

IJV Statement On Deportation Of Dr. Hassan Diab

Independent Jewish Voices strongly condemns Federal Justice Minister Rob Nicholson's decision to extradite Dr. Hassan Diab to France. Dr. Diab, a Canadian citizen and sociology professor in Ottawa, was placed under arrest at the behest of France as he was a suspect in the 1980 terrorist bombing of a Paris synagogue in which four passersby were killed and many people were injured. Since November 2008, Dr. Diab spent 4 ½ months in detention, and has been under house arrest with humiliating and oppressive bail conditions and is required to pay for an exorbitantly expensive GPS monitoring device.

Dr. Diab's case involves denial of civil and political rights and embodies the unfairness of Canada's extradition law. As with security certificate prisoners, the sources of the evidence against Dr. Diab is secret, not even accessible to his lawyers, the Crown Prosecutor, the judge presiding over the extradition hearing, and the French examining magistrate. Furthermore, the only evidence that is available, namely the fingerprints, palm prints, physical description, and handwriting do not match Dr. Diab. Dr. Diab's first judge, Justice Robert Maranger, found the allegations against Diab "weak", "suspect, and "confusing". The French withdrew the handwriting evidence after it was discredited by experts for the defence.

Rob Nicholson has ordered extradition even though Dr. Diab has not been charged in France, and the extradition request is based solely on suspicion. This means that both Canada and France justify his arrest and indeterminate incarceration though it is unclear whether there will ever be a trial. France has been criticized by Human Rights Watch and other human rights organizations and is currently before the European Court of Human Rights for violating the right to a fair trial, for running terrorist trials based on secret, anonymous intelligence. Under Canadian extradition law, any country can press a case without describing the source or truthfulness of the information or whether torture was involved. Canada extradites its citizens to a large number of countries, whereas France does not extradite its own citizens.

Independent Jewish Voices views Dr. Diab's case as a politicization of justice and a grave breach of Dr. Diab's Charter rights. The circumstances are chillingly, and ominously similar to the Alfred Dreyfus case at the turn of the 20th century, except now in Canada and in France prejudice derives from Islamophobia instead of anti-Semitism. Exactly like the Dreyfus case, evidence is based on highly flawed handwriting analysis, on secret testimony, in the context of a politicized judiciary.

As confirmed by many colleagues and friends, Dr. Diab is a peaceful man of great integrity, an academic who has never expressed any prejudicial views about any people. Dr. Diab was supported by twenty-two faculty colleagues from the Department of Sociology and Anthropology at Carleton University. They unanimously "deplore[d] the improper dismissal of Hassan Diab from his contract teaching position, call[ed] for his reinstatement, and deplore[d] the University Administration's violation of the University's own procedures". The Canadian Association of University Teachers condemns in the strongest possible terms the Carleton University administration's unjust termination of the contract of Dr. Hassan Diab. The university's actions show a blatant disregard of the principles of natural justice and due process, the legal right of an accused to the presumption of innocence, and the responsibility of a university to protect its autonomy from inappropriate outside pressure."

It is particularly shameful that the decision at Carleton came after intervention by B'nai Brith requesting that the university administration terminate Dr. Diab's contract.

Independent Jewish Voices demands a restoration of Dr. Diab's civil and political rights, a reinstatement of his position at Carleton University and an end to these extradition procedures.