

URGENT ACTION

TRIAL AGAINST TWENTY-THREE SOLDIERS POSTPONED

The court martial of 23 members of the Lesotho army for mutiny charges has been postponed to 1 February 2016. Nineteen of the accused remain in custody. Concerns that they will not receive a fair trial remain. If found guilty, they face the death penalty.

The court martial of **23 soldiers** charged with mutiny began on 1 December with preliminary arguments. Lawyers for the accused asked for the recusal of the panel presiding over the court martial citing conflict of interest. In their submissions, the lawyers questioned the impartiality of the president of the court, Acting Major-General Letsoela as his promotion to his current, temporary rank had been made by Lesotho Defence Force (LDF) Commander Lieutenant-General Tlali Kamoli for the express purpose of presiding over the court martial. The lawyers also questioned whether the appointment was procedural as the LDF Commander is an interested party in the case as the alleged target of the mutiny. All objections raised by the defence team were dismissed by the panel.

Having dealt with the preliminary arguments, the court martial was postponed to 1 February 2016. The atmosphere in the court during proceedings was reportedly less hostile due to the presence of international observers.

The Lesotho High Court on 1 December ordered the release of three of the soldiers on 'open arrest', a form of bail, after yet another contempt of court hearing against the LDF. The other 19 soldiers remain in Maseru Maximum Security Prison where they have been held since May. Their continued detention is in contempt of several previous High Court orders for their release.

The 19 soldiers were finally removed from solitary confinement on 4 December. This is an important step forward, but their lawyers have repeated their concern for the psychological well-being of their clients who had been subjected to solitary confinement for almost two months. Prolonged solitary confinement can amount to a violation of the prohibition of torture and other ill-treatment. Their lawyers also report that consultations with their clients have been reduced to 15 minutes at a time and these meetings take place with armed guards present.

Please continue to write in English or your own language:

- Urging the Lesotho authorities to ensure that the detainees are allowed adequate time and facilities to consult with their lawyers in private and that the lawyers are not subjected to intimidation or harassment;
- Noting that the detainees have been removed from solitary confinement after a prolonged period but calling on the authorities to ensure that the detainees are treated humanely at all times;
- Calling on them to ensure that trial proceedings conform to international law and standards on fair trial, including by excluding from evidence any information obtained as a result of torture or other ill-treatment or coercion, and do not result in the imposition of the death penalty.

PLEASE SEND APPEALS BEFORE 25 JANUARY 2016:

Minister of Defence and National Security
Hon. Tšelisio Mokhosi
Ministry of Defence and National Security
Along Kingsway, Opposite National Library
P/Bag A166
Maseru 100,
Lesotho
Email: pglerotholi@gmail.com

Salutation: Dear Honourable Minister

Minister of Justice, Human Rights and
Correctional Services
Hon. Moeketse Vincent Malebo
LNDC Block C, Level 3
Kingsway
Maseru 100,
Lesotho

Salutation: Dear Honourable Minister

And copies to:

Prime Minister
Honourable Dr. Pakalitha B. Mosisili
Phase I Government Complex
P.O. Box 527,
Maseru 100,
Lesotho
Fax: +266 22 310 102

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 263/15. Further information: <https://www.amnesty.org/en/documents/AFR33/2912/2015/en/>

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ADDITIONAL INFORMATION

The head of the Lesotho Defence Force (LDF), Lieutenant-General Maaparankoe Mahao, was dismissed from the army on 21 May 2015 after months of political instability in the country. Shortly afterwards, approximately 50 soldiers perceived to be loyal to him were arrested. Lawyers representing their families brought legal applications demanding that the detainees be produced in court. During court proceedings, many of the soldiers alleged that they had been tortured and ill-treated. Over half of them were later released with 23 remaining in custody, charged with mutiny. Some of the released soldiers have become 'accomplice witnesses', giving evidence against the 23 accused. It is believed that their testimonies were obtained through torture whilst they were in detention.

Lieutenant-General Maaparankoe Mahao was shot dead on 25 June in Maseru by soldiers who went to arrest him in relation to an alleged plot to lead a rebellion in the army. He had challenged his dismissal from the army in court in June, shortly before his killing, arguing that it was illegal. The government claimed that he had resisted arrest, but his family disputed this, insisting it was a carefully planned assassination by his former colleagues in the army. A 10-member Southern African Development Community (SADC) Commission of Inquiry led by Justice Mpaphi Phumaphi of Botswana was set up on 3 July to investigate security-related issues facing Lesotho, including the killing of Lieutenant-General Maaparankoe Mahao. The commission was forced to conclude its work prematurely due to the refusal of the LDF to cooperate. It has submitted its report to SADC. The report was discussed by SADC's three-state security organ in early December but these conversations have not been made public. The SADC Heads of State have reportedly stated that they will not make the report public until after the outcome of a legal challenge to the commission in the Lesotho High Court. The challenge is being brought by a senior LDF official, Lieutenant Colonel Tefo Hashatsi on an urgent basis. Lt Col Hashatsi had been called to testify before the commission. He is seeking to have the commission set aside and to prevent it from making any findings in relation to him public. After a preliminary hearing was heard in the Lesotho High Court in December 2015, the matter was postponed to 18 and 19 January 2016.

Lesotho held general elections on 28 February in a vote that did not produce a clear winner. A coalition government was formed by Prime Minister Pakalitha Mosisili's Democratic Congress and six other political parties. The SADC continued to mediate between the country's political rivals to de-escalate tension between the military and the police which has its roots in the politicisation of the security sector.

Name: Twenty-three soldiers

Gender m/f: m

Further information on UA: 263/15 Index: AFR 33/3051/2015 Issue Date: 14 December 2015