

Treatment of Hassan Diab 'unprecedented' as French court blocks release for fifth time



CHRIS COBB

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Hassan Diab, a Lebanese-born Canadian citizen, was arrested eight years ago in Ottawa on murder charges from a 1980 bombing outside a Paris synagogue. *TONY CALDWELL / POSTMEDIA*

For the fifth time, a French appeals court has overturned a decision by investigating judges and blocked the release on bail of Ottawa academic Hassan Diab.

Diab's French lawyer has called the situation "unprecedented" and is blaming the prevailing political situation in France for Diab's continued incarceration.

Two French investigating judges ordered 63-year-old Diab released Monday from the Paris area prison where according to his family, he is confined to his cell 22 hours a day.

Judge Jean-Marc Herbaut and his deputy signed the latest release order.

Herbaut has said that there is 'consistent evidence' that the Lebanese-born Canadian citizen is telling the truth and was not in Paris in October, 1980 when a powerful terrorist bomb killed four passers by and injured more than 40 inside and outside the synagogue.

Diab is charged with murder in the four deaths.

Herbaut went to Lebanon last fall to interview several people who studied with Diab in the late 1970s and 1980s. He has since apparently spoken to other potential witnesses.

Prosecutors maintain that the former University of Ottawa and Carleton University professor is both a flight risk and threat to public order.

Diab was released for 10 days last spring after another judge responsible for periodic reviews of accused prisoners also ruled there was no justification for Diab's continued incarceration.

Diab lived with a fellow academic in Paris, was under a strict curfew and wore a GPS monitoring system on his ankle. He moved around the French capital without incident but was imprisoned after a prosecution appeal.

Another of those periodic reviews is due next month.

"Hassan Diab's situation is unprecedented," Diab's Paris lawyer, William Bourdon, told the Citizen after the last release order was overturned. "After

36 years and since no one else was indicted, the court of appeal is clinging to Hassan Diab. He is detained because of the judges' fear to be accused for laxity in the context of today's fight against terrorism in France. Such a situation would be inconceivable in an ordinary law situation."

Diab's lawyers denounce "this interminable arm-wrestling engaged by the court of appeal which systematically refuses" decisions of release.

"It leads one to fear that for the most serious terrorist crimes, no release would be possible today in France regardless of the weakness of the charges," said his lawyers, William Bourdon, Apolline Cagnat and Amélie Lefebvre.

Diab's Canadian lawyer Don Bayne told the Citizen in an email Friday that 'unprecedented' is turning into 'indefensible unfairness.

"The investigators' message of consistent evidence of innocence is simply ignored,' he said. "When will the Canadian government help this Canadian? Would they be helping a non-Muslim by now?"

The Ottawa extradition judge who heard the case said French the evidence against Diab was problematic and doubted he would be convicted in a Canadian court.

The RCMP arrested Diab in late 2008 at the request of the French government.

France does not extradite its own citizens.

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