



Canadian Association of University Teachers
Association canadienne des professeurs et professeurs d'université

By fax: (613) 992-7910

November 5, 2010

Hon. Rob Nicholson
Minister of Justice
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Minister:

We are writing on behalf of the Canadian Association of University Teachers, the national voice of more than 65,000 academic staff at 122 universities and colleges across Canada, to urge you to stop the use of secret “intelligence” information from unidentified sources, some of which may be information that may be derived from torture, in the case of Canadian citizen and university professor Dr. Hassan Diab.

As you are aware, Dr. Diab is fighting an extradition request by French authorities, who allege he was involved in a bombing that took place in Paris on October 3, 1980. His next hearing is on November 8, 2010.

Dr. Diab has no criminal record. He has taught at both the University of Ottawa and Carleton University. CAUT has closely monitored Dr. Diab’s case since his unjust termination by Carleton University soon after the allegations became public. We’ve since been gravely concerned by the nature of the information being presented on behalf of France to try to justify its 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 used to justify the request is *reliable*. This has not appeared to have been the case in these proceedings, where neither the application judge in Dr. Diab’s extradition hearing 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. France’s willingness to use information derived from torture to prosecute terrorism-related cases is well-documented, by for example, Human Rights Watch in a July 2008 report: (“[Preempting Justice](#): Counterterrorism Laws and Procedures in France”).

.../2

The reliability of unsourced evidence cannot be adequately tested or challenged, and it must not qualify for use in Canadian courts. Canada must also disallow any information that may be the product of torture, and must not extradite its citizens to foreign jurisdictions to be prosecuted where there is a risk that evidence derived from torture will be used as evidence.

CAUT calls on the Canadian government 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.

Sincerely,



Penni Stewart
President



James L. Turk
Executive Director

/mmp