

## 'I know I had nothing to do with this'

In the three years since he was accused of committing a murderous act of terrorism in Paris three decades ago, Hassan Diab has yet to emerge from his 'continuous nightmare.' But, he tells Chris Cobb, he is determined to stay in Canada and fight for his freedom

**BY CHRIS COBB, OTTAWA CITIZEN** AUGUST 6, 2011



Photograph by: Wayne Cuddington, Ottawa Citizen, Ottawa Citizen

Hassan Diab was pottering around his rented Hull apartment checking e-mail and thinking about going for a jog when the black-suited SWAT team pounded on his door.

It was around 10 a.m. on Thursday, Nov. 13, 2008.

When he opened the door, a forest of screaming masked men with pistols and submachine guns met him.

Some pulled him from the apartment and handcuffed him while others slid inside on a search mission.

"They were screaming, 'Hands up, hands down,' " recalls the diminutive Lebanese-born academic.

"They were shouting, 'Is he armed, is he armed?'" I was confused. It was like a movie."

Minutes later he was in the back of an RCMP prisoner wagon with heavily armed officers who told him where to put his shackled hands but otherwise said nothing. They sped in a convoy towards A-Division headquarters in Ottawa's east end where Diab was formally detained and locked in a cell.

The charges, he would quickly learn, were as bad as they get: four counts of murder, multiple counts of attempted murder and wilful destruction of property.

Paris police claim Diab was a leading member of a radical terrorism arm of the Popular Front for the Liberation of Palestine (PFLP) who planned and executed a bomb attack at the heart of the French capital's Jewish community on Friday Oct. 3, 1980.

The massive explosion at the Rue Copernic synagogue killed four passersby and injured at least 40 people. It was a brutal attack that to this day has left dozens of victims physically and emotionally

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damaged. They have been monitoring the Diab case closely.

"Copernic lives in the French memory," former synagogue president Lucien Finel told the Citizen. "No one could ever forget Copernic. It lives in infamy."

From the outset, Diab has insisted that he wasn't in France on that day, was never a member of the PFLP and is an innocent victim of mistaken identity - with a name more common in Lebanon, he says, than John Smith is in the English-speaking world.

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The day after his arrest, the RCMP transferred Diab to the Ottawa Regional Detention Centre, an experience he describes as a descent into a nightmare.

In less than 24 hours, his life as a middle-class, middle-aged Canadian university lecturer had come to a screeching halt. In his 55 years, he had never before had a brush with the law, but now here he was, wearing a prisoner's orange jumpsuit and sitting in solitary confinement, where he would stay for a month.

After a short stay in the general population he was moved into protective custody because, he says, other inmates threatened his life. Protective custody proved more violent, he says, and prisoners were no less vulnerable to the handful of inmate bullies who rule by fear and intimidation.

"It was a long hall full of 15 or 16 cells with accommodation for two, but most of the time there were three - two in bunks, one on the floor. I always asked myself, 'Where is the protection?' If you say something, they call you a rat and beat you up. If you say nothing, other inmates take your food or whatever it pleases them to take. I'd been in protective custody for five minutes and they were jumping up and down outside my cell saying, 'We want your dessert, don't eat that.' It was a sticky bun which I didn't really want but I thought, 'If I give it to them, I will never eat in this place.' "

In another incident, Diab says a bulkedup inmate three times his size tried to goad him into a fight by spitting in his face. Diab says he spat back.

He says he survived his 140 days by first seeking help from a powerful Lebanese inmate whose circle protected him and then by using his vast education to help other inmates with legal documents they either couldn't read or couldn't understand.

They called him "The Professor."

Diab says he was shocked at the daily level of violence he witnessed inside the detention centre where, he says, inmates are allowed to brawl with the tacit approval of guards.

"I couldn't believe that a place like this existed in Canada," he says. "You always see blood one, twice or more times a day. The way they treat people is torture by proxy."

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The Copernic case had been cold for almost 20 years when it was reopened in 1999 by a French prosecuting judge following what some speculate was the discovery of a reference to the case in the ultrasecret files of STASI, the East German secret police service that collapsed with Soviet bloc communism.

The case appears to have remained on the French prosecutor's back burner until 2006 when his successor, anti-terrorist campaigner Marc Trevidic, took the job. It was at his behest that the French government asked Canada to extradite Diab and he provided the necessary documents under Canada's extradition treaty with France.

In 95 per cent of extradition cases, the rest would normally have been a formality.

But almost three years later, after a bruising, often ill-tempered court battle between Diab's lawyer Donald Bayne and a team of federal Justice Department lawyers, Diab is still here and still claiming his innocence.

The extradition hearing ended in June, when Justice Robert Maranger committed Diab for extradition on the basis of handwriting analysis that even the judge described as "convoluted," "problematic" and "very confusing . with conclusions that are suspect." (Prosecutors withdrew the unsourced intelligence because they were unable to convincingly counter defence allegations that it could have been obtained during torture.)

Maranger also made a point to write in his judgment that while he felt obliged under Ontario's interpretation of extradition law to commit Diab, he felt French evidence was weak and below the standard necessary to produce a conviction in a Canadian court.

Diab's immediate fate is now in the hands of federal Justice Minister Rob Nicholson whose department's lawyers acted for France. He has the power to overturn Maranger's order when he considers the case next month, but if precedent is an indication, he likely won't. The next step, probably early next year, is the Ontario Court of Appeal. Experts say the case is ultimately headed to the Supreme Court of Canada.

Hassan Diab was born in Beirut on Nov. 20, 1953 and lived there until he left for the United States in 1987 to pursue graduate studies, on a scholarship, at Syracuse University.

He is the middle of seven children - six boys and one girl.

"My parents didn't go to school," he says, "but they worked hard and emphasized education and insisted everyone get a college degree and all except one did. Some of them studied abroad, but now they are all back in Lebanon - except for me."

Diab, a lifelong academic, did much of his studies at Beirut University against a backdrop of Lebanon's civil war, with southern Lebanon and the western half of Beirut bases for Yasser Arafat's Palestine Liberation Organization, Muslim militias in control of East Beirut, and Christians in charge of West Beirut.

Lebanon became the base for Palestinian fighters after their mass expulsion from Jordan in 1970. It was from Lebanon that raids into Israel and terrorist attacks elsewhere were typically launched.

The university was a radical hotbed, Diab admits, but contrary to French suggestions that he might have been a member of a PFLP student group, he says he was too busy studying to join any activist group.

"The university had all the groups," he says. "You could find one you liked, from the extreme right to the extreme left. Most of these people went to university with a message and were not interested in earning degrees.

"Most people wanted a way out of the civil war. The ideal aim for most students was a democratic, less sectarian system. It was a strong movement at the time."

There was, he says, a huge attrition rate from first to third year; of the 455 who started their degrees, about 60 managed to complete them.

"Most of the people who didn't pass were involved in politics but those who did pass didn't have time," he says.

At the height of the civil war, Diab left a job at the Central Bank of Lebanon and moved to Syracuse where he studied for a second master's degree and a PhD in sociology.

During that time, he met and married Nawal Coptly and began teaching part-time at colleges and universities in Canada and abroad and lived for periods in Lennoxville, Que., Brandon, Man., Montreal and Oakville. He became a Canadian citizen in 1993. His first child, daughter Maya, was born in 1995.

During a stint teaching in the Persian Gulf in the late 1990s, he had an affair with an English woman. They had a son, Jude, in 2000.

Since his arrest, he has had little contact with either child.

During his first bail hearings, Crown prosecutors portrayed Diab as a philandering gypsy who by then was divorced from Coptly and had cheated on his common-law wife, Rania Tfaily.

(He still lives with Tfaily, a Carleton University professor who said during a bail hearing that she is sticking by him not out of love but because she believes he is innocent. She provides the bulk of his financial support and is one of his 12 sureties. He also remains on good terms with Coptly who now lives in California.)

Diab, who often travelled to attend academic conferences and to teach, says prosecutors also deliberately exaggerated his international travels.

"They even counted the stopovers," he says. "I stopped in Amsterdam or Frankfurt but only saw the airport, or airport hotel. I was there because the plane stopped there. They tried to make me out as a gypsy on a plane."

Although Justice Department prosecutor Claude Lefrançois told the bail hearings that Diab was a flight risk - a "soldier" the PFLP would move to protect - the university lecturer says he could have fled Canada with relative ease more than a year earlier when he first learned from a French journalist that he was suspected of being involved in the synagogue bombing.

Acting on a tip, Le Figaro journalist Jean Chichizola flew to Ottawa in October 2007 and sat in on one of Diab's lectures, unnoticed in a class of 120.

When Diab finished his lecture on Marxism and feminism, Chichizola approached him.

"He gave me his business card and we walked to my office," recalls Diab. "He asked me half a dozen times if I was Palestinian. He almost asserted I was Palestinian, I said no. Then he asked if I was of Palestinian origin. I said no. I know my family's history.