

**BY EMAIL**

June 23, 2017

The Honourable Chrystia Freeland, Minister of Foreign Affairs  
Department of Foreign Affairs, Trade and Development  
125 Sussex Drive  
Ottawa, ON K1A 0G2

The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada  
Department of Justice Canada  
284 Wellington Street  
Ottawa, ON K1A 0H8

Omar Alghabra  
Parliamentary Secretary to the Minister of Foreign Affairs (Consular Affairs)  
House of Commons  
Ottawa, ON K1A 0A6

Dear Minister Freeland, Minister Wilson-Raybould, and Mr. Alghabra:

**Re: Request for Canadian government to advocate for Hassan Diab's release on bail**

On behalf of the British Columbia Civil Liberties Association ("BCCLA"), I write further to our letter of April 13, 2016 concerning the ongoing detention of Dr. Hassan Diab. In that letter, we called on Minister Wilson-Raybould and then-Minister of Foreign Affairs Stephane Dion to raise Dr. Diab's case with the French authorities at the earliest possible opportunity. We join many other Canadians at this juncture to reiterate our call for your government to intervene and ensure that Dr. Diab is released from prison in France without delay.

As you are no doubt aware, Dr. Diab has been in detention since November 2014, when he was extradited from Canada to France to face criminal charges related to a 1980 bombing in Paris.

Since then, a series of orders have been issued to release Dr. Diab from custody pending trial, each one quashed on appeal by the French prosecutor.

The BCCLA has always maintained that Dr. Diab should never have been surrendered for extradition by Canada in the first place due to the real and credible risk that the evidence used against him at trial may be a product of torture. France's willingness to use evidence derived from torture is in direct contravention of the exclusionary rule on evidence derived from torture, a point upon which Canadian and international law are very clear.

The BCCLA has been profoundly disappointed by the course that Dr. Diab's case has taken and his treatment by Canadian institutions of justice. We were an intervenor in the judicial review of the order to surrender Dr. Diab to France in 2013 (*France v. Diab*, 2014 ONCA 374). At that time we warned of the disturbing context of terrorism charges and the "dangerous dynamic whereby all too often individuals get lost in the state machinery of suspicion and guilt by association, rather than being properly charged because reliable evidence demonstrated a *prima facie* case."

Since we last wrote, a French investigative judge ordered Dr. Diab's release from pre-trial custody for a sixth time on April 24, 2017, citing evidence that the accused was in Beirut at the time of the bombing and the lack of reasonable prospects for finding inculpatory evidence. As with the five previous orders to release Dr. Diab from detention, the Court of Appeal granted the prosecutor's appeal to have this sixth order quashed on May 2, 2017.

Two and a half years after his extradition from Canada, we are very troubled that France continues to detain Dr. Diab despite the fact that he has not been formally charged or brought to trial. International law requires that those held in pretrial detention are guaranteed the right to a trial within a reasonable period of time or to be released pending trial. Except for a 10 day release on bail in May 2016, Dr. Diab has been continuously imprisoned. His history of cooperation with Canadian and French authorities suggests that he does not pose a flight risk and would not in fact disturb public order if he was released.

While our overarching concern is that Dr. Diab's entire ordeal is a profound miscarriage of justice, we are specifically urging the Canadian government to advocate for Dr. Diab's release on bail without further delay. His continued detention represents a failure of justice and it is time for Canada to intervene with the French authorities on his behalf.

Yours truly,

A handwritten signature in black ink, appearing to read "M. Vonn", with a horizontal line extending to the right from the end of the signature.

Micheal Vonn  
Policy Director