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Wanted by France, Diab awaits his fate from a jail cell (with video)

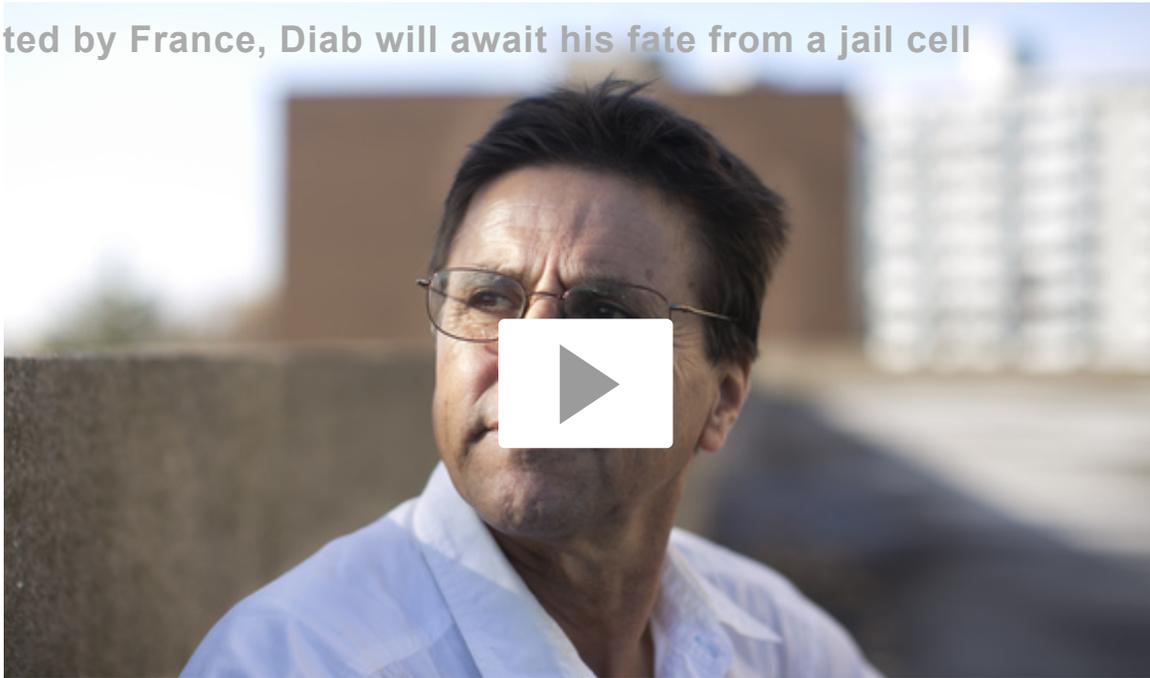


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nted by France, Diab will await his fate from a jail cell



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Academic Hassan Diab returned to the Innes Road jail Wednesday afternoon with the bleak prospect in mind that he might never again be a free man.

The 60-year-old accused terrorist will learn on Thursday morning whether the Supreme Court of Canada will hear his appeal on the constitutionality of his extradition to France, where he is a suspect in the 1980 bombing of a Paris synagogue.

Four passersby were killed in the Rue Copernic blast and 40 people were injured.

The Paris attack, the first against French Jews since the Second World War, came at the height of terrorist activity by the Popular Front for the Liberation of Palestine — an organization the Lebanon-born Diab denies ever belonging to.

Under Canada's controversial and little-known extradition law, Diab must be incarcerated before the court releases its decision.

Ontario Superior Court Justice Robert Maranger ordered Diab extradited in June 2011 — a decision subsequently confirmed by then Justice Minister Rob Nicholson and upheld by the Ontario Court of Appeal.

The country's top court is Diab's last resort. If Thursday's decision goes against him, it will end an epic Canadian chapter in the case that began on Nov. 13, 2008, when he was pulled from his Hull apartment by a black-suited RCMP SWAT team.

If the decision goes in his favour, Supreme Court justices will hear legal arguments and decide whether the case has been fairly adjudicated by the Ontario court.

Diab, who spent Tuesday evening with his pregnant wife, Raina Tfaily, their daughter, Jena, who turns two years old on Saturday, and some of his many friends and supporters, has maintained his innocence throughout his six-year legal odyssey.

In an exclusive interview with the Citizen Tuesday, Diab said that he will continue to fight for his freedom.

"It's a very emotional time," he said, "but there is nothing to do except to wait and hope for the best."

"We are thinking that the decision will most likely be positive and that we will be given leave to appeal," he said. "If so we will start with the

next step immediately. If we don't get leave then we will have to fight this legal battle until the end. If it's in Paris we will do it there."

"We will never give up," added Diab, a Canadian citizen. "I know I had nothing to do with these allegations and they know it too. This is the biggest hurt of the whole thing."

In his judgment, Maranger said that the French evidence against Diab is "weak, convoluted and confusing" and if he were tried in a Canadian court, there would be little chance of him being convicted.

During the extradition hearing, federal Justice department prosecutors acting for the French government withdrew intelligence information that French authorities could not source and therefore could not guarantee had not been gleaned from torture.

That left five words in a hotel register analyzed by French handwriting specialists.

After it was determined that the analysts had mistakenly compared the handwriting in the register with that of Diab's former wife and decided it matched, a new French analysis of Diab's handwriting was sent from France linking the Carleton University professor to the bombing.

But three international handwriting experts called by the defence criticize that analysis as the work of an incompetent and said it followed none of the accepted international standards of handwriting analysis.

Prosecutors repeatedly told Maranger that he was not presiding over a trial but over an extradition hearing where evidence provided by the requesting country must be considered fair.

The problem, according to Diab's lawyer, Donald Bayne, is that if Diab goes to trial after what he expects would be two years of investigation and interrogation, the intelligence will be back in play and the handwriting analysis given full credibility by a French court.

It is, he said, almost impossible for a defendant in a French terrorism trial to defend himself against state evidence.

Any trial, he said, pointing to criticism of French terrorism trials by Human Rights Watch, would not be "fair" by Canadian standards.

Dozens of academics and others from Diab's large group of supporters released an open letter this week calling for the release of Diab and his family from their "Kafkaesque nightmare" and urging a review of Canada's extradition law.

"The current climate of fear about 'homegrown' terrorism and the threats of global terrorist groups such as ISIL ought not to cloud the question of justice," says the letter. "Permitting the extradition of Canadian citizens on the basis of flimsy and unreliable evidence is a clear contravention of Canadian values."

Diab says Maranger's comments keep him optimistic: "He knows the facts more than anyone else."

Beyond his own fate, Diab says he wants Canadians to be aware of the

extradition law.

“Most people we have spoken with don’t know anything about this law, including some MPs,” he said. “We have a law that condemns you to extradition by default. This law can take a Canadian away from Canada even when you’re not charged.”

The managing director of the Rue Copernic synagogue, Bertrand Granat, told the Citizen that “as a French citizen and Jewish man” he considers Diab innocent until a court decides otherwise.

If Diab is deemed innocent at any stage, “we would be happy to have him return to Canada as a free man,” Granat said.

“I listen to the victims and their families and they are not looking for revenge,” he added. “But for them to close this file and find out who was responsible for this bombing is very important.”

Diab says he will “continue to tell the truth, state the facts and never give up.”

But for the few hours before he delivers himself to the Innes Road jail, he says he will be with his wife and daughter.

“I can’t think of any more than that,” he said.

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THE DIAB FILE

Born: Lebanon

Age: 60

Profession: Sociology professor

The bomb: Concealed in a motorcycle saddle. Killed four passersby on the street, injured about 40 inside and outside synagogue. Sent cars and other vehicles shooting skyward

Charges he might face: Four counts murder, multiple counts attempted murder, causing damage

Likely sentence if convicted: Life in prison

What he says: ‘I am innocent. I was not in France on Oct. 3 1980. I strongly condemn that attack.’

What Diab’s extradition judge said about French evidence: ‘... convoluted, very confusing, with conclusions that are suspect.’

What federal prosecutors said: ‘Under the Extradition Act foreign justice systems must be presumed fair.’

The evidence: Five handwritten words on a hotel register.

French extradition law: France does not extradite its citizens.

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