

Hearing on Diab extradition faces new delay

France withdraws handwriting evidence discredited by accused's defence team

BY ANDREW SEYMOUR, THE OTTAWA CITIZEN MAY 18, 2010

The extradition hearing for an Ottawa university professor accused of a deadly Paris terrorist bombing has been delayed again after France withdrew the evidence Monday of two handwriting experts discredited by defence witnesses.

Instead, federal Crown prosecutors now plan to introduce evidence from another French handwriting expert who found a "very strong presumption" that Hassan Diab was the author of a hotel registration card linked to the 1980 synagogue bombing that killed four and injured 40.

Diab's lawyer, Donald Bayne, called the "11th hour" move "absolutely scandalous."

Diab's three-week extradition hearing was to begin next month, but has been delayed at least a week, and possibly much longer, since France has yet to file the final 34-page report, which will still need to be translated into English.

"At the 11th hour and 59th minute they withdraw their entire handwriting case and substitute a new case," said Bayne, who accused French authorities of finding a new handwriting expert in an attempt to save their case after the two they originally used were discredited by four defence handwriting experts, including a former RCMP document examiner.

Bayne said the 56-year-old Diab, who has no criminal record and can no longer work, "has depleted his resources, been imprisoned, fighting a case they have decided to change."

Bayne added he may file an abuse of process application and may now have to represent Diab for free since France's "war of attrition" is "disabling this ordinary citizen from fighting back."

Diab, first arrested nearly 18 months ago and who has been on bail since March 2009, is paying \$30,000 a year for GPS monitoring on top of his legal fees.

Federal prosecutor Claude LeFrançois said the new handwriting analysis is based on an examination of U.S. immigration documents filled out by Diab and a hotel registration card filled out by the alleged bomber.

LeFrançois said the handwriting expert concluded that there is a "very strong presumption" that Diab was the person who wrote the hotel registration card.

LeFrançois argued there was "absolutely no purpose" to Diab calling his own handwriting experts since their evidence was now irrelevant.

Ontario Superior Court Justice Robert Maranger allowed the defence to call two handwriting experts, and enter the reports of all four, following lengthy arguments last year.

"We think it is painfully clear, from the report here, the handwriting is visibly similar," said LeFrançois, adding Bayne shouldn't be allowed to lead new evidence to avoid a "contest of experts."

LeFrançois said French authorities have also since reinterviewed and shown photos to the security guard at a hardware store who scuffled with the suspected bomber after he stole a pair of pliers. The man, who used the name Alexander Panadriyu and who France alleges was Diab, rented the explosive-laden motorcycle used in the bombing and filled out the hotel registration card.

LeFrançois acknowledged the new report was a "complex" and "highly technical" document that may not be easily translated into English.

Bayne said it was the second time France had delayed the proceedings. The extradition hearing was originally scheduled to begin in January, but was delayed when France asked for more time in late December to review the defence evidence.

Bayne said France has had months to indicate it was pursuing a new handwriting expert, but said nothing. Instead, officials presented the news during a meeting with Maranger and prosecutors last Monday.

"This did not happen overnight. This has been in the works for some time," said Bayne.

Maranger expressed concern about how the new evidence would affect the June court dates, which were set last December. Other legal arguments related to the extradition are now set to be heard June 21.

"This substantially changes the situation. Dramatically changes, and I want to know how we move forward given the change," said Maranger. "It makes it pretty awkward and difficult to say we'll be going full steam ahead in June given that sort of obstacle."

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