

AI INDEX: AFR 33/01/99  
21 JANUARY 1999

## **Public Statement**

### **Lesotho: inhumane prison conditions for 50 soldiers facing court-martial**

Amnesty International is concerned at the failure of the Lesotho authorities to take steps to improve the inhumane conditions at Maximum Security Prison in Maseru where 50 soldiers, facing court-martial and possible death sentences, have been held for up to three months.

The organization is also concerned that the court-martial established to hear the case against the prisoners, who are charged in connection with the 11 September 1998 mutiny against the army command, does not meet international standards for independence and impartiality.

“These unresolved issues are leading to increased tensions in Lesotho and the possibility of further human rights violations,” Amnesty International said, adding that the failure to address these issues led this week to an insurrection by the imprisoned soldiers. This insurrection was suppressed on 18 January by a combined Lesotho, South African and Botswanan military force.

On the morning of 18 January, the members of the Court-Martial and the Judge Advocate, Mr Justice Cullinan, who is responsible for advising the Court-Martial on issues of law, inspected the cells in the company of defence lawyers. The Judge-Advocate put on record their conclusions that the conditions in the cells were inhuman, noting the plague of scorpions and other insects infecting the cells in addition to the lack of ventilation, light, proper bedding and adequate sanitation facilities.

During a visit to that same prison on 29 October 1998, Amnesty International delegates interviewed 33 soldiers then detained without charge or proper access to legal representatives.

They noted that the detainees had to sleep on bedrolls laid directly on the concrete floor and that very little natural light entered the cells even during daylight hours. The detainees complained that they were locked in for more than 14 hours daily in unhygienic conditions with a toilet bucket. Several of them were suffering health problems which could have been caused by or exacerbated by the cold conditions and poor sanitation.

It is of great concern that no improvements have been made to the conditions in the prison, notwithstanding appeals to the responsible authorities by Amnesty International, an inspection and recommendations by the International Committee of the Red Cross (ICRC) in October and recommendations from South African officials who themselves inspected the cells.

The accused soldiers' legal representatives withdrew from the case on 18 January in protest at the conditions in which their clients were being held and at the holding of the trial in the confines of the prison. They have applied to the High Court for an order to relocate the trial away from the confines of the prison on the grounds that the existing venue undermines the integrity of the trial. The accused have also expressed concern at the composition of the Court-Martial. The panel includes five military officers who are under the command of Lieutenant General Mosakheng, the main complainant in the case against the soldiers.

Amnesty International accepts that the responsible authorities have an obligation to investigate and prosecute crime. However, all persons have the right to trial by an independent and impartial tribunal which meets all international standards for fairness. Furthermore, all persons who are detained, including those on trial, have the right to be held in conditions which are humane and respect the inherent dignity of the person and on no account should be held in conditions which constitute cruel, inhuman or degrading treatment or punishment.

Amnesty International appeals to the responsible political and military authorities to ensure that the prison conditions are improved and that every step is taken to ensure that the Court-Martial of the 50 accused soldiers is conducted in accordance with international standards for fair trial, particularly in view of the gravity of the possible sentence which the accused may face at the conclusion of the trial.

Adherence to Lesotho's obligations under international human rights law in the conduct of this trial and the treatment of the accused will also encourage public confidence that justice is being administered fairly, Amnesty International added.

## **Background**

On 2 November 1998, the organization had appealed to the Prime Minister and Minister of Defence, Mr Pakalitha Mosisili, the Minister of Justice, Mr Motanyane, and the Commander of the Lesotho Defence Force (LDF), Lieutenant General Mosakheng, to address urgently the prison conditions in which those accused of mutiny were then being held. The organization also raised its concerns with the South African officials then involved in negotiations between the government of Lesotho and opposition political parties.

Amnesty International concluded in October that the conditions in which the prisoners were being held fell far short of international standards including the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

On 27 November the High Court of Lesotho, ruling in a case brought by relatives of the detainees, found that "what was lawful arrest has degenerated into an irregular one" and ordered the Commander of the LDF to ensure that the detainees "are charged with any crime with which they are suspected within eight days [of the ruling] or be released from custody".

ENDS.../