



International Civil Liberties Monitoring Group

338 Somerset Street West,
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Ottawa, March 13, 2017

The Honourable Jody Wilson-Raybould
Minister of Justice
House of Commons
Parliament Buildings
Ottawa, Ontario
Canada
K1A 0A6

Email: Jody.Wilson-Raybould@parl.gc.ca

Re: The case of Dr. Hassan Diab

Dear Minister Wilson-Raybould,

We are writing today to follow-up with you regarding the case of Canadian citizen and university professor Dr. Hassan Diab. We originally wrote to your office about Dr. Diab in April 2016, but did not receive a response. Since then, his case has grown even more concerning, and we would urge you to raise the issue with your French counterpart to ensure that Dr. Diab's rights are protected.

As you know, Dr. Hassan Diab has been accused of being involved in a bombing near a synagogue on rue Copernic, in Paris, France, in 1980. He was arrested in 2008, extradited to France in 2014, and has yet to face trial.

In our earlier letter, we raised several concerns around the nature of the evidence that was presented in Canadian courts to justify his extradition, and which is being used in France to maintain Dr. Diab's imprisonment.

As we noted, the judge in Dr. Diab's extradition hearing stated that the evidence presented would not hold up in a Canadian court, but that it could not prevent his extradition. This questionable evidence includes:

- Secret intelligence, the reliability and provenance of which is completely unknown. It could not be challenged in Canada, and cannot be challenged in French court. Even more concerning is the possibility that the intelligence was derived under torture, which should make it both inadmissible and highly unreliable;
- Handwriting evidence falsely attributed to Dr. Diab, that was subsequently shown to have been taken from Dr. Diab's ex-wife's handwriting;
- Fingerprint evidence that does not match Dr. Diab's fingerprints.

The questions regarding the reliability of this evidence alone raises concerns about why Dr. Diab was extradited, let alone why he continues to be imprisoned.

More recently, though, a French investigative judge found that Dr. Diab was not even in Paris at the time of the bombing (*'Consistent evidence' Hassan Diab wasn't in France during deadly 1980 bombing, judge rules*, CBC News, Nov. 14 2016). The judge ordered Dr. Diab's release on bail, but the decision was overturned by the prosecutor and the Court of Appeal.

This is the fourth time in two years that a judge has ruled that Dr. Diab should be released, only to have the prosecutor refuse. The refusal to grant his release, the prosecution's use of questionable evidence, and the continued delay in starting his trial all raise concerns about whether, in the current climate of fear around terrorism in France, Dr. Diab is being made a scapegoat.

Under French law, Dr. Diab can be held for two more years before his trial begins. We believe Dr. Diab has been in prison for two years too long already, and that it would be a travesty of justice to see him languish in a prison for another two.

We are therefore asking you, the Honourable Minister of Justice, to raise the case of Dr. Hassan Diab with your French counterpart and express Canada's concerns that the French courts should not use secret intelligence or flawed evidence, and to heed the exculpatory evidence that has been presented.

Dr. Hassan Diab should not have been extradited to France. He should be brought back to Canada.

Sincerely,



Tim McSorley
National Coordinator
International Civil Liberties Monitoring group

CC:

The Honourable Chrystia Freeland, Minister of Foreign Affairs
Omar Alghabra, Parliamentary Secretary to the Minister of Foreign Affairs
Hassan Diab Support Committee

Appendix

ICLMG Member Organizations

Amnesty International

Association québécoise des organismes de coopération internationale

B.C. Freedom of Information and Privacy Association

Canadian Arab Federation

Canadian Association of University Teachers

Canadian Council for International Co-operation

Canadian Council for Refugees

Canadian Ethnocultural Council

Canadian Federation of Students

Canadian Friends Service Committee

Canadian Labour Congress

Canadian Muslim Forum

Canadian Muslim Lawyers Association

Canadian Office and Professional Employees Union

Canadian Peace Alliance

Canadian Union of Postal Workers

Canadian Unitarians for Social Justice

CARE Canada

Centre for Social Justice

Confederation of Canadian Unions

Council of Canadians

CUSO

David Suzuki Foundation

Development and Peace

ETC Group

Fédération nationale des enseignantes et des enseignants du Québec

Greenpeace

Independent Jewish Voices

International Development and Relief Foundation

Inter Pares

KAIROS

Lawyers Rights Watch Canada

Ligue des droits et libertés

National Anti-Racism Council of Canada

National Council of Canadian Muslims (NCCM)

National Union of Public and General Employees

Ontario Council of Agencies Serving Immigrants

Mining Watch Canada

PEN Canada

Primate's World Relief and Development Fund

Public Service Alliance of Canada

Unifor

The United Church of Canada

United Steelworkers of America

Observers

Canadian Journalist for Free Expression

Friends of ICLMG

Hon. Warren Allmand (recently deceased); former Solicitor General of Canada and a past president of the International Centre for Human Rights and Democratic Development (Rights & Democracy).

Hon. Edward Broadbent; former leader of Canada's New Democratic Party and first president of the International Centre for Human Rights and Democratic Development.

Hon. David MacDonald; former Canadian Secretary of State and former minister of Communications.

The Very Rev. Lois Wilson; former moderator of the United Church of Canada and retired senator.

Brian Murphy; independent writer, policy analyst and human rights advocate.

Gerry Barr; Senior Adviser Public Affairs, Directors Guild of Canada, and former President and CEO of the Canadian Council for International Cooperation.

James L. Turk, Distinguished Visiting Professor, Ryerson University, and former Executive Director, Canadian Association of University Teachers.