

The Honourable Robert Nicholson, P.C., Q.C., M.P. for Niagara Falls,  
Ontario, Minister of Justice and Attorney General of Canada.

Dear Sir,

As civil libertarians we are very concerned that Hassan Diab appears to have become one more victim of the "war against terror." The case of Maher Arar has clearly shown that segments of the intelligence community apparently have been prepared to ruin an individual's life for the perceived "greater good" of the intelligence community. Persons responsible for leaking misleading information to the media have not yet been identified.

We now have French and foreign intelligence co-operating on the fingering of the hapless Hassan Diab for the atrocious bombing aimed at the rue Copernic synagogue in Paris, October 3, 1980, killing four people in the street outside and injuring 30.

The published evidence is flimsy from the start. But the latest move by French authorities to withdraw handwriting evidence discredited by Mr. Diab's defence lawyer reveals a level of carelessness in the prosecution's preparation that calls into question the strength of their case against Mr. Diab.

Consider: the French newspaper, *Le Figaro*, reported on October 10, 1980, that Police had identified a Suzuki 125 motorcycle as carrying the lethal bomb. The vehicle was purchased at a store on Avenue de la Grande-Armée in Paris. According to the newspaper, the buyer identified himself to all salespeople as a Cypriot named Alexander Panaryu (sic). He paid cash in U.S. dollars and gave his exact address in Paris. A composite portrait of the man, drawn from witness' testimony, seemed to police investigators to correspond to the pro-Palestinian terrorist Carlos.

Later, Hassan Diab's handwriting is said to resemble that of an Alexander Panardyu (a fictitious name) who registered in the Hotel Celtic in Paris around that time. There are only a few words, in block characters. Despite the paucity of this sample Mr. Diab is considered likely to be the person who conveyed the bomb. But, his lawyer says he has evidence that he was not in the country at the time.

If he wasn't the one directly involved, maybe he was a mastermind behind it? Hardly. The problem is that if there is nothing in the handwriting to show he was there, neither is there anything in the handwriting to show he was a mastermind. Mistaken identity invalidates the one as much as the other.

*Time Magazine*, October 20, 1980, reported that "The French police, not having made a single important arrest in connection with 120 incidents since 1975, were also busy dodging charges that they were soft on rightist terrorism." No doubt the pressure is on police to produce

suspects, but this should not be at the cost of abandoning centuries-old principles of evidence.

It appears that Mr. Diab's case is one of mistaken identity. His name is a very common one in Lebanon. This matter can be cleared up in a court of law, but not if the French and Canadian governments are more interested in appearing "tough on terrorism," than in justice, and if they are allowed to play endless delaying games. We should above all be wary of attempts to extradite a Canadian citizen based on evidence officials say must be kept "Secret" for reasons of "Security". History has shown, and recent judicial inquiries such as those described by Kerry Pither in her book *Dark Days* have confirmed, that testimony from intelligence and law enforcement officials is not always reliable.

Justice delayed is justice denied. How long must Mr. Diab wait to get a proper court hearing? If the Canadian Charter of Rights means anything, it means that individual freedom should not be sacrificed to the image-polishing needs of the intelligence and law enforcement communities.

Yours truly,

Randal Marlin

Academic Director  
Civil Liberties Association  
National Capital Region  
(This is an autonomous association, not affiliated with any other.)

28 Third Avenue, Ottawa  
K1S 2J6  
613-234-2233

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