

Letter Regarding Canada's Extradition Law and the Case of Dr. Hassan Diab

November 2014

In light of the case of Hassan Diab, a Canadian citizen under threat of extradition to France, we, the undersigned, call on the Federal Minister of Justice to substantially revise current Canadian extradition law. We further demand that the Federal Minister of Justice refuse the request from France that Dr. Hassan Diab be extradited, a refusal that ought to have been rendered six years ago when this nightmare began.

Canadian extradition law is a farce. Enacted in 1999 with little debate in Parliament, the act as it stands permits Canadian citizens to be extradited to requesting countries simply on the presumption that the evidence held by those countries is reliable. This presumption of reliability applies even to evidence that is inadmissible in Canadian courts. The requesting state only needs to provide a summary of its cherry-picked evidence and is under no obligation to disclose all of its case. At the same time, the bar that the requested person faces to challenge the evidence against them is so high that it is practically unattainable. Canadians facing extradition are also explicitly prohibited from introducing evidence pointing to their innocence. This is a patent case of guilty until proven innocent, and it goes against both the values of Canadians and the intent of the legal protections in place in Canada.

In the case of Dr. Diab, France has requested his extradition on the basis of a flimsy and discredited handwriting analysis report to face questioning regarding a 1980 bombing against a synagogue in Paris that killed four people. Dr. Diab has asserted his innocence since the beginning, and a wide community of supporters have stood beside him and confirmed his peaceful and law-abiding character throughout this case. Despite the fact that Justice Maranger of the Ontario Superior Court noted in his ruling that the French handwriting analysis being used as the basis of Dr. Diab's extradition is "very problematic," "convoluted, very confusing, with conclusions that are suspect," the judge asserted that his hands are tied with respect to extradition law: "An extradition hearing has its own specific rules of evidence, whereby evidence is admitted even if it would not be admitted under Canadian law." On this basis, Justice Maranger ordered Dr. Diab's extradition.

This is despite the fact that five internationally renowned handwriting experts testified that the French handwriting analysis report against Dr. Diab is fundamentally flawed, wholly unreliable and that the actual evidence points to Dr. Diab's innocence. Two previous handwriting reports that allegedly linked Dr. Diab to the suspect were completely disavowed after the defence showed that many of the writings that were "matched" to the suspect were not even written by Dr. Diab. Justice Maranger also ruled "whether I like it or not", the extradition law prevents Dr. Diab from introducing evidence produced by the RCMP showing that his palm and fingerprints do not match those of the suspect.

Since 2008, when Dr. Diab first learned that he was under suspicion, he and his family have been forced to spend hundreds of thousands of dollars in legal fees in addition to \$2000 a month on the GPS tracking anklet that is part of his bail conditions. They have been subject to significant hardships, including loss of income when Dr. Diab was refused work, and the constraints of being under curfew and unable to leave the city. These hardships have been incurred as a direct result of the problematic nature of Canada's extradition law, which has left an innocent man adrift in a legal nightmare that ought never to have begun.

The current climate of fear about 'home-grown' terrorism and the threats of global terrorist groups such as ISIL ought not to cloud the question of justice. Permitting the extradition of Canadian citizens on the basis of flimsy and unreliable evidence is a clear contravention of Canadian values. The extradition law needs to change, and Dr. Hassan Diab needs to be released from the Kafkaesque nightmare in which he and his family have been enmeshed for six years now.

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355. Matt Corks
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361. Louis Kriesberg, Professor Emeritus
362. Nawal Copty
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365. Dr. Jessica Squires, Ph.D.
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369. Aidan Macdonald
370. Joseph Hickey, Executive Director, Ontario Civil Liberties Association (OCLA)
371. Muna Khan
372. Jeff Monaghan, Carleton University
373. Hussein Zeidan
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386. Mary-Rose Mullally
387. Lara Bober
388. Alice Doell
389. Asif Rehman, A concerned member of the public
390. Freda Guttman
391. Stuart Cryer, OPSEU retiree
392. Lama Abdulrahman
393. Hussein (AL) Saleh
394. Bakri Aboukarr
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419. Amy Dillon

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425. Nida Marji
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428. Joan Fulthorp Jubb
429. Nadine Nasir
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431. Tracey Thomas-Falconar, CNHP, Anarres Natural Health
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433. Sue Goldstein
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