

BY EMAIL

April 13, 2016

The Honourable Stéphane Dion
Minister of Foreign Affairs
269 Laurier Avenue West
Ottawa, ON K1A 0P8

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The Honourable Jody Wilson-Raybould
Minister of Justice
269 Laurier Avenue West
Ottawa, ON K1A 0P8

Dear Ministers:

Re: Hassan Diab, Canadian citizen imprisoned in France

I write on behalf of the British Columbia Civil Liberties Association ("BCCLA") to urge intervention in the case of Dr. Hassan Diab, the Canadian professor who has been imprisoned in France since 2014 in pretrial detention.

The facts of this case will be known to you. Dr. Diab was extradited to France in 2014, accused of involvement in a bombing in Paris in 1980. The case against Dr. Diab has been built on unsourced, uncircumstanced intelligence from secret sources. As described by Canadian intelligence expert, Dr. Wesley Wark, this intelligence cannot

be properly tested and is not the same as evidence because “[t]he accumulated layers of secret information of unknown provenance and of secret intelligence assessment of unknown quality and outcomes... cannot be peeled back.” The unreliability of the evidence in this case has been and continues to be of grave concern and there is a real risk that the intelligence may be a product of torture. While this evidence was withdrawn from the extradition hearing, it remains part of the case against Dr. Diab and has been used to deny him bail.

The BCCLA was an intervenor in the judicial review of the order to surrender Dr. Diab to France and we warned of the troubling context of terrorism charges and the “dangerous dynamic whereby all too often individuals get lost in the state machinery of suspicion and guilt by association rather than being properly charged because reliable evidence demonstrated a prima facie case.”

The extradition was based solely on a handwriting analysis that five international handwriting experts testified was completely flawed. At the extradition hearing in Canada, Mr. Justice Maranger described the case as “weak” and the prospects of conviction in a fair trial “unlikely”, with the evidence against Dr. Diab being “very problematic”, “convoluted”, “very confusing” and “with conclusions that are suspect.” Nevertheless, the order for extradition of was upheld.

Dr. Diab has spent the past 17 months in pretrial detention in France, his applications for bail, even under strict conditions, repeatedly denied. Arrested originally in 2008, Dr. Diab has now been under

house arrest or incarcerated for over seven years without trial. We have the gravest concern that his case represents a profound miscarriage of justice.

Thus, we join many other Canadians in writing to you at this time to ask you to raise Dr. Diab's case with the French authorities at the earliest possible opportunity. We believe that the use of the deeply flawed and unreliable evidence against Dr. Diab cannot constitute a fair legal process and that the Government of Canada must act to protect the fundamental rights that are at stake in this matter.

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Yours truly,



Josh Paterson
Executive Director