

Canada must intervene with France on terror accused Diab's behalf, lawyer, wife plead



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Rania Tfaily, wife of Hassan Diab, a Canadian held in France on terror charges, addresses a news conference Thursday as his Canadian lawyer Don Bayne looks on. *ADRIAN WYLD / THE CANADIAN PRESS*

Six times the investigative judges who probe terror cases in France have ordered Canadian Hassan Diab released on bail, citing evidence that he wasn't even in the country at the time of a 1980 Paris synagogue bombing that left four dead.

But Diab is still in a Paris jail, more than two years after being extradited from Canada, his release blocked by prosecutors' protests, which have been upheld by an appeal court.

Diab's Canadian lawyer, Donald Bayne, called on the Canadian government "at the highest levels" to help bring "this innocent Canadian home" at a press conference on Parliament Hill Thursday.

"Now is the time to protest on behalf of this Canadian, now is the time to demand his release and return to his home and family," Bayne said.

The French investigative judges have ordered Diab released, citing "corroborated and consistent" evidence that the Ottawa academic is innocent, Bayne said. It includes evidence gathered by investigators in Lebanon that he was writing his university exams in Beirut in late September and early October of 1980, when the bomber traveled to France via Spain and left an explosives-laden motorcycle outside the synagogue.

"The fact that there is some doubt about his involvement demands that he should be released without waiting for the outcome of the ongoing investigation regarding this," said a translation of Diab's release order provided by Bayne. "There is no evidence to indicate or even imply that these investigations will ... gather further incriminating evidence against him."

The investigation is now in its 37th year, Bayne said.

Diab's lawyer in France has called the accused's situation "unprecedented" and argued that with no other suspects, the French appeal court is clinging

to Diab because courts fear being called lax in the fight against terrorism.

The appeal court judges have called Diab a flight risk, even though he spent 12 days living with a French academic without incident when prosecutors didn't appeal one of his release orders quickly enough, and said that his release would cause "public disorder," Bayne said.

"We all know France has suffered paroxysms of terrorism in the last 18 to 24 months," Bayne said. "The social and political climate is such that the government and its apparatus does not want to appear soft on terror. There's an election underway in France."

Bayne cited examples in which the Canadian government has intervened to have citizens released from custody, such as the case of a Chinese-Canadian billionaire in Hong Kong.

"Hassan Diab is not a billionaire, he's an innocent Canadian Muslim," Bayne argued. "Governments can and do do this, and when French judges keep saying this man should be released because he's innocent, it is time for the government to act, to protest, to demand that he be released."

In a statement, Global Affairs Canada said it is "closely monitoring the case of Hassan Diab in France and officials are providing him with consular services. Parliamentary Secretary for Foreign Affairs, Omar Alghabra, has met with members of the Hassan Diab support group.

"To protect the privacy of the individual concerned, further details on this case cannot be divulged."

The "nightmare" has now been going on for eight years, said Rania Tfaily, Diab's wife and the mother of his two children. Diab spent years living under strict bail conditions in Canada while fighting extradition, a bid he lost in November 2014. An Ottawa judge concluded the French case against Diab was "weak, convoluted and confusing" but that he was bound by Canada's extradition laws. France does not extradite its own citizens.

Tfaily said that Diab is held for 22 hours a day in a small cell and that even when his family travels to France to visit him they can only spend 2.5 hours a week together.

"I don't understand why our government is content to leave an innocent Canadian citizen locked up in jail day after day after day," Tfaily said.

She addressed Prime Minister Justin Trudeau and Minister of Foreign Affairs Chrystia Freeland:

"You have children that you dote on," Tfaily said. "I know that your lives are very far removed from ours but I would like you to imagine, just for a second, what it feels like to be deprived of your children year after year and to long just to hold them. I ask and I beg you to put an end to this nightmare."

For a short video on the history of Hassan Diab's case, click [here](https://www.youtube.com/watch?v=KfURjNIDmZO) (<https://www.youtube.com/watch?v=KfURjNIDmZO>).

DIAB ([HTTP://OTTAWACITIZEN.COM/TAG/DIAB](http://ottawacitizen.com/tag/diab))