

September 14, 2021

The Honourable David Lametti
Minister of Justice
284 Wellington Street
Ottawa, Ontario
K1A 0H8

Dear Minister Lametti,

Recently, over 10,000 letters from individuals and organisations were sent to your government expressing grave concern about the latest news regarding Hassan Diab and the prospects of a second extradition. In what appears to be a standard reply, you wrote the following:

“As extradition requests are confidential state-to-state communications, I cannot confirm or deny the existence of a request until and unless it is acted upon. Canada would review a new extradition request in accordance with the *Extradition Act*, the *Canadian Charter of Rights and Freedoms*, and our treaty obligations. A decision to start extradition proceedings would consider whether there is sufficient evidence to support the request as well as whether it is in the public interest to proceed.”

Your reply is unconvincing for the following reasons:

1. A wait-and-see approach is unjustifiable

The urgency of the Hassan Diab case demands your intervention and, as expert lawyers have noted, you have the power to act now and not delay. Your wait-and-see approach is thus unjustified. “Parliament [has given you] full discretion not only to reject extradition requests out of hand but also to terminate them when to proceed appears to be against the national interest. This unusual provision, repeated in sections 14, 23(3) and 48(1) of the [Extradition Act](#), is founded on the notion that extradition is not at base a legal or judicial issue, but rather is political in nature” (Gary Botting, <https://legalmatterscanada.ca/hassan-diab-deserves-better-from-the-justice-minister>).

Parliament has also given you, the Minister of Justice and Attorney General, certain extraordinary powers, including the ability to exercise your “discretion to stop an extradition proceeding in its tracks... where proceeding to court would likely have major political ramifications” (Gary Botting, <https://legalmatterscanada.ca/hassan-diab-deserves-better-from-the-justice-minister>).

You are no doubt aware “that in extradition matters, the courts act only in an advisory capacity. As soon as [you decide] to exercise [your] discretion to say “enough is enough” in an extradition case, the extradition is over, because under [s. 23](#) of the *Act*, the judge is then *compelled* to discharge the person facing extradition” (Gary Botting, <https://legalmatterscanada.ca/hassan-diab-deserves-better-from-the-justice-minister>).

2. A Non-reciprocal Extradition Treaty between France and Canada is iniquitous and defective

The extradition treaty with France to which you refer is inherently defective. There is no comity between France and Canada. In the Hassan Diab case, this lack of reciprocity has revealed France's disrespect towards Canada. France has proven to be an untrustworthy extradition partner. It claimed to have evidence where there was none; it claimed to be ready for trial when it was not; and it lied in 2007 about a lack of fingerprint evidence when there was an abundance of fingerprints, each of which excluded Dr. Diab. France's dishonesty was one of several factors that led to Dr. Diab's unconscionable 39-month imprisonment in France. As Rob Currie, Professor of Law at the Schulich School of Law at Dalhousie, has pointed out, the United Nations International Covenant on Civil and Political Rights (ICCPR) requires fair criminal investigation and trial procedures (Rob Currie, <https://rabble.ca/news/2021/06/canada-should-suspend-its-extradition-treaty-france-over-persecution-hassan-diab>). By ignoring evidence and substituting speculation, France has clearly violated this covenant in its Court of Appeal ruling of January 27, 2021.

3. There is no evidence to support a second extradition request

The last shred of flimsy handwriting "evidence", on which Dr. Diab was wrongly extradited in 2014, was jettisoned earlier this year by French handwriting analysts. There is no more evidence to support any extradition request. Short of veritable proof, the French Court of Appeal has thus resorted to fictions. In an exhaustive statement, Dr. Diab's lawyer, Don Bayne, showed with impeccable logic that France's Court of Appeal misstated facts, relied on discredited evidence, made up non-existent evidence (fanciful speculation), and engaged in contradictory reasoning (Don Bayne, <https://www.justiceforhassandiab.org/bayne-memos-2021-05>).

4. It is not in the public interest to proceed

The persecution of Dr. Diab has now exceeded 14 years of his life, including more than 3 years in a French maximum-security prison, mostly in solitary confinement. He should no longer face the uncertainty of another extradition and Canada should take strong action to let France know that unfair political trials of Canadian citizens are not tolerated.

Thousands of Canadians have come to know the Ottawa professor as an innocent man, whose life has been massively damaged and whose rights and freedoms have been violated by France's relentless persecution. These many persons, along with many organizations, have become Dr. Diab's fervent supporters. They understand that he represents every Canadian, and that his loss of freedom could one day be theirs. That realization governs their passionate and persistent vindication of his cause. And they will not renounce their fight for justice until it is served. You, Sir, together with Prime Minister Justin Trudeau and Minister of Foreign Affairs, Marc Garneau, have the power to make that happen. Indeed, you have the obligation to reject any renewed extradition request from France and to bring this case to a close.

We, the undersigned, therefore ask:

- 1. That, as Minister of Justice, you give immediate assurances that Canada will not accept nor accede to a second request for Hassan Diab's extradition;**
- 2. That, as Minister of Foreign Affairs, Minister Marc Garneau urge France to put an immediate end to this continuing miscarriage of justice;**
- 3. That, as the head of the Government of Canada, Prime Minister Justin Trudeau suspend the extradition treaty with France.**

cc:

- The Right Honourable Justin Trudeau, Prime Minister of Canada
- The Honourable Marc Garneau, Minister of Foreign Affairs
- The Honourable Chrystia Freeland, Deputy Prime Minister of Canada
- The Honourable Erin O'Toole, leader, Conservative Party of Canada
- Jagmeet Singh, leader, New Democratic Party of Canada
- Annamie Paul, leader, Green Party of Canada
- Yves-François Blanchet, leader, Bloc Québécois

SIGNATORIES:

Melanie Adrian, Ottawa, Ontario

Sharry Aiken, Toronto, Ontario

Rabiat Akande, Toronto, Ontario

Ahmad Ammar, Windsor, Ontario

Amir Attaran, Ottawa, Ontario

Amanda Aziz, Vancouver, British Columbia

Tharani Balachandran, Victoria, British Columbia

Saptarishi Bandopadhyay, Toronto, Ontario

Donald Bayne, Ottawa, Ontario

James Benham, Vancouver, British Columbia

Faisal Bhabha, Toronto, Ontario

Amar Bhatia, Toronto, Ontario

Michael Blazer, Toronto, Ontario

Gary Botting, Hope, British Columbia

Mary Boyce, Toronto, Ontario

Susan Boyd, Vancouver, British Columbia

Janne Burton, Toronto, Ontario

Doris Buss, Ottawa, Ontario
Fathima Cader, Toronto, Ontario
Paul Champ, Ottawa, Ontario
Avineet Cheema, Toronto, Ontario
Donald Chiasson, Toronto, Ontario
Michael Christensen, Ottawa, Ontario
Sharon Cohen, Toronto, Ontario
Kristina Cooke, Ottawa, Ontario
Paul Copeland C M, Toronto, Ontario
Edward Corrigan, London, Ontario
Karen Coulter, Vancouver, British Columbia
Robert Currie, Halifax, Nova Scotia
Gail Davidson, Vancouver, British Columbia
Michael Edelson, Ottawa, Ontario
Dennis Edney Q.C., Osoyoos, British Columbia
Hagar Ehab Eldin Ahmed El Sayed, Windsor, Ontario
Khalid Elgazzar, Ottawa, Ontario
Pearl Eliadis, Montreal, Quebec
Jacques Emond, Ottawa, Ontario
James Foord, Ottawa, Ontario
Kate Forrest, Montreal, Quebec
Tyler Goettl, Burlington, Ontario
Deryk Gravesande, Toronto, Ontario
Leslie Green, Toronto, Ontario
Jeremy Greenberg, Toronto, Ontario
Ronald, Guertin, Ottawa, Ontario
Yavar Hameed, Ottawa, Ontario
Sheryl Hamilton, Ottawa, Ontario
Mary Ann Higgs, Kingston, Ontario

Barbara Jackman, Toronto, Ontario
Martha Jackman, Ottawa, Ontario
Peter Jacobsen, Toronto, Ontario
Talia Joundi, Toronto, Ontario
James Kafieh, Perth, Ontario
Azeezah Kanji, Toronto, Ontario
Ariel Katz, Toronto, Ontario
Lisa Kelly, Kingston, Ontario
Kyong-ae Kim, Vancouver, British Columbia
Aaron King, Ottawa, Ontario
Ayesha Kumararatne, Ottawa, Ontario
Dimitri Lascaris, Montreal, Quebec
Yves Le Bouthillier, Ottawa, Ontario
Trudo Lemmens, Toronto, Ontario
John Liss, Toronto, Ontario
Mary Liston, Vancouver, British Columbia
Clifford Luyt, Toronto, Ontario
Robin MacKay, Ottawa, Ontario
Jessica Magonet, Vancouver, British Columbia
Dania Majib, Toronto, Ontario
Peggy Malpass, Toronto, Ontario
Raji Mangat, Vancouver, British Columbia
Pacifique Manirakiza, Ottawa, Ontario
Heidi Matthews, Toronto, Ontario
Meghan McDermott, Vancouver, British Columbia
Maeve McMahon, Ottawa, Ontario
Emily McMurtry, Ottawa, Ontario
Robert Meagher, Ottawa, Ontario
Richard Moon, Windsor, Ontario

Les Morley, Kingston, Ontario
Catherine Morris, Victoria, British Columbia
Mary Jane Mossman, Toronto, Ontario
William Edmund Mugford, Vancouver, British Columbia
Will Murray, Ottawa, Ontario
Roxanne Mykitiuk, Toronto, Ontario
Alex Neve, Ottawa, Ontario
Valerie Oosterveld, London, Ontario
John Packer, Ottawa, Ontario
Nicholas Pope, Ottawa, Ontario
Denise Réaume, Toronto, Ontario
Karen Ann Reid, Ottawa, Ontario
Allan Rock, Ottawa, Ontario
Mitchell Rowe, Ottawa, Ontario
Bijon Roy, Ottawa, Ontario
Sukhpreet Sangha, Toronto, Ontario
Teresa Scassa, Ottawa, Ontario
Craig Scott, Toronto, Ontario
Rodney Sellar, Ottawa, Ontario
Lisa Sharp, Ottawa, Ontario
Daniel Sheppard, Toronto, Ontario
Len Shore, Ottawa, Ontario
Penelope Simons, Ottawa, Ontario
Adrian Smith, Toronto, Ontario
Dan Snyder, Vancouver, British Columbia
Michael Spratt, Ottawa, Ontario
Don Stuart, Kingston, Ontario
Emilie Taman, Ottawa, Ontario
Stephen Tasson, Ottawa, Ontario

Eric, Tucker, Toronto, Ontario

M. Philip Tunley, Toronto, Ontario

Nicholas Valela, Ottawa, Ontario

Kim Veller, Toronto, Ontario

Mark Wallace, Ottawa, Ontario

Adriel Weaver, Toronto, Ontario

Noah Weisbord, Kingston, Ontario

Christiane Wilke, Ottawa, Ontario

Jared Will, Toronto, Ontario

Vincent Wong, Toronto, Ontario

Stepan Wood, Vancouver, British Columbia

Bruce Woodrow, Clarington (Newcastle), Ontario

Garrett Zehr, Toronto, Ontario

Cara Zwibel, Toronto, Ontario