

# Alleged synagogue bomber seeks to delay extradition ruling for more handwriting evidence

BY ANDREW DUFFY, THE OTTAWA CITIZEN    MAY 25, 2011 6:10 PM



Defence lawyer Donald Bayne said he has found several French experts who will testify that key handwriting evidence against Ottawa's Hassan Diab, right, is completely unreliable. Diab is fighting extradition to France on a terrorism charges.

**Photograph by:** Mike Carrocetto, Canwest News Service

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OTTAWA — The lawyer for a former University of Ottawa professor France wants to put on trial for a 1980 terrorist bombing has asked a judge to delay the extradition case so that new evidence can be introduced.

Defence lawyer Donald Bayne said he has found several French experts who will testify that key handwriting evidence against Ottawa's Hassan Diab is completely unreliable.

Justice Robert Maranger was scheduled to give a decision in the two-year-old extradition case on June 6.

But Bayne asked him to suspend that judgment so that the new evidence can be finalized, then presented to court.

“This is the only opportunity for the defendant to seek to adduce this evidence,” Bayne argued, noting that the French government has repeatedly added evidence to the Crown’s case during the extradition process.

Diab, 57, a Lebanese-born Canadian, faces murder and attempted-murder charges in France for his alleged role in the bombing of a Parisian synagogue on Oct. 3, 1980.

He has repeatedly insisted that French authorities have the wrong man and that he is the victim of mistaken identity.

Diab’s extradition case hinges on the evidence of a French forensic handwriting expert, Anne Bisotti, who found similarities between five words written in a Paris hotel registration book shortly before the bombing and samples of Diab’s writing.

As part of his defence, Diab has already presented three expert witnesses, from Canada, the U.S. and the United Kingdom, all of whom sharply criticized the Bisotti report.

Bayne now wants to introduce several French experts who will speak to the methodology Bisotti employed. He also wants to use the experts to establish that the French legal system will not allow Diab to effectively dispute the Bisotti report in court.

Crown prosecutor Claude LeFrançois told Maranger that he does not have the legal jurisdiction to consider whether Diab will receive a fair trial in France, “a first-world country in Western Europe.”

LeFrançois suggested that such an approach would render already complicated extradition hearings a “nightmare” and would require judges to assess perceived judicial failings in countries such as Mexico. “It would lead to absurdity,” he said.

What’s more, LeFrançois said, Diab has already called expert witnesses to dispute the Bisotti report and could have called more during the lengthy extradition hearing that concluded in March.

Crown prosecutors allege that Diab was a member of the Popular Front for the Liberation of Palestine when he helped to arrange the synagogue bombing, which killed four people and injured more than 40.

Judge Maranger is to deliver a decision on the defence application Thursday morning.

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