

# Denied language rights, accused terrorist gets new bail hearing

## Ottawa professor Hassan Diab suspect in 1980 Paris bombing

BY IAN MACLEOD, THE OTTAWA CITIZEN FEBRUARY 26, 2009

In a rare move, a new bail hearing has been ordered for alleged terrorist bomber Hassan Diab, whose new, high-powered defence team is expected to raise serious questions about the case against the Ottawa university professor.

French officials want Diab, 55, extradited and tried for the infamous 1980 bombing of the Rue Copernic synagogue in Paris that killed four, injured scores of others and led to the fortification of Jewish sites around the world. No one claimed responsibility, but the Popular Front for the Liberation of Palestine-

Special Operations (PFLP-SO) was later blamed.

Diab, who maintains he is innocent, was arrested by the RCMP Nov. 13 at the request of French authorities. A bail hearing was held over several days and, on Dec. 3, Justice Michel Charbonneau refused to grant bail and ordered Diab held in custody until his anticipated extradition hearing later this year.

Diab fired his Montreal-area lawyer and retained the Ottawa firm of Bayne Sellar Boxall, which launched an appeal.

This week, Ontario Court of Appeal Justice Gloria Epstein quashed the Charbonneau decision.

Diab, who does not understand French, could not read or comprehend the French-language prosecution documents from France entered as evidence at the fall bail hearing, which was conducted in English.

The hearing, therefore, breached Section 14 of the Charter of Rights and Freedoms guaranteeing a person's right to an interpreter (or translated documents) to ensure that an accused hears the case against him or her and is given full opportunity to answer it.

Diab's lawyers declined comment yesterday. They are to appear in an Ottawa court today as part of the process for the new bail hearing, to be held mid-March. Diab is to remain in custody at least until then.

The break in the Copernic case came in September 2007 when German authorities discovered an old membership list for the now-defunct PFLP-SO, prompting a new French magistrate to reactivate the investigation.

French authorities alleged Diab resembles police sketches of the synagogue bomber; his handwriting

matches that of the bomber; he has been identified by intelligence sources and former friends as having been a member of the PFLP; and his Lebanese passport, which he reported stolen, was used to get into France around the time of the 1980 bombing, in suspicious circumstances.

In his decision to refuse bail, Charbonneau ruled federal prosecutors, acting on the request of French authorities, presented "a good case and a strong case" for why Diab, should not be released from custody before his anticipated extradition hearing.

He said Diab, who holds dual Canadian and Lebanese citizenship, also poses a "significant risk of flight" because of the long potential prison term he faces in France, his extensive knowledge of world travel and many contacts outside of Canada, especially in the Middle East.

The Beirut native came to Ottawa in 2006 and had been teaching sociology part-time at the University of Ottawa and Carleton University. He lived with his common-law wife in her condominium on Dynes Road.

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