

THE GLOBE AND MAIL

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Canada must demand fair investigation by France in case of Hassan Diab

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Special to The Globe and Mail

Published Monday, Nov. 09, 2015 3:22PM EST

Last updated Monday, Nov. 09, 2015 4:27PM EST

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It's exactly a year since Hassan Diab was extradited from Canada to France in a case that has been controversial from the get-go. His many supporters believe he's completely innocent of any crime. The French justice system obviously disagrees.

It's easy enough to lump him in with other perfectly innocent Canadians like Maher Arar and Abousfian Abdelrazik, whose names and religion were enough to give them each an experience from hell. That's why Dr. Diab must have a fair trial.

The essential story is simple. He was born in Lebanon and holds Lebanese and Canadian citizenship. At the moment, he remains behind bars in France. I believe our new government must get involved.

Thirty-five years ago there was a terrible terrorist attack outside a synagogue in Paris. Four bystanders were killed, scores injured. Police were stymied for decades. Thirty years after the crime, by which time he was a highly regarded Canadian citizen and a sociology professor in Ottawa, France accused Dr. Diab. French officials have asserted that there are links between the crime and Dr. Diab, although all seem to have been exposed as fabrications.

His arrest was right out of a bad Hollywood film. As described by the Ottawa Citizen's Chris Cobb, "an RCMP SWAT squad came banging and screaming at his apartment door in Gatineau and, at the request of France, hauled him in for questioning and then to jail, where he sat for months until a court agreed to bail – essentially a looser form of house arrest." After this, Dr. Diab spent six years in a legal battle to prevent his extradition. During these years, Dr. Cobb reports, Dr. Diab had to "plug himself into an electrical outlet for an hour each night to charge the ankle GPS that costs him \$2,000 a month – a fee paid by 100 volunteers."

Finally, in 2011, Robert Maranger, an Ontario Superior Court Justice, reluctantly ordered Dr. Diab's extradition. Justice Maranger observed that if a fair trial were held in Canada, it was unlikely Dr. Diab would be convicted. However, he noted, Canada's extradition law left him no choice.

The Canadian Supreme Court refused last year to intervene on Dr. Diab's behalf, a decision that shocked many after Justice Maranger's observations. Many of Dr. Diab's backers are certain he got trapped in a "terrorist witch hunt," as had others before him.

This is the first anniversary of Dr. Diab's extradition. He is not doing well. Immediately on reaching France, he was imprisoned. Last week, he was denied bail. Whatever else, his life, and that of his family in Canada, remains a nightmare. They insist on his total innocence, and seem to have much evidence to back them up.

Still, France wanted him extradited in order to stand trial there. It's not clear what new credible evidence they have, if any. It's surely awkward for the French case that passport evidence suggests that Dr. Diab was not even in France when the terrorists struck. Moreover, the case against him relied heavily on secret evidence whose sources to this day are not known to anyone, even the investigating French judge.

Indeed, the evidence that was presented in a Canadian court was described by Justice Maranger, the extradition judge, as "very confusing," "convoluted," "problematic" and with "suspect" conclusions. He believed that "the prospects of conviction in a fair process seem unlikely."

No wonder. Both French and Canadian authorities compared Dr. Diab's fingerprints with those of a suspect. There was no match. Even more embarrassing, the handwriting evidence presented by the French authorities had to be withdrawn after it was revealed that the comparison samples used did not even belong to Dr. Diab. Yet the evidence remains in the dossier in France and was used against him at the hearing in France that denied him bail.

Even the final handwriting analysis submitted by France was found to be completely flawed and unreliable by five internationally recognized handwriting experts. In the words of one, the analysis report was "demonstrably false." Moreover, the five experts testified that an objective handwriting analysis would actually exclude Dr. Diab from being the suspect.

In short, while the crime was horrific, if any link between it and Dr. Diab exists, it has yet to be made public.

What can Canada do at this stage? Something, but probably not everything. France is supposedly investigating his case, which could take yet another two years of his life while he remains imprisoned. Some of his stalwarts here want him returned to Canada before this investigation is over. I doubt France will agree.

But what Canada can do is strongly demand a fair process from France. Surely all the faulty handwriting analyses should be discarded, as they were in Canada, as well as all the unsourced intelligence that was withdrawn in Canada. In other words, we must demand that no tainted evidence is used against Dr. Diab.

Does that sound too much? Apparently it was for Canada's outgoing government, which seems not to have supported him in any way. In fact, they shipped him off to France exactly one day after the Supreme Court decision, without even allowing him to say goodbye to his wife and young children. We have the right to expect more from our new government representing "the real Canada."