

PUBLIC STATEMENT LESOTHO

Response to crisis should be demilitarized and human rights respected

Many communities in Lesotho have been left in a state of tension and fear, as well as great material deprivation, in the wake of the massive explosion of violence triggered by the intervention of South African and Botswanan troops on 22 September 1998.

In a number of incidents foreign troops used excessive force, amounting to cruel, inhuman and degrading treatment, against civilians involved in looting Maseru shops. Amnesty International has also received unconfirmed reports that South African National Defence Force (SANDF) soldiers have raped women near the Makoanyane Barracks. Such action by the intervening forces is a serious violation of international human rights and humanitarian law. Those responsible should be withdrawn from Lesotho and brought to justice.

Members of the Lesotho Mounted Police Service (LMPS) are also reported to have shot dead an unarmed civilian walking from Maseru to the villages carrying looted goods. The police also allegedly shot and wounded four opposition supporters and fatally wounded one other, Mrs Nthakoana Ramaqele, near Teyateyaneng on 24 September. Mrs Ramaqele's son was reportedly taken into custody.

Amnesty International has received reports of killings, intimidation and house burnings by armed youths targetting supporters of the governing Lesotho Congress of Democrats (LCD) in Maseru and nearby villages. Bodies of opposition party supporters have reportedly been found in an open field north of Maseru and there are fears that, with the spread of political violence and acts of arson and looting from Maseru to other parts of the country, this pattern of arbitrary killings will be replicated.

Humanitarian organizations are experiencing great difficulty in confirming the full extent of the civilian death toll. Several thousand civilians have fled the country, some of them out of fear of reprisals from political opponents.

The stance of political leaders appeared to harden in the wake of the arrival of the foreign troops. Amnesty International is concerned that the atmosphere of recrimination implicitly encourages acts of violence by political supporters of either side. Fears have been expressed to Amnesty International that hit lists are being compiled. Members of organizations involved in mediation and monitoring may also be targetted in an increasingly polarized atmosphere.

There are fears also of a wave of arbitrary arrests, partly sparked by statements from LCD government officials construing all political opposition as "criminal". In this context the involvement of the reinstated Lesotho Defence Force (LDF) senior officers with foreign troops in the "mopping-

up” operations, and the inclusion of LCD Government officials, but not of opposition groups, in the multinational military committee established on 23 September to restore public order create the danger that these operations will be perceived or used as instruments of political repression by the reinstalled LCD government.

Following the intervention of the International Committee of the Red Cross (ICRC) and the Lesotho Red Cross, some 150 soldiers who had been held by foreign forces at the LDF Barracks in Maseru were released over the weekend of 26 and 27 September, apparently unconditionally.

Their release appears to have eased some tensions and may have encouraged some of the hundreds of LDF soldiers who reported to base by the deadline on 28 September. However, some of the soldiers still at large may be in need of medical care and the multinational military committee should ensure that those under their command only use the minimum force necessary to arrest them.

At the time of the release of the soldiers, 16 civilians were handed over to the police. Amnesty International does not have information on where they may be now held and whether or not they have been charged with any offences. Amnesty International is urging the foreign and Lesotho military as well as police authorities to adhere to international human rights obligations and standards while restoring order.

The organization is concerned that any arrested civilians or soldiers should be taken into custody by properly constituted authorities who will ensure that those arrested are promptly charged with recognizably criminal offences, given full access to legal representation, independent medical care and family visits, and guaranteed fair and prompt trials. No-one should be sentenced to death as a result of any such trial.

Amnesty International has frequently and publicly expressed its concern at a longstanding pattern in Lesotho of arbitrary arrests, and the ill-treatment and torture, sometimes leading to deaths, of persons taken into police custody. There have also been lengthy delays and obstructions in the holding of inquests and the conduct of trials. This has affected the rights of the accused as well as reflecting the lack of will or capacity of the state to ensure that perpetrators of human rights violations are brought to justice.

At the conclusion of the constitutional and political crisis in Lesotho in September 1994, the Presidents of Botswana, South Africa and Zimbabwe, the then Prime Minister, Dr Ntsu Mokhehle, and His Majesty King Letsie III signed a “memorandum of understanding” in which the three Presidents agreed to act as “guarantors” to the measures and procedures agreed to by the Prime Minister and the King.

In this current crisis, Amnesty International is urging the governments of South Africa and Botswana, as well as other Southern African Development Community (SADC) governments, King Letsie III, the reinstalled government of Prime Minister Pakalitha Mosisili and the leaders of the opposition political parties to recall and implement those aspects of the 1994 agreement which addressed the issues of accountability of the security forces and to create an environment in which human rights, including the right to freedom of expression and association, can be respected.

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