

LESOTHO CIVIL SOCIETY STATEMENT ON THE
RECENT SERIOUS VIOLATIONS OF CITIZENS'
HUMAN RIGHTS BY STATE'S SECURITY ORGANS.

- [1] I) Recent events in Lesotho show that the Government has roped in the army to fight its political battles in different arena. The most alarming development is the tacit unleashing of the army upon members of the public. In terrorist fashion similar to some turbulent parts of the world hooded army operatives kidnap, torture and maim members of the public and sometimes damage their property. They detain their victims in unspecified locations where their families and lawyers cannot have access to them.
- ii) The Lesotho Defence Force (which falls under the Ministry headed by the Prime-Minister) initially disavowed any complicity in these criminal acts, claiming that the perpetrators were criminal

elements masquerading as members of the army. But the big lie was exposed when victims resurfaced in the army facilities and in their custody directly implicating members of the army. Terror and consternation is sweeping through the nation.

- [2] i) What the drama of abductions and tortures of citizens by hooded soldiers says to the Basotho nation is that the Government is behaving in similar fashion with governments that rule with the barrel of the gun.
- ii) It is too early in Lesotho's democratic project to forget that it is this very same military institution which has, throughout Lesotho's post-colonial history been used to inflict untold suffering against the people. The irony of the situation is that the Prime Minister and some of the Ministers in the present Government were subjected to similar abductions, torture and murder, and some even

forced to flee into exile by the same army as recently as 1994.

- iii) These abductions, tortures and illegal detentions; therefore, belie the much vaunted reform of the army under the present dispensation. Any so-called reforms that are going on would seem to be geared not towards eradicating the culture of military politicisation and lawlessness but bringing the army into the political fold of the incumbents in political office.

- iv) It is our firm believe that, a government that sets loose against citizens an army of hooded operatives under the cover of darkness cannot have a place amongst civilized nations.

[3] Lesotho has set herself on the irreversible democratic road of Constitutional governance, unremitting observance of human rights and the rule of law. The critical road maps for this journey are the 1993 Constitution and the following international treaties to which Lesotho is a party:

- a) the International Covenant on Civil and Political Rights;
- b) the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- c) the African Charter on Human and Peoples' Rights;
and

d) the Rome Statute of the International Criminal Court.

All these instruments unequivocally and unconditionally reject in toto torture, abductions and arbitrary arrests as assaults on human dignity. They thus impose several human rights duties and obligations on the Government of Lesotho and all its organs.

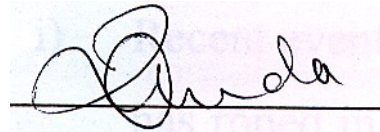
[4] The Government's obligation and duties entail the effective protection of all citizens – whether detained or not – against abductions, torture and all forms of illtreatment and degrading punishment. This absolute prohibition per the Constitution, international law and laws of God enjoins the Government to:

- a) thoroughly investigate, arrest, prosecute and punish the army personnel involved in any or all of the nefarious and barbaric conduct;
- b) cause immediate cessation of any or all periods of incommunicado detentions;
- c) use only officially recognised and publicly known places of detention that maintain effective and transparent custody records;
- d) stop denying detainees prompt access to their families;
- e) allow detainees access to their lawyers and enable consultation with them in private;
- f) allow detainees access to private medical doctors;

- g) provide humane conditions of detention; and
- h) the police service should stop refusing to accept into their custody any person abducted and tortured by the army; instead it should accord the requisite protection to such victims including taking them to hospitals for medical treatment; arrest and prosecute the abductors and torturers.

[5] A clarion call is hereby made to the international community in general and SADC and the African Union in particular, to reign in the Lesotho Government, before the human rights violations perpetrated by the army with the Government's tacit approval deteriorate to a full-blown socio-political crisis. We, in particular urge these august bodies and the African Commission on Human and Peoples Rights, Human Rights Watch and Amnesty International to consider sending fact finding missions (we also urge the SADC Lawyers Association to engage in a similar exercise).

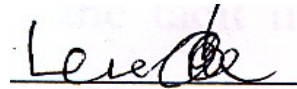
DATED AT MASERU THIS 6th DAY OF JULY, 2007.



_____ : Law Society of Lesotho

Adv. Z. Mda

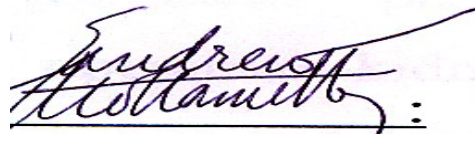
(President)



_____ : Lesotho Council of Non-
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