

## **PRESS RELEASE**

### **BASQUE REFUGEE IVAN APAOLAZA SANCHO ON HUNGERSTRIKE IN MONTREAL PRISON PRRA refused; Deportation date set for Friday, 17 October**

Montreal, 8 October 2008 -- Basque refugee Ivan Apaolaza Sancho has been on hungerstrike since Thursday, 2 October in Montreal's Rivière des prairies prison, where he has been detained without trial for over 15 months.

Since his hungerstrike began last week, Mr. Apaolaza Sancho has been removed to a 1m by 3m solitary cell with no toilet and walls stained with blood and faeces. His clothes, glasses and books have been removed. His telephone access has been strictly limited, effectively cutting him off from his supporters and even his lawyers. By refusing to allow him to speak any language but English and French on the phone, the prison has also effectively prevented him from speaking to his parents.

"By putting me in isolation, the RDP prison officials are essentially psychologically torturing me in preparation for the physical torture I will face in Spain. They're trying to break me down mentally so that the physical torture later is easier," stated Mr. Apaolaza Sancho in a brief call today that was cut off after five minutes.

Mr. Apaolaza Sancho was notified late last week that Immigration Canada had rejected his pre-removal risk assessment (PRRA). The negative PRRA decision clears the way for Mr. Apaolaza Sancho's deportation to Spain, where he is at risk of incommunicado detention and torture. Immigration officials informed Mr. Apaolaza Sancho on Friday that he would be deported on Friday, 17 October.

"We are filing for a Federal Court review of the PRRA decision, and will also ask for a stay of deportation. But there is no guarantee that the Federal Court will accept either. If the Court refuses, there is nothing to prevent the deportation save a direct intervention by federal ministers," explained Me. William Sloan, Mr. Apaolaza Sancho's lawyer.

The PRRA decision whitewashes the well-documented practice of torture in Spain, according to low probability to the established case of Unai Romano, a young Basque who was brutally tortured. While the decision acknowledged that the IRB had recognized that an alleged co-conspirator of Mr. Apaolaza Sancho had probably been tortured, it inexplicably went on to deny that he was similarly at risk.

"In Spain, though torture and cruel and unusual punishment are not systematic, they are also not restricted to isolated incidents. The Ligue des droits et libertés is greatly concerned about several aspects of the treatment Mr. Apaolaza Sancho will face in Spain: on top of secret or incommunicado detention, and on top of the practise of dispersal or continual transfer of prisoners detained for terrorism by the Spanish authorities, there is the fact that this person strongly risks being perceived by Spanish authorities as an important source of information, since twelve people are still being sought in connection with the plot in which he is alleged to have participated," said Ligue des droits et libertés spokesperson and lawyer Me. Denis Barrette.

"I have experience of friends, family members that have been tortured. One of the first things that I remember when I was a kid is seeing my uncle in bed after being tortured for ten days.

And I have a lot of friends who have been tortured and after – because of the declarations under torture – they spend eight, ten years in jail. I know it, and in the Basque country I think everyone knows that it happens. Amnesty International has denounced it, the UN Secretary against Torture has denounced it. I don't know what else we can say,” stated Mr. Apaolaza Sancho in an interview on 30 September 2008.

“It is not only the torture. It is also the conditions that Basque prisoners have in Spain ... It is the big sentences that they are giving for - whatever, even if you don't commit a crime, even if they didn't prove anything, they say that you are a member of a political party that is illegal now and you can face 10 years. I could face 20 years in jail,” continued Mr. Apaolaza Sancho.

In May 2008, IRB Commissioner Louis Dubé ordered Mr. Apaolaza Sancho deported from Canada on the basis of allegations made by the Spanish state. No evidence to support those allegations was ever produced. The only information used to argue the case for deportation was contained in (unproven, untested) Spanish arrest warrants for Mr. Apaolaza Sancho. Commissioner Dubé recognized that the warrants – notably, the only information which supposedly links Mr. Apaolaza Sancho to the ETA (a Basque armed militant group which Canada has categorized as a “terrorist group”) - were based on a confession that was likely obtained under torture.

Although Mr. Apaolaza Sancho fears torture and other cruel and unusual punishment in Spain, under Canadian law he was barred from applying for asylum the day that Commissioner Dubé declared that he was inadmissible to Canada on security grounds. The Superior Court of Quebec has refused to hear Apaolaza Sancho's motion for Habeas Corpus on the grounds that he is not a citizen. The Charter guarantees the right to challenge illegal detention using a habeas corpus motion.

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