

Canada - Amnesty International and the Hassan Diab case appeal

On November 4-5 2013, Amnesty International Canada will be intervening in a case at the Court of Appeal for Ontario: *Minister of Justice of Canada v Hassan Naim Diab*. Our role is as “friend of the Court,” in which we present arguments about the legal test that should be applied to extradition decisions. Lorne Waldman is acting as our counsel.

Mr. Diab is a Canadian citizen of Lebanese origin currently subject to extradition proceedings by the Republic of France, in connection with his alleged role in the 1980 bombing of a Paris synagogue in which four people were killed and scores injured. The decision to surrender Mr. Diab to France is being challenged by Mr. Diab’s counsel on a number of grounds, including the risk that Mr. Diab will be denied the right to fundamental justice by reason of France’s alleged use of anonymous, unsourced and uncircumstanced evidence that may have been obtained by torture.

As a friend of the court (“*intervenante désintéressée*”), Amnesty International Canada takes no position on the facts of this case. In other words, we do not take a position on Mr. Diab’s guilt or innocence, nor on whether his extradition should take place, nor on whether France will in fact use torture-tainted evidence in his case.

Our intervention is limited strictly to the question of the legal test that should be applied to extradition decisions. We argue that when there is a real risk that evidence derived from torture will be used in a trial following extradition, the extradition should not take place.

Amnesty International is concerned that in the intelligence relationship between any two countries measures must be taken to safeguard against the possibility that information that may have been obtained through torture is made use of or shared. That is particularly the case when one of the countries has a well established practice of using torture as a means of obtaining information and intelligence; as is the case with Syria, for instance.

We are intervening in order to ensure that extraditions take place in accordance with international human rights norms binding on Canada, particularly the *Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment*.

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