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## U.S. Department of State



### Lesotho Country Report on Human Rights Practices for 1998

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#### LESOTHO

Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the 1993 Constitution, the King fills a ceremonial role, has no executive authority, and is proscribed from actively taking part in political initiatives. Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy Party (LCD), took office in June and is the Head of Government. In the May 23 elections, the LCD won 79 seats in the expanded 80-member Parliament. The Basotho National Party (BNP) won the one remaining seat. Over 700 foreign and national election observers concluded that the poll met international standards for a transparent multiparty election. The LANGA Commission, a group of election auditors from the Southern African Development Community (SADC), reported that while there was no evidence to substantiate charges of electoral fraud, mismanagement of polling data made it impossible to confirm that fraud did not occur. However, opposition parties alleged that the election result was corrupted by fraud and launched a prolonged and aggressive protest at the royal palace in Maseru on August 4. The protest destabilized the Government, as armed opposition supporters engaged in gun battles with the police and ruling party supporters, and used violence to disarm the police, intimidate workers and business owners, and shut down government and business operations on three occasions during August and September. Opposition protesters urged the King, who had staged a coup in 1994, to take an unconstitutional initiative to dissolve Parliament and install a government of national unity on the basis of their allegations that the LCD Government was illegitimate. The opposition protest facilitated a junior officer rebellion in the army on September 11 as army rebels aligned themselves with the opposition, resulted in a virtual coup, and severely strained relations between the Head of State and the Government. The protest led to an unprecedented level of politically motivated violence, injury, destruction of

property, the death of civilians and law enforcement officers, and compromised the neutrality of the King in political affairs. The 1998 opposition alliance palace vigil and antigovernment protests precipitated intervention at the Government's request by a SADC military task force on September 22, in accordance with an SADC agreement to ensure the security of the democratically elected government. The SADC military task force was composed of troops from Botswana and the Republic of South Africa. In the past the judiciary had been subject at times to government and chieftainship influence; however, there are no credible reports of the use of such influence during the year.

The security forces consist of the Lesotho Defense Force (LDF), the Royal Lesotho Mounted Police (RLMP), and the National Security Service (NSS). The Prime Minister is the Minister of Defense. In 1996 and 1997, the Parliament passed the Lesotho Defense Act (1996), Regulations for Military Justice (1997), and amended the Royal Lesotho Mounted Police Force Act. This new legislation was designed to bring these services under direct civilian control. However, the politicized armed services have a history of intervening in the country's politics and government. The LDF ruled Lesotho with two successive military regimes from 1985-90, and 1990-93. In September an SADC task force put down an army rebellion, arrested LDF rebels, and disarmed the remaining soldiers. The LDF is now the subject of a national debate on the structure, size and role of the military. The NSS is accountable directly to the Prime Minister, and the RLMP reports to the Minister of Home Affairs. The NSS and the RLMP are also under review in a national debate on comprehensive reform of the security services. Members of the security forces on occasion committed human rights abuses.

Lesotho is a landlocked country surrounded by South Africa and almost entirely dependents on its sole neighbor for trade, finance, employment, and access to the outside world. A large proportion of the adult male work force is employed in mines in South Africa. Basotho miners' remittances account for slightly over one-third of gross national product (GNP). Real GNP grew an estimated 9 percent in 1997, with inflation estimated at less than 7 percent. Per capita GNP was approximately \$790 (4740 maloti). State-owned organizations predominate in the agroindustrial and agribusiness sectors, but private sector activity dominates in the small manufacturing and construction sectors. The opposition palace protest and the SADC military intervention resulted in a wave of political violence and arson that destroyed nearly 80 percent of the commercial infrastructure in Maseru and two other major towns. Thousands of jobs were lost and many entrepreneurs were forced into bankruptcy. Losses in the range of hundreds of millions of dollars were sustained. Under the traditional chieftainship structure, land use and tenure is controlled by the chiefs and formally owned by the Kingdom (i.e., crown lands).

The Government generally respected many of the human rights of its citizens; however, there continued to be problems in some areas. Members of the security forces committed a few extrajudicial killings. Police also killed several persons and wounded others during clashes with opposition protesters during the August-September crisis period. There were allegations that police on occasion have used excessive force against suspects during arrests and while in custody. Discipline in the security services was shattered during the August-September political crisis.

At least one death occurred when the police failed to keep rival political factions apart. Firefights between police and soldiers resulted in the killing of at least one policeman and the wounding of several others. Clashes with SADC forces initiated by armed opposition supporters and army mutineers in September resulted in the death of nine members of the South African National Defense Force, 60 LDF soldiers, and more than 40 opposition-allied civilians. A total of 33 members of the RLMP face sedition and high treason charges following their involvement in a February 1997 police mutiny, which reflected entrenched mistrust and political competition between the Government and some elements within the police force, and an uneasy institutional rivalry between elements of the police and the army. The LDF initially stayed out of but ultimately quelled the police mutiny. This step away from active partisan engagement in politics to a more professional civil/military relationship was reversed by the junior officer mutiny, which undermined the integrity of the security forces. Prison conditions are poor, and lengthy pretrial detention is a problem. There are long delays in trials; the 33 RLMP members have remained in the maximum security prison for 18 months without significant progress to try their cases. The security forces infringed on citizens' privacy rights. Women's rights continued to be restricted severely, and domestic violence remained common. Societal discrimination against the disabled is common. Government enforcement of prohibitions against child labor is lax in commercial enterprises that involve hazardous working conditions. The Government restricts some worker rights.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1. Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

Members of the security forces committed a few extrajudicial killings. In February police fired shotguns into a group of workers protesting at a textile plant, killing two persons and wounding 20 others.

In December members of the Lesotho Defense Force killed three South Africans who had crossed the border allegedly to recover their cattle stolen earlier by Basotho raiders.

During and following the palace protest, violent clashes between opposition and LCD supporters resulted in at least four civilian deaths. Soldiers and police exchanged gunfire on several occasions, and one policeman was shot and killed. About 10 policemen were wounded in clashes with armed opposition supporters. Approximately four opposition members were killed in exchanges with the police in the vicinity of the palace. Violent clashes between opposition and LCD supporters at the village level resulted in several deaths.

Between September 21 and 28, nine South African soldiers were killed while suppressing the army mutiny. Over 50 LDF soldiers and 40 opposition-allied civilians died in firefights with SADC troops. Many civilians were arrested for arson, assault, looting and weapons possession. All LDF soldiers were disarmed, and those believed responsible were arrested and later charged with mutiny and

other capital offenses against the defense and national security acts.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly prohibits torture and inhuman or degrading punishment or other treatment, and the Government generally respects these provisions. However, there were allegations that police and prison officials occasionally used excessive force against suspects in their custody. Some alleged victims and NGO's claimed that police beat suspects.

Opposition leaders claimed that the 32 mutinous soldiers who were arrested after the September 22 SADC military intervention were tortured by government and prison officials. However, no clear evidence to that effect has been presented. Amnesty International (AI) personnel investigated these and other claims of human rights abuses in October, but AI had not issued a report of its findings by year's end.

Allegations of criminal activity by SADC forces were investigated, and those found guilty were disciplined immediately by South Africa in accordance with the Status of Forces Agreement signed on September 17. Soldiers who committed minor disciplinary infractions were sent home.

Prison conditions are poor. Prison facilities are overcrowded and in disrepair, but conditions do not threaten the health or lives of inmates.

Prison conditions are not monitored independently.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and there were no reports of such abuses. However, opposition leaders alleged that the Government engaged in "political victimization" by arresting their supporters for allegedly unlawful acts and punishing alleged mutinous soldiers with incarceration during the crisis. During the crisis, a number of persons were arrested for arson, looting, and possession of stolen property and unlawful firearms. Many homes were searched for weapons, ammunition, and stolen property. Some of those searched and arrested were opposition supporters. However, there were no court cases or clear evidence that demonstrated that authorities targeted opposition supporters. The Government's intention to court martial alleged army mutineers was criticized by opposition parties, which demanded their release and a blanket amnesty for both soldiers and civilians for acts committed during the crisis.

The legal fraternity remains concerned that the 33 police mutineers who were arrested in February 1997 continued to be held without significant progress toward their trial. Although charges have been filed and some preliminary procedures have been completed, no formal trial had been held. There was some

concern that persons who allegedly were involved in arson and the looting of public and private establishments in September filled the district and central lock-ups with little prospect for speedy trials. A significant number of persons arrested in interior districts for these infractions were tried and sentenced to fines and/or incarceration. Local observers believe that pretrial detainees on remand constitute up to half the prison population in some locations. Because of serious backlogs of the court's caseloads, the period of pretrial remand for some suspects can last months or years.

In 1997 the Government repealed the provisions of the Internal Security Act (ISA) of 1984 allowing for investigative detention.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in the past, magistrates appeared to be subject at times to government and chieftainship influence. The High Court Chief Justice's decision in 1994 to swear in a provisional ruling council, in defiance of the Constitution, raised questions about the independence of the judiciary. Opposition parties alleged that the High Court was biased against their cases following the May elections, but court officials stated that the opposition did not succeed in its cases due to a lack of evidence to support its claims.

The judiciary consists of the Court of Appeal (which meets semiannually), the High Court, magistrate's courts, and customary or traditional courts (which exist largely in rural areas to administer customary law).

The High Court also provides procedural and substantive advice and guidance on matters of legal procedure to military tribunals; however, it does not participate in arriving at judgments in such courts. Military tribunals operating under the Defense Act have jurisdiction only over military cases, such as the impending prosecution of rebel junior army officers. Decisions by military tribunals may not be appealed.

Accused persons have and freely exercise the right to counsel and public trial. The authorities generally respect court decisions and rulings. There is no trial by jury. Criminal trials normally are adjudicated by a single High Court judge who presides, with two assessors in an advisory capacity. In civil cases, judges normally hear cases alone.

Persons detained or arrested in criminal cases and defendants in civil cases have the right to legal counsel. There is no system to provide public defenders. The 1981 Criminal Procedures and Evidence Act, as amended in 1984, makes provision for granting bail. Bail is granted regularly and generally fairly.

There is a large case backlog, which leads to lengthy delays in trials. The firebombing of the High Court on September 22 destroyed case files and other important documents and further hampered the normal operation of the courts.

Under the Constitution, in custom and tradition, certain rights and privileges accorded to men are denied to women. When traditional law and custom is invoked in a court case, a male plaintiff can opt for customary judgments by a principal chief rather than a civil court and the judgment legally is binding. This system greatly disadvantages women.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Although search warrants usually are required under normal circumstances, the 1984 Internal Security Act (ISA) provides police with wide powers to stop and search persons and vehicles and to enter homes and other places for similar purposes without a warrant. There are no prohibitions against monitoring telephone conversations, and the security services are believed to monitor routinely telephone conversations of Basotho and foreigners on national security grounds. Following the opposition palace protest, police searched the homes of numerous opposition members for weapons.

The residences of the Prime Minister and four other cabinet members were destroyed by arson on September 22, allegedly by opposition provocateurs.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. There are several independent newspapers--including one each controlled by the Roman Catholic and Lesotho Evangelical Churches, and two English-language weeklies--that routinely criticize the Government. The official state-owned or controlled media, consist of one radio station, a 1-hour daily newscast on a local television channel, and two weekly newspapers, which all faithfully reflect official positions of the ruling party. There are no private radio or television stations.

The 1997 case of four government ministers who filed a civil lawsuit against a newspaper editor, seeking compensation for alleged slander and defamation, was decided in favor of the editor. The editor of the newspaper believed that this lawsuit amounted to press harassment and was an effort to influence the editorial policy of a private news organ. The editor's publication displayed a clear bias in favor of the opposition during the August-September crisis. However, despite damage to a number of news publications caused by arson and looting after September 22, the opposition newspaper, Mo Africa, continued to publish and the Government took no steps to close or limit its circulation. The editor of Mo Africa received one of the few private radio licenses issued in the last quarter of the year. Mo Africa Radio planned to begin broadcasting in early 1999. Destruction caused by the crisis resulted in the temporary suspension of publication by five newspapers, the Southern Star, the Sun, Thebe, Mopme-the Survivor, and Mo Africa. By the end of the year, all these publications, except for Thebe, were back in operation.

The National Press Association objected to rules established by the Independent Electoral Commission, which barred reporters from entering polling stations on election day. No other barriers to press coverage of the elections existed.

The Government fully respects academic freedom. Although the Government owns and administers the country's only university, the academic staff represent the full political spectrum and are free to express their views.

b. Freedom of Peaceful Assembly and Association

Under a 1993 revision of the ISA, a public meeting, rally, or march no longer requires prior police permission, only advance notification. The police and local authorities generally respected these rights in practice. Political party meetings and rallies occur regularly throughout Lesotho.

The Government authorized the August 4 opposition protest march against the election, which evolved into the months-long palace protest. The palace vigil became an unlawful assembly after the authorized time limit expired, but opposition protesters maintained the palace vigi