

Diab's lawyer argues for right to challenge "erroneous" conclusions

BY ANDREW SEYMOUR, THE OTTAWA CITIZEN NOVEMBER 30, 2009

OTTAWA — Legal arguments about why a judge should allow suspected synagogue bomber Hassan Diab to call evidence challenging French handwriting and intelligence evidence at his upcoming extradition hearing began in an Ottawa courtroom Monday.

Lawyer Donald Bayne argued Diab, 55, has a constitutional right to present evidence at his January extradition hearing from four leading document examiners who call into question what Bayne described as the "erroneous" conclusion of French experts that Diab penned five words on a hotel registration card that they argue implicates him in the deadly 1980 bombing at a Paris synagogue.

Bayne also argued that the intelligence reports the French provided Canadian authorities were "dangerously" unreliable and would not be admitted as evidence in a Canadian court.

Bayne cited one example where a intelligence report initially indicated the bombers had entered France using their own passports but was later changed after Diab's passport showed he only entered Spain, and not France, around the time of the bombing.

Bayne argued there are significant differences between intelligence and evidence because the sources and circumstances of the information that intelligence agents provided are shrouded in secrecy.

In total, Bayne wants to call nine witnesses. The federal Crown opposes the defence motion.

Diab was arrested in November 2008 and charged with four counts of murder and several counts of attempted murder in connection with the bombing, which killed four.

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