

# Advocates for Hassan Diab send open letter asking Canada to deny France's extradition request

JANICE DICKSON

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Hassan Diab leaves a vigil with supporters in Ottawa on April 21.

ADRIAN WYLD/THE CANADIAN PRESS

More than 130 members of the Canadian legal community are urging the federal government to deny France's second extradition request of Ottawa professor Hassan Diab after a court found him guilty of involvement in a 1980 bombing.

Mr. Diab was tried in absentia in April in connection to a synagogue bombing in Paris that killed four people and injured more than 40. A French court sentenced him to life in prison, and issued an arrest warrant. Mr. Diab, who was born in Lebanon and became a Canadian citizen in 1993, has maintained his innocence..

The long legal ordeal began in 2008 when he was arrested by the RCMP at the request of France, which had suspected him of being involved in the bombing. Mr. Diab, who denied the accusation, was jailed in Canada for more than four months, then held under house arrest. In June, 2011, Ontario Superior Court Justice Robert Maranger ordered his extradition, even though the judge said the evidence against him was "weak, convoluted and confusing."

Mr. Diab's supporters have argued that he was in Beirut when the attack took place, and that his fingerprints and physical description do not match those of the suspect in 1980.

Mr. Diab was extradited to France on Nov. 14, 2014. He spent three years in pretrial detention, primarily in solitary confinement, and was released in January, 2018, after two judges ordered the dismissal of the terrorism charges against him. He returned to Canada, and at the time, Prime Minister Justin Trudeau said, "What happened to him never should have happened."

The open letter published Thursday was signed by law professors, retired judges, practising and retired lawyers, and legal researchers. It seeks to

remind Mr. Trudeau of his words and summarizes concerns about fairness and human-rights violations.

“Prime Minister, when Dr. Diab returned from France in 2018, you said that what had happened to him ‘never should have happened,’ and that efforts would be made to ensure it did not happen again. We respectfully ask your government to keep your promise,” the letter states.

It ends by saying: “Extradition is an important tool in combatting transnational crime, but it should not and must not be used as an instrument of persecution and scapegoating. France’s request for Canada to extradite Dr. Diab must be denied.”

Ian McLeod, a spokesperson for the Justice Department, said requests for extradition are confidential state-to-state communications, so the department cannot comment on any specific cases until they are made public by the courts.

In general terms, he said, any decisions on an extradition must take into consideration the requirements of the Extradition Act, which sets out mandatory and discretionary grounds for refusal to surrender. He said these decisions must also consider the applicable treaty, the Canadian Charter of Rights and Freedoms and submissions made by the person sought for extradition.

Robert Currie, a research professor at the Schulich School of Law at Dalhousie University in Halifax and one of the primary authors of the letter, said in a press release that faced with this unprecedented second extradition request the federal government now has the responsibility to demonstrate “the veracity of the Prime Minister’s assurance that there would be no repeat of the injustices that Hassan Diab has endured.”

“His government has the opportunity to live up to that promise. The Extradition Act allows the Minister of Justice to decline to proceed with an extradition. If ever there was a time to exercise that discretion, this is the time,” he said.

The letter argues that the case against Mr. Diab collapsed through the previous extradition process in Canada between 2008 and 2014, and in investigations conducted by French judges between 2014 and 2018. It points out that incriminating evidence, particularly an analysis of handwriting, has been discredited.

Alex Neve, adjunct professor of international human-rights law at the University of Ottawa and another primary author of the letter, said that when the transgressions of fairness in legal proceedings “undoubtedly breach international human-rights guarantees, as is the case here, the only option for Canada is to say no.”

“If Prime Minister Trudeau and his Minister of Justice go along with this extradition request, with full knowledge that an unfair trial has led to an unsound and wrongful conviction, Canada becomes implicated in these breaches of international human rights. Canada wronged Dr. Diab the first time. This time we can and must get it right. The request for extradition must be denied.”