

August 27 2024

The Honourable Arif Virani, P.C., M.P.
Minister of Justice and Attorney General of Canada
House of Commons
Ottawa, ON K1A 0A6

Dear Minister Virani:

Re: Justice for Dr. Hassan Diab

The Canadian Civil Liberties Association is writing to urge you to make a public commitment not to commit Dr. Hassan Diab, a Canadian citizen, to a second extradition to France. Every day that Dr. Diab and his family are left in limbo contributes to sustaining harms that have been endured. It is time to take a clear and public stance that Canada will not entertain a second extradition request by France.

We previously addressed this issue in our letter to the Prime Minister on October 4, 2023 (see attached). At this time, we wanted to reiterate our stance that it would be unconscionable to subject Dr. Diab to a second extradition process after the deeply flawed and unfair prosecution he endured in France. CCLA's previous letter outlines several legal and due process concerns in the French trial including the reliance on discredited evidence and not taking into account exonerating evidence. This letter relies upon and cites from, *inter alia*, the Independent Review of the Extradition of Dr. Hassan Diab commissioned by Canada's Attorney General at the time, conducted by Murray D. Segal.

Canadian and French legal authorities, including the judge in the Canadian extradition hearing as well as French investigating magistrates, had previously characterized the evidence that was relied upon in the trial of Dr. Diab as "weak". The previous French prosecution of Dr. Diab as well as his extradition hearing in Canada were the subject of the above-referenced Independent Review in Canada. This Independent Review concluded as follows:

What is clear, even in the absence of specific details about Dr. Diab's treatment in France, is that: he spent over three years detained in a foreign country without facing trial; and his extradition was preceded by a judicial finding in Canada that the case against him appeared to be weak. This troublesome reality is no doubt what was in the minds of our government leaders when comments were made that what happened to Dr. Diab should not have happened and should never happen again.¹

¹ Segal, M. D. (2019). *Independent review of the extradition of Dr. Hassan Diab*. [Independent Review] Available: https://www.justice.gc.ca/eng/tp-pr/cj-jp/ext/01/review_extradition_hassan_diab.pdf, at p 109

Indeed, what happened to Dr. Diab should not happen again.

The CCLA has over 4600 signatories to an [online petition seeking support for Justice for Dr. Hassan Diab](#). These individuals join with CCLA in urging the Canadian government to deny a second extradition request by France.

As the Minister of Justice, we now strongly urge you to:

1. Make a public commitment that Canada will not subject Dr. Diab to a second extradition request;
2. Utilize provisions of the Extradition Act² and the Extradition Treaty³ to refuse to commit Dr Diab to a second extradition to France;
3. Undertake a comprehensive review of the *Extradition Act*.

The CCLA welcomes the opportunity to meet with you to discuss these issues further.

Yours sincerely,



Noa Mendelsohn Aviv
Executive Director and General Counsel



Harini Sivalingam
Director of Equality

²s 44(1)(a) *Extradition Act*, SC 1999, c 18 s 44(1)(a)

³ *Extradition Treaty Between the Government of Canada and the Government of the Republic of France*, E101343 - CTS 1989 No. 38: <https://www.treaty-accord.gc.ca/text-texte.aspx?id=101343#>