



---

**Amnesty International (AI), Southern Africa Human Rights Defenders Network (SAHRDN) and Transformation Resource Centre (TRC) PUBLIC STATEMENT**

**AI INDEX: AFR 33/9896/2019**

**22 February 2019**

**Lesotho: Authorities must ensure an independent investigation into torture allegations and death**

Lesotho authorities must ensure an impartial, independent and effective investigation into allegations of torture and other ill-treatment committed by police officers against dozens of villagers, from the Lesotho Highlands region that resulting in the death of one man and injuries to at least 45 others, on 27 December 2018. Considering the pattern of failures by the police to ensure accountability for its own members, it will not be sufficient for the police to investigate themselves.

Amnesty International, the Southern Africa Human Rights Defenders Network (SAHRDN) and the Transformation Resource Centre (TRC) call on the Lesotho authorities to ensure that police officers reasonably suspected of criminal responsibility are held accountable in fair trials, without recourse to the death penalty. They further urge that victims of torture and other ill-treatment are provided with effective remedies, including adequate compensation and rehabilitation. The authorities must ensure that victims of these violations have access to medical care and access to psychological support for as long as needed.

Amnesty International, SAHRDN and TRC call on the Lesotho authorities to expedite the passing of specific legislation to criminalize torture and other ill-treatment, and to establish effective, independent oversight bodies with powers to review and investigate complaints of torture and other ill-treatment during detention and to monitor conditions in all prisons and detention facilities, in line with Lesotho's international human rights law obligations.

As Lesotho has ratified the United Nations Convention Against Torture (CAT) in 2001, it is duty bound to take effective legislative, administrative, judicial or other measures to prevent acts of torture and other ill-treatment.<sup>1</sup> Lesotho is also party to the African Charter on Human and Peoples' Rights (African Charter), which prohibits torture, cruel, inhuman or degrading punishment or treatment.<sup>2</sup> These obligations entail that Lesotho must ensure that all acts of torture and other ill-treatment are offences under its criminal law.<sup>3</sup> Furthermore, where there is reasonable ground to

---

<sup>1</sup> Article 2.1 Convention Against Torture

<sup>2</sup> African Charter on Human and Peoples' Rights, Article 5

<sup>3</sup> Article 4.1 Convention Against Torture



---

believe that an act of torture and other ill-treatment has been committed, the Lesotho authorities must ensure a prompt and impartial investigation.<sup>4</sup> The Lesotho State party's report to the Committee Against Torture was due to be submitted in 2002, however almost 17 years later, the country is yet to do so.<sup>5</sup> Amnesty International, SAHRDN and the TRC call on the Lesotho authorities to immediately take steps to submit its first report to the Committee Against Torture.

### **27 December 2018**

Around 4am on 27 December 2018, approximately 70 uniformed police officers raided two villages, Lilhloahloeng, and Ha-Shishila Kao in the Lesotho Highlands region. The police officers were heavily armed with firearms, chisels and sticks. Their faces were covered with balaclava masks and they broke into houses by kicking the doors.

The reason for the police raid on 27 December 2018 is unclear, but it happened two days after an altercation in a bar between an off-duty police officer and a villager. It also occurred in a context of ongoing community-led protests for the mine to provide infrastructure, including roads and electricity, to the mining affected community.

According to eye-witnesses, the police raided houses in these two villages, entering each house and rounding up all the men. One villager told Amnesty International that while police were mainly searching for men during their house-to-house search in Ha-Shishila Kao, but when they did not find any, they interrogated women and children using violence. One woman described how police slapped and kicked her, while demanding to know where she was hiding her husband. The police stopped beating her when she started bleeding from the nose and mouth. Another then four-month-pregnant woman described how the police entered her home and demanded to know where Poshoane Moloi lived, and where he was. When she replied that she did not know, the police used a stick to beat her stomach, and asked her whether she wanted them to kick her "until you give birth". Her mother took her to a hospital that day, where nurses told her they could not hear her foetus' heartbeat. She was released the following day when the foetus heart-rate was audible but low.

Police allegedly rounded up approximately 45 men and transported them to the Mabunyaneng river running through the village, where they made all of them lie down on their stomachs, kicked them and ordered them to roll on the stones on the riverbank. The police officers also assaulted the men with gun butts, sticks, chisels, wires and stones from the time they were rounded-up from their homes, until they reached the riverside. During the assault, the police asked the men why they had disrespected the Kao area chief and the mine. At the Mabunyaneng riverside, the police called out a list of seven names from a list and demanded these men identify themselves.

---

<sup>4</sup> Article 12 Convention Against Torture

<sup>5</sup> United Nations High Commissioner for Human Rights. Reporting status for Lesotho. Available at: [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/countries.aspx?CountryCode=LSO&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=LSO&Lang=EN) accessed on 18 February 2019.



---

After this, the police officers took aside three men: Moloi, Sobhusa Molefi and Lekhotla Leoma who had stepped forward after their names were read from the list. One of the reasons these men may have been targeted is because of their work as activists with local human rights organisation, the Transformation Resource Centre (TRC). Police officers accused Moloi of acting as a watchdog for the TRC, and that Sobhusa Molefi and Lekhotla Leoma took orders from Moloi and Tseko Ratia, chairperson of the community committee. A group of police officers hit all three men, Moloi, Sobhusa and Lekhotla with chisels and stones. The officers then ordered all other men to kick Moloi. Only five men did so, while the police officers continued to hit Sobhusa Molefi and Lekhotla Leoma with chisels and sticks.

The police also cut Moloi's hair (dreadlock) with a stone and poured cold water from the river over his body and face. At this time, eye-witnesses said that a named police officer told Moloi that this officer's boss had ordered them to kill him. Witnesses also said they heard the police officers taunting Moloi, sarcastically saying that "TRC was not present to come to his rescue" as they continued assaulting him.

Approximately at 8am, the police officers handcuffed Moloi, Molefi and Leoma, together with the same rope, which was attached to the inside of the police van. Eight of the policemen who came in a convoy of two police vans then drove the three men while handcuffed together, to the Mamohau hospital, approximately 36km away from the river. According to witnesses, the three police officers left the body of Moloi at the reception of the Mamohau hospital. A medical report confirmed that Moloi was dead on arrival. An autopsy report confirmed that the cause of Moloi's death was a "head injury with subarachnoid haemorrhage; chest injury with lung contusion; pneumothorax and lung collapse."<sup>6</sup> The other two men were admitted to the Mamohau hospital and returned home later.

Villagers who witnessed the police bringing the body of Moloi to the Mamohau hospital alerted his family. Villagers, including women who were allegedly assaulted said they requested medical forms at the Butha-Buthe police station, but that they were denied access to these medical forms. In Lesotho, victims of torture need a medical form from a police station, to take to a doctor to complete. In order to open a case of assault, evidence on the medical form is required. As a result, the villagers were unable to open a case against the police.

On 28 December, when one villager wanted to go to the Butha-Buthe District hospital to seek medical treatment, the police at the Butha-Buthe police station refused to give her a medical form to take to the district hospital in order to document her injuries, so that she could lay a charge against the police.

### **Background:**

On 8 February 2018, one villager, Terene Pitae was killed by police during protests by the

---

<sup>6</sup> Lesotho. Medical certificate of the cause of death. 6 January 2019.



---

community against the Kao mine's failure to deliver on promises to provide infrastructure, including roads and electricity.

On 25 December 2018, there was an altercation between a villager, Mabilikoane Leoma and an off-duty police officer, in a local bar in Lihloahloeng. Mabilikoane Leoma hit the policeman on the head with a stick, which injured him. Other villagers then joined the fight. The policeman was taken to Mamohau hospital. Following this, on 26 December 2018, police officers took Mabilikoane Leoma to the satellite police station next to Kao mine (Storm Mountain Diamonds), where villagers said police assaulted him by punching him with their fists and hitting him on the head with a gun butt. The villagers then went to the local satellite police station demanding that the police release Mabilikoane Leoma, because they were assaulting him. A commotion ensued and police officers fired two warning shots into the air to disperse the crowd. The crowd did not disperse, however, and insisted that the police release Mabilikoane Leoma. After the community's pressure, the police released Mabilikoane Leoma on 26 December.

The Storm Mountain Diamonds mine is located in Kao village, in the Lesotho Highlands region, and there has been a longstanding dispute between the affected community and the mine since its establishment. Moloi was a Human Rights Defender (HRD) who worked as a paralegal for the TRC, and witnessed the police shooting and death of a villager, Terene Pitae who took part in protests on 11 February 2018 against the Kao mine (Storm Mountain Diamonds). Villagers were demanding that the mine provide infrastructure, including roads and electricity to the mining affected community.

The Lesotho Mounted Police Services (LMPS) spokesperson on 20 February 2019 in a telephonic conversation with Amnesty International confirmed that the National Police Commissioner had launched an investigation into the death of Terene Pitae in 2018, and that the Director of Public Prosecutions had referred the matter of Pitae's death to the Butha-Buthe magistrate's court. The LMPS spokesperson also confirmed that the National Police Commissioner had opened an investigation following the death of Moloi and that it is ongoing. The Parliamentary Portfolio Committee on Law and Public Safety, met with the LMPS and visited Kao village on a fact mission, following the death of Moloi, and is due to present a report on allegations of torture to Parliament next month.

The organizations have longstanding concerns regarding impunity in Lesotho.<sup>7</sup> They are urging for an independent investigation outside the police hierarchy given the poor quality of earlier investigations.

---

<sup>7</sup> <https://www.amnesty.org/download/Documents/AFR3364682017ENGLISH.pdf>