

Civil liberties in peril

OTTAWA CITIZEN OCTOBER 26, 2013

Re: Let justice run its course in Diab case, Oct. 23.

Richard Marceau, arguing in favour of extraditing Hassan Diab to France, states that the test for extradition is whether "there is sufficient evidence to permit a properly instructed jury to convict." That's true, but incomplete and misleading.

The crucial problem with the law in this extradition case is stated by Justice Robert J. Maranger: "An extradition hearing has its own specific rules of evidence, whereby evidence is admitted even if it would not be admitted under Canadian law."

Justice Maranger decided against Diab on the basis of handwriting evidence. He ruled that he could not conclude that the evidence was manifestly unreliable, although he added "it was nonetheless highly susceptible to criticism and impeachment."

Well, yes, and to my mind it was for the reasons the experts gave in court (at which I was present) wholly unreliable.

When you say something is "manifest" does that mean at first sight, before you hear and weigh expert arguments? In that sense one could say that the unreliability was not "manifest."

But if the bar approaches that low level as a test for "manifest unreliability" - and Justice Maranger stressed the lowness of this bar - the civil liberties of Canadians are in a perilous state.

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