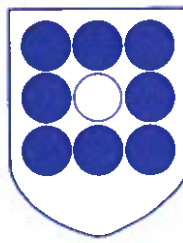


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The Honourable Chrystia Freeland
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Omar Alghabra
Parliamentary Secretary to the Minister of Foreign Affairs (Consular Affairs)
House of Commons
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June 15, 2017

Dear Ministers Freeland and Wilson-Raybould, and Mr. Alghabra,

The Canadian Civil Liberties Association (CCLA) is alarmed at the continued detention of Lebanese-Canadian dual national Hassan Diab in Fleury-Mérogis Prison in France in the face of six orders from investigating judges that he be released on bail. We think you should call on your French counterparts to take immediate steps to secure his release on bail. While we agree with Amnesty International's expressed concern in its letter to you today, we add the following. It is especially important for Canada to take a leadership role in the protection of civil liberties at a time of heightened concerns about terrorism. Canada is uniquely positioned to demonstrate to our citizens and the world that we can strike the balance: to protect public safety without unnecessary and unjust rights violations.

CCLA expressed doubt to the Canadian courts and the federal government about Mr. Diab's extradition from the beginning. The prosecution case against Mr. Diab rests on problematic handwriting analysis. Bitter experience has demonstrated that unreliable



evidence can take many forms. Over the past twenty-five years, "Canada's growing platoon of the wrongfully convicted" has exposed the risk of unreliable evidence occasioning miscarriages of justice. Although the causes have been multifaceted, evidence that initially seemed compelling but that ultimately proved unreliable is a recurring theme. We stated this clearly in the Ontario Court of Appeal. Mr. Diab's case aptly demonstrates the importance of judges having the discretion to review the reliability and sufficiency of the evidence put forward by a requesting state at an extradition hearing. Mr. Diab was sent to France instead on weak and dubious evidence because neither our judicial or executive branch thought it was enabled to review the "weakness" of the case against him. That weakness has now been amply shown in the French judicial setting. It is time to bring Mr. Diab home.

Hassan Diab has been held without charge, in pre-trial detention for 2 1/2 years, despite six orders for his release on bail from the investigatory judge who has probed the case more thoroughly than any other official. Were Mr. Diab still in Canada the pretrial delay would be deemed presumptively unreasonable according to the standards the Supreme Court of Canada outlined in R v. Jordan and confirmed just last week in Cody.

Mr. Diab's continuing detention in these circumstances contravenes France's obligations under European and international human rights norms. CCLA urges the Canadian government to intervene with French authorities. Speak up for civil liberties. We urge that the Canadian government advocate for Hassan Diab's release on bail without any further delay.

Yours Very Truly,



Frank Addario
Vice President,
CCLA Board of Directors



Noa Mendelsohn Aviv
Acting Executive Director
CCLA