



The Rt Honourable Boris Johnson MP

Secretary of State for Foreign and Commonwealth Affairs

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18 October 2016

Urgent request that the UK reconsider its refusal to call for Andy Tsege's release

Dear Secretary of State,

Our organisations are writing in response to your recent open letter on the case of British father-of-three Andy Tsege^[i]

At time of writing Mr Tsege has been illegally held on Ethiopia's death row for more than two years under a death sentence imposed upon him *in absentia*, having been kidnapped in an international airport in June 2014 and rendered to a prison widely referred to as "Ethiopia's gulag".^[ii]

We urge you to reconsider your refusal to call for Ethiopia to return Mr Tsege to his home in the UK and your decision instead to limit your efforts in the case to asking that he be allowed to see a lawyer. We believe this approach is misplaced and potentially counter-productive. Mr Tsege is, after all, not a criminal, but himself a victim of crime.

Your emphasis on securing Mr Tsege a lawyer ignores the fact that both the Ethiopian Prime Minister and Foreign Minister have confirmed that "there is no appeal process" available to Mr Tsege, and that it is "not possible" for him to appeal his *in absentia* death sentence.^[iii]

The FCO's approach is further undermined by Ethiopia's failure to deliver on a promise to your predecessor five months ago that Mr Tsege would be granted legal access.^[iv] Since then prison authorities have yet to even pass Mr Tsege pen and paper with which to request legal advice.

Should Mr Tsege at some point in the future be allowed to write a letter to a lawyer, he would find this of little use: Reprieve has now contacted all 20 lawyers on the FCO's own list of proposed lawyers in Ethiopia and 19 out of 20 did not respond or did not even have valid contact details.

By focusing solely on the request that Mr Tsege be granted a lawyer, the FCO is neglecting to address Mr Tsege's illegal kidnap, illegal transfer to Ethiopia, and illegal *in absentia* death sentence – grave abuses which have led the UN's Working Group on Arbitrary Detention to call for Mr Tsege's immediate release.^[v] Worse still, the approach risks lending credibility to a sham legal process that will only prolong Mr Tsege's ordeal.

Mr Tsege was sentenced to death in 2009 in proceedings described by the US State Department as "lacking in basic elements of due process"^[vi], which he was not even invited to attend.^[vii] The African Commission is currently reviewing the complete lack of due process that Andy is facing. It strains credulity to think that at this stage a lawyer could help Mr Tsege navigate the same corrupted justice system.

Your letter claims that "Britain does not interfere in the legal systems of other countries", but in fact the UK has frequently requested and secured the release of British nationals who have been arbitrarily detained. Lee Po in China^[viii] and Karl Andree in Saudi Arabia^[ix] are just two recent examples.

Given the catalogue of abuses Mr Tsege has suffered, and the reality that he will not and cannot obtain legal relief in Ethiopia, we urge you to take a similar approach to his case, and call for his immediate release and return to his family.



Please do not hesitate to contact me should you wish to discuss this matter further.

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^[i] FCO Correspondence on Andargachew Tsege, British national currently detained in Ethiopia: open letter to supporters published on the website of the Foreign and Commonwealth Office (FCO) on 26th August 2016. <https://www.gov.uk/government/publications/andargachew-tsege-british-national-currently-detained-in-ethiopia-open-letter-to-supporters>

^[ii] <http://www.nytimes.com/2013/07/25/opinion/letter-from-ethiopias-gulag.html>

^[iii] Note of a meeting between the Secretary of State for International Development and the Prime Minister of Ethiopia, 16 July 2015, disclosed to Ms Hailemariam on 29 January 2016 pursuant to a Subject Access Request under the Data Protection Act 1998; Note of a meeting with the Foreign Minister of Ethiopia, Dr Tedros Adhanom, 21 July 2015, disclosed to Ms Hailemariam on 29 January 2016 pursuant to a Subject Access Request under the Data Protection Act 1998.

^[iv] <https://www.gov.uk/government/news/foreign-secretary-secures-legal-representation-for-briton-detained-in-ethiopia>

^[v] Opinion adopted by the UN Human Rights Council Working Group on Arbitrary Detention at its 72nd meeting, 20-29 April 2015. In March 2016, the UN Special Rapporteur similarly concluded that Ethiopia had violated the Convention Against Torture in sentencing Mr Tsege to death “without due process”. Report of UN Special Rapporteur on Torture to Human Rights Council (March 2016), para 148.

^[vi] ‘Scenesetter for Codel Meeks visit to Ethiopia: February 16-17, 2010’, cable from US Embassy Addis Ababa, 8 February 2010, published by WikiLeaks https://wikileaks.org/plusd/cables/10ADDISABABA244_a.html

^[vii] 'Attempted coup or opposition round up', cable from US Embassy Addis Ababa, 27 April 2009, published by WikiLeaks https://wikileaks.org/plusd/cables/10ADDISABABA244_a.html

^[viii] House of Commons Foreign Affairs Committee: 'The FCO's administration and funding of its human rights work overseas: Government Response to the Committee's Fourth Report of Session 2015-16, published 10 July 2016 <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmffaff/545/545.pdf>

^[ix] Foreign Secretary, Philip Hammond MP's statement on the return of Karl Adree to the UK, 11 November 2015, <https://www.gov.uk/government/news/foreign-secretary-statement-on-the-return-of-karl-andree-to-the-uk>