

Reports don't fit evidence, Diab's lawyer says

Information changed at time of 2008 arrest

BY ANDREW SEYMOUR, THE OTTAWA CITIZEN DECEMBER 1, 2009

French intelligence reports changed after it became clear Hassan Diab entered Spain -- not France -- about the time of a deadly Paris synagogue bombing, his lawyer alleged Monday.

Donald Bayne made the allegation during an Ottawa hearing asking Ontario Superior Court Justice Robert Maranger to allow Diab, 55, to call evidence during his January extradition hearing challenging the reliability of the intelligence reports as well as handwriting evidence the French say implicates him in the 1980 bombing that killed four people.

Bayne said a June 2008 intelligence report indicated it was suspected the synagogue bombers entered France using their own passports. That information changed by the time of Diab's arrest in November 2008, with authorities then claiming the bombers used fake passports to enter the country. Diab's passport showed he never entered France, Bayne said.

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

He argued there are big differences between intelligence and evidence, as the nature of information provided by intelligence agents is shrouded in secrecy. He added there was no way of knowing whether the intelligence originated from a "human source" or was the "construct of some analyst sitting somewhere in the Middle East."

Bayne argued Diab has a constitutional right to present evidence at his 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 they argue implicates him in the bombing.

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