

The Sunday Edition

with Michael Enright

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Put him on trial or send him home: Michael Enright on the appalling treatment of Hassan Diab

Shortly after 6:30 pm on Oct. 3, 1980, 10 kilograms of the explosive Penthrite, packed in the saddlebags of a motorcycle parked outside a synagogue at 24 Rue Copernic in Paris, exploded.

The synagogue was filled with worshippers. It was the Sabbath. Four people were killed, 46 people were injured.

Twenty-eight years later, an Ottawa sociology professor named Hassan Diab was arrested in Gatineau, Quebec and charged with first degree murder in the attack.

France asked the Canadian government to extradite Professor Diab. After his appeals failed, he was extradited to France in November 2014.

For the past three years, he has been sitting in a Paris prison cell.

He has never been brought to trial.

In France, magistrates investigate crimes in much the same way our police do.

Investigating magistrates have repeatedly called for Diab's release on the grounds that there is consistent and corroborated evidence that he never committed the crime.

One judge found that on the evening of the attack, Hassan Diab was studying in Beirut.

The judge wryly commented: "This calls into question information implicating him in the attack, since this relies on his presence in France during this period."

Another judge has tried five or six times to have him released.

Charges were brought against him on the shaky ground that his handwriting matched five words written in capital letters in a Paris hotel register, allegedly by the bomber.

Professor Diab's lawyers produced five handwriting experts who testified the original analysis was flawed.

Diab's Canadian lawyer Donald Bayne is puzzled about many aspects of the Diab case.

First and foremost, why hasn't the French government released his client after so many judges said he was not guilty?

"There seems to be tremendous political pressure coming from some quarters in France to keep him in jail," Mr. Bayne told me.

And secondly, why has the Canadian government not vigorously pressed for Professor Diab's release given that the only evidence at the extradition hearing was dubious at best?

Said lawyer Bayne: "Canada has played the obedient and deferential little brother to France in this case."

He went on to say that Mr. Diab's extradition was "an illegal and unconstitutional extradition."

There has been some suggestion that following other terrorist attacks in Paris, French authorities are reluctant to release a suspected terrorist, even though he may be innocent.

He is, in Donald Bayne's phrase: "a modern Dreyfuss."

Hassan Diab will be 64 in November. His wife and children are frantic with fear that he will never be brought to trial, that he will be left to rot in his Parisian Devil's Island.

Though he has faced nothing but setbacks for the past four years, Professor Diab is hopeful. He continues to believe that in the end authorities in France and here in Canada will do the right thing.

Donald Bayne told me: "Anybody else would have slit his wrists by now."

The Diab case also calls into question the way this country extradites people.

According to Robert Currie, a Dalhousie University law professor and expert in extradition law, our extradition procedures are rigged against the accused.

"The federal Extradition Act requires judges to presume that the foreign state's case is solid enough to sustain a prosecution," Professor Curry wrote in July.

The core question is not whether Professor Diab is innocent or guilty. It is whether a man presumed to be innocent can be locked away for years without standing trial and facing his accusers.

Our prime minister is on very good terms with Emmanuel Macron, the president of France. He could comfortably raise the issue of Hassan Diab and present his French friend with a simple request:

Put the man on trial, or release him and let us bring him home.

Full Episode:

<http://www.cbc.ca/radio/thesundayedition/the-sunday-edition-september-17-2017-1.4291332>