

Strict bail for accused in Paris bombing

BY KATE JAIMET, THE OTTAWA CITIZEN APRIL 1, 2009

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

"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 Maranger, Diab must live with his common-law spouse, Rania Tfaily, at her Ottawa residence and may only leave it 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 cellphone;
- remain in the Ottawa-Gatineau region; and
- keep the peace.

Following the judge's decision, Diab was escorted back to the Ottawa Carleton Detention Centre 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 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 12 years. He has left behind a string of marriages, divorces, and common-law relationships, and has fathered two children over the past two decades.

The judge said 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," 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, 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 Nov. 13, 2008.

Maranger emphasized 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 Maranger, who will also preside at the extradition hearing.

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

Tfaily 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.

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