

Call to prevent any extradition of Dr. Hassan Diab

Monday, May 8, 2023

The Department of Sociology and Anthropology calls on Prime Minister Trudeau and Minister of Justice Lametti, to use their discretionary powers to declare that Dr. Hassan Diab will not be extradited in response to an extradition request from France.

In 2008, Dr. Diab, a sociologist teaching at Carleton University and the University of Ottawa, was accused of being the perpetrator of a horrendous anti-Semitic bombing which took place in 1980 in France. French authorities had never found the bomber and no group had ever claimed responsibility for the attack.

In Canada a guilty verdict requires proof of guilt beyond a reasonable doubt. France and other continental justice systems have historically allowed for conviction based on the belief of the judges in the guilt of the defendant. This feature is called *intime conviction*. France is one of only two countries in Europe currently maintaining this practice, despite a Directive from the European Court of Human Rights which required member states to adopt the standard of the “burden of proof beyond a reasonable doubt” by 2018. In a brief 3-week trial which concluded on April 21, 2023, the trial judges overturned the 2018 conclusions of two French judges with extensive expertise in terrorism cases, whose 3-year investigation had found no evidence upon which to base a trial. These investigative judges testified during the trial, reiterating their findings. The trial brought forward no new evidence, rather relying on evidence and secret intelligence previously critiqued by the investigative judges as problematic. The handwriting analysis which formed the core of the 2014 extradition request from France was removed from consideration by the trial judges after it was discredited, making the case even weaker.

While a lack of evidence should be sufficient for a legal finding of not guilty, there is much evidence to support Hassan Diab’s innocence. The university attended by Diab provided documentation that he was writing exams in Lebanon at the time of the bombing. The hotel registration clerk (now deceased) where the suspected bomber signed a registration form, testified in the original investigation that the suspect was in his 40s. (Hassan Diab was 26 at the time.) No fingerprints collected by police matched Hassan Diab’s.

Canadians might ask how did there ever come to be a trial without evidence? Hassan Diab’s ordeal began with the desire of a French prosecutor to close old terrorism cases. It was supported by a Canadian Extradition Act amended in 1999 to enable easier extradition, and at the current time under review by a non-partisan parliamentary committee, as the Act is now acknowledged to allow the extradition of Canadian citizens without evidence of guilt. This review has in part been prompted by the case of Hassan Diab.

Dr. Diab has been caught in a political nightmare in which the existence of an accusation has become the foundation for a guilty finding in a trial with no official transcripts and no opportunity for appeal. While our hearts go out to the victims, families and communities hurt by this act of anti-Semitic terror, causing further damage to the life of an innocent man and continued harm to his family will not heal their pain. Canada must refuse to extradite Hassan Diab and end his 15-year long ordeal.

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