



Lesotho: End enforced disappearance of Makarabo Mojakhomo

Amnesty International and the Transformation Resource Centre (TRC) are concerned for the safety and whereabouts of Makarabo Mojakhomo, former head of the Maesaiah Thabane Trust Fund (MTTF), who disappeared on 31 May 2018 two days after Lesotho Mounted Police Services (LMPS) arrested her on Tuesday 29 May at the LMPS Headquarters in Maseru on allegations of fraud and theft by false pretences.

Amnesty International calls on the Lesotho authorities to immediately carry out independent and effective investigations with a view to determining her fate and whereabouts. Anyone suspected to be responsible for her disappearance must be brought to justice in fair trials.

The organisations fear that Ms Makarabo may have been subjected to cruel, inhuman and degrading treatment and enforced disappearance by the Lesotho Mounted Police Services (LMPS). She was last seen by her family at the police station on 30 May 2018.

A spokesperson of the LMPS told Amnesty International that on Monday 28 May, investigators summoned Ms Makarabo Mojakhomo to the police headquarters in Maseru to inform her of the charges against her. She arrived the following day at the Police Headquarters with her lawyer, where she was arrested on charges of fraud, and theft by false pretences. According to the LMPS spokesperson, she was then detained and held in a police cell until Thursday 31 May. During this time, properties that she allegedly obtained through crime were confiscated and brought to the Police Headquarters. The police spokesperson confirmed that Ms Makarabo was interrogated on 29 May by a team of interrogators, and was then held at the Maseru Police Headquarters until Thursday 31 May when she was due to appear in the Maseru Magistrate's Court.

The LMPS claim that Makarabo "escaped" from police custody. According to the LMPS Spokesperson, on the morning of 31 May, Makarabo Mojakhoma was about to be taken to the Maseru Magistrates Court. She was taken out from her cell and the investigating officer preparing her paperwork ordered Makarabo to sit outside of the door of office. When the investigating officer returned Makarabo was "gone." The police spokesperson informed Amnesty International that police are "on the "look-out" for Makarabo Mojakhoma and have issued a press release asking the public to help find her.

Police spokesperson also confirmed that Makarabo Mojakhomo's husband, Thabang Mojakhomo was also arrested on the same charges on Thursday 31 May. He appeared at the Maseru Magistrate's Court on Monday 1 June and 8 June. The matter was postponed on both occasions with bail granted on 13 June, on certain conditions including the surrender of his passport.

Makarabo informed her family of her imminent following the 28 May phone call from LMPS requesting that she present herself to the police. Her sister who visited her at the Police Headquarters on Wednesday 30 May told Amnesty International and TRC that Ms Makarabo seemed fine but was not allowed to talk about issues relating to the case. On the morning of Thursday 31 May, Ms Makarabo's family went again to the Maseru Police Headquarters only to be informed by the police that their sister had "disappeared." The family told Amnesty International and TRC that police alluded that Makarabo Mojakhomo had "run away."

However, the family have refused to accept the police's version of events due to the history of enforced disappearances and extrajudicial killings and have filed an urgent Habeas Corpus application on Sunday 2 June at the Maseru High Court.

On Monday 3 June, the Maseru High Court heard the urgent application and the judge gave the respondents until Wednesday 13 June to file their response. The court hearing date is set for Friday 15 June 2018.

Amnesty has documented similar cases of this nature in the past & the organisation is worried that this is an emblematic case of what may constitute a culture of impunity in the country.

The refusal of police authorities to disclose the whereabouts of Makarabo is deeply troubling. The organisations note with great concern the history of extra-judicial executions, torture and other ill-treatment in Lesotho. The organizations fear that if Makarabo is not produced in a court of law as a matter of urgency, she could become another victim of enforced disappearances.

Amnesty International and the Transformation Resource Centre call on Lesotho Authorities to:

- Provide Makarabo's family with accurate and regular information about her safety and whereabouts.
- Undertake an independent impartial investigation into this disappearance, and to publicly disclose its findings.

Background

Enforced disappearances are crimes under international law. Enforced disappearances are a violation of Lesotho's constitutional and international human rights obligations, including the right to security and dignity of person; the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment; the right to humane conditions of detention; the right to a legal personality; right to a fair trial; and when the disappeared person is killed, the right to life.

An enforced disappearance is the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State (or by persons or groups of persons acting with the authorization, support or acquiescence of the State), followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.