

April 12, 2016

Hon. Stephane Dion, Minister of Foreign Affairs
Hon. Jody Wilson-Raybould, Minister of Justice

Subject: Hassan Diab, Canadian Citizen Unjustly Imprisoned in France

Dear Ministers,

We are writing to seek your assistance in the case of Dr. Hassan Diab, a Canadian citizen and professor of sociology unjustly imprisoned in France since November 2014.

Dr. Diab was arrested in Canada in 2008 and extradited to France in 2014. He is accused of involvement in a bombing outside a Paris Synagogue in 1980 in which four people were killed. Dr. Diab has strongly condemned the attack, and steadfastly maintained his innocence. Everyone who knows him – family, longtime friends, and diverse professional colleagues – attest to his non-violent and peaceful nature. Many have filed character letters with the Court in support of Dr. Diab.

For the past 16 months, Dr. Diab has been languishing in pretrial detention in Fleury Merogis prison in the vicinity of Paris. In the meantime, the French authorities continue to search for “additional” incriminating evidence without success. Dr. Diab’s requests for bail under very strict conditions, including house arrest and electronic monitoring, have been repeatedly denied.

The case against Dr. Diab is anchored in intelligence from unknown sources. Even the French investigating judge does not know the source of the intelligence or how it was obtained. There is a real risk that the intelligence may be the product of torture. Reliance on such intelligence is deeply troubling because there is no way to challenge it or know the circumstances under which it was obtained. The intelligence was **withdrawn from the extradition proceedings in Canada** in recognition of its extremely problematic nature. However, the intelligence **remains in the dossier in France** and has been used to deny Dr. Diab bail.

Dr. Diab was extradited based solely on a handwriting analysis report submitted by France that compared Dr. Diab’s handwriting to five words written by the suspect on a hotel registration card in 1980. Five leading international handwriting experts testified in Canadian Court that the report is totally flawed and that an objective analysis actually points away from Dr. Diab as the suspect. It is important to note that two previous handwriting analysis reports submitted by France were **withdrawn from the extradition proceedings in Canada** after Hassan’s lawyer demonstrated that samples used in the analysis were not written by Hassan, but were written by his ex-wife. All three handwriting analysis reports **remain in the dossier in France** and have been used to deny Dr. Diab bail.

At the extradition hearing in Canada in 2011, Justice Robert Maranger described the evidence

against Dr. Diab as “very problematic”, “convoluted”, “very confusing”, and “with conclusions that are suspect”. He further noted that the case against Dr. Diab is “weak” and “the prospects of conviction in the context of a fair trial seem unlikely”. However, Justice Maranger stated that, despite his misgivings, he felt bound by Canada’s extradition law to commit Dr. Diab for extradition.

Dr. Diab's French lawyer recently submitted applications to the Court in France requesting the removal of the unsourced intelligence and discredited handwriting analysis from the dossier. The application was denied. Allowing such information to remain in the dossier would deprive Dr. Diab of any effective recourse to justice, and is in violation of the French Criminal Procedure Code and Articles 6 and 13 of the European Convention on Human Rights (right to a fair trial, right to an effective remedy before national authorities for violations of rights under the Convention).

Counting from the time of his arrest in Canada in 2008, Hassan has now been under house arrest or detention for over seven years. This is totally contrary to Articles 7, 9, 10, 11, and 12 of the Canadian Charter, and to Article 9 of the International Covenant on Civil and Political Rights, ratified by both Canada and France.

In these circumstances, we request that the Canadian government raise Dr. Hassan Diab’s case with the French authorities at the earliest possible opportunity. We ask that Dr. Diab be released as soon as possible and be allowed to return to his home and family in Canada. Short of releasing Dr. Diab, at the very least, the deeply flawed handwriting analysis and unsourced intelligence must be removed from the dossier in France, so Dr. Diab has a chance of receiving a fair legal process.

A more complete file on Dr. Diab’s case is attached to this letter.

We are truly concerned that, as Mr. Don Bayne, Hassan’s lawyer in Canada, has stated: “We now have the classic recipe for the wrongful conviction of a Canadian citizen”. We hope you will take the necessary steps to prevent this grave injustice.

Please acknowledge receipt of this letter and advise us what action you will take regarding this serious and unfortunate case.

Respectfully,

**[Names of signatories]
for the Hassan Diab Support Committee**