



May 7, 2018

The Right Honourable Justin Trudeau  
Prime Minister  
House of Commons  
Ottawa, ON K1A 0G2

Dear Prime Minister Trudeau,

We are writing this open letter to you today on behalf of the International Civil Liberties Monitoring Group, a coalition of 45 civil society organizations across Canada, to urge your government to instate a full, independent and public inquiry into the case of Dr. Hassan Diab.

We are greatly disturbed by the recent revelations that an official in the Justice Department may have not only assisted the French government in making its case for extradition, even as the existing case against Dr. Diab was being discredited, but is also alleged to have misled the court regarding communication with the French government and the reasons for lengthy adjournments. This is in addition to government officials apparently withholding important, exculpatory fingerprint evidence from the court and Dr. Diab's defense lawyers.

These serious allegations only add to the gravely concerning circumstances of Dr. Diab's extradition to France. Even before these latest allegations, there were grounds to request a public investigation into Dr. Diab's case, as we have signalled to members of your government in previous letters. This includes the fact that the case against Dr. Diab included secret, unsourced intelligence from a third country, the reliability and provenance of which was completely unknown. This continues to raise concerns that the intelligence was derived under torture, and questions as to whether such information should be allowed in extradition cases in the first place.

Members of the government have stated their concern about these recent revelations, as well as their support for an internal investigation at the Justice Department. While we appreciate the seriousness expressed in these statements, we cannot support an internal investigation conducted by the same department whose officials are alleged to have carried out the actions in question.

For that reason, we are asking that you establish an independent, public inquiry into Dr. Diab's case. We would echo the letter already shared with Minister Wilson-Raybould by Amnesty

International Civil Liberties Monitoring Group  
338 Somerset Street West, Ottawa, ON, K2P 0J9  
(613) 241-5298  
[www.iclmg.ca](http://www.iclmg.ca)

International and the BCCLA and call for an inquiry to examine:

- Canadian government lawyers' actions during the extradition process, including the appropriateness of the assistance provided to the French government, the truthfulness of statements made in court and the reasons for decisions not to share exculpatory evidence with Dr. Diab's legal team.
- The actions of government officials during Dr. Diab's three-year imprisonment without charge in France
- Reforms to the Extradition Act to address weaknesses that allowed this extradition, even as the presiding judge described the case against Dr. Diab as highly problematic.
- Appropriate redress to Dr. Diab and his family, including an official apology and appropriate compensation, for actions or inaction of Canadian officials that may have contributed to the human rights violations and miscarriage of justice he experienced.

Dr. Diab spent more than three years in near-solitary confinement in France, after years of surveillance, electronic monitoring and imprisonment in Canada – despite no charge having been laid in France. Canada's extradition system failed Dr. Diab, and it is incumbent on you as Prime Minister and the Canadian government to act to ensure that Dr. Diab, his family and the Canadian public receive answers as to how this came about, and to safeguard against others from suffering a similar fate.

We urge your Government to set up the public inquiry without delay.

Sincerely,



Tim McSorley  
National Coordinator  
International Civil Liberties Monitoring Group



Kevin Malseed  
Co-chair  
International Civil Liberties Monitoring Group



Dominique Peschard  
Co-chair  
International Civil Liberties Monitoring Group

Cc: The Honourable Chrystia Freeland, Minister of Foreign Affairs Canada  
The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada

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