

Press release

Over 130 members of Canadian legal community call on Trudeau government to deny French extradition request in case of Hassan Diab

OTTAWA, June 8, 2023 – In an Open Letter calling for an end to fifteen years of manifest injustice in the case of Canadian citizen Hassan Diab, over 130 members of the Canadian legal community – including law professors, retired judges, practicing and retired lawyers, and legal researchers from across the country – have called on Prime Minister Trudeau to deny the French government’s second request that Dr. Diab be extradited to France.

The letter reminds the Prime Minister of his comments in 2018, after Hassan Diab returned to Canada following his earlier extradition. Dr. Diab had been held in a maximum-security prison in Paris for more than three years, almost entirely in solitary confinement and he was never officially charged or brought to trial. Prime Minister Trudeau stated that what had happened to him “never should have happened” and that steps would be taken to “make sure that it never happens again.”

“Faced with this unprecedented second extradition request from France, the Trudeau 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,” said Robert Currie, a distinguished research professor at the Schulich School of Law at Dalhousie University, one of the primary authors of the letter. “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.”

The letter summarizes the numerous, mounting grave concerns about fairness and human rights violations that have marked every stage of Hassan Diab’s case, beginning when the French government first sought his extradition in 2008 in relation to a 1980 terrorist bombing of a synagogue in Paris that killed four people and injured 47 others. Dr. Diab has asserted his innocence from the outset.

The case against Hassan Diab has virtually collapsed, throughout the previous extradition process in Canada between 2008-2014 and in-depth investigations conducted by French judges between 2014-2018. All incriminating evidence, particularly handwriting analysis, has been wholly discredited, and exculpatory alibi evidence that he was not in France at the time of the bombing has been corroborated. Nonetheless on April 21, 2023, he was convicted *in absentia* by a French court and sentenced to a term of life imprisonment. The conviction is based on secretive, anonymous, unsourced and untested intelligence information that would simply not be allowed in a Canadian criminal proceeding. The French government has subsequently requested his extradition from Canada.

The letter highlights as well that the glaring deficiencies in the recent *in absentia* trial that led to Dr. Diab's conviction almost certainly amount to violations of France's fair trial obligations under the International Covenant on Civil and Political Rights. For Canada to agree to an extradition in that context would be tantamount to complicity in those violations.

"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," said Alex Neve, adjunct professor of international human rights law at the University of Ottawa, also a primary author of the letter. "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."

The text of the Open Letter is available here: <https://iclmg.ca/diab-lawyers-letter-2023/>

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