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VIA Email

July 21, 2017

The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario, K1A 0G2

The Honourable Jody Wilson-Raybould
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario, K1A 0H8

Dear Ministers Freeland and Wilson-Raybould,

On behalf of the 260,000 members of CUPE Ontario, I am writing to urge you both to immediately intervene in the continued detention of Canadian Hassan Diab, who despite six orders from investigating judges for his release on bail, remains in a French prison. We join Human Rights advocates, like Amnesty International Canada, in calling on both of you to take immediate steps with your French counterparts to secure his release on bail.

The situation Mr. Diab finds himself in has been described by some as Kafkaesque. For almost 10 years now, he has been surveilled, detained, arrested, deported and jailed without a formal charge. Indeed, Mr. Diab has now been incarcerated in a maximum security facility in France, which Canada deported him to, for more than two and a half years without formal charge or trial.

Throughout all of this, Mr. Diab has consistently maintained his innocence, denying any involvement in the 1980 bombing outside a Paris synagogue for which is incarcerated without charge.

Even before Mr. Diab's extradition to France, there were substantial questions raised about the evidence against him. From the reliance on anonymous and unsourced intelligence, as well as uncircumstanced evidence that may have been obtained by torture, to the emergence of witnesses and records that place Mr. Diab in another country at the time of the bombing, serious concerns regarding the ability of French authorities to substantiate their accusations against him abound.

The substantial evidentiary concerns are the basis for the multiple orders by French investigative judges to have him released on bail, all of which have been appealed by prosecutors and overturned at the Court of Appeals.

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Fred Hahn
President

BUILDING A BETTER ONTARIO

Candace Rennick
Secretary-Treasurer

While we understand that Mr. Diab had access to Canada's judicial system, up to the Supreme Court, previous to his extradition, we in no way feel that exonerates the Canadian government of its obligation to him as a citizen of Canada to ensure his basic human rights and access to due process under the law are protected in France.

International human rights obligations, including those prohibiting arbitrary imprisonment, are binding on both France and Canada. As a Canadian citizen, Mr. Diab has the right to expect his government will advocate for the protection of his basic human rights, both at home and abroad.

Ministers, we have seen too many of these cases in Canada. Unsubstantiated suspicions of terrorism turning into gross violations of individual Canadian's basic human rights, including rendition to countries where they faced torture, unlawful and arbitrary detentions and the refusal of even our own government to lay charges or release citizens' from legal limbo that impacts every aspect of their daily lives. It is hard not to conclude, given the backgrounds of the Canadians falsely accused, that racism and Islamophobia played a role in the gross violation of their Charter Rights.

CUPE Ontario members are alarmed by the excessive length of Mr. Diab's detention without formal charge or trial. Mr. Diab was 54 years old at the time he was first detained by the RCMP at the request of French authorities in 2008.

Mr. Diab member of CUPE, an academic, teaching at Carleton University, the life he once had has been decimated by these still unsubstantiated suspicions and arbitrary detainment. We know that if Mr. Diab can face this unending nightmare of detention without charge on allegations not proven, we are all vulnerable to a similar fate. As we would expect our government to take action to protect our basic human rights under such a circumstance, we also expect the same for Mr. Diab.

We ask that you act immediately with your French counterparts to secure Mr. Diab's release on bail and take all the necessary steps to ensure his basic human rights are protected, including his Charter-right to a reasonable time frame for charge and trial.

Sincerely,



Fred Hahn

President – CUPE Ontario