

URGENT ACTION

TRUST FUND BOSS GOES MISSING FROM POLICE CUSTODY

Head of the Maesaiah Thabane Trust Fund (MTTF), Makarabo Mojakhomo's whereabouts are unknown after police claim that she escaped from custody on 31 May in Maseru, Lesotho's capital. She was brought in for questioning following allegations that she had defrauded Maesaiah Thabane Trust Fund- a trust fund founded by the First Lady. Makarabo's family fear that she has been subjected to enforced disappearance given the history of such cases in the country involving security forces.

Makarabo Mojakhomo, Director at Maesaiah Thabane Trust Fund was taken into custody by the Lesotho Mounted Police Services (LMPS) on 29 May when she, accompanied by her lawyer, presented herself for questioning at around 10.45am. Earlier in the day, Lesotho's First Lady, Maesaiah Thabane, had lodged a fraud and theft complaint against Makarabo Mojakhomo, accusing her of defrauding the Trust fund by approaching individuals and companies for donations purporting they were intended for the Trust fund.

Makarabo Mojakhomo's husband and sister visited her while in custody on the evening of 30 May, but were prevented from speaking about the allegations she was facing.

On 31 May, at around 9:30am, the investigating officer claims that when he entered an office to prepare the paper work to transport Makarabo Mojakhomo to the Maseru Magistrate's Court for her hearing, she escaped. The police informed her family, who had come to the Police Headquarters ahead of the hearing, that "she had run away". The family have told Amnesty International that they do not believe the police's version of events due to the history and pattern of extra-judicial executions, enforced disappearances, torture and other ill-treatment in Lesotho. Makarabo Mojakhomo's family fears she has been subjected to enforced disappearance.

Please write immediately in English or your own language urging the authorities to:

- Conduct a thorough and impartial investigation into the disappearance of Makarabo Mojakhomo and share the findings publicly, including with her family, and to reveal her whereabouts;
- Ensure that those suspected of criminal responsibility are brought to justice in a trial that meets international standards without recourse to the death penalty;
- End the practice of enforced disappearances by security forces in the country.

PLEASE SEND APPEALS BEFORE 2 AUGUST 2018 TO:

Minister of Police and Public Safety
Mampho Mokhele
Level 8
Avani Maseru Office Block
Maseru, Lesotho
Fax: +266 2232 1179
Email: boitumelomahleke@gmail.com
Salutation: Honourable Minister

Police Commissioner
Holomo Molibeli
Lesotho Mounted Police Services
LMPS Police Headquarters
Maseru, Lesotho
Fax: +266 2231 4947
Email: molibeliholomo@yahoo.com
Salutation: Commissioner

And copies to:
Principal Secretary
Nkopane Monyane
Level 8
Avani Maseru Office Block
Maseru, Lesotho
Email: tsenolilimpho@gmail.com

Also send copies to diplomatic representatives accredited to your country. High Commission of the Kingdom of Lesotho, 7 Chesham Place, Belgravia, SW1X 8HN, 020 7235 5686, Fax 020 7235 5023, hicom@lesotholondon.org.uk www.lesotholondon.org.uk

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Following Makarabo Mojakhomo's disappearance her family's lawyer filed an urgent Habeas Corpus application (CIV/APN/179/2018) on 3 June, which was heard at the Maseru High Court the next day. The LMPS requested time to respond to the letter. The court directed them to file a response by 13 June for the case to be heard on 15 June.

On 15 June, the habeas corpus hearing was postponed to 2 and 3 July after the LMPS failed to file answering affidavits.

Thabang Mojakhomo, Makarabo Mojakhomo's husband was also arrested in connection with the same allegations as his wife on 31 May. He appeared before court on Monday 1 June. His bail hearing was due to be heard on 8 June and was postponed to 13th June. Bail hearing sat at 10:00am. Thabang has been released on bail of L5000 and surety of L40000 (approx. \$378 and 3018 respectively)

Enforced disappearance is a crime under international law. Enforced disappearance is also a violation of Lesotho's constitutional and international human rights obligations, including the right to security and dignity of person; the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment; the right to humane conditions of detention; the right to a legal personality; right to a fair trial; and when the disappeared person is killed, the right to life.

An enforced disappearance is the arrest, detention, abduction or any other form of deprivation of liberty by agents of the state (or by persons or groups of persons acting with the authorization, support or acquiescence of the state), followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law, as provided by the International Convention for the Protection of All Persons from Enforced Disappearance, to which Lesotho is a state party.

There has been a pattern of enforced disappearances recorded in Lesotho involving security forces. In 2016, during the political and security crisis in Lesotho, a police constable, Mokalekale Khetheng was arrested by his colleagues who accused him of arson related charges. In August 2017, the Maseru High Court ruled in favour of a habeas corpus application brought by the family of Mokalekale Khetheng, who disappeared on 26 March 2016, after being arrested on unspecified charges by four LMPS officers in Leribe District. In August 2016, police officers were arrested in connection with Mokalekale Khetheng murder, whose 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 commit a disappearance, and remain held in remand. Investigations revealed that Mokalekale Khetheng had been severely tortured and killed by his colleagues.

In May 2016, three men, Khothatso Makibinyane, Paseka Pakela and Lekhoele Noko were arrested for allegedly shooting and killing a member of the Lesotho Defence Force. After their release from police custody, Khothatso Makibinyane and Paseka Pakela disappeared and were never seen alive again. Their families lodged a habeas corpus application in the High Court and both the police and the army denied any knowledge of their whereabouts. The third suspect, Lekhoele Noko, was travelling in a bus with his mother near the city of Lekokoaneng on their way to their home in Leribe when members of the Lesotho Defence Force forcibly removed him. He was also never seen again. The bodies of all three men were discovered in 2017. They had been murdered and thrown in the Mohale Dam where their decomposing bodies were retrieved.

Name: Makarabo Mojakhomo

Gender m/f: Female

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