

Not all info in Diab case to be used, Crown says

Only French intelligence linking professor to 1980 Paris bombing will be relied on

BY ANDREW SEYMOUR, THE OTTAWA CITIZEN DECEMBER 11, 2009



Hassan Diab, right, stands outside the Elgin St. courthouse beside his lawyer Donald Bayne on Thursday, October 22, 2009 in Ottawa. Diab, who was arrested by the RCMP in 2008, is fighting extradition to France on a terrorism charges dating back almost 30 years.

Photograph by: Mike Carrocetto, The Ottawa Citizen

Federal Crown prosecutors say they do not intend to rely on all the unsourced intelligence provided by France when they seek to have suspected synagogue bomber Hassan Diab extradited next month.

Prosecutor Claude LeFrancois said the attorney general will only rely on pieces of the intelligence linking the onetime Carleton University professor to the 1980 Paris bombing that killed four.

He argued the Canadian court is equipped to make decisions regarding the reliability of intelligence as evidence and does not need to hear from Diab's experts, even though Ontario Superior Court Justice Robert Maranger said he had never dealt with the issue at any point in his career as either a judge or lawyer.

Diab's lawyer, Donald Bayne, has argued the intelligence provided by France is unreliable and inadmissible in a Canadian court.

The submissions were made during a hearing to determine whether Diab will be allowed to call nine defence witnesses during his January extradition proceeding. In addition to five intelligence experts,

Diab also hopes to call four handwriting experts who challenge the work of French document examiners who have tied Diab to the crime.

LeFrancois argued Diab's handwriting experts should only be called if their evidence results in the "complete rejection" of the French evidence, something he argues isn't the case here.

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