

# Diab lawyer queries work of handwriting expert

## 'Egregious errors' in analysis of name on hotel register

BY CHRIS COBB, THE OTTAWA CITIZEN    DECEMBER 1, 2010

The extradition hearing for former Ottawa university professor Hassan Diab entered crucial territory Tuesday with the alleged terrorist's lawyer condemning pivotal prosecution handwriting evidence as the unreliable work of an incompetent analyst out of touch with modern methods.

Lebanon-born Diab, 57, is wanted for murder by French authorities for his alleged role in planting a bomb outside a Paris synagogue in 1980. Four people were killed and more than 40 injured in the blast.

Defence lawyer Donald Bayne has testimony from three internationally re-nowned handwriting specialists, all of whom, he says, debunk the French handwriting evidence that Paris prosecutors say ties Diab to the crime.

French police found a signature and other writing of a Greek Cypriot by the name of Alexander Panadriyu in a Paris hotel registry and, for comparison, got samples of Diab's own writing from the United States where he was later a student.

Because of myriad witness statements, police are convinced that the guest using the false Greek name and the Palestinian bomber are the same person. They say they've in turn connected those identities to Diab via the handwriting.

But Diab claims his innocence and says he is the victim of mistaken identity.

He is asking Ontario Superior Court Justice Robert Maranger to consider the evidence of his three experts -- from Canada, the United Kingdom and the United States -- and allow all three to testify.

Under Canadian extradition law, an accused has no automatic right to submit evidence in response to the case against him or her and evidence provided by the requesting country must be considered "presumptively reliable." Which means any Canadian fighting extradition has an uphill battle.

The current French handwriting expert whose report is now part of the prosecution case is the third offered up by France. The work of two others was withdrawn.

"Its professed reliability collapsed into withdrawal," said Bayne, who says his own trio of experts is unanimous in its condemnation of the third French report and its "egregious methodological errors."

In his submission to Maranger, Bayne said although extradition law is restrictive, there is plenty of case law that urges judges to be cautious when a prosecution has obvious "frailties."

Bayne is partly relying on criticisms of expert witnesses in the four-volume report by Justice Stephen Goudge, who two years ago led the probe into the work of Dr. Charles Smith. He was viewed as one of Canada's leading experts in pediatric forensic pathology -- but Goudge found that despite his stature, Smith had little forensic experience and for more than 10 years fooled courts into believing that he had. Smith was responsible for numerous wrongful convictions because juries and courts believed him.

In urging judges to be more critical of experts, Bayne said if his handwriting experts are allowed to testify, one of them will say that "in 30 years he has never seen anyone working in the field who (so) clearly doesn't understand handwriting analysis."

The French handwriting report, he added, is confusing and almost impossible for a lay person to understand.

"It was her obligation to make it crystal clear," he said, urging the judge to give the French analysis "vigilant scrutiny."

Crown lawyers are expected to vigorously oppose Bayne's efforts on the grounds that introducing defence evidence contravenes the Extradition Act.

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