

November 9, 2010

The Honourable Robert Nicholson
Minister of Justice and Attorney General of Canada
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8



Dear Minister Nicholson:

Re: Dr. Hassan Diab

I am writing on behalf of the National Union of Public and General Employees, one of Canada's largest trade unions, to raise our concerns over the extradition proceedings against Hassan Diab taking place at the behest of the French government.

Since November, 2008 Dr. Diab has spent more than four and a half months in detention which was followed by the loss of his university employment and what can be described as excessive bail conditions that include an expensive GPS monitoring device.

Most worrisome to the National Union is the suspicion that some of the "evidence" used against Dr. Diab comes from unidentified sources and was obtained through torture.

Canadian law, rightly, prohibits the use of evidence derived from torture in legal proceedings. The National Union firmly believes that Canada should ensure that in those cases where a foreign state seeks extradition of someone residing in Canada this same standard applies both in Canadian extradition proceedings and to those that ensue in the foreign jurisdiction.

It goes against the values we hold as Canadians to rely on evidence derived from torture under any circumstances. We urge you to stop the use of unsourced intelligence in Dr. Diab's case, and in all other cases like his. The prohibition against torture requires that all incentive to commit torture be eliminated. Keeping torture evidence out of Canadian courts is crucial in upholding our commitment to this universal standard.

I also understand that much of the "evidence" the French government has used against Dr. Diab contains an alarming number of serious contradictions, prejudicial opinions, significant misrepresentations and omissions, including the withholding or burying of exonerating evidence.

Furthermore, it appears that key pieces of evidence have been altered. To cite what is a small number of examples:



- French investigators hid from a Canadian court in Canada evidence that Dr. Diab's finger and palm prints do not match those of the alleged suspect.
- Handwriting analysis described by the Canadian Crown prosecutor as akin to a "smoking gun" was withdrawn after internationally renowned experts pronounced it to be biased and of "appalling" reliability. It was replaced by a "new" handwriting analysis which these same experts found to be at least as appalling and biased as the previously withdrawn one.
- French investigators have not corrected any misrepresentations, contradictions, and inaccuracies in their case despite having had ample time to do so.
- Government of Canada attorneys have argued that French investigators are under no obligation to present information in their possession that would cast a positive light on Dr. Diab.

It is an appalling indictment of Canada's Extradition Act that the standards are so low that this pretence of a case against Dr. Diab has been allowed to drag on this long. I can only conclude that this unjust process has been allowed to continue in part because of Dr. Diab's ethnic and religious background.

Therefore, on behalf of the National Union, I am calling upon you and the Canadian government to:

1. Exercise the power you have, under extradition law, to halt extradition proceedings against Dr. Diab and to refuse to make unjust and oppressive extradition orders;
2. To reform the Extradition Act to protect individuals in Canada from unjust and abusive extradition practices;
3. Reform extradition law to take into account Canada's human rights obligations, including the presumption of innocence, the right to a fair trial, the right to disclosure of evidence and all other due process rights.

I look forward to your reply.

Sincerely yours,



James Clancy
National President

cc: The Right Honourable Stephen Harper, Prime Minister, Canada
Justice for Hassan Diab
National Executive Board, NUPGE
Kenneth Georgetti, President, Canadian Labour Congress
Nathalie Des Rosiers, General Counsel, Canadian Civil Liberties Association