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## Ottawa hits 'dangerous new low' with professor's extradition, supporters say

By CARYS MILLS  
Globe and Mail Update

*Hassan Diab's lawyer says he has not been charged and it has recently been revealed that he's being sent to France for questioning, not a trial*

Supporters of an Ottawa professor who was ordered extradited earlier this month say Canadian justice reached a "dangerous new low" by surrendering Hassan Diab to France not for a trial but to be questioned.

Mr. Diab, a 58-year-old Lebanese-Canadian, is accused of being a terrorist who bombed a Paris synagogue in 1980, killing four people. Justice Minister Rob Nicholson announced the extradition order last week after a judicial ruling paved the way for him to make the decision 10 months before.

Lawyer Donald Bayne said Mr. Diab has not yet been charged and it has recently been revealed that he's being sent to France for questioning, not a trial.

"We simply cannot be sending Canadians abroad, around the world, so that foreign regimes can investigate them," Mr. Bayne said Friday at a news conference held by Mr. Diab's supporters. "They either have a case against them or they don't."

French Department of Justice spokesman Olivier Pedro Jose declined to disclose any information about the case, including the status of the charges. However, Agence France-Presse reported French officials confirmed charges are yet to be laid.

During the court case last year, the judge examined parts of France's case, which includes composite sketches and handwriting on a hotel registration card. It's allegedly penned by Mr. Diab but his lawyers disputed that. The judge concluded France put forward a "weak case," which would make chances of conviction in a fair trial "unlikely."

The court ruling is being appealed, Mr. Bayne said, and by the end of April he will also launch an appeal against the minister's decision. The two appeals will be combined and probably won't be heard until the end of the year, Mr. Bayne said, adding that Mr. Diab cannot be extradited before then.

Mr. Nicholson's office didn't respond to questions about the status of the charges and France's intent. "As this matter remains pending in the Canadian courts, it would not be appropriate to comment further," said a statement about the decision issued last week.

Since Mr. Diab's 2008 arrest by the RCMP on behalf of French authorities at his home in Gatineau, Que., he said life has not been the same. "My life has been turned upside down because of unfounded allegations and suspicions. I'm innocent of the allegations against me," said the former University of Ottawa and Carleton University sociology

professor.

He said he's living in Ottawa, where he has to wear an electronic tracker on his ankle and can only leave his home with a surety.

"I remain hopeful that the Canadian legal system will give me a fair chance," Mr. Diab said.

University of Toronto international law professor Ed Morgan said for someone to be extradited they have to be facing charges. "We can never predict what will happen at a trial, if the evidence against a person will collapse," he said. "But he definitely has to be facing some charges."

One legal expert said if France has admitted they don't have necessary evidence to go to trial, Mr. Diab shouldn't be extradited. "That would be a complete misuse of the extradition process," said Gary Botting, a B.C. lawyer who has represented clients in extradition cases in written extensively on the topic.

"It simply is not the way the extradition process is supposed to work in Canada," he said

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