

# Diab in 'Catch-22,' lawyer says

## Judge to rule on last-ditch bid to avoid extradition

BY CHRIS COBB, OTTAWA CITIZEN MARCH 1, 2011



Hassan Diab is accused of being a key player in a terrorist bombing outside a Paris synagogue in 1980.

**Photograph by:** Wayne Cuddington, The Ottawa Citizen, Ottawa Citizen

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Lawyers for accused terrorist Hassan Diab made a lastditch effort Monday to get key handwriting evidence disallowed.

Justice Robert Maranger has already ruled that French handwriting evidence -dubbed the "smoking gun" by prosecutors -could be used in the extradition case against Diab.

Maranger also said that he found the evidence "problematic" and "confusing" with "suspect conclusions," but it would violate Canada's extradition agreement with France if he imposed Canadian standards of evidence on its admissibility.

Diab's lawyer Donald Bayne had called three internationally renowned experts who were all critical of a

forensic report produced by French expert Anne Bisotti.

"When all is said and done, I find that the evidence amounted to very strong competing inferences which demonstrate some serious weaknesses in the Bisotti report, but in truth fell short of a finding of manifest unreliability," Maranger said.

"While I find the Bisotti report very problematic, very confusing, with conclusions that are suspect, I cannot say that it should be rejected out of hand based on the expert evidence," he added.

A former University of Ottawa professor, Diab is wanted by the French, who claim he was a key player in a terrorist bombing outside a Paris synagogue in 1980. They want the Lebanon-born Canadian citizen to stand trial for murder and attempted murder.

The handwriting evidence compares a signature in a Paris hotel register with samples of Diab's later handwriting. The French say they match, but all of Bayne's three experts said the analysis was incompetent.

Bayne told the court Monday that Diab was in a Catch-22 situation with the handwriting because it would be accepted without question at a French trial. He urged Maranger to "protect the liberty of this Canadian citizen against injustice.

"He can't get it considered here, it won't be considered in France," Bayne said. "A judge cannot bury his head in the sand and say, 'It's not my problem.' "

Crown lawyer Jeffrey Johnston said under the Extradition Act, foreign justice systems must be presumed fair.

Maranger is to give his decision today.

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