

Judge to rule in June on whether to extradite Diab in Paris synagogue bombing case

BY CHRIS COBB, OTTAWA CITIZEN MARCH 9, 2011



Former University of Ottawa professor Hassan Diab is accused of participating in the bombing of a Paris synagogue in 1980.

OTTAWA — Former University of Ottawa professor Hassan Diab is to learn in early June whether he will be committed for extradition to stand trial in Paris on murder and attempted-murder charges.

Justice Robert Maranger told the Diab extradition hearing Wednesday he will deliver his decision on or about June 8 and stated for the first time that Diab's fate hangs on controversial French handwriting evidence.

The final day of the extradition hearing shifted focus back to evidence comparing Diab's handwriting with samples collected from suspects in the case, with prosecution and defence lawyers using the same case law to make radically different pitches to Maranger.

Crown lawyer Jeffrey Johnston argued that under extradition case law, Maranger does not have the right to re-examine French handwriting analysis that has been the subject of often bitter arguments between the two sides.

Defence lawyer Donald Bayne argued the opposite, urging Maranger to make his own judgments about the handwriting analysis — which the judge has allowed into evidence despite referring to the analysis as a “pseudo science” that is “problematic” and “very confusing.”

Three defence forensic handwriting experts agreed that the French evidence was flawed to the point of incompetence but Maranger said the experts had not persuaded him to disallow the evidence.

Under extradition law, evidence provided by the country seeking to extradite a Canadian citizen has generally to be presumed reliable by Canadian courts.

Diab, a Lebanese-born Canadian currently living under strict bail restrictions, is wanted for murder and attempted murder by Paris police for his alleged role in the bombing of the Rue Copernic synagogue in the French capital on Oct. 3, 1980.

The 57-year-old says he is the victim of mistaken identity and denies he had any role in the bombing.

In stating Wednesday that the case hangs on the handwriting analysis, Maranger appeared to be saying that he will give relatively little or no weight to supporting circumstantial evidence offered by the French.

That evidence includes witness statements that allegedly identify Diab based on old photographs and composite drawings and allegations that he was a member of the Popular Front for the Liberation of Palestine (PFLP) or a related student group of the organization.

According to French evidence, a Lebanese friend of Diab's told authorities Diab was member of the PFLP but there is no concrete evidence to support that. Nor is there any evidence that the PFLP had anything to with the Paris bombing for which Diab is wanted.

Bayne spent Tuesday ripping into the French evidence, claiming it is “guesswork in the absence of evidence.”

He claims there is no evidence that Diab was even in France the day he is alleged to have planted the bomb.

But Johnston says while the circumstantial evidence might be relatively minor, it is valid and bolsters the handwriting evidence.

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