

## **The Case of Dr. Hassan Diab**

1. The Prime Minister of Canada publicly stated on June 20, 2018, that “we have to recognize first of all that what happened to him [Dr. Diab] never should have happened ... and make sure that it never happens again.”
2. What “happened” to Dr. Diab was his wrongful extradition to France based entirely on an unreliable handwriting opinion –the “Bisotti report” (criticized by 5 of the world’s leading hand-writing experts from the U.S., U.K., Canada and Switzerland as “totally unreliable”); his languishing in solitary confinement in France without formal charge or trial for 3+ years while France continued its investigation; and the unanimous decision of French investigating judges that there was too much evidence of innocence to justify a prosecution and trial. He was freed and returned to Canada in January, 2018.
3. Since Dr. Diab was extradited in 2014, there is no new evidence of guilt justifying his now being put on trial. In fact the opposite is true –additional overwhelming evidence of innocence has been revealed:
  - (a) Three critical pieces of exculpatory evidence were disclosed by the investigation and decision January 12, 2018, of the French investigative judges
    - Dr. Diab is scientifically eliminated as the source of the fingerprint left on the bomber’s Paris hotel registration card (France misrepresented this important evidence to Canada in its Record of the Case, falsely stating on December 11, 2008, that France “did not discover any usable fingerprint traces” on the card; in fact France did discover a usable fingerprint on the bomber’s hotel card and in May, 2007, had determined that Hassan Diab “was not the author of this trace”).
    - Dr. Diab is scientifically eliminated by the RCMP as the source of the 4 usable fingerprints left on the bomber’s statement to Paris police in 1980; French authorities have identified 10 usable fingerprints on this statement and all 10 exclude Dr. Diab.
    - independent evidence from the Lebanese Public University in Beirut (multiple witnesses and university documents) establishes that Dr. Diab was in Beirut, studying for and writing university exams while the bomber was in Paris from September 22 to October 3, 1980.
  - (b) Three additional important pieces of exculpatory evidence have recently (2020) been produced at the request of the French Court of Appeal. That Court ordered that two French handwriting experts examine the impugned “Bisotti report” (and the critical

opinions of the 5 world experts) and conduct their own comparison of Dr. Diab's writing with the hotel card's printed words and cursively written date.

- the "Bisotti report" was found by the French experts to have used improper methodology rendering it and its opinion unreliable (exactly as the 5 world experts had said – the French experts reported that "we are in total agreement with the defence experts").
  - the date written cursively by the bomber on the hotel card was NOT written by Dr. Diab; this, like the fingerprint evidence, excludes Dr. Diab.
  - the highest conclusion that it was possible to reach considering that the attempted comparison was of only 5 block-printed words on the hotel card, was "inconclusive" – Dr. Diab could neither be included nor excluded as the printer. The Bisotti purported opinion of a positive identification was not only totally unreliable, it was impossible to reach.
4. In the face of all of this evidence of Dr. Diab's innocence, contrary to its own expert evaluation of the "Bisotti report", contrary to the conclusion of French investigators that the evidence did not justify Dr. Diab's prosecution, in reliance on misstatements of fact and sheer speculation the French Court of Appeal has ordered that Dr. Diab be put on trial in France in order to placate a pressuring lobby, to offer up a scapegoat for trial. This is the first time in French legal history that the Court of Appeal has set aside the decision of the specialized investigating judges in a "terrorism" case.
  5. As Bernie Farber, former CEO of the Canadian Jewish Congress and Professor Mira Sucharov wrote in the Globe and Mail February 19, 2021, the Canadian government should protect this Canadian citizen and make plain that it will refuse any new French request for Dr. Diab's extradition. Canada must make clear that it will not be party to an ongoing miscarriage of justice.
  6. Further, given the history of this wrongful extradition and the troubling misrepresentation of fact by France in Dr. Diab's case, we are asking to meet with Justice Minister Lametti to discuss proposals for reforming and improving Canada's extradition law so that "it never happens again".

Don Bayne, Ottawa  
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