

## '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 is determined to stay in Canada and fight for his freedom.

BY CHRIS COBB, THE OTTAWA CITIZEN AUGUST 5, 2011 11:13 PM



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.

**Photograph by:** Wayne Cuddington, The Ottawa Citizen

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OTTAWA — 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 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.

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 bulked-up 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.”

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.

“He said, ‘You’re under investigation, do you know?’ I said, ‘You must be kidding.’”

Diab consulted a lawyer who assured him the matter would blow over despite the local media attention he received following the publication of Chichizola’s article.

The attention did die down, but months later the academic noticed he was being followed. He thought it might be “foreign elements — perhaps the Mafia mistaking me for a drug dealer” — but says he never suspected that the cars with Quebec licence plates he kept seeing in his rear-view mirror belonged to the RCMP.

He called his lawyer at the time, René Duval.

“He told me not to call him from my home phone but from a pay phone,” he says.

(The RCMP would later cite Diab’s pay phone calls an example of suspicious behaviour they detected while following him.)

RCMP officers appear to have tailed Diab for about 13 months — a hugely expensive undertaking that would have cost tens of thousands of dollars.

Diab says he doesn’t know whether he was under electronic surveillance.

The RCMP refuses to speak to the Citizen about the case and it remains unexplained why the force would have devoted so many resources to the case when “presumed reliable” evidence provided by France was forthcoming and would normally have been sufficient to present to an extradition judge.

Diab’s lawyer today, Donald Bayne, speculates that the RCMP wasn’t especially concerned with gathering information.

“I think they were trying to prompt some incriminating action such as fleeing the country or communication with terrorists,” says Bayne, who was present for both interviews with Diab. “It’s often a

police tactic. They spent a year following Professor Diab and came up with nothing as he went about his job and life peacefully. I think in the end they just threw up their arms and said, 'We're going to go with what we've got.'"

The case against Diab is long and complex but boils down to circumstantial evidence, most of which Maranger effectively discarded.

It is accepted that a "Greek Cypriot" named Alexander Panadriyu was one of the terrorist bombers. He travelled on a phoney passport, bought the motorcycle used in the attack and stayed at a hotel near the synagogue, using prostitute Angela Calabri while there. Panadriyu was also caught stealing wire cutters from a hardware store.

The French allege that Hassan Diab is Alexander Panadriyu.

Witnesses gave radically different descriptions of Panadriyu, including basic contradictions such as whether he had a moustache or wore glasses.

Youcef El Khalil, one of Diab's best friends in Lebanon during the 1980s, told police he saw a resemblance between Diab and sketches published shortly after the bombing in the magazine Paris Match. The three sketches, however, also included another suspect and Khalil was not specific.

Khalil told police he wasn't sure whether Diab was ever a PFLP member and in French documents is quoted as saying: "In my conversations with Hassan Diab, it seemed to me that indeed he was a member of the PFLP though I have no proof."

Khalil had been interrogated twice, once in Paris and later in Lebanon, because police suspected him of terrorist activity, says Bayne: "After days and nights of interrogation, he would likely have said anything to cover his own rear end."

Under the terms of his bail, Diab is forbidden from communicating with his former friend and efforts by the defence team to contact him have failed.

Diab says he travelled widely, though modestly, throughout Europe as a young man and visited France twice, once in 1974 and again in 1976 when his niece was born.

His passport says he was in Spain at the time of the Paris bombing, but his memory of that trip is vague.

"The passport says I was in Spain," he says, "but I can't remember exactly when or how long I stayed."

The French allege that Diab travelled from Lebanon to Spain before the bombing, handed his Lebanese passport to an associate and continued into France as Panadriyu with phoney papers.

Maranger said most of the French evidence, even at its best, is weak. He said his decision to commit Diab for extradition was tipped by controversial French handwriting analysis which, under extradition law, he had to accept as reliable. He nevertheless described it as "pseudo-science."

The analysis by French court-appointed specialist Anne Bisotti, compared "Panadriyu's" writing in the

hotel register with Diab's writing on U.S. immigration documents and concluded there is "a presumption with regards to Hassan Diab as the author of the signature."

Bayne called three world-renowned experts who all trashed the French analysis.

"Ms. Bisotti's report is often confusing and incomprehensible," said former RCMP forensic analyst Brian Lindblom, now an international consultant. "I find her opinions to be patently unreliable and, for the most part, not supported even by her own observations."

Palm and fingerprints found by French police on the suspects' car and hotel registry did not match Diab's.

In the months after his arrest, Diab says his mind never stopped churning.

"Many days you reach the edge," he says. "You can't stop your brain from thinking and (in the detention centre) you don't have sleeping pills to take. I was reliving my entire life and revisiting everything I did in my life and asking myself crazy questions. 'Is it possible we were Palestinians at one point?' There is no end to it."

Diab, who is a Shia Muslim, (Palestinian Muslims are largely Sunni) says he isn't religious but is "spiritual."

Diab returns constantly to the issue of mistaken identity and his common name — "Google my name," he urges.

"At my university, we had four PhDs called Hassan Diab," he says. "I'm sure you wouldn't find four PhDs named John Smith together in one institution in North America."

"One of them once received my paycheque and I received his bill for a bank loan," he adds. "This man is now the minister of education in Lebanon."

Because bail conditions also forbid him from being out of sight of a surety, Diab can't work. He's spent much of his time developing his cooking skills — Middle Eastern is his specialty and he's working on Japanese and Chinese. For the six months leading up to Maranger's June 6 decision he paid Bayne in daily lunches in lieu of fees. (A GPS device Diab is required to wear "for my limited freedom" costs him \$2,000 a month, plus a deposit of more than \$7,000.)

RCMP officers visit his apartment randomly several times a month, check his GPS system, and leave.

Diab doesn't know if he's still being tailed.

He reads books and watches movies rented from the public library, cycles in the Gatineaus when he can find a surety to go with him, and is writing a book about "the ordeal."

"It's not just about the personal ordeal but about justice and injustice," he says. "The trouble lies in the extradition law. Any Canadian can be arrested and extradited using this extradition law."

Diab is supported by a huge number of people who comprise the Diab Support Committee and members have been at all his court appearances.

"People usually stay away from people when they are accused of a crime such as this," he says, "but for me it was the opposite. For them it isn't just about a particular person but about the country and the future of the country.

"These people are the only thing that keeps me fighting this battle," he adds. "If it wasn't for their support I would look for the strongest wall and bang my head against it."

If the legal battle in Canada is so onerous and you're innocent, why not go to France and let a French court decide? It's a question he's been asked before and a question many Copernic survivors are asking.

Key, he responds, is that two early pieces of flawed handwriting analysis and the unsourced French intelligence reports withdrawn during his extradition hearing will be back in play.

"It's a Catch-22," he says. "The French will use what the Canadian court didn't use. I could be prosecuted on those reports, so obviously it would not be fair treatment. I would be uprooted, in a different culture and a different language. I will exercise my rights here in Canada, the country I am living in and adopted.

"It is my right to fight back and maybe someday people will realize that this extradition system is irrational, unreasonable, illogical and they will do something to change it."

Given that Ontario and British Columbia courts have conflicting interpretations of extradition law and apparently disagree on previous direction from the Supreme Court, it is the top court that will likely have the final word.

"If I was in B.C.," says Diab, "the judge would have said 'You're a free man.'"

Diab says he still has faith that he will emerge "from this continuous nightmare.

"I know I had nothing to do with this," he says. "I have always thought the whole house of cards would collapse and I am still expecting that it will."

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