

# Experts allowed to testify at Diab trial, judge rules

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Accused Paris synagogue bomber Hassan Diab will be allowed to call three expert witnesses to testify at his January extradition hearing, a judge ruled Friday.

Ontario Superior Court Justice Robert Maranger ruled that Diab, 56, would be allowed to call two handwriting experts along with a University of Toronto law professor to testify about the unreliable nature of unsourced intelligence information. The written reports of two other handwriting experts will be entered into evidence.

While only two of the handwriting experts may be called as defence witnesses, Crown prosecutors will be allowed to cross-examine all four of the experts if they so choose.

Maranger did not provide reasons for his decision on Friday.

The decision followed more than three full days of submissions by Diab's lawyers, who were seeking to call nine witnesses in an effort to show that the French government's case linking the one-time Carleton University professor to the 1980 bombing that killed four is based on flawed handwriting analysis and unreliable intelligence reports that should not be used as evidence.

"I think it's a really fair decision," said one of Diab's lawyers, Yves Jubinville. "The test was, 'Could (the French evidence) be manifestly unreliable' and the judge, by letting us call some of the evidence, wants to have some more evidence on the issue of handwriting and intelligence."

Another of Diab's lawyers, Donald Bayne, argued during an earlier hearing 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.

Justice Department lawyers countered that the deportation hearing is not a trial and that Diab's innocence or guilt is a matter for a French court.

Bayne argued during the hearing that his experts will testify that the French document examiner failed to follow proper procedure, made incorrect assumptions and arrived at "dangerous" conclusions that Diab had written five words on a 30-year-old hotel registration card the French allege implicate him in the deadly blast.

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