

Diab granted bail

BY KATE JAIMET , THE OTTAWA CITIZEN MARCH 31, 2009



Hassan Diab, an Ottawa university teacher accused by the French government of bombing a synagogue in Paris in 1980, appears in court for a bail hearing.

Photograph by: Sketch by Ronn Sutton, The Ottawa Citizen

OTTAWA — Hassan Diab, who stands accused of murdering four people in a 1980 synagogue bombing in Paris, France, was granted bail Tuesday under strict conditions that include electronic monitoring, a curfew, and a promise not to leave his home unaccompanied.

"It's almost a virtual house arrest," said Ontario Superior Court Justice Robert Maranger, who made his decision after a five-day bail hearing.

Under the conditions imposed by Justice Maranger, Diab must live with his common-law spouse Rania Tfaily at her Ottawa residence and may only leave that residence for work, legal or medical appointments -- and then only if accompanied by Tfaily or one of the four other people who put up a combined \$250,000 in bail.

Diab must also wear an electronic monitoring bracelet; obey a curfew from 9 pm to 7 am; not hold or apply for any passport or travel documents; report to the RCMP once a week; not own a cell phone; remain in the Ottawa-Gatineau region; and keep the peace.

He was escorted back to the Ottawa Carleton Detention Centre following the judge's decision to be fitted with an electronic monitoring bracelet, and will be released within the next 48 hours.

"In Canada, a citizen has the right to reasonable bail," said Justice Maranger, citing the Canadian Charter of Rights and Freedoms. "It applies with equal force to all Canadians, regardless of their

country of origin."

Diab, 55, was born in Lebanon but obtained Canadian citizenship in 1993. He has led a fairly nomadic life, having lived in six different countries over the past 12 years, and left behind a string of marriages, divorces, and common-law relationships, which included the fathering of two children, over the past two decades.

The judge said that the strict bail conditions were necessary to mitigate the risk that Diab would flee the country before his extradition hearing to France to face charges of murder, attempted murder, and destruction of property. The date for that hearing has not yet been set.

"In my view, the risk of flight... is a real concern in this matter," Justice Maranger noted in his decision.

"He is not a person who has specific long-term roots or family ties in this country ... The concern here, to put it bluntly, is that if Mr. Diab were to somehow make his way back to Lebanon... he could forever avoid extradition."

However, in Diab's favour, Justice Maranger noted that he has no criminal record and that he did not attempt to flee the country between the time he became aware that he was a suspect in the Paris bombing in the fall of 2007, to the time of his arrest on November 13, 2008.

Justice Maranger emphasized that Diab must be presumed innocent until proven guilty, and said that while the strength of the Crown's case against Diab was "moderate to high," the evidence still had to be examined in an extradition hearing.

"In my view this is not a case where extradition is a rubber stamp or a foregone conclusion," said Justice Maranger, who will also preside at the extradition hearing.

After the decision was delivered, Diab's common-law wife smiled and hugged supporters.

"I'm happy," Tfaily said, but declined further comment.

As Diab's principle surety, Tfaily will bear most of the responsibility for making sure that he does not attempt to flee the country. She has agreed to let him live at her residence, to accompany him on outings, and to notify the police if he breaches any of his bail conditions.

During the bail hearing, Tfaily testified that although she no longer loves Diab, she still cares about him and believes he is innocent.

Justice Maranger said he believes she is trustworthy.

"She came across as a very intelligent, clear-minded woman who knows precisely what she is getting in to," he said.

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