

Diab lawyers argue over what's in a word

Translation of documents significant

BY ANDREW SEYMOUR, THE OTTAWA CITIZEN APRIL 14, 2010 2:13 AM



Hassan Diab, right, stands outside the Elgin St. courthouse beside his lawyer Donald Bayne on Thursday, October 22, 2009 in Ottawa. Diab, who was arrested by the RCMP in 2008, is fighting extradition to France on a terrorism charges dating back almost 30 years.

Photograph by: Mike Carroccetto, The Ottawa Citizen

OTTAWA — The lawyer for a man accused of bombing a Paris synagogue 30 years ago conceded to an Ottawa judge Tuesday that he was embarrassed to be arguing about something so silly.

Defence lawyer Donald Bayne wanted to know how the word *assez* was to be translated in documents presented by the French government to argue for Hassan Diab's extradition. The French say the hair of the bombing suspect, who killed four people and injured 40, was *assez* long. Is that "quite," "rather," "fairly" or "somewhat"?

Fine distinctions, but in this case "identity is everything," as federal Crown lawyer Claude LeFrançois put it.

And what of *vraisemblable*?

Bayne and LeFrançois battled over the words for about 90 minutes in front of Ontario Superior Court Justice Robert Maranger on Tuesday. At stake is the future of Diab, a sometime professor at the

University of Ottawa and Carleton University, who was arrested in 2008 in Canada because the French government wants to try him for murder.

French investigators provided Canadian authorities with a synopsis of their case, which was all in French. Maranger and LeFrançois speak French; Bayne and Diab do not.

Since the translated version of the document is what will be relied upon during the extradition hearing, slated to begin in June, the translation of the document is significant.

Bayne argued the word *assez*, which was used by French witnesses to describe the hair of the suspect in the bombing, should be translated to "quite," as in "the suspect's hair was quite long." The same word is used in descriptions of his height, hair colour, and face.

LeFrançois argued there were other meanings for the French word, including "rather," "fairly" and "somewhat."

"These words have importance because Your Honour will be called upon to say if these words are identifying Mr. Diab," LeFrançois said.

LeFrançois also took issue with the translation of the word *vraisemblable* in the document in relation to a piece of 1999 intelligence information linking Diab to the bombing. He said the word had been translated to mean "plausible," when the actual meaning was stronger and meant something "seems to be true" or "is likely correct."

Bayne also sought to have the full names of French investigative agencies, such as the *Direction centrale du renseignement intérieur* or DCRI (literally, the Central Directorate of Interior Intelligence), translated into English, while LeFrançois argued they should remain in French or as acronyms.

"My concern is there appears to be an attempt to expunge the word 'intelligence' wherever it is possible," said Bayne, who intends to argue that intelligence information used by the French to identify Diab as the alleged bomber is not reliable.

LeFrançois accused Bayne of trying to get the word "intelligence" into the English translation in a "haphazard" way.

The bilingual judge, who joked with the lawyers often and smiled frequently as he took notes, quickly settled on the word "rather" as the best translation for *assez* and the word "likely" for *vraisemblable*. He also decided there was no need to translate the acronyms of French government agencies since the acronyms were all he would be using in his decision.

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