

Diab loses bid to delay court decision

Enough handwriting evidence heard in bombing case, judge says

BY ANDREW DUFFY, OTTAWA CITIZEN MAY 27, 2011 12:00 AM

A former University of Ottawa professor wanted by the French government in connection with a 1980 terrorist bombing has lost his bid to delay the decision in his extradition case.

Hassan Diab had asked Justice Robert Maranger to put his verdict on hold while new evidence from French handwriting experts was developed.

But Maranger denied the request Thursday, saying the court had already heard enough handwriting evidence during 46 days of testimony.

The extradition case has been before the courts for 2½ years.

Maranger said he will deliver his verdict on extradition as planned on June 6.

Diab's extradition hinges on the evidence of a French forensic handwriting expert, Anne Bisotti, who found similarities between five words written in a Paris hotel registration book shortly before the bombing and samples of Diab's writing.

As part of his defence, Diab presented three expert witnesses, from Canada, the U.S. and Britain, all of whom sharply criticized the Bisotti report.

"I find it difficult to conceive of how the French experts will be more critical than the experts who have already testified," Maranger said Thursday in denying the application for a postponement.

The "tortured history" of the extradition hearing -it has suffered repeated delays -had little bearing on his decision to proceed, Maranger said, since he could not act on any new handwriting evidence brought forward.

He has already ruled that it will be up to a French criminal court to decide if the Bisotti report is reliable.

What's more, he said, any assessment of how French courts handle expert evidence must be done by Canada's justice minister during a later phase in the extradition process.

"I do not have the jurisdiction to examine the fairness or unfairness of a foreign procedure," he said, "but the minister does."

Diab wanted to introduce French experts who would speak to the flawed methodology and unreliability of the Bisotti report. He also wanted to use the experts to establish that the French legal system would not allow him to effectively dispute the report in court.

Diab, 57, a Lebanese-born Canadian, faces murder and attempted murder charges in France for his alleged role in the bombing of a Parisian synagogue on Oct. 3, 1980.

Crown prosecutors allege that Diab was a member of the Popular Front for the Liberation of Palestine when he helped arrange the synagogue bombing, which killed four people and injured more than 40.

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