

Lawyers argue over extradition rules

Defence wants to call witnesses to disprove French case against accused terrorist

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Lawyers in the extradition case of suspected synagogue bomber Hassan Diab continue to argue over whether witnesses should be allowed to appear in the accused terrorist's defence.

Diab, accused by French authorities of murdering four people in a 1980 Paris bombing, faces a formal extradition hearing in January.

Lawyers are currently arguing over case law to determine what form that hearing will take.

The Lebanese-born Diab, who became a Canadian citizen in 1993, has been under virtual house arrest since he was taken into custody late last year.

Electronic monitoring is the main condition of the 56-year-old's bail along with numerous other conditions, including a curfew.

Donald Bayne, Diab's lawyer, wants to call witnesses to the extradition hearing in an effort to prove the French authorities seeking Diab's deportation have no grounds for their request.

Justice department lawyers are countering with the argument that the deportation hearing is not a trial and that Diab's innocence or guilt is a matter for a French court.

Crown lawyer Matthew Williams said the defence is attempting to use a small window of opportunity at the extradition hearing "and turn it into a patio door."

In proceedings that have seen testy exchanges between the two sides, Bayne accused the Crown of "cartoonizing" his legal submissions.

Bayne told Ontario Superior Court Justice Robert Maranger earlier this week that the extradition hearing would be the only opportunity Diab gets to have the evidence heard, since French courts only allow expert evidence to be introduced by the prosecution.

"The court is a gatekeeper. The extradition judge is the sole protection a person has against being snatched and sent to a foreign jurisdiction where his liberty will be denied," he said.

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