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## Basque to fight deportation ruling

Suspected of terrorist ties. But refugee commissioner acknowledges ETA claims were made under torture

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Ivan Apaolaza Sancho must be deported to Spain from Canada because there are reasonable grounds to believe the 36-year-old Spanish citizen is a member of ETA, a Basque terrorist group, an immigration and refugee board commissioner ruled yesterday.

Commissioner Louis Dubé said his order didn't take into account written allegations, obtained in Spain in November 2001 from Basque detainee Ana Belén Egües Gurruchaga, implicating Apaolaza Sancho in terrorist activities.

"I am of the opinion (that) these written declarations from Mrs. Egües Gurruchaga were obtained under torture," Dubé said in his 11-page ruling.

Instead, Dubé said, he was ordering Apaolaza Sancho expelled from Canada on the basis of an international warrant issued by Spanish authorities.

That warrant, however, was based on evidence obtained from the same statement made by Egües Gurruchaga, Sancho's lawyer, William Sloan, told reporters yesterday.

Sancho is accused of participating in several terrorist attacks, including a Madrid car bombing that killed an army officer and injured two girls.

Apaolaza Sancho is a Basque nationalist but has never been a member of ETA, Sloan said. ETA stands for Euskadi Ta Askatasuna, which means Homeland and Freedom.

Sloan said he will try to have the ruling overturned by seeking a judicial review of Dubé's decision, which could take more than two months.

Sloan said he also expects to seek a writ of habeas corpus from Quebec Superior Court, ordering Sancho released from prison in Rivière des Prairies.

Several hours after the ruling, Apaolaza Sancho issued a statement declaring himself "shocked that the tribunal could find that the only evidence against me was obtained under torture, while at the same time concluding that the Spanish allegations, which are based on the same evidence, are somehow valid."

Sancho was arrested last June, after living six years in Canada under two false names. He watched yesterday's hearing via a video link from the detention centre.

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