

Trial in Absentia of Dr. Hassan Diab Begins in Paris Court on 3 April 2023

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The baseless and shameful trial in absentia of Dr. Hassan Diab opens in a Paris anti-terrorist court next Monday (3 April 2023). This wrongful prosecution is a clear distortion of justice and confirms the French authorities' obsession with finding Dr. Diab guilty of the horrendous bomb attack that took place outside a Paris synagogue over 42 years ago.

On 14 November 2014, Dr. Hassan Diab was under arrest and on a plane to Paris, extradited by Canada at the request of the French government. On 14 January 2018, he was on a plane heading back home to Canada. More than three harrowing years in a Paris maximum security prison were over. The French investigative judges, Jean-Marc Herbaut and Richard Foltzer ("*Juges d'instruction anti-terroristes*"), responsible for his case, had determined that there was no evidence on which to base a trial and ordered Dr. Diab's immediate release. All the so-called 'evidence', presented by France to justify Hassan Diab's extradition on 14 November 2014, had been withdrawn, discredited, or rejected. The crucial alibi evidence, that he was in Beirut at the time of the bomb attack, was unambiguous and was accepted as such by the investigative judges. It was confirmed in official documents provided by the university in Beirut and in witness statements taken from several students who were Hassan's contemporaries.

Prime Minister Justin Trudeau, commenting publicly a few months after Dr. Diab's release and return to Canada, noted that "*what happened to Hassan Diab never should have happened*" and promised to "*make sure that this never happens again*" (18 June 2018).

Canada's Extradition Act failed abysmally to protect a Canadian citizen. Professor Rob Currie (Faculty of Law, Dalhousie University), an acknowledged authority on the subject, has made it very clear that "*Canada's extradition laws, rather than using fair process and some assurance that the foreign prosecution is in good faith, are geared towards facilitating*

extradition at nearly any cost. The Diab case shows the tragic but logical outcome of how these laws work—Canada’s process has facilitated a trumped-up prosecution based on what even the French courts acknowledge is a fatally weak case. France is not a good extradition partner for Canada.” The recent hearings by the House of Commons Committee on Justice and Human Rights in its study of “Extradition Law Reform” is a further reflection of the urgency of this work. See [this](#).

The cruelty of this ongoing nightmare is unimaginable. Don Bayne, Hassan’s Canadian lawyer, describes the ordeal faced by Hassan and his family as *“one of injustice piled on injustice. In a very real way, and especially given the completely unreliable French handwriting opinion evidence, Hassan’s case is a replay of the infamous Dreyfus case in France [1894-1906: this remains one of the most notable examples of a complex miscarriage of justice and antisemitism]. Except in Dreyfus, an influential French voice, that of Émile Zola, cried out for justice. Where, today, is there an Émile Zola to decry this politicized prosecution to please certain groups after the French investigative judges conclusively found that there was no evidence to justify a trial and overwhelming independent evidence of innocence?”*

Nothing new has been brought forward by the French prosecutor. On the other hand, the alibi evidence, confirmed by the two investigative judges, which placed Dr. Diab in Beirut at the time of the 1980 Paris bombing, has proved unshakable. Amnesty International’s Secretary General, Agnès Callamard, wrote to the Prosecutor of the Anti-terrorist Court, Jean-François Ricard, over a year ago (20 January 2022) asking that all charges against Hassan Diab be dropped (*“l’abandon des charges contre Hassan Diab [...] et de mettre fin aux poursuites judiciaires à son encontre”*). See [this](#).

There has been no reply to or acknowledgment of Amnesty International’s concerns. Consequently, a public statement was issued by the international human rights organisation on 15 March 2023: *“France: Resumption of baseless and flawed Hassan Diab prosecution undermines effective justice for victims of 1980 synagogue bomb attack”*. Amnesty International specified that *“to proceed with the case, after such prolonged and deeply flawed proceedings over so many years, and in the absence of reliable evidence to support the charges, would be in breach of France’s binding international human rights obligations.”* See [this](#) and [this](#).

It is essential that everything possible be done to ensure that this scapegoating and miscarriage of justice are ended. The Canadian Government must immediately make it clear that any future request for Hassan Diab’s extradition to France is unacceptable and will not be entertained.

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