

International Civil Liberties Monitoring Group
Coalition pour la surveillance internationale des libertés civiles
338 Somerset Street West, Ottawa, Ontario, K2P 0J9
Tel. (613) 241-5298

November 23, 2010

The Honourable Robert Nicholson
Minister of Justice and Attorney General of Canada
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario
K1A 0H8

Dear Minister Nicholson,

Re: Dr. Hassan Diab

The International Civil Liberties Monitoring Group (ICLMG) is a broad coalition of 40 Canadian civil society organizations dedicated to the defence of civil liberties and human rights (see appendix).

ICLMG has been monitoring the case of Canadian citizen and university professor, Dr. Hassan Diab, and is gravely troubled by the nature of the information being presented in Canadian courts in this extradition case.

France seeks the extradition of Ottawa professor Hassan Diab, on charges relating to the bombing of a French synagogue in 1980. Dr. Diab has no criminal record. He has taught at both the University of Ottawa and Carleton University until his unjust termination by Carleton University soon after the French government's allegations became public. ICLMG is extremely concerned by the use of secret "intelligence" information from unidentified sources – especially information that may have been obtained from torture – as is happening in this case, to try to justify France's request.

In any extradition case in Canada, the court must ensure there is sufficient evidence to support the extradition request, and, importantly, that the evidence is *reliable*. This does not appear to have been the case in Dr. Diab's extradition hearing, where neither the application judge nor the Crown counsel acting on France's behalf knows the source of "evidence" being used, or where and how France obtained it. Even more troubling is the possibility that some of this information may have derived from torture.

The reliability of unsourced evidence cannot be adequately tested or challenged. As such, it should not be admitted into nor relied upon in a Canadian extradition hearing. Furthermore, Canadian officials and Canadian courts must ensure that any information that may be the product of torture is excluded from extradition hearings and all court proceedings. As an additional crucial safeguard, extradition requests should be denied where there is a serious risk that evidence derived from torture will be presented and admitted as evidence in the trial.

ICLMG calls on the Canadian government and the courts to stop the use of unsourced information in Dr. Diab's case and others like his. To do otherwise could have far-reaching implications, undermining the test for extradition and resulting in unfair process and injustices for others suspected of crimes by foreign states.

We thus ask you, Minister, to exercise the power granted to you under extradition law to immediately halt extradition proceedings against Dr. Diab, unless and until reliable evidence is presented in support of the French government's request, and to act on your legal obligation to refuse to make "unjust and oppressive" extradition orders.

Yours sincerely,

Roch Tassé
National Coordinator
ICLMG

CC: The Right Honourable Stephen Harper, Prime Minister, Canada
Justice for Hassan Diab Committee

Appendix: International Civil Liberties Monitoring Group

ICLMG: the organization

The ICLMG is a pan-Canadian coalition of civil society organizations that was established in the aftermath of the September 11, 2001 terrorist attack in the United States. The coalition brings together 40 NGOs, unions, professional associations, faith groups, environmental organizations, human rights and civil liberties advocates, as well as groups representing immigrant and refugee communities in Canada.

Mandate / Objectives

The mandate of the ICLMG is to defend the civil liberties and human rights set out in the Canadian Charter of Rights and Freedoms, federal and provincial laws (such as the Canadian Bill of Rights, the Canadian Human Rights Act, provincial Charter of Human Rights or Privacy legislation), and international human rights instruments (such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment).

Membership

Members of the International Civil Liberties Monitoring Group presently include:

- 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 Auto Workers Union
- Canadian Council for International Co-operation
- Canadian Council for Refugees
- Canadian Council on American-Islamic Relations (CAIR-CAN)
- Canadian Ethnocultural Council
- Canadian Federation of Students
- Canadian Friends Service Committee
- Canadian Labour Congress
- Canadian Muslim Civil Liberties Association
- Canadian Muslim Forum
- Canadian Muslim Lawyers Association
- Canadian Union of Postal Workers
- Canadian Unitarians for Social Justice
- CARE Canada
- Centre for Social Justice

- Communications Energy and Paperworkers Union
- Confederation of Canadian Unions
- Council of Canadians
- CUSO
- David Suzuki Foundation
- Development and Peace
- ETC Group
- Greenpeace
- International Development and Relief Foundation
- Inter Pares
- KAIROS
- Ligue des droits et libertés
- National Anti-Racism Council of Canada
- 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
- United Steelworkers of America

Friends of the ICLMG

Hon. Warren Allmand; Mr. Allmand is a former solicitor general of Canada and the immediate past president of the International Centre for Human Rights and Democratic Development (Rights & Democracy).

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

Hon. David MacDonald; Mr. MacDonald is a former Canadian secretary of State and minister of communications. Mr. MacDonald is also an ex-Canadian ambassador to Ethiopia.

Hon. Flora MacDonald; Ms. MacDonald is a former Canadian minister of foreign affairs and a former minister of communications.

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

Brian Murphy; Mr. Murphy is an independent writer, policy analyst and human rights advocate, and a former staff member of the Canadian social justice organization, Inter Pares, where he worked for almost 30 years.