

Diab's lawyer questions origin of evidence

Suggests information may have come from sources that use torture

By CHRIS COBB, The Ottawa Citizen November 10, 2010

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Hassan Diab, right, stands outside the Elgin St. courthouse beside his lawyer Donald Bayne on Thursday, October 22, 2009 in Ottawa. Diab, who was arrested by the RCMP in 2008, is fighting extradition to France on a terrorism charges dating back almost 30 years.

Photograph by: Mike Carroccetto, The Ottawa Citizen

OTTAWA—There are no guarantees that evidence provided by France to have accused terrorist Hassan Diab extradited from Canada was not gathered by torture, his lawyer said Wednesday.

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Donald Bayne, who is attempting to have the hearing against the Lebanese-born Diab stayed, has said repeatedly that the French evidence is suspect because much of it is from unknown sources.

“When you allow foreign intelligence,” he told Ontario Superior Court Justice Robert Maranger, “the grave danger you face is that you don’t know where it came from.

“If it’s from foreign sources as opposed to your own,” he added, “you have no control over the circumstances in which the intelligence was produced.”

Germany was the conduit for some of the French intelligence which originated in Israel and other unknown countries.

“We don’t know where Israel obtained its intelligence,” said Bayne. “Jordan, Syria, Egypt? Who knows? There is no reasonable assurance (that it didn’t come from torture).”

The former University of Ottawa sociology professor is facing extradition to France to stand trial in the murder of four people who were killed Oct. 3, 1980 outside the Copernic synagogue in central Paris.

French police and prosecutors allege that Diab was in Paris with false papers and living under an assumed Greek Cypriot name.

They allege Diab made the bomb and then planted it in the saddle bag of a motor cycle parked on the sidewalk close to the synagogue.

His lawyer says Diab wasn’t in Paris at the time and is not versed in bomb making.

Bayne is urging Judge Maranger to immediately end the case against Diab and allow him to go free.

Crown prosecutors will have their say, likely beginning Friday. If Maranger rejects the defence stay application, a formal extradition hearing will follow and that will last into December.

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