

URGENT ACTION

TWENTY-THREE RISK UNFAIR TRIAL AND DEATH PENALTY

Twenty-three members of the Lesotho army face a court martial on mutiny charges. Twenty-one have been in custody since May and in solitary confinement for over a month. There are concerns that evidence against them was obtained through torture and that they will not receive a fair trial. If found guilty, they face the death penalty.

The head of the Lesotho Defence Force (LDF), Lieutenant-General Maaparankoe Mahao, was dismissed from the army in May after months of political instability. 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.

The soldiers have been held at Maseru Maximum Security Prison since May. Two have been released on bail in the last three months. All 23 are charged with mutiny and face a court martial. If convicted, they could be sentenced to death. They appeared before a court martial on 5 October, but proceedings were suspended. Twenty-one remain detained and since mid-October have been in solitary confinement. Prolonged solitary confinement (in excess of 15 consecutive days) amounts to torture or other cruel, inhuman or degrading treatment or punishment. If they are permitted consultations with their lawyers, these meetings are only allowed for 20 minutes at a time and are not private. There is serious concern for their emotional and physical well-being.

The soldiers challenged their detention and the composition of the court martial in the Maseru High Court. On 5 October, the High Court declared the manner of their continued detention unlawful and ordered their release on "open arrest", a form of bail. The LDF failed to comply with the court order. The lawyers representing the detainees have also been subjected to repeated intimidation and harassment, including death threats. The court martial is expected to resume its work on 1 December. Given the manner in which the panel was convened and the treatment of the detainees and their legal team to date, there are concerns that they will not receive a fair trial.

Please write immediately in English or your own language:

- Expressing your concern that the detainees have been subjected to prolonged solitary confinement in violation of the prohibition on torture and other ill-treatment, and calling on the Lesotho authorities to immediately end their solitary confinement and to ensure that the detainees are treated humanely at all times;
- Urging them 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;
- 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 1 JANUARY 2016:

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

Minister of Justice, Human Rights and
Correctional Service
Hon. Moeketse Vincent Malebo
P.O. Box 527,
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.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

TWENTY-THREE RISK UNFAIR TRIAL AND DEATH PENALTY

ADDITIONAL INFORMATION

Former LDF head Lieutenant-General Maaparankoe Mahao was shot dead in Maseru on 25 June by soldiers who went to arrest him in relation to an alleged plot to lead a rebellion in the army. He was dismissed from the army on 21 May. He had challenged his dismissal 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 Maapankoe Mahao. The commission was forced to conclude its work prematurely due to the refusal of the LDF to cooperate. It has submitted its report and the report will be discussed by SADC in late November.

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

UA: 263/15 Index: AFR 33/2912/2015 Issue Date: 20 November 2015