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Accused bomber professes innocence

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Last Updated: November 8, 2010 6:56pm

A judge should toss out a bid to extradite a sociology professor accused of a 30-year-old Paris synagogue bombing because France misrepresented, manipulated and manufactured the case against him, his lawyer argued Monday.

"If you fail to stay this, what message does that send," Donald Bayne asked Judge Robert Maranger, arguing he can't simply throw out what evidence Hassan Diab can discredit in a process stacked against him and let France use the rest.

"So what kind of control on foreign states coming to take Canadians out of Canada and deprive them of their liberty is that?"

Diab, 56, broke his silence Monday, issuing a statement professing his innocence, condemning terrorism and complaining that the presumption of innocence has been eroded since the Sept. 11, 2001 attacks.

"I hope this extradition hearing will end the witch-hunt atmosphere I have been living under for the past three years," he said.

The French allege that Diab, working with the Popular Front for the Liberation of Palestine, built a bomb that exploded outside a Rue Copernic synagogue on Oct. 3, 1980, killing four and wounding 40.

But before federal lawyers present their allegations at a hearing scheduled to last all month, Bayne will spend the week arguing it should be stayed as an abuse of process and violation of Diab's rights that strikes at Canadian values of fairness and decency.

Bayne told a courtroom packed with Diab's supporters that the case — which he compared to the Maher Arar "rendition" — is based on secret, unsourced intelligence that France has tailored to fit the few facts.

Investigators, for example, first alleged the intelligence reports showed he entered France with his own passport then, when his passport put him in Spain, that he used false documents, he charged.

"When the passport of Mr. Diab proved his innocence, they just changed the intelligence claim," Bayne argued. "It was changed to make it fit."

France's misrepresentations taint a process the Supreme Court says must be utterly fair because it's so "tilted" against the accused, Bayne argued.

Under Canada's streamlined extradition laws, France's case is presumed accurate and Diab has no right to disclosure of all the evidence against him or to cross-examine witnesses.

It's a "small miracle" he's been able to uncover at least nine serious mistakes and misrepresentations which could be the "tip of the iceberg," Bayne argued.

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