

Diab extradition hearing to call first witness

Legal expert to testify on 'unsourced' reports

BY ANDREW SEYMOUR, THE OTTAWA CITIZEN NOVEMBER 24, 2010

An esteemed University of Toronto law professor and expert in the dangers of using intelligence information as evidence is expected to testify today as the first witness in the extradition hearing of Hassan Diab, an Ottawa academic accused of bombing a Paris synagogue.

Kent Roach will testify after Ontario Superior Court Justice Robert Maranger decided he wouldn't make an "instant decision" on Diab's application seeking a stay of the extradition proceedings.

Maranger said he wouldn't rule until after the completion of the extradition hearing in its entirety.

Diab, 57, wants the proceedings halted, alleging that France's extradition request violates his Charter rights to life, liberty and security.

The former University of Ottawa sociology professor is wanted by French authorities for his alleged involvement in the 1980 bombing of the Copernic synagogue in Paris, which killed four people.

Roach, the Prichard-Wilson Chair of Law and Public Policy at the University of Toronto faculty of law and a Fellow of the Royal Society of Canada, specializes in anti-terrorism law and policy. He also served on the research advisory committee for the commission of inquiry into the actions of Canadian officials in relation to Maher Arar.

During the stay application, which took up the first 12 days of the hearing, Diab's lawyer, Donald Bayne, argued that France's extradition request contains at least nine misrepresentations of the evidence and relies heavily on "unsourced" and "uncircumstanced" foreign intelligence. Bayne argued that intelligence may include unreliable information gathered by torture.

Bayne also accused French prosecuting magistrate Marc Trévidic, who is leading France's efforts to get the Lebanon-born Diab extradited, of manipulating evidence to fit the accusations against Diab.

Federal Justice department lawyer Claude LeFrançois argued claims by Bayne that France manipulated evidence are "preposterous."

LeFrançois' colleague, Jeffrey Johnston, argued that suggestions the intelligence information was gathered through torture was "irresponsible allegation." The onus is on Diab to present evidence the intelligence was gathered through torture, which he hasn't done, he argued.

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