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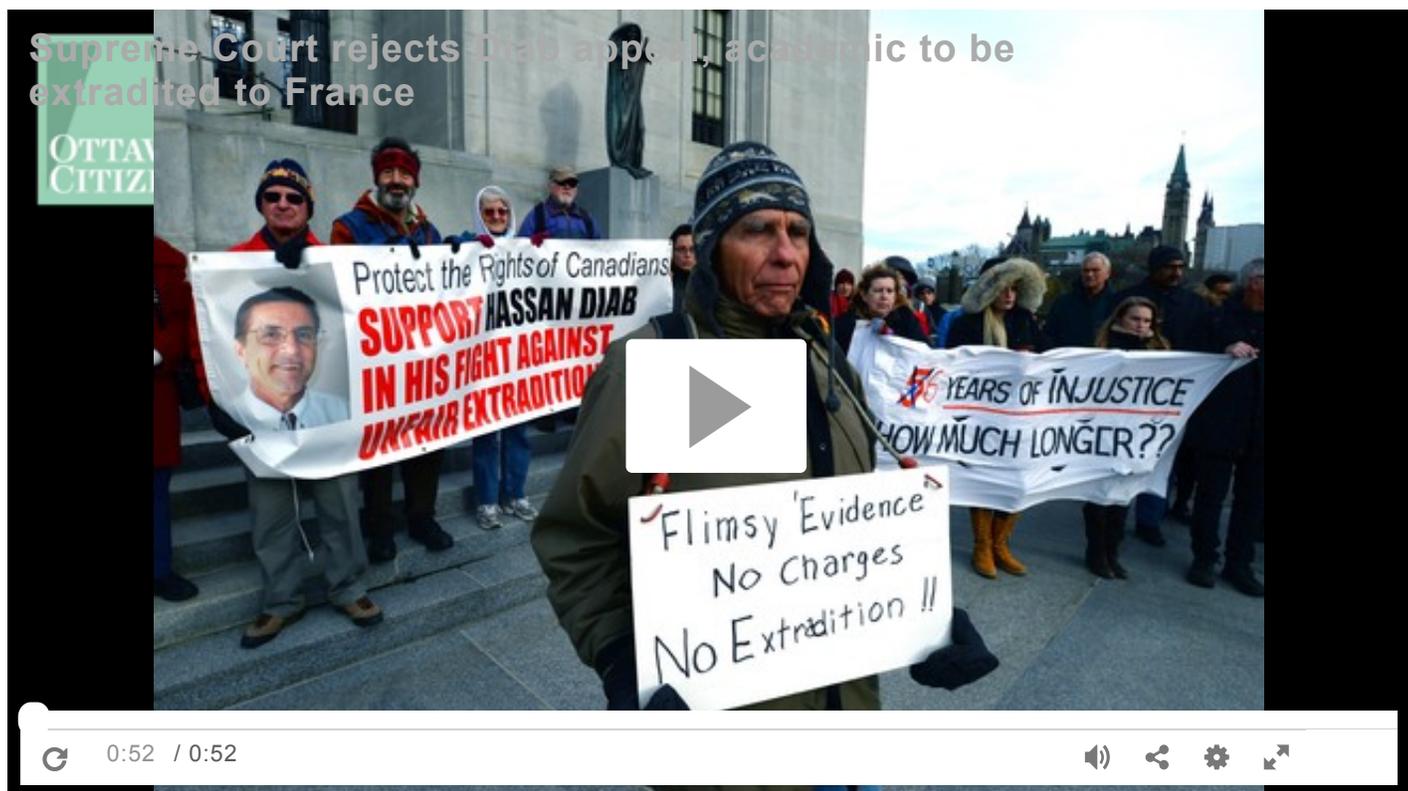
Supreme Court rejects Diab appeal, academic to be extradited to France



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A “deeply shocked” Hassan Diab issued a statement from jail Thursday hours after hearing that Canada’s top court had refused to hear his appeal against extradition to France, where he is a prime suspect in the fatal 1980 bombing of a Paris synagogue.

“I have been living a Kafkaesque nightmare for over six years, fighting false allegations against me, enduring detention, strict bail conditions, the loss of my employment and enormous stress on my family,” Diab said.

“It is beyond devastating that the Supreme Court would allow my extradition for a crime that I did not commit based on a handwriting analysis that was shown by world-renowned handwriting experts to be wholly unreliable, totally erroneous and biased.

“It is a shock that this would happen in Canada.”

The Supreme Court's decision means that Diab will be taken to Paris by French police within the next 45 days.

Once in the French capital, the 60-year-old academic will appear before an investigating judge — the beginning of an investigation that his lawyers say could last two years.

Although he is yet to be charged with an offence, the lawyers fear he will be convicted with tainted evidence and spend the rest of his life in a French prison.

“It's tragic,” said his lawyer, Donald Bayne. “We now have the classic recipe for the wrongful conviction of a Canadian citizen.”

Diab, 60, was originally ordered deported by an Ottawa judge based on analysis of five handwritten words, written in capital letters in a Paris hotel register.

French authorities say the person who wrote the fictitious Greek name in the register was the person who planted a bomb in a motorcycle saddle bag outside a synagogue in downtown Paris.

Four passersby were killed and about 40 were injured.

Ontario Superior Court Justice Robert Maranger ordered Diab's extradition in 2011 after saying that he found the handwriting evidence “illogical, very problematic, convoluted, very confusing with conclusions that are suspect.”

If a fair trial was held, it would be unlikely Diab would be convicted, the

extradition judge said, but added that the extradition law left him with no choice.

“Does this sound like reliable evidence to you?” Bayne asked reporters Thursday on Parliament Hill.

Two French experts originally compared the writing in the register with samples of what they thought were Diab’s writing from Syracuse University, where the Ottawa academic studied for his PhD.

After announcing that the samples of handwriting matched the hotel register, they discovered that the Syracuse samples were written by Diab’s first wife and not him.

“Embarrassed, France had to withdraw the evidence of these two alleged experts,” said Bayne, “but instead of withdrawing their application to Canada to extradite Dr. Diab, France then, much later, offered a replacement expert.”

The third French analyst using Diab’s handwriting said it more or less matched the register.

Five international handwriting experts commenting on the third analysis said it was “wholly unreliable, fatally flawed,” said Bayne.

Crucially, he added, France will use intelligence evidence that was withdrawn by Canadian federal prosecutors acting for France because the French did not know its source and couldn’t prove that it wasn’t gleaned from torture — hence violating the Canadian Charter of Rights and Freedoms.

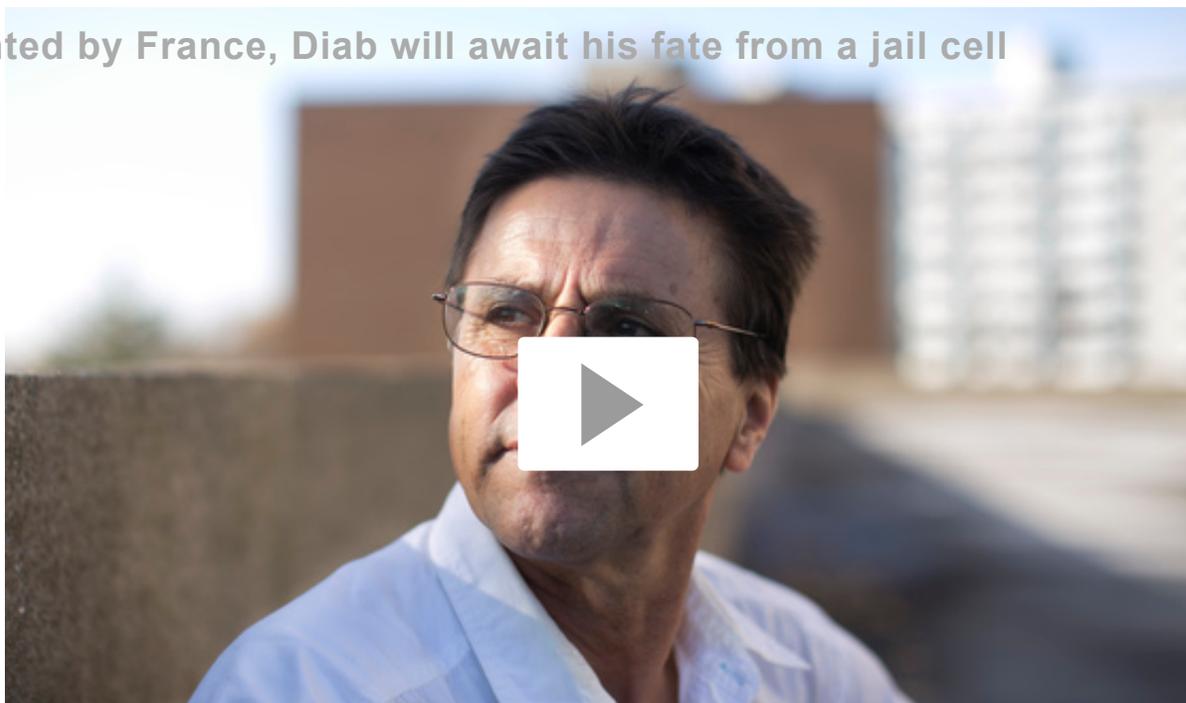
“France uses secret intelligence from unknown sources, in unknown circumstances, as evidence,” said Bayne. “Yet we’re sending a Canadian to trial where he can’t possibly know the case against him or have a real and meaningful opportunity to answer that case.”

However, Shimon Koffler, chief executive officer of the Centre for Israel and Jewish Affairs in Canada praised the decision.

“We are pleased that the highest court in the land will honour the French extradition request and allow the accused to return to France so the victims may have their day in court,’ he said.

The French embassy in Ottawa also issued a statement, saying that Diab is presumed innocent by France until proven otherwise.

Wanted by France, Diab will await his fate from a jail cell



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The former Carleton University and University of Ottawa sociology professor had been in custody since Wednesday afternoon awaiting the top court’s ruling.

The Paris attack came at the height of terrorist activity by the Popular Front for the Liberation of Palestine – an organization the Lebanon-born Diab denies ever belonging to.

He has also denied being in France the day the synagogue was bombed and there is no passport evidence to suggest that he was.

Carleton Prof. Jacqueline Kennelly, one of dozens of Diab's academic supporters, said Diab had got caught in "a terrorist witch hunt" spurred by the war on terrorism and that the decision to extradite him was political.

Bayne refused to speculate why the top court had refused to hear the appeal. The Supreme Court does not offer explanations for its decisions on whether it will hear cases.

"Our system of justice is a wonderful system," he said, "but wrongful convictions occasionally occur and I'm terribly concerned that this case has wrongful conviction written all over it."

Diab has two grown children and a daughter who is two years old on Saturday. His wife, Carleton University professor Rania Tfaily, is pregnant with their second child, due in January.

"I vow to never give up," Diab said in his statement. "And I will always remain hopeful that I will eventually return to my home in Canada and be reunited with my wife and children."

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