

Exclusive: Hassan Diab speaks

Offer to take polygraph test snubbed by RCMP; Tailed by Mounties for a year before his arrest; Suspicious break-in attempt interrupted at couple's condo

BY CHRIS COBB, THE OTTAWA CITIZEN AUGUST 6, 2011



University professor Hassan Diab is facing extradition to France, where prosecutors allege he planted a deadly bomb outside a Paris synagogue. The RCMP spent a year following Professor Diab and came up with nothing as he went about his job and life peacefully, says his lawyer, Donald Bayne.

Photograph by: Wayne Cuddington, The Ottawa Citizen

OTTAWA — The Ottawa university professor at the centre of an international terrorist investigation has revealed in an exclusive interview with the *Citizen* that he offered to submit to an independent lie detector test, but says the RCMP snubbed him.

Hassan Diab, 57, says he agreed to a test by a “mutually agreeable” polygraph examiner after the RCMP had asked him to take one of theirs.

“If he passes, the French drop the charges. That was our offer, but they were unwilling,” confirmed Diab’s lawyer, Donald Bayne. “They didn’t respond, which is a response in itself.”

Diab, a Lebanese-born Canadian, is facing extradition to France, where prosecutors allege that 30 years ago he planted a bomb outside a Paris synagogue. The blast killed four people and injured at least 40 others.

Following a protracted two-year extradition hearing, Diab was committed for extradition in early June by

Ontario Superior Court Justice Robert Maranger.

Maranger said that under extradition law he had no choice, but said the French case against Diab is weak and if Diab were tried in Canada it was unlikely he would be convicted on the evidence they presented.

During two *Citizen* interviews — his first since his arrest in November 2008 — Diab revealed details about being tailed by the RCMP during the 13 months before he was detained.

He says he “never guessed” that it was the Mounties following him and doubts he was aware of all the surveillance.

Diab meticulously recorded all the tailing incidents, including licence plate numbers, in e-mails to his lawyer and had a numbered file with the Ottawa police to whom he also reported the surveillance.

At one point he called 911: “Ottawa police turned up, but when I showed them the two cars they just left.”

Nor did Ottawa police appear to take any action after any of his other calls, though according to Diab they did check the registration numbers he gave them.

Diab says he and his partner, Rania Tfaily, also caught a man attempting to break into their condominium apartment.

“Rania saw someone trying to open the door and she said, ‘How can I help you?’ He started mumbling that he was lost and was trying to visit a friend. She asked what the friend’s name was and he said, ‘Oh it doesn’t matter, it’s just old age.’ Then we saw him in the parking lot in a car.

“I drove her to work and I came back, the same car was still there, but with another person in it.”

Shortly before the RCMP began tailing Diab, a French journalist visited him at the University of Ottawa and told him he was suspected of the synagogue bombing.

In November 2009, a year after his arrest and after police apparently found that Diab’s finger and palm prints did not match suspects’ prints found in Paris, Diab said the RCMP urged him informally to take their polygraph test.

According to Diab, an officer said: ‘We know you want to clear your name and look good to the friends who are supporting you. How about taking a polygraph test?’

“I said I have to ask my lawyer and he replied, ‘You can decide this on your own.’”

The RCMP approached Diab about taking a polygraph twice — once at his apartment during one of their many random visits, and another time during a court recess, he said.

They did not approach Bayne, though Diab urged them to do so.

When Diab told Bayne about the RCMP approaches, the lawyer countered with his own offer.

“Diab assured me he was innocent. I asked him, ‘Are you willing to do this?’ and he said, ‘Absolutely.’ So I went to the authorities and said, ‘We will do this, but only if you honour the result.’”

Polygraph results are not admissible as evidence in Canadian courts and are universally dismissed as a pseudoscience by much of the scientific community.

“I know it’s not binding,” said Bayne, “but if they wanted to ease their conscience that they were on the trail of the right man and not an innocent, they should have agreed to honour the result.”

Police in many jurisdictions commonly use polygraphs as an interrogation technique.

“Any experienced criminal lawyer will tell you that it is a skilful police technique that involves telling people, ‘You’re not doing well, you’re failing’ in order to get confessions,” said Bayne.

The RCMP appears to have tailed Diab for about 13 months — a hugely expensive undertaking.

The RCMP refuses to speak to the *Citizen* about the Diab case, but Bayne speculates the force wasn’t especially concerned with gathering information.

“I think they were trying to prompt some action such as fleeing the country or communication with terrorists,” he said, “It’s often a police tactic. But they spent a year following Professor Diab and came up with nothing as he went about his job and life peacefully.”