is (305) 523-5570.

Sincerely yours,

*William M. Hoeveler*  
William M. Hoeveler



March 20, 2000

United States Parole Commission  
Federal Correctional Center  
Miami, Florida



Dear Sir,

I am a former senior intelligence officer with the Central Intelligence Agency and in the early 1980's I was chief of station in Panama. My position in the intelligence community was the equivalent of a two or three star General in the United States Army. In that capacity I had frequent contact with General Manuel Noriega.

I am writing this letter to you on behalf of General Noriega who is before you today seeking Parole. It is my personal belief that the Parole Commission should take into consideration General Noriega's assistance to the United States while he was the head of intelligence and subsequently leader of the armed forces of Panama.

Through the efforts of General Noriega, the United States was able to obtain refuge for the Shah of Iran at the same time that Americans were being held hostage in Tehran, the major foreign policy crisis of the Carter Administration. General Noriega provided the United States a back channel conduit for communication with Fidel Castro which was employed by the United States during the invasion of Grenada where the lives of United States medical students studying there were inadvertently put at risk. Finally General Noriega provided critical assistance to the United States in monitoring the activities of various terrorists traveling through Panama, including Libyans.

I cannot reveal the details of General Noriega's assistance because these matters remain classified. However, he provided a real service to the United States which is not reflected in the sentence he received. Without taking anything away from the seriousness of the charges he was convicted of, I believe that on balance, the sentence he has already served is enough punishment given his contribution to the foreign policy efforts of the United States.

Sincerely,  
  
Donald Winters

FROM : DAVIS

FAX NO. : 7032816255

Mar. 20 2000 10:05AM P1

ARTHUR DAVIS 151 EAST ST. NE, VIENNA, VA. 22180  
281 6198 FAX - 703 281 6255

TEL - 703

March 20, 2000

To: The Members of the Parole Board for Consideration of General Manuel Noriega

From: Arthur Davis

Former United States Ambassador to The Republics of Paraguay and Panama  
Adviser on Latin American Affairs to the United States Mission of the 40th General  
Assembly of the United Nations.



As the United States Ambassador to Panama during the period from 1986 to early 1990, I met frequently with the Commander in Chief of the Panama Defense forces who was the decision maker in the government affairs of that country. I did not condone nor will I ever forget the many acts of harassment, personal injury and the flagrant disregard for the human rights of the Panamanian citizens committed by these soldiers under his control. I have always, however, considered that Noriega should have faced charges in the Panamanian courts on these matters.

In my briefings in 1986, prior to my assuming my duties in Panama, my instructions from the State Department were to work toward the removal of Noriega from power and the return of the military to their barracks so that the duly elected civilian officials be placed in control of the government.

However, our military officials advised me to meet with the General so the goal of maintaining and improving the relations between two countries could best be attained. Under the terms of the Panama Canal Treaty of 1977, it was the responsibility of our military to equip and train the members of the Panama Defense Forces to a state of professionalism and efficiency to properly protect the Panama Canal Zone. Our officers regarded these forces as well prepared for that responsibility and praised General Noriega for his cooperation and leadership during this process. They all considered him to be a good soldier and a professional military man over the many years they were and still were in contact with him.

Officials of the military intelligence and the CIA briefed me on the many ways that the General had assisted for many years in intelligence efforts throughout the world. Naturally, I cannot go into details but, in fairness, I feel that I should mention that no accusations of involvement in drugs were mentioned. In fact, it was suggested that if we could establish a "close personal relationship" that we could be very effective in maintaining and improving the good relations between the two countries, which I consider to be the primary goal of any Ambassador.

I know that General Noriega was found guilty of the charges of drug trafficking in our Miami court. After thousands of our troops utilizing our most modern weapons were used by the President of the United States to bring Mr. Noriega to justice in our courts, what jury of United States citizens would have found him "Not Guilty."

But that is in the past. I understand the General Noriega has been a good prisoner for over ten years and I feel that he should be paroled. Many of the convicted drug dealers, who had a total of hundreds of years reduced under the many plea bargains as payment for their testimony, are now enjoying their freedom, while several are even living at the expense of our tax payers in our witness protection program. General Noriega was given the equivalent of a life term sentence due to their well paid testimony.

I hope that you will find it in your hearts to parole General Noriega so that he can return to spend his last years as a good citizen with his wife and daughters.

Sincerely,

Arthur Davis

U. S. Ambassador (ret.)