

Noriega: False Charges Led to 'Fire, Tears

Panamanian Attacks U.S. Bid to Delete Indictment's References to

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MIAMI, April 4—A last-minute attempt by federal prosecutors to alter the indictment against Manuel Antonio Noriega prompted the former Panamanian leader today to accuse the United States of charging him with drug trafficking and unleashing "fire, tears and blood" upon Panama on the basis of allegations it never tried to prove in court.

In a surprising and dramatic appeal to U.S. District Judge William M. Hoeveler while jurors were outside the courtroom about to begin

their deliberations, Noriega sought to draw attention to what remains one of the Justice Department's biggest embarrassments in the drug-trafficking case against him: its original use of a key informant who prosecutors later concluded was lying.

Noriega's seven-minute speech was provoked by what at first appeared to be a routine motion by prosecutors asking the judge to delete several paragraphs from the 30-page indictment that involved matters that never came up in the seven-month trial.

Normally, such motions are granted without objection. But ac-

ording to one of his lawyers, Noriega "felt strongly" that the jury should see the entire indictment, including the proposed deletions, in large part because they deal with the questionable allegations of Boris Olarte, a convicted Colombian drug trafficker and government informant.

Olarte had been critical to the original February 1988 indictment against Noriega on drug trafficking and racketeering charges. In the fall of 1987, he told a federal grand jury that he had paid Noriega two bribes totaling \$4.25 million on behalf of the Medellin cocaine cartel. Those allegations constituted seven

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and Blood' *Discredited Informant*

separate "overt acts" in two of the racketeering charges against Noriega and formed the basis for a widely quoted government news release alleging that Noriega had taken a total of \$4.6 million in cartel bribes.

Prosecutors later located other convicted drug traffickers and pilots who said they have knowledge of other bribes to Noriega. But by the time the case came to trial last September, prosecutors had concluded that Olarte had made up the story because it did not mesh with the accounts of any other witnesses. Olarte was never called to testify at

the trial and none of the 79 other witnesses referred to him.

As a result, Noriega today used the prosecutor's attempt to delete all references to Olarte as a vehicle to remind the judge and the news media that, as he saw it, he had been indicted—and overthrown by the U.S. government—on the basis of allegations that the government now concedes were false.

The charges that prosecutors wanted to delete "were the same charges that were brought to the whole world, even to the Senate of the United States, against Manuel Antoino Noriega," said Noriega, speaking in Spanish through a translator and wearing his tan Panama Defense Forces uniform.

"And they were the same charges that led to, in 1989, actions that we're not going to specify here"—a reference to the U.S. invasion of Panama—"but which constituted

fire, tears and blood between two countries," he continued. "In these charges . . . it is alleged that Boris Olarte claims he paid money to me personally. I am awaiting proof of that charge as I am awaiting proof of other charges."

After Noriega sat down, Hoeveler called the matter that concerned Noriega "no big deal" but struck a compromise: While leaving the Olarte references in the indictment, he instructed the jurors to "disregard" any matters about which they did not hear evidence. The judge told reporters later that Noriega's words had been "very articulate, but it had no legal significance."

After receiving the indictment, the jury met for six hours today. The nine women and three men, who have been sequestered since Thursday night, will take Sunday off and resume deliberations Monday.