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LESOTHO: Call for Immediate Release of Detained Soldiers Following the Report of SADC Commission of Inquiry on Lesotho

The Southern African Litigation Centre (SALC) and Amnesty International (AI) call for the immediate release on bail and guarantees of humane treatment and a fair trial for 23 soldiers who have been facing a court-martial in Lesotho since May 2015 on charges of mutiny or failure to suppress a mutiny, as well as for the dissolution of the court martial process by the Prime Minister.

The 23 soldiers are accused of plotting to kill senior members of the Lesotho Defence Force (LDF). Many of them reported that they have been subjected to torture, as well as cruel, inhuman and degrading treatment at the hands of the LDF whilst in detention. The renewed call for their release comes after the contents of a report by the Southern Africa Development Community (SADC) Commission of Inquiry into the situation in Lesotho were made public. The report found that there was no conclusive evidence of a mutiny plot and that some officers had been tortured into implicating other officers in the alleged plot. The report of the SADC Commission of Inquiry was formally tabled in the Lesotho Parliament on 8 February 2016.

The SADC Commission of Inquiry report found that there were divisions within the LDF and anomalies relating to the charges of mutiny. It therefore recommended that these military detainees, who have been incarcerated for eight months already, be granted amnesty from criminal prosecution. The report further found that Brigadier Commander Maaparankoe Mahao, who had allegedly been shot and killed in the course of arrest by the LDF also on mutiny plot allegations, had actually been murdered. It further found that there were efforts at the hospital and within the LDF to cover-up the circumstances surrounding his death. The report recommended that officers suspected of involvement in the killing of Brigadier Mahao be immediately suspended and that criminal proceedings against these officers be instituted on an urgent basis.

SALC and AI note with concern that, in the version of the SADC Commission on Inquiry report that was tabled in Parliament, the Prime Minister effected the deletion of the names of certain LDF members who were implicated in human rights violations in the report, including torture and the killing of Brigadier Mahao. We note that the Commission's mandate included assisting in the identification of any perpetrators with a view to ensuring accountability for those responsible for the death of Brigadier Mahao. The Prime Minister's removal of names relating to these events unfortunately undermines the purpose of the Commission itself.

In view of the findings and recommendations by the Commission, SALC and AI call on the Prime Minister to immediately suspend all officers suspected of involvement in human rights violations in connection with the killing of Brigadier Mahao, initiate an independent and effective criminal investigation, and bring to justice those against whom sufficient and admissible evidence is gathered in a trial meeting international human rights standards for fair trials. SALC and AI further call on the authorities to ensure that the reported acts of torture against the 23 soldiers is investigated and those found to have been subjected to torture receive reparation for the violation of their rights.

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