



Basque terror suspect loses bid for freedom, lawyer promises to appeal

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MONTREAL — A Quebec judge has denied a bid for freedom by an alleged Basque terror suspect who faces deportation.

Quebec Superior Court Justice Louise Lemelin ruled Tuesday she would not hear a motion for a writ of habeas corpus from Ivan Apaolaza Sancho's lawyers. Lemelin would not hear the motion because Sancho is not a Canadian citizen.

His lawyers say that means their client is denied his only recourse to fight what they call an unlawful 15-month detention based on evidence obtained through torture.

Lead lawyer William Sloan said in an interview he'll appeal Lemelin's decision.

"When it says everyone in the charter with respect to rights to habeas corpus, it means everyone except immigrants," Sloan said sarcastically.

"We have two different legal systems, one for human beings and one for immigrants who don't quite make it because they don't have the right to habeas corpus."

Sloan has argued the government's case against Sancho is based on evidence obtained through torture and should be thrown out.

Sancho is wanted by Spanish authorities in connection with a series of car bombings linked to ETA, a Basque separatist group.

Sancho admits to being part of the Basque nationalist movement, but denies having any ties to the group.

He faces deportation to Spain where, his supporters say, he faces the risk of being tortured. Canadian immigration officials ordered Sancho deported in May.

"Once again, Canada's courts are legitimizing evidence obtained by torture," Sancho said in a statement.

"I can only hope that Canadians of good conscience continue to speak out against this continued injustice, in my case, and in the case of others."

He has been in detention since June 2007 after the RCMP arrested him while aboard a ferry near Quebec City.

While an Immigration and Refugee Board commissioner rejected some federal evidence

that appeared to be obtained through torture, he ruled there was more than enough additional evidence, including police warrants and affidavits, showing Sancho had ties to ETA.

Sloan has argued much of this evidence should be stricken.

A pre-removal risk assessment must still be performed before Sancho can be deported.

Sloan says he plans to revive his argument about evidence obtained through torture at that point.

"(The Immigration and Refugee Board) is just looking at the consequences of the deportation, so its position is going to be whether or not the evidence was obtained through torture.

"The only thing that counts is whether he'll be tortured or killed when he gets back."

Sancho had lived under a number of aliases using forged documents since arriving in Canada in 2001.

He lived mainly in the Vancouver area, rooming initially with Victor Tejedor Bilbao, another alleged Basque terrorist living illegally in Canada who was deported in June.

Sancho moved to Montreal in late 2006.