

URGENT ACTION

LESOTHO SOLDIERS ACQUITTED OF MUTINY CHARGES

A Military Court Martial acquitted 22 Lesotho Defence Force (LDF) Soldiers of mutiny charges, while a High Court had ordered a permanent stay of prosecution for one LDF soldier a month earlier. The 23 soldiers had first been arrested and detained between May and June 2015. They were charged with mutiny in the same year. If convicted they would have faced the death penalty.

A Military Court Martial acquitted **22 Lesotho Defence Forces (LDF) Soldiers** of mutiny charges on 18 December 2017. A High Court ordered a permanent stay of prosecution for Brigadier Thoriso Mareka on 18 November 2017. The 22 LDF soldiers together with Brigadier Thoriso Mareka had been arrested and detained between May and June 2015. They were charged with 'failure to suppress mutiny' and 'failure to report mutiny' in the same year. The maximum sentence for mutiny charges is the death penalty. Their arrest occurred alongside that of 27 other soldiers following the dismissal of then Army Head Lt- Gen Maaparankoe Mahao on 21 May 2015 after months of political instability in Lesotho. The 50 LDF soldiers were perceived to have been loyal to him. Army Head Lt- Gen Maaparankoe Mahao was assassinated in June 2015.

27 soldiers were released shortly after the arrest with only the 23 remaining in Maseru Maximum Security Prison despite several court rulings ordering their release. All 23 soldiers were released from prison between December 2015 and March 2017. The soldiers reported that they had been tortured and otherwise ill-treated while in detention.

A 10-member SADC Commission of Inquiry was set up on 3 July 2015 to investigate security-related issues facing Lesotho, including the killing of Lt- Gen Maaparankoe Mahao. In its report, the Commission recommended that the 23 soldiers facing mutiny charges be granted amnesty from criminal prosecution. The report further found that Lt- Gen Maaparankoe Mahao had actually been murdered, rather than shot and killed in the course of arrest, as had been alleged by the LDF. It further found that there were efforts at the hospital and within the LDF to cover-up the circumstances surrounding his death.

Thank you to all those who sent appeals. No further action is requested from the UA network.

This is the fifth update of UA 263/15. Further information: <https://www.amnesty.org/en/documents/afr33/7295/2017/en/>

Name: 23 LDF Soldiers

Gender m/f: m

Further information on UA: 263/15 Index: AFR 33/7761/2018 Issue Date: 23 January 2018

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