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Ottawa must seek justice for Hassan Diab

‘By forcing Hassan Diab into legal purgatory, Canada is seriously undermining its commitment to due process ‘



Hassan Diab, the Ottawa professor who was extradited to France by the Canadian government as a suspect in a decades-old terror bombing. (THE CANADIAN PRESS)

By **BERNIE M. FARBER**

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With the welcome news of the \$10-million apology for the travesties committed against Omar Khadr, a decade after the Canadian government apologized and awarded a similar sum to Maher Arar for his tragic ordeal, we know that Canada doesn't always get it right. Now is the time for Canada to seek justice in the case of Hassan Diab.

Both of us were involved in the Canadian and Ottawa Jewish community in 2008 when French authorities accused Diab of having been involved in a 1980 terrorist attack on a Paris synagogue, a heinous act that killed four and injured scores more.

As Diab's ordeal hit public consciousness, one of us (Mira Sucharov) was a columnist for Ottawa's Jewish newspaper and later wrote for the Canadian Jewish News, and was (and remains) a professor at Carleton University where Diab taught. The other (Bernie Farber) was CEO of the Canadian Jewish Congress.

At the time, neither of us questioned Canada's decision to extradite Diab to France. In fact, a spokesperson for Farber's organization had said that CJC was "very pleased" that law enforcement authorities were "never giving up in the fight against terrorism," noting that the decision "brings comfort to the victims of terrorism as well."

Nine years later, we realize we were wrong in not speaking out.

Casting a Canadian citizen out of the country to languish, without trial, in a foreign prison may help Canada adhere to the Extradition Act. And it may bring comfort to some, as the CJC spokesperson suggested. But we suggest that this comfort is misplaced. Most importantly, such a decision brings justice to no one.

The evidence against Diab is shaky at best. It appeared to rest on handwriting analyses that experts had discredited. The French authorities had tried to include "secret intelligence" from unidentified sources — evidence that Canadian authorities threw out. There is evidence that Diab was in Lebanon, not Paris, on the day of the attack. Fingerprints at the scene of the crime don't seem to match those of Diab.

Robert Maranger, the Ontario Superior Court judge who agreed to the extradition, even admitted that "the prospects of conviction in the context of a fair trial seem unlikely."

Nine years later, with absolutely no movement in sight, it is clear that Hassan Diab is not receiving justice by Canadian standards. This must change.

It is time for Canadian authorities to insist that France take proper judicial action or send him home. By forcing Diab into legal purgatory, Canada is seriously undermining its commitment to due process — one of the bedrock responsibilities of a democratic society to its citizens.

Some of you may be reading about this case for the first time. Others may have received requests to sign petitions. Some of you may have signed them; others may have deleted the

email, feeling burdened by the details of an extradition case surrounding a citizen's alleged involvement in a crime that occurred decades ago.

Neither of us is a trained lawyer. One of us is a social worker and community relations organizer; the other is a political scientist. But it doesn't take an expert in criminal law to know when a government is falling down on its contract to its citizens. Both of us well understand the impact of false accusations on communities in any multicultural society, something all Canadians can intuitively grasp.

In the case of Hassan Diab, we have now concluded that it was all too easy to unquestioningly accept the decision to leave it in the hands of France, a fellow democracy. But a decade later, justice has not been served. Now we must get this right.

Doing so will help ensure that our country avoids living by the ugly rules of innuendo, unproven assumptions and discredited evidence — and instead protects the core values of democracy, including a robust adherence to the principles of justice.

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