

LESOTHO 2017/2018

The continued political and security crisis led to a sharp increase in human rights violations. Allegations of torture and other ill-treatment continued. The right to freedom of expression remained severely restricted. There were unlawful killings.

Background

On 1 March, after months of unrest, Parliament passed a vote of no confidence in then Prime Minister Pakalitha Mosisili. On 7 March, King Letsie announced Parliament's dissolution and elections were held on 3 June. A coalition government, led by Thomas Thabane of the All Basotho Convention party, was formed.

Unlawful killings

On 28 April, Tumelo Mohlomi, a student from the University of Lesotho was killed when she was shot in the back of the head by a Lesotho Mounted Police Service (LMPS) officer while she was in a restaurant outside the campus. A police officer was arrested after the killing and apparently released on bail. The victim's family brought a civil case of murder against the LMPS, which sought an out-of-court settlement. The National Police Commissioner said that a criminal investigation into the case was ongoing.

In August the High Court ruled in favour of a habeas corpus application brought by the family of Mokalekale Khetheng who disappeared on 26 March 2016 after arrest on unspecified charges by four LMPS officers in Leribe District. In August, the police officers were arrested in connection with his murder; Mokalekale Khetheng's body was exhumed. The former Minister of Defence was then arrested in connection with the murder. He and the officers were also charged with conspiracy to cause a disappearance. The former Minister was released on bail in September. The former National Police Commissioner, who remained abroad throughout the year, was apparently implicated in the case although he was not charged.

On 5 September, Lesotho Defence Force (LDF) Commander Khoantle Motsomotso was shot dead in his office at the LDF headquarters in the capital, Maseru. Two suspects in the killing, LDF members Brigadier Bulane Sechele and Colonel Tefo Hashatsi, also died in retaliatory fire. The Prime Minister announced an investigation into the incident. No further information about the progress of the investigation had been received by the end of the year.

Impunity

On 14 June, Lipolelo Thabane, the estranged wife of Prime Minister Thabane, was killed on the eve of his inauguration. The National Police Commissioner said that a criminal investigation into the case was ongoing.

In August, the Southern Africa Development Community (SADC) extended the tenure of an oversight committee, established in 2016 to ensure implementation of the recommendations made by its Commission of Inquiry. The Commission was set up in the light of heightened political instability in 2015 and, among other things, investigated the killing by LDF soldiers of former army chief Lieutenant-General Maaparankoe Mahao. The Commission found that he was deliberately killed and recommended a criminal investigation. In June his widow instituted a case for damages against the LDF's Commander, the Minister of Defence and

National Security and the Attorney General. On 1 December, eight LDF members appeared before the Maseru Magistrates Court on charges connected to his killing.

Unfair trials

In August, the Prime Minister postponed indefinitely the court-martial of 23 LDF officers accused of mutiny. Sixteen officers were released from prison in 2016; the remaining seven were released on 1 March 2017. All 23 were under “open arrest”, a form of military bail,¹ for most of the year. In August, 22 of the officers had signed a petition to the government raising concerns that the deferred court-martial could undermine their rights to redress and requesting that due process be followed and that their open arrest be cancelled. In November, the High Court ordered the court-martial against one of them to be discontinued. On 18 December, a court-martial hearing found the remaining 22 soldiers not guilty on all charges.

Torture and other ill-treatment

Thato Makara said that he was tortured and otherwise ill-treated after he reported to the Maseru police headquarters in April; he had been summoned in connection with a murder case. He attended the police station with his employer, Thuso Litjobo, president of the Alliance for Democrats Youth League, who was released the same evening. Thato Makara said that he was taken to Ha Matela police holding cell in the Maseru area, and then to Lekhalo La Baroa where he was subjected to torture including waterboarding, rubber gloves tied over his mouth and nose, and beatings. After a habeas corpus application, Thato Makara appeared in court where he testified about his torture; he was released on 18 April. He was charged with murder the next day in connection with a death at a political rally. He was bailed on 20 April.

Freedom of expression

The right to freedom of expression continued to be threatened. Nkoale Oetsi Tsoana, a journalist with *Moeletsi Oa Basotho*, received death threats from Lesotho Congress for Democracy (LCD) supporters in August while he covered the Directorate on Corruption and Economic Offences’ investigation into corruption allegations against LCD leader and former Deputy Prime Minister Mothetjoa Metsing. The same day, Palo Mohlotsane, a PC-FM radio journalist, received threats from the Deputy Leader and members of the LCD after he covered the same story.

Nthakoana Ngatane, South African Broadcasting Corporation correspondent, received repeated online death threats from June after she reported on possible motives for the killing of Lipolelo Thabane. On 16 June crowds gathered outside MoAfrika FM radio station’s offices and threatened the owner, Sebonomoea Ramainoane, after the station implicated Prime Minister Thabane in the killing of his wife. On 8 September the Maseru Magistrate Court ordered Sebonomoea Ramainoane, also the station’s editor-in-chief, to release to the LMPS the station’s audio recordings of interviews aired between 28 August and 6 September. On 13 September, the authorities closed the station for 72 hours and on 15 September detained Sebonomoea Ramainoane for several hours. On 25 September, the Lesotho High Court cancelled the Magistrate Court’s order.

On 29 August, exiled investigative journalist Keiso Mohloboli received online death threats for comments she posted on social media about human rights violations in Lesotho. She had received similar threats on 10 June.

On 13 December, five members of the LDF went on trial for the attempted murder of the *Lesotho Times* editor Lloyd Mutungamiri in July 2016. He suffered near fatal gunshot wounds after being attacked outside his home in Maseru. The shooting followed his newspaper's publication of an article claiming that the outgoing LDF head was to receive an exit package of USD3.5 million.