

Diab lawyer questions French evidence

By MEGAN GILLIS, COURTS BUREAU

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The evidence French officials want to use to extradite and convict an Ottawa man accused of a deadly bombing is unacceptable in a Canadian court, the man's lawyer argued Monday.

Secret intelligence sources claimed Hassan Diab and others used their own passports to enter France to participate in the bombing of a Paris synagogue in 1980.

But when it became clear the former Carleton University professor's passport put him in Spain at the time, intelligence sources suddenly said the bombers used fake documents.

"When the light went on, far from confirming their theory this showed it was the wrong man, they just changed their evidence," lawyer Donald Bayne argued Monday. "That's what — among other things — the experts will say."

Judge Robert Maranger is hearing arguments on whether Diab will be allowed to call nine defence witnesses at his extradition hearing in January.

Bayne argues that the evidence upon which France wants to extradite and try Diab is unacceptable in our courts.

"This intelligence would never see the light of day as evidence before a Canadian jury," Bayne argued.

If unsourced, secret intelligence claims aren't found to be inadequate as evidence in Canadian courts "then we've embarked on a new and dangerous course in this country."

Handwriting analysis offered by French authorities is equally weak, Bayne said. A leading RCMP analyst is one of four international experts who will testify it's "appalling unprofessional and baseless," he argued.

Diab, 56, was arrested a year ago. French officials want to try him on charges of murder and attempted murder in connection with a bombing near a synagogue that killed 4 people and wounded 40 others.

The arguments continue Tuesday.

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