



August 1, 2018

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

Dear Prime Minister Trudeau,

I am writing you on behalf of the International Civil Liberties Monitoring Group in follow-up to our letter of May 7, 2018, calling on your government to initiate a public, independent inquiry into the case of Dr. Hassan Diab and overarching concerns with the failings of Canada's extradition laws.

We were dismayed to learn that your government has decided to pursue the course of an external review, rather than a full, public inquiry.

While we do not doubt the integrity of the appointed reviewer, Murray Segal, it is clear to us that the terms of reference for the review do not include the powers or scope necessary to investigate and address the complex and deep-rooted issues at play in Dr. Diab's case.

We would urge you to instead proceed with a public, independent inquiry. Such a decision would not only resolve many of the problems of power and scope, but would also send a clear message to Dr. Diab, his family and the public that your government is committed to ensuring that an ordeal like Dr. Diab's is never allowed to re-occur.

Anything less will fall short of the clear need for answers, repercussions and reforms in the wake of Dr. Diab's decade-long ordeal.

Our concerns with the current review process include:

- The review will not cover France's actions in the lead up to Dr. Diab's committal for extradition. France's actions before and during Dr. Diab's extradition hearings are of grave concern. It will be impossible to fully understand, rectify and prevent future occurrences if these actions are omitted from investigation.

- The review does not include an examination of the shortcomings in Canada's *Extradition Act*. This step is fundamental to ensuring justice and a fair process in the future and to prevent similar injustices being perpetrated against other Canadians.
- The reviewer's access to documents and evidence in Canada's possession is subject to undue limitations, including constraints from vague "international relations obligations." We are concerned this could mean obtaining permission from France for the release of certain documents, a clear conflict. The vagueness also raises concerns, more generally, over which documents and information will be available to the reviewer.
- The review process lacks the opportunity to cross-examine witnesses under oath, hindering the reviewer's work.
- The terms of reference do not require the result of the review to be made public. It is of utmost importance that the full findings of this inquiry be made public in order to identify urgent changes needed to Canada's extradition law, and steps needed to implement them. A public accounting is also vital to ensuring that justice is achieved for Dr. Diab.

Finally, we wish to express our support for Dr. Diab's principled decision to boycott the current review. We agree with his assessment that the current external review amounts to damage control, and will not be able to fully address the root causes of Dr. Diab's case.

While what Dr. Diab has faced over the past decade cannot be undone, he and the public deserve full answers as to how it was allowed to occur, and action to ensure that it cannot occur again. Only a public inquiry will be able to achieve this. We request that you act accordingly, and without delay.

Sincerely,



Tim McSorley
National Coordinator
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