

national union

■ NATIONAL UNION OF PUBLIC AND GENERAL EMPLOYEES ■

Published on National Union of Public and General Employees (<http://www.nupge.ca>)

[NUPGE](#) > [Issues and Campaigns](#) > [Equality and Human Rights](#) > [Content](#)

NUPGE asks Ottawa to halt Diab extradition case

'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.' - James Clancy.



Ottawa (15 Nov. 2010) - The National Union of Public and General Employees (NUPGE) is asking the Harper government to stop extradition proceedings against Hassan Diab, an Ottawa University professor that France is asking Canada to return to face murder charges dating back to a 1980 terrorist bombing at a Paris synagogue.

In a letter to Justice Minister and Attorney General Rob Nicholson, NUPGE president **James Clancy** says some of the "evidence" against Diab comes from unidentified sources and may have been obtained by torture.

"Canadian law, rightly, prohibits the use of evidence derived from torture in legal proceedings," Clancy writes.

"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," he argues.

"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."

Clancy says he understands that the "evidence" against Diab in France contains an alarming number of serious contradictions, prejudicial opinions, significant misrepresentations and omissions, including the withholding or burying of evidence that would exonerate him.

His letter to Nicholson cites the following:

- 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gun” was withdrawn after internationally renowned experts pronounced it to be biased and of “appalling” reliability.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 one withdrawn.

- 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," Clancy says. "I can only conclude that this unjust process has been allowed to continue in part because of Dr. Diab's ethnic and religious background."

Specifically, Clancy asks Nicholson to:

- 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.
- To reform the *Extradition Act* to protect individuals in Canada from unjust and abusive extradition practices.
- 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.

NUPGE

The National Union of Public and General Employees (NUPGE) is one of Canada's largest labour organizations with over 340,000 members. Our mission is to improve the lives of working families and to build a stronger Canada by ensuring our common wealth is used for the common good. *NUPGE*

National Union of Public and General Employees
15 Auriga Drive, Nepean, ON K2E 1B7 613-228-9800 phone 613-228-9801 fax



Copyright 1995-2010 NUPGE
All Rights Reserved

Source URL (retrieved on 15 Nov 2010 - 02:18): <http://www.nupge.ca/content/3743/nupge-asks-ottawa-halt-diab-extradition-case>

- Equality and Human Rights
- Peace