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A copy of the French version is available at:

<https://www.justiceforhassandiab.org/wp-content/uploads/2021/02/Le-Monde-2021-01-28-FR.pdf>

Attack against the synagogue on the rue Copernic: the Court of Appeals commits Hassan Diab to trial

The magistrates have opposed the investigating judges who had decided to dismiss the case in 2018. Lawyers for the Lebanese-Canadian academic have announced an appeal to the Supreme Court.

By Christophe Ayad

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Forty years and almost four months after the attack against the synagogue on the rue Copernic in Paris (16th arrondissement) on October 3, 1980, the sole suspect, the Lebanese-Canadian academic Hassan Diab, was committed to trial by the Investigation Chamber of the Court of Appeals on Wednesday, January 27.

This decision to hold a trial constitutes a new development in a case that has become exceptional, both in terms of its duration and because it is the first deadly anti-Semitic attack in France since 1945; it caused four deaths and 46 injuries. The decision of the magistrates of the Court of Appeals is also exceptional, because never before, in terrorist matters, had they opposed the investigating judges: in 2018 the latter had decided to dismiss the case.

However, it is unlikely that Hassan Diab, now 67 years old, will ever stand trial in the Special Assizes Court in Paris. First, because his lawyers immediately announced they have filed an appeal in the Supreme Court, which will take several months and could lead to a new turnaround. Second, and more importantly, because Mr. Diab, who was released following the dismissal of the case in 2018, has returned to live in Canada after three years of pre-trial detention in France. Ottawa, which extradited him in 2014 after several years of relentless proceedings, does not seem likely to send him back to France again.

The attack, committed with a bomb placed on a motorcycle parked in front of the synagogue, had caused great emotion, exacerbated by the inept remarks of the then Prime Minister, Raymond Barre, who had made a distinction between "innocent Frenchmen" and "Israelites" among the victims.

“We fear Canada will refuse to extradite him”

The investigation, initially focusing on the extreme right, quickly turned, at the instigation of Judge Bruguière, to Palestinian factions. In 1999, the arrest of a member of the Popular Front for the

Liberation of Palestine-Special Operations (PFLP-OS, born out of a split in the PFLP and founded by Wadiah Haddad) and the seizure of a passport led to the arrest of Hassan Diab.

The latter has always claimed his innocence, maintaining that his passport was used without his knowledge and certifying that he was in Beirut taking university exams at the time of the attack, as his ex-wife has testified.

Conversely, in addition to his passport, the investigation conducted by Judge Marc Trevidic in the early 2000's highlights his pro-Palestinian commitment, graphological analyses, and his resemblance to police sketches. But the judge had to leave the department of anti-terrorism before completing his investigation. His successors took the opposite view, believing that the charges brought against Hassan Diab were "not sufficiently conclusive". Hence the dismissal of the case in 2018.

Attorney Eric Morain, who represents the police officer who was severely injured in the attack while on duty in front of the synagogue, criticizes the judges who decided to dismiss the case for "confusing accusations and evidence. It is in court that there is a debate as to whether the accusations are sufficient evidence for a conviction or not. Not before," he adds. Attorney Morain became involved in this case some 20 years ago.

That's half as much as Attorney Bernard Cahen, a lawyer from the start for two families of victims of the synagogue attack. "I might have hoped that this would be the end of a long struggle that we have been fighting for more than forty years," he said on Wednesday, before asking Hassan Diab to "defer to this decision." "But we fear that Canada will refuse to extradite him," he immediately added, fearing "a botched trial". Nor is Mr. Morain optimistic about a trial being held with the accused in the dock.

Strong support in Canada

In Canada, where Mr. Diab has strong support, the former secretary general of Amnesty International's local chapter, Alex Neve, has called on Justin Trudeau's government to pressure France to "drop these baseless accusations." His Canadian lawyer, Donald Bayne, said he saw the decision as "a continuation of an injustice (...) that runs counter to existing evidence."

Mr. Diab's French defense team, consisting of William Bourdon, Amelie Lefebvre and Apolline Cagnat, said they were "very disappointed with the decision" of the Court of Appeals' investigative division. "The order of dismissal in 2018 was extremely well argued and took into account numerous, powerful, and concordant exculpatory elements," summarized Attorney Amelie Lefebvre. For her, the new graphological analysis on which the examining magistrate's chamber is basing, among other things, its decision of Wednesday does not bring anything new.

For Mr. Diab's defense team, the decision to send him back to court is "perhaps a politically correct decision," in a context where any terrorist act calls for someone's guilt. "Of course a trial is important for victims, but only if the right person is in the dock," says Lefebvre.

Corinne Adler, a plaintiff who attended Wednesday's deliberations, declared herself "happy": "We have been asking for a trial for years. That everything should stop now would have hurt me a lot, for all the victims of which I am a part," she told AFP [Agence France Presse]. On October 3, 1980, she was 13 years old and was celebrating her bat mitzvah at the synagogue on the rue Copernic.