

Hassan Diab's extradition to France upheld by appeal court

Diab's lawyer to ask for leave to appeal to the Supreme Court of Canada

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The Ontario Court of Appeal has upheld a judge's decision that an Ottawa sociology professor should be sent to France, where he is a suspect in a decades-old terror bombing.

In its ruling, the appeal court said both the lower-court judge, and subsequently the federal justice minister, made no legal errors in coming to the conclusion Hassan Diab should be handed over to French authorities.

Diab's lawyer, Don Bayne, continues to disagree. He said Thursday that the handwriting analysis report submitted as evidence is "ludicrous" and "manifestly unreliable," that fingerprints from the scene do not match Diab's, that a description of the suspect was of a middle-aged man and Diab was in his 20s at the time, and that "secret" information from an unnamed source was changed to reflect the fact that Diab's passport showed he was not in France at the time.

"If that isn't manifest unreliability, then there is no manifest unreliability, and we better stop talking about there being a real constitutional requirement before Canadians are stripped of their liberty, as this man has been repeatedly, for the past 5½ years, and subjected to a foreign process," Bayne said.

At a news conference on Parliament Hill after the appeal court's decision was announced, Don Pratt of the Hassan Diab Support Committee also read a statement written by Diab.

"It is with great shock that I learned that the Court of Appeal upheld my extradition order on the sole basis of a discredited handwriting analysis report," Diab wrote. "... Such a decision means that any Canadian citizen can be detained, uprooted and extradited based on deeply flawed evidence that a foreign state submits."

Bayne said they'll be asking for leave to appeal the case to the Supreme Court.

French authorities allege Diab, 60, was a member of the Popular Front for the Liberation of Palestine, which made and planted a bomb that killed four people and injured more than 40 on Oct. 3, 1980, outside the Copernic Street synagogue in Paris.

Diab has repeatedly denied the allegations.

"I neither participated in, nor had any knowledge of this heinous crime," Diab wrote in his statement Thursday. "I have always opposed anti-Semitism, discrimination and violence. I am innocent of the accusations against me."

The RCMP arrested Diab — a Canadian of Lebanese descent who has taught sociology at Carleton University and the University of Ottawa — in Gatineau, Que., in November 2008 in response to a request by France.

In June 2011, Ontario Superior Court Justice Robert Maranger committed Diab for extradition to face French authorities despite acknowledging the case against him was weak.

The following April, then-justice minister Rob Nicholson signed an extradition order surrendering Diab to France.

With files from The Canadian Press