

# Professor accused of Paris terrorism attack handed more setbacks in Ottawa court

BY CHRIS COBB, THE OTTAWA CITIZEN MARCH 3, 2011

OTTAWA — Federal Crown prosecutors do not have to hand over a complete set of photographs used by French police to link former University of Ottawa professor Hassan Diab to a Paris terrorist bombing.

Diab's lawyer Donald Bayne had asked for the photographs to be entered into the record of the case but federal Justice Department lawyers acting for the French government resisted.

Only nine of 33 "mug shots" shown by Paris police to witnesses 30 years after the bombing have been used as evidence by the prosecution.

All nine are of the 57-year-old Diab at various stages of adult life.

Bayne said it was impossible to assess the fairness of the photographs without being able to compare the Diab images with those of others shown to witnesses.

Some of those could be of males who look radically different from Diab, he said.

A former hardware-store security guard apparently identified Diab from the photographs, 30 years after he had been involved in a scuffle with the alleged terrorist who had attempted to steal a pair of pliers.

Citing extradition case law, Crown lawyer Jeffrey Johnston said the nine images of Diab were more than adequate for an extradition hearing. Those often rely only on one identifying image attached to documents from the country requesting an extradition of a Canadian citizen.

Any challenge as to the fairness of the photographs was a matter for any future Diab trial and not his extradition hearing, he added.

Diab, a Lebanese-born Canadian, will face trial for multiple murders and attempted murders if he is extradited.

Justice Robert Maranger sided with the prosecution, remarking that he was bound by the previous case law "whether I like it or not."

This is the second defeat for Bayne on the heels of a major blow more than two weeks ago when he lost a long-fought effort to have controversial handwriting evidence disallowed.

And on Tuesday the judge also ruled in favour of the prosecution when he denied a second motion by Bayne to have the handwriting evidence tossed on the grounds that it will not be fairly tested in a

French criminal trial.

The Diab extradition hearing, which has lasted more than two years, will enter its final stages Friday and be complete by late next week.

Maranger is likely to take up to three months to announce his decision.

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