

OPEN LETTER TO PRIME MINISTER JUSTIN TRUDEAU

The Right Honourable Justin Trudeau
Office of the Prime Minister
80 Wellington Street
Ottawa, ON, K1A 0A2

17 May 2017

Dear Prime Minister Trudeau,

We address this Open Letter to you on behalf of the thousands of Canadians who are deeply concerned by the rapidly deteriorating legal situation of Dr. Hassan Diab, a Canadian citizen wrongfully jailed overseas. We are requesting an emergency meeting with you to discuss Dr. Diab's case in the hope that an urgent solution may be found to remedy the miscarriage of justice of which he is victim.

Dr. Diab is an Ottawa University professor and father of two young Canadian children who has been jailed for over two and a half years in France as a result of a controversial and legally questionable extradition proceeding commenced by the previous Conservative government.

You may have heard of this unique case, in which Dr. Diab was sought by the French for a crime he did not commit. Dr. Diab's finger prints, palm prints, physical description, and handwriting do not match those of the suspect sought for the October 1980 bombing in Paris that tragically killed four people. Dr. Diab has consistently denied involvement and condemned the violence, while French investigating judges have recently confirmed that he was in Lebanon at the time of the bombing. This confirms that he was not even in France, so could not have participated in the bombing.

Of critical concern is the fact that Dr. Diab has been ordered released on bail six times over the past year by investigating judges in charge of his case, but on each occasion the Court of Appeal overturned all release orders at the prosecutor's behest. French lawyers have called this situation unprecedented, a political manoeuvre to look tough on terror even though a vast body of evidence shows Dr. Diab did not commit the crime.

The inability of Dr. Diab to obtain release from a cell in which he is confined 20 hours a day - even while two investigating judges have called for such a judicially-sanctioned release - recalls the frustrations of other Canadians wrongfully held overseas, such as journalist Mohamed Fahmy.

We know you are familiar with Mr. Fahmy's case, because you issued a powerful statement on his behalf while in opposition, saying that then Prime Minister Stephen Harper *"has an obligation to use the full force of the Prime Minister's Office to help Canadian citizens when they are unjustly imprisoned abroad. His inaction must end today."*

We believe it is time for you to consider how to employ the same forceful use of your office in this case as well, and we therefore seek this urgent meeting to discuss how we might proceed with a unified voice in defence of the rights of a Canadian citizen who finds himself caught in a web of state security politics.

The unprecedented denial of Dr. Diab's right to a small measure of liberty while awaiting the ultimate outcome of his case would rightly be condemned had it occurred in Egypt or Iraq or China, yet your government has been silent in the face of this injustice. It's the latest setback in a long-running saga that starts with a case that the Canadian extradition judge called "weak," "convoluted," and "confusing," adding "the prospects of conviction in the context of a fair trial seem unlikely".

Prime Minister Trudeau, we urgently need to discuss how you can add your voice to the thousands** across this land who are calling for Hassan Diab to be brought home to his family. Many have expressed profound doubts about the case, including, most recently, the former Canadian Jewish Congress director and high-profile human rights activist **Bernie Farber**, who wrote, “there are undoubtedly serious issues here to be deeply considered. After all, a man is in prison, French Courts seem all over the place and in the end justice must not only be done but it must be seen to be done.”

Dr. Diab’s lawyer, **Donald Bayne**, one of this nation’s most respected litigators, calls this “the classic recipe for the wrongful conviction of a Canadian citizen.”

Faisal Kutty, an associate professor at Valparaiso University Law School in Indiana and an adjunct professor at Osgoode Hall Law School, writes in the May 4 *Toronto Star* that the case is a travesty, adding “Prime Minister Trudeau in the past had called on the Harper government to intervene in such situations. Indeed, *Trudeau has spoken out in the past in defence of citizens. Diab’s case is ripe for such an intervention.*”

This case glaringly calls out for the intervention of the Canadian Government. We firmly believe that a meeting with key members of Dr. Diab’s support group would not only help clarify any questions you might have, but also lead to the development of a multi-pronged strategy to not only win Dr. Diab bail, but also bring him home where he belongs.

Dr. Diab’s Kafkaesque predicament stems from the actions of a previous government. Those actions cannot be undone. However, your government has the power to ultimately mitigate and bring about an end to the harm and suffering that he and his family continue to experience on a daily basis.

We look forward to agreeing on a time and date for this emergency meeting.

Sincerely,

Justice for Hassan Diab Support Committee

For more information, contact:
diabsupport@gmail.com
www.justiceforhassandiab.org

** Hassan Diab has been supported by prominent organizations such as the Canadian Civil Liberties Association (CCLA), British Columbia Civil Liberties Association (BCCLA), Canadian Association of University Teachers (CAUT), International Civil Liberties Monitoring Group (ICLMG) and many other organizations and unions, as well as eminent individuals such as Hassan Yussuff (President of the Canadian Labor Congress), Noam Chomsky (Professor Emeritus of Linguistics, MIT), Jim Turk (Former Executive Director of the Canadian Association of University Teachers and distinguished visiting professor at Ryerson University), Rabbi David Mivisair (Ahavat Olam Congregation), Gerald Caplan (Africa scholar and a former NDP national director) and countless others.