

Diab's extradition hearing to be delayed for months

Prosecutors argue France needs more time to review evidence

BY ANDREW SEYMOUR, THE OTTAWA CITIZEN DECEMBER 19, 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

The extradition hearing for accused synagogue bomber Hassan Diab has been delayed for at least several months after Crown prosecutors successfully argued Friday that France needed more time to review the case.

Ontario Superior Court Justice Robert Maranger granted the adjournment to allow the French authorities to review evidence Diab intends to call, evidence that challenges handwriting analysis and intelligence the French say links him to the 1980 bombing in Paris that killed four and injured 40. The extradition hearing was to begin Jan. 4.

Diab's lawyer, Donald Bayne, said he was "strenuously opposed" to the adjournment, arguing any delays will cost his client thousands of dollars. He added that Diab, who has not been found guilty of any crime, remains on bail conditions that severely limit his freedom.

Diab, who lost his job as a University of Ottawa professor as a result of the allegations against him, is paying \$2,500 a month from his own pocket for electronic GPS monitoring as part of his release conditions, and cannot leave the house without his surety being present.

Federal prosecutor Claude Lefrançois said it would be unfair to proceed to the extradition hearing without giving the French an opportunity to review Maranger's Dec. 11 decision allowing Diab's defence team to call handwriting and intelligence experts. Lefrançois argued the holidays would make that particularly difficult, especially since much of the "highly technical" material must be translated into French.

"This is to provide an opportunity to Canada's treaty partners, the Republic of France, as to whether and what evidence that they might wish to submit in the record of the case," said Lefrançois. "We can't ... give France no time to reply."

To bolster his argument, Lefrançois provided the judge with a long list of adjournments Diab had received over the course of the case.

Bayne argued France had "28 years to get the case ready" and two months to review the evidence Diab hoped to call prior to the judge's ruling allowing the defence evidence to be heard. Bayne added that the Crown had consistently asked for the matter to proceed as quickly as possible.

"If you had a dollar for every time you heard that from the Crown in this case, you'd have enough to retire," Bayne told the judge before calling the move a "signal of desperation at the 11th hour without a compelling reason."

While Maranger recognized the difficulties that adjourning the case imposes, he said his recent and unprecedented decision allowing Diab to call evidence justified the delay. A new hearing date may be set on Feb. 8, when lawyers for both sides appear before Maranger.

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