



Canadian Unitarians for Social Justice

A national faith-based organization founded in support of Unitarian values

P.O. Box 40011, Ottawa, ON, K1V 0W8

President, Rev. Frances Deverell

president@cusj.org

The Hon. Rob Nicholson, P.C. Q.C.,
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa

January 9, 2012

Re: Dr. Hassan Diab

Dear Hon. Rob Nicholson;

I am writing on behalf of the Canadian Unitarians for Social Justice (CUSJ) to express our deep concern about the possible extradition of Dr. Hassan Diab. As you know Dr. Diab, a Canadian citizen, is wanted in France on charges of his alleged involvement with a bombing of a French Synagogue in Paris, October 1980.

Although the Canadian Extradition law is rather weak it does state that there should be sufficient evidence to support an extradition request and that the Court proves such evidence to be reliable. Dr. Diab's case seems very much based on 'intelligence' information. In his case neither the Judge nor the Crown Counsel knows the source of 'evidence/intelligence' being used. There is no proof that it is reliable and/or that it was not obtained under torture. CUSJ questions strongly any 'intelligence' information as reliable.

We are also deeply troubled by the fact that the RCMP analysis of Dr. Diab's finger and palm prints cannot be admitted in Canadian Court. As you well know these prints did not match those of the suspect.

It must concern you as well that the Ontario Superior Court Judge Maranger states that: *“the case presented by the Republic of France against Mr. Diab is a weak case; the prospects of conviction in the context of a fair trial, seem unlikely.”*

Mr. Nicholson, there are more issues which truly show the weakness on which Dr. Diab's case has been built. Examples are: identification of photographs and handwriting analyses, and reliance on passports. We are particularly concerned that, if Dr. Diab were to be extradited to stand trial in France, under their system he would not have the right to call witnesses to defend himself against shoddy evidence. Surely he has a right to know his accusers, to see the evidence against him, and to defend himself.

Therefore we urge you to protect a Canadian citizen's constitutional human rights. We are counting on you to exercise your power as Minister of Justice to stop any extradition proceedings against Dr. Hassan Diab. Unless reliable evidence by the French Government is presented you have, in our view, the legal obligation to stop this extradition.

We also call upon you and the Government of Canada to start procedures in order to reform the present Canadian Extradition Act.

A reformed Extradition Law should clearly show that Canada respects and upholds its Human Rights Obligations.

This includes:

- 1) presumption of innocence;
- 2) the right to a fair trial;
- 3) the right to full disclosure of evidence.

The Act should protect all persons in Canada from unjust and abusive extradition practices.

We trust you will give your full attention to Dr. Diab's case and to an updating of our extradition law.

We look forward to your response.

Respectfully,



Canadian Unitarians for Social Justice

cc. Mr. Harper, prime Minister of Canada; Ms. Nycole Turmel; Mr. Bob Rae;
Ms. Elizabeth May.