

Guilty of Having an Arabic Name in Canada?

By [Global Research](#)

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Who is Hassan Diab?

Dr. Hassan Diab is a Canadian citizen and sociology professor who lives in Ottawa. Up until October, 2007, Hassan enjoyed an engaged and productive public life, including teaching, publishing research, and traveling internationally.

Hassan is wrongly accused by the French authorities of involvement in a 1980 bombing near a synagogue on the Rue Copernic in Paris.

Hassan is fighting his forced removal from Canada (via extradition) to face allegations based on secret intelligence and deeply flawed handwriting analysis.

Hassan is innocent of all charges. He is a peace-loving individual and is not anti-Semitic. Hassan strongly condemns all ethnically, racially, and religiously motivated violence.

- [Statement by Hassan Diab, November 8, 2010](#)
[Déclaration par Hassan Diab, 8 novembre 2010](#)
- [Video statement by Hassan Diab, June 6, 2011](#)
[Déclaration vidéo par Hassan Diab, 6 juin 2011](#)

The Kafkaesque Case of Dr. Diab

Imagine one day...

- you are told by a foreign country you committed a crime 30 years ago—a crime you know nothing about
- you face allegations based on misrepresentations, contradictions, and secret intelligence from unknown sources
- deeply flawed handwriting analysis is used as “proof” of your guilt when it actually shows your innocence
- finger and palm print evidence that shows you are innocent is suppressed by the authorities

Since November 2008, Hassan has suffered over 4½ months of detention, followed by the loss of his university employment and humiliating and oppressive bail conditions that include house arrest and paying for an exorbitantly expensive GPS monitoring device.

The contemporary climate of ethnic, racial, and religious profiling means that Hassan, like many other Canadians of Middle-Eastern origin, is becoming yet another victim in the global “war on terror”.

How it Started

In October 2007, a reporter from the French daily newspaper Le Figaro approached Hassan after his class at the University of Ottawa. The reporter asked Hassan if he was aware that the French authorities believed he was responsible for the 1980 Paris attack. Hassan was astonished by the reporter’s question and denied any responsibility, stating that any connection to the attack must be purely coincidental, since “Hassan Diab” is a common name.

Thereafter, Hassan noticed that unidentified agents were following him, and someone attempted to break into his residence. He reported these incidents to the Ottawa police, but the intimidating and intrusive surveillance persisted.

In spite of this, Hassan remained in Canada and continued his normal activities, including teaching at the University of Ottawa and Carleton University. Later, Hassan learned that the agents who were following him were from the Royal Canadian Mounted Police (RCMP).

The Arrest

On November 13, 2008, the RCMP arrested Hassan in response to a request by France. He was initially denied bail and placed in detention.

Family members, friends, colleagues, and mentors who have known Hassan for many years are completely shocked by the French allegations. They affirm that Dr. Hassan Diab is a peaceful, hardworking, and dedicated academic who has never expressed radical or anti-Semitic views, and who has never been affiliated with a political organization.

- [Testimonials about Dr. Hassan Diab’s character](#)

Hassan’s Fight for Justice

The original bail decision was successfully appealed after being quashed on Constitutional grounds. On April 1, 2009, after spending over four and a half months in detention, Hassan was freed on bail under very strict conditions. He lives under virtual house arrest, wears a GPS electronic ankle bracelet for which he has to pay \$2,000 per month, and can only leave his home if accompanied by one of the five sureties who posted more than \$250,000 in bail.

Dr. Diab has been unemployed since July 2009, when Carleton University abruptly terminated his position as instructor for a summer course. The termination without any explanation is a serious violation of Hassan’s right to the presumption of innocence, and the responsibility of a university to protect its autonomy from inappropriate political pressure.

The Extradition Hearing

The extradition hearing was originally scheduled to begin in January 2010. However, the Crown Prosecutor requested an adjournment of the hearing to review the defence evidence. The extradition hearing was scheduled for mid-June 2010, but was thrown into limbo once again when the Crown Prosecutor announced that the French were withdrawing the

handwriting evidence after it was discredited by experts for the defence ([see below](#)).

Finally, the extradition hearing started on November 8, 2011, and ended on March 9, 2011. In early June, a decision is expected regarding whether Dr. Diab will be committed for extradition.

See [Latest News](#) for more information about the extradition hearing and the chronology of Dr. Diab's case.

The "Evidence" Against Hassan

The allegations against Hassan rest mainly on secret unsourced intelligence and handwriting analysis.

Secret Intelligence

Secret intelligence is at the heart of the case against Dr. Diab. The sources of this intelligence are unknown to Hassan's defence, the Crown Prosecutor, the judge presiding over the extradition hearing, as well as the French examining magistrate. France's willingness to rely on intelligence from unknown sources as courtroom evidence is deeply troubling, given that this intelligence may be the product of torture. Human Rights Watch has documented instances in which French courts have used torture evidence against terrorism suspects (see ["No Questions Asked"](#), HRW, June 2010).

In testimony at Hassan's extradition hearing in November 2010, University of Toronto Law Professor Kent Roach [told the court](#) that the intelligence in the case does not meet Canadian standards as evidence. Professor Roach also expressed concern that French investigators have developed "tunnel vision" and cherry-picked intelligence to fit their theory of the case while ignoring other intelligence that exonerates Hassan. Professor Roach warned that it would be dangerous to rely upon unsourced intelligence that cannot be tested or challenged in a court of law to deprive Hassan of his liberty.

By accepting unsourced intelligence and submitting it to the court in Hassan Diab's case, the Canadian government is setting a dangerous legal precedent and undermining the principles of fundamental justice embodied in the Charter of Rights and Freedoms.

Flawed Handwriting Analysis

According to the Crown Prosecutor, handwriting analysis submitted by French authorities is the "smoking gun" in the case. The analysis links Hassan to five words printed in basic block letters on a Paris hotel registration card in 1980 by the presumed bomber.

French investigators initially offered reports from two French handwriting analysts who concluded that Hassan was likely the author of the hotel registration card. The analysts reached this conclusion despite the very limited quantity of writing on the registration card and the simplistic nature of the writing. The analysts also dismissed the presence of radically different writing in the comparison documents as an attempt by Hassan to disguise his writing. They never considered the rather obvious possibility that the documents were written by more than one person.

The defence demonstrated conclusively that comparison documents used in the analysis belong to someone other than Hassan, thus completely discrediting the French handwriting analysis. As a result, the French [**withdrew their discredited handwriting reports**](#) in May, 2010.

In June 2010, after more than six months of unexplained delay, the French authorities introduced a third handwriting report to replace the two previous ones.

Three internationally renowned handwriting experts for the defence conducted a technical review of the latest French handwriting analysis report. At the extradition hearing the experts [**described the report**](#) as “absurd, totally misguided and totally incorrect”. They noted that the analyst deviated significantly from established methodologies in the field of forensic document examination and produced an incoherent and highly unreliable report rife with errors.

The defence experts agreed that the Paris hotel registration card provides an extremely poor specimen for identification. The quantity of writing on the registration card is very limited (5 words) and the letters are printed in a very simplistic style that makes it almost indistinguishable from the writing of countless people.

Some of the glaring problems the defence experts uncovered in the French handwriting analysis include relying on handwriting specimens that are 15 years apart, comparing printed and cursive writing, comparing letters with numbers, using copies when originals were available, and explaining away significant differences between writings as due to so-called natural variations.

Defence experts were [**especially critical**](#) of the French analyst’s approach to differences between Hassan’s handwriting and the handwriting on the hotel registration card. The number of differences present between the two groups of writing far exceed the number identified by the French analyst, and the presence of just the small group of differences should have caused her to conclude Hassan is not the author of the hotel registration card.

The judge at Hassan’s extradition hearing [**said that he found**](#) the French handwriting report “very problematic”, “very confusing”, and with “suspect conclusions”. The judge likened handwriting analysis to “pseudo-science”, and found merit in the defense argument that the flawed methodology used in the French handwriting analysis results in manifestly unreliable conclusions. Nevertheless, he ruled that Canada’s extradition law does not permit him to apply Canadian standards of evidence admissibility to foreign evidence.

What is extradition?

Extradition is the forced removal of a person from one country to another to face criminal charges.

The **first step** in the extradition process is the receipt of a note from the requesting state. Following this, the person sought is arrested. The person may be released on bail or may be held in custody pending the extradition hearing.

The **second step** is the extradition hearing which takes place in front of a Canadian judge who decides whether to commit the person sought to extradition. The hearing is based entirely on a document (“Record of the Case”) submitted by the requesting state summarizing the evidence against the person sought. At the extradition hearing, admission

of defence evidence challenging the Record of the Case (e.g., reports by defence handwriting experts) must pass a very high threshold. Even if defence evidence is admitted, the judge may still decide it is insufficient to render the requesting state's evidence manifestly unreliable.

At the end of the extradition hearing, the judge must either release the person or order his/her committal to extradition.

The **third step** of the extradition process involves the Minister of Justice who has final authority to surrender the person to the requesting state. This last step can be very political.

Canada extradites its citizens to a large number of countries, including France. France, however, does not extradite its own citizens.

What is wrong with Canada's Extradition Law?

Canada's Extradition Law is unjust.

- The standard for extradition is so low that Canada hands people over to other countries more or less for the asking, based on the flimsiest of evidence that would not be accepted in a Canadian criminal trial.
- An extradition hearing severely limits the Charter rights of the person sought. For example, the person sought has no right to disclosure beyond what the requesting state chooses to place in the Record of the Case.
- Canada's Extradition Law places the burden of proof on the person sought to show that the evidence against him/her is manifestly unreliable. The test for unreliability is so high that it is virtually impossible to meet.

As the case of Hassan Diab shows, Canada cooperates with extradition requests from countries that allow secret intelligence—including intelligence obtained from torture—to be used as evidence.

In Hassan's case, Canada's Extradition Law has:

- allowed deeply flawed handwriting analysis to be admitted as evidence, despite the Canadian judge finding it "very problematic, very confusing, and with conclusions that are suspect".
- allowed the authorities to suppress evidence showing that Hassan's finger and palm prints do not match those of the suspect.
- allowed the case to go forward despite numerous serious **contradictions and misrepresentations**, and despite the reliance on secret intelligence in the Record of the Case.

Why You Should Be Concerned

Hassan's case presents a very real danger that basic human rights will be trampled once

again in the name of an illusory and restrictive sense of security. Dr. Diab is in a double-bind. In Canada, his opportunities to challenge France's "evidence" are extremely limited because "an extradition is not a trial." If extradited to France, Hassan will not be able to challenge the use of unsourced intelligence and flawed handwriting analysis as evidence against him.

France has been criticized by human rights organizations for violating internationally recognized due process standards and for running unfair trials. In July 2008, Human Rights Watch issued a report entitled [**"Preempting Justice: Counterterrorism Laws and Procedures in France"**](#) that details human rights violations under France's counterterrorism laws.

We seek your support in publicizing Dr. Hassan Diab's plight and in making sure that he receives fair treatment within the Canadian and French legal systems. Hassan's case is similar to that of other Canadians of Middle-Eastern origin who in a rush to judgment were accused of involvement in terrorism, only to later be found innocent.

Dr. Hassan Diab has been forced to mount a very expensive legal defence to prevent his extradition to France. He has been burdened with hundreds of thousands of dollars in legal fees, which far exceed the modest means of a part-time university professor. You can make a difference by donating to his legal defence fund. Any amount, no matter how small, will help ensure that he has a chance to prove his innocence.

Click [here](#) to find out more about how you can help.

Finally, this fight is not just about Hassan Diab. It is about defending a vision of Canada as a nation that respects fundamental human rights and due process of law for all people, regardless of ethnic or national origin, religion, gender, or sexual orientation.

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