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## Hassan Diab supporters urge government to deny extradition

by Stephen Wentzell November 30, 2022

Supporters fear that Canada will cave to the French government and extradite Hassan Diab, despite the evidence against him being dubious at best.



Hassan Diab. Credit: Don Pratt

Earlier this month, supporters of sociology professor Dr. Hassan Diab held a press conference calling for an end to his unjust persecution by the French government.

Diab's ordeal dates back to 2008, when France requested his extradition from Canada, alleging he was involved in the 1980 Paris synagogue bombing. In 2012, Diab was ordered to be extradited to France to stand trial on terrorism charges. He was transferred into the custody of law enforcement in France in 2014.

The extradition took place despite the extradition judge calling into question the legitimacy of the prosecutor's evidence and called the chances of Diab being convicted "unlikely." Despite his findings, he would go on to rule that Canada's extradition law required him to go ahead with the process anyway.

Diab was forced to spend the 38-month wait for his trial behind bars. The charges were dropped in January 2018 due to what judges called "a lack of evidence" and he returned to Canada.

But that was just the beginning of the professor's persecution by the criminal justice system in France, who were determined to hold Diab responsible for the bombing whether he was guilty or not.

Diab, who has asserted he was in home country Lebanon at the time of the bombing, found himself back in the courtroom after an appeals court in Paris reversed the dismissal and **ordered a trial in early 2021**. That's despite prosecutors admitting they have doubts about Diab's involvement in the bombing.

## **A miscarriage of justice and the scapegoating of Hassan Diab**

The November 14 virtual press conference brought attention to the professor's upcoming trial in absentia in France, which is scheduled to begin in April 2023, and the renewed efforts calling on the Trudeau government to reject a second extradition in the likely event of a request by France.

The press conference marked the eighth anniversary of Diab's extradition and calls for an end to what supporters consider "a miscarriage of justice."

Hosted by the national coordinator of the International Civil Liberties Monitoring Group, Tim McSorley, the virtual event brought together Dalhousie University law professor Robert Currie, and Diab's Canadian lawyer Donald Bayne, as well as members of the Hassan Diab Support Committee.

"I remember the powerful and emotional moment when Hassan returned to Canada and was freed from prison in France," McSorley said. "The fact that France could now proceed to trial is the height of political cynicism and scapegoating."

For former secretary general of Amnesty International Canada Alex Neve, Diab's continued persecution despite credible evidence suggests "there is no space for truth, evidence, common sense, fairness, or respect for fundamental human rights."

Roger Clark, member of the [\*\*Hassan Diab Support Committee\*\*](#) and former secretary general of Amnesty International Canada, noted that much of Diab's time in custody was spent in solitary confinement, despite having never been officially charged or had the chance to face trial.

Clark recalled three key statements the judge made in his decision to extradite Diab, including referring to the French expert handwriting report as "convoluted, very confusing, with conclusions that are suspect."

Additionally, the judge wrote "the evidence tips the scale in favour of committal is the handwriting comparison evidence," before going on to call the case presented by France "weak."

He pointed out that the handwriting evidence has been discredited, not only by international experts who testified on Diab's behalf, but also by a final expert analysis commissioned by the French court of appeal itself.

"Without the so-called handwriting evidence submitted by France in its extradition request, Hassan would never have been extradited, would never have endured the torment of the last 15 years, and would be free of the

anguish still suffered by him and his family,” the judge’s decision goes on to read.

## **Diab’s persistent courage speaks volumes to supporters**

Calling the persecution an “ongoing nightmare,” fellow Hassan Diab Support Committee member Jo Wood worries Canada will cave in to another extradition request by France, noting “silence ratchets up the fear.”

“While there is not a shred of evidence against him, he cannot — based on past experience and the political climate — expect the outcome of this trial to be fair,” Wood said. “Fear and dread weigh heavily, made worse by the federal government’s silence in terms of protecting him from further extradition.”

Wood highlighted the courage and resilience of Diab and his wife Rania, praising their perseverance in giving their two children — 10-year-old Jenna and 7-year-old Chad — a wonderful life.

“They refuse to give up or be seen as victims, though they truly are,” Wood said.

## **The need for extradition law reform**

Currie, who teaches at the Schulich School of Law in Halifax, has a personal stake in Diab’s case. The professor has spent several years working on “a very serious law reform effort,” one that’s directly related to Canada’s extradition laws and practices. His work is centred around the country’s treaty relationships and the way they are both dealt with and arranged.

He pointed out one way cases like Diab’s can be avoided is if the federal government sought to apply the Canadian Charter of Rights and Freedoms to the extradition act. Currie also believes there needs to be more transparency in the country’s international cooperation efforts.

"I think I can say quite safely that this law reform effort is easily premised on one point, which is that an illegal system that would result in the horrendous situation that we've seen Dr. Diab and his family being placed in, is a legal system that needs to be changed and to be reformed," Currie said.

While he hasn't yet been asked to participate, Currie is pleased to hear the House of Commons justice committee is considering a study on extradition reform, and hopes he can take part in the crucial and necessary work to bring procedure and fairness back to extradition laws.

## **A word from Diab's lawyer**

Crediting Deputy Prime Minister Chrystia Freeland for her efforts in bringing Diab back to Canada, Bayne pointed out Trudeau himself promised upon Diab's return that what happened to him must never be allowed to happen again.

Bayne's message to the federal government is simple: The evidence was unreliable then, and it's unreliable now. Pitting a demonstrably innocent man between two governments who are vastly outnumbered in terms of financial and legal resources, Bayne said, would mean Trudeau has gone back on that promise.

"It's time to do something about this," Bayne said.

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HASSAN DIAB

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