

French court rejects Diab appeal to have key evidence tossed



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Hassan Diab has been held in prison in France since his November 2014 extradition for a decades-old terrorism case. *WAYNE CUDDINGTON / OTTAWA CITIZEN*

Ottawa academic Hassan Diab, currently in a Paris prison awaiting trial for terrorism-related killings, has suffered a significant legal setback.

The French Court of Appeal has rejected the 62-year-old's application to have crucial handwriting and intelligence evidence removed from the prosecution's case against him.

The Lebanon-born Canadian was extradited to France at the French government's request in November 2014. He is accused of planting a bomb that killed four people outside a Paris synagogue in October 1980.

At least 40 others inside and outside the Rue Copernic synagogue were injured in the blast.

Since his arrest by the RCMP in November 2008, the father of four has maintained his innocence and says he was not in Paris at the time of the bomb attack.

French authorities claim the bombers used false travel documents to enter and exit France.

An Ottawa extradition judge ordered Diab deported in the summer of 2011. After a series of failed appeals — including a refusal by the Supreme Court to review his case — he was flown to Paris, jailed and charged.

Canadian federal prosecutors acting for the French government withdrew the intelligence evidence at the extradition hearing when it became clear that its source was unknown and the French could not prove that it hadn't been gleaned from torture.

That same evidence now will be used against Diab at his trial, which is expected during 2016.

The handwriting analysis was key to Diab's extradition and the subject of a bitter dispute at the extradition hearing.

Three internationally renowned handwriting experts hired to testify at the extradition hearing by Diab's lawyer, Donald Bayne, denounced the French analysis as incompetent.

It compared a signature on a hotel registration card with a sample of Diab's handwriting provided to the French by the University of Syracuse, where Diab studied.

Bayne told the Citizen he was "disappointed" that the French legal system sees the handwriting analysis and unsourced intelligence as credible evidence.

"Every credible handwriting expert has said the handwriting opinion is unreliable," he said.

Meanwhile, Diab's supporters raised \$18,025 during a five-week fundraising effort that ended shortly before Christmas.

His supporters will use the money — more than \$16,000 of it from online donations — to produce a short documentary to highlight what they say is a "deeply flawed case that risks convicting an innocent man."

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THE DIAB FILE

Born: Lebanon

Age: 62

Profession: University professor

The bomb: Concealed in a motorcycle saddle. Killed four passersby on the street, injured about 40 inside and outside

synagogue. Sent cars and other vehicles shooting skyward.

The charges: Four counts murder, multiple counts attempted murder.

Sentence if convicted: Life in prison.

What he says: "I am innocent. I was not in France on Oct. 3, 1980. I strongly condemn that attack."

What Diab's extradition judge said about key French evidence: "... convoluted, very confusing, with conclusions that are suspect."

What federal prosecutors said: "Under the Extradition Act, foreign justice systems must be presumed fair."

Some of the evidence: Five handwritten words on a hotel register, handwriting analysis, intelligence reports.

Canadian extradition law: Has significantly lower legal threshold of proof than any other aspect of Canadian criminal law. The assumption is that the "requesting country" will give "surrendered" Canadian citizens a fair trial.

French extradition law: France does not extradite its citizens.

Supporters' website: [Justice for Hassan Diab](http://www.justiceforhassandiab.org/p-justice-statement)
(<http://www.justiceforhassandiab.org/p-justice-statement>)