

Diab committed for extradition in Paris synagogue bombing case

BY CHRIS COBB, THE OTTAWA CITIZEN JUNE 7, 2011



Hassan Diab, left, walked into the Elgin Street courthouse Monday with his lawyer Donald Bayne.

Photograph by: Pat McGrath, Ottawa Citizen

OTTAWA — Former University of Ottawa professor Hassan Diab was led by police from an Ottawa courtroom Monday to the sound of loud applause and hugs and handshakes from his supporters.

It was the end of a short but emotional hearing that saw the alleged terrorist committed for extradition to France.

Diab will remain at the Ottawa Regional Detention Centre until a bail hearing, likely in Toronto on Thursday.

In a dramatic moment, Justice Robert Maranger dismissed prosecution objections and allowed Diab's wife, Rania Tfaily, to remove an expensive GPS monitoring bracelet from his ankle to avoid the cost of another should he again be allowed bail. There were concerns it could have been misplaced in jail.

The now unemployed academic has been paying a monthly surveillance bill of \$2,500 and had to set aside \$9,000 in deposits for the monitoring equipment when his bail was first granted. Diab, 57, is wanted by French authorities who allege he was a key player in a terrorist bombing outside a Paris synagogue in 1980.

The bomb attack, the first against the Jews of Paris since the Second World War, killed four and injured 40.

Since he was arrested by the RCMP in November 2008 at the request of the French government, Diab has consistently maintained he is the victim of mistaken identity.

He was released on strict bail conditions more than two years ago after being incarcerated for several months.

If he is finally extradited to France after an appeal process that could take at least a year, he will be tried for murder and attempted murder and, if convicted, likely spend the rest of his life in a French jail.

The courtroom was packed with Diab's supporters and journalists as Maranger read an abridged version of his decision.

The Diab case has already been extraordinarily long and complex and according to extradition experts is unique in the annals of Canadian extradition law.

If appeals to lower courts fail, Diab's lawyer Donald Bayne said Monday that the final decision on whether Diab is extradited will likely be made by the Supreme Court of Canada.

In his decision, Maranger admitted that he had problems with the key handwriting evidence that is pivotal to the case.

"I found the French expert report convoluted, very confusing, with conclusions that are suspect," he said, adding that the entire French case against Diab is a weak one with the prospects of a conviction in the context of a fair trial unlikely.

However, said Maranger, "it matters not that I hold this view."

Under Canada's increasingly controversial extradition treaties, a so-called requesting country need not prove its case against a Canadian citizen such as Diab before extradition, but merely offer enough documented evidence to form a prima facie case.

Diab's supporters say his case is especially unfair because France does not extradite its own citizens.

Although Maranger's decision says in effect that no Canadian court could likely convict Diab on the basis of the French evidence, the judge said he is bound by extradition law under which Canada has to assume that Diab will get a fair trial in Paris.

Although Maranger's decision was more or less expected, Bayne said later that he was shocked and disappointed that the judge had rejected his request that Diab's bail be continued until Thursday's new bail hearing.

Bayne said he had spoken to Diab after the hearing and said in the face of this chaos he is calm and concerned for others. He is stoic and believes in the justice system.

At a news conference Monday afternoon, supporters played a recently-recorded video of Diab in which he denied any involvement in the Paris bombing.

“I had nothing to do with what the French authorities allege against me,” he said. “I was not in France on Oct. 3, 1980 (the day of the bombing) when the hateful attack against the synagogue in Paris took place. I strongly condemn that attack.”

“I am against any sort of racially, ethnically or religiously motivated discrimination or violence,” he added. “I am innocent and these allegations are baseless.”

A French journalist told Diab a year before he was charged that he was being investigated by Paris police.

“Despite this troubling news, I remained in Ottawa. I did not flee and I was not afraid to confront all accusations to clear my name.”

Federal Justice department prosecutor Claude LeFrancois says Diab is a flight risk and says the government will oppose renewing his bail at Thursday’s hearing.

The key handwriting evidence is based on a comparison between Diab’s own handwriting and five words on a Paris hotel register.

It is accepted that the person who registered in the hotel under an assumed Greek Cypriot name was one of the bombers.

During the protracted Diab extradition hearing, the French withdrew the evidence of two of its handwriting experts after admitting that handwriting that was allegedly Diab’s belonged to someone else.

Intelligence evidence against Diab was also set aside by Justice prosecutors because it was unsourced and possibly extracted from torture victims.

The extradition case against Diab hangs on the third handwriting report but, according to Bayne, a French court would allow all three reports and the intelligence evidence and Diab would not be allowed to challenge it.

The formal decision on whether to extradite Diab rests with federal Justice Minister Rob Nicholson.

If he orders Diab extradited, it will spark the appeal process.

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