



Lesotho – Researched and compiled by the Refugee Documentation Centre of Ireland on 21 June 2012

Information on corruption and inefficiency of the police in Lesotho.

A document published by the *African Policing Civilian Oversight Forum*, in a section titled “Article 9: Corruption and Abuse of Power”, states:

“An Afrobarometer survey conducted in Lesotho in 2008 indicated that people in Lesotho thought that the police were more corrupt than other government departments. 51 per cent of respondents said that ‘some’ of the police were corrupt, and 22 per cent said that ‘all’ of the police were corrupt. In the last few years there have been a number of criminal prosecutions against senior police officers, indicating that there may well be a problem of corruption or abuse of power. However, the prosecutions are a positive indication that these cases are taken seriously and that officers are not deemed to be above the law.” (African Policing Civilian Oversight Forum (2011) *The Police as Friend and Helper to the People*, p.30)

This document also states:

“The low salary paid to police officers was identified as one of the factors leading to increased levels of corruption, theft and misconduct amongst police officers.” (ibid, p.30)

In a section headed “Indicator: Appropriate action is taken following allegations of corruption and abuse of power” this document states:

“There is no whistle blowing policy in the police to protect whistle blowers. This makes it difficult for police officers to report cases of corruption against their colleagues or superiors for fear of victimization. No case law could be established which resulted in a police forfeiting his/her assets as a result of being convicted for a case of corruption. Respondents indicated that convicted police officers are either dismissed from the service or sentenced to prison without losing their assets from the proceeds of crime.” (ibid, p.32)

In a section headed “Indicator: The police are honest and dependable in their actions” this document states:

“The majority of respondents in our study, including current and former police officials, felt that police officers were not trustworthy. One said, ‘Police officers are not trustworthy because the levels of corruption and abuse of police authority are alarming and there is nothing in place at the moment to address the problem’. One former police official pointed out that ‘in the main, police officers are susceptible to abuse of power because generally people fear the police. The reason I am saying this is because when for example police confiscate someone’s property it gets lost because they do not have the storerooms to keep the property safe’. There were several recent court reports dealing with unauthorised or illegal removal of people’s property

during searches or following confiscation by the police. The problems of police corruption, especially traffic police, police abuse of power and poor investigation of criminal cases were the main concerns expressed during the interviews which made people feel that the police were not trustworthy.” (ibid, p.33)

A policy note published by the *Innovations for Successful Societies* project at Princeton University refers to anti-corruption measures taken by LMPS Commissioner Evelyn Letoane as follows:

“Letoane also undertook a campaign against corruption within the force, targeting in particular traffic enforcement. She made clear that corruption of any kind would not be tolerated, and she engaged teams of officers to set traps for other officers suspected of corruption. She enlisted the help of police from other divisions or units to reduce the risk of corrupt officers identifying the set-up. While some officers were reluctant to trap their colleagues, Letoane’s strong leadership and her commitment to fighting corruption elicited cooperation. Police posed as civilians and put themselves in a position where police officers might be tempted to ask for bribes. Letoane said she arrested a number of officers using these traps and significantly raised the risk that police faced if they took bribes.” (Innovations for Successful Societies (Princeton University) (February 2010) *Reining in a Rogue Agency: Police Reform in Lesotho, 1997-2010*, p.8)

The 2011 *US Department of State* country report on Lesotho, in a section titled “Official Corruption and Government Transparency”, states:

“Police corruption was a problem, as confirmed by LMPS authorities. The internal affairs organs that address corruption and other offenses by police are the LMPS’s ICD and the PCA. Commonly imposed forms of disciplinary action included fines, suspension, demotion, or dismissal from service. On August 2009 the country’s first female police commissioner, Malejaka Letoane, was sentenced to six months in jail for contempt of court for authorizing the release of a vehicle from police custody contrary to the order of the Magistrate Court and later failing to appear in court when summoned to explain her actions. The chief justice granted the commissioner the right to appeal to the High Court. In October the chief justice overturned the sentence and reportedly dismissed the case altogether. However, the case concerning the vehicle release was proceeding in the Magistrate Court at year’s end. April and December press reports from the Lesotho Times indicated that Police Commissioner Malejaka Letoane was under investigation at year’s end relating to a 24 million maloti (approximately \$3.4 million) tender awarded in 2008 to Ferrini USA, Inc. to supply police uniforms. The firm was initially disqualified from the tender process because it had failed to meet the stringent requirements. ‘Theft of exhibits’ (theft or disappearance of evidence related to a trial proceeding) was commonly reported. In addition, private transport operators claimed that police solicited bribes from taxi and bus drivers who violated traffic laws. However, no formal charges of police corruption were filed during the year. According to the ICD, from January to September there were 23 cases of corruption. One person was convicted, six were sent to the courts, and 16 were pending investigation.” (US Department of State (8 April 2011) *2010 Human Rights Report: Lesotho*)

The 2012 *US Department of State* country report, in a section titled “Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment”, states:

“Although the constitution and law expressly prohibit such practices, local media reported instances of police torture and abuse. Police reportedly tortured suspects in custody. During the first eight months of the year, police stated that three persons died while in their custody. For example, local media reported that on March 3, Lithoteng police tortured Tseliso Thatjane, who was suspected of stealing a television and a DVD player. Police arrested Thatjane’s wife, Masebatso Thatjane, reportedly saying they would release her only if Tseliso surrendered. Once he surrendered, police allegedly beat him with a knobkerrie (traditional wooden club used in herding) and repeatedly suffocated him with a plastic bag until he lost consciousness. They also demanded a bribe of 500 maloti (\$62) to release him, which was paid. Tseliso filed a case demanding compensation for wrongful arrest and torture, but the case did not move forward as he chose not to pursue it.” (US Department of State (24 May 2012) *2011 Human Rights Reports: Lesotho*)

In a section titled “Official Corruption and Government Transparency (section 4) this report states:

“On May 31, Deputy Commissioner of Police Tumelo Moseme Assistant Commissioner of Police Dlamini Mphatsoane, Assistant Commissioner of Police Thakane Theko, and Inspector Habofanoe Lepheane were charged with corruption, fraud, bribery, theft by false pretence, and obstructing the course of justice. The DCEO charged the officers with conspiring to rig tenders for the supply of new police uniforms and alleged that the police officers received 125,000 maloti (\$15,450) in bribes. The seven suspects were remanded out of custody on free bail, defined as bail without a bond.” (ibid)

A *Lesotho Times* article states:

“Chinese nationals running businesses in Lesotho say they are being targeted by corrupt police officers who are demanding hefty bribes for fake traffic offences. Sources who spoke to the *Lesotho Times* said it had become common practice for corrupt traffic police officer to demand bribes of between M20 and M30 from motorists who break traffic laws. But if a traffic offender is of Chinese nationality the bribe is suddenly hiked to between M200 and M500. If they refuse, they said, they are being arrested and detained in police cells for a day only to be released at night or the following day without any charges being laid against them.” (*Lesotho Times* (10 December 2010) *Chinese get raw deal from traffic cops*)

An *Informative* article states:

“Corrupt police have been found in cases concerning fake South African R 100.00 bank note scandals. In a statement, senior inspector Masupha Masupha said that a police man with the rank of constable, Makhale Pitso and his wife Mamohejane Pitso, were found in possession of fake South African bank notes amounting to R 23,700.00 They were both sentenced to pay a fine of 500 Maloti each. He also added that Makhale Pitso has been suspended from work because of other criminal cases still pending in court. In a similar matter concerning fake money scandals, inspector Masupha stated

that three people suspected of defeating the ends of justice burned down bank notes amounting to R1 million after one of them was arrested. According to the senior inspector, the three men ran off to burn the fake bank notes at Ha Tsolo where the police arrived in time to recover some of the money before it could all burn to ashes. In another incident in Berea a policeman named Molahlei Ntoko and his accomplice Mathapelo Khechane a 36 year old of Berea , were arrested after police got a tip off that they had fake money to the value of R900,000.00.” (Informative (14 February 2012) *Fake money infiltrates Lesotho*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

African Policing Civilian Oversight Forum (2011) *The Police as Friend and Helper to the People*
http://apcof.org.za/File_uploads/File/APCOF%20Lesotho%20Indicators%20Final%20Web.pdf
(Accessed 21 June 2012)

Informative (14 February 2012) *Fake money infiltrates Lesotho*
http://informativenews.co.ls/index.php?view=article&catid=34%3Anews&id=4876%3Afake-money-infiltrates-lesotho&tmpl=component&print=1&page=&option=com_content&Itemid=27
(Accessed 20 June 2012)

Innovations for Successful Societies (Princeton University) (February 2010) *Reining in a Rogue Agency: Police Reform in Lesotho, 1997-2010*
http://www.princeton.edu/successfulsocieties/content/data/policy_note/PN_id112/Policy_Note_ID112.pdf
(Accessed 18 June 2011)

Lesotho Times (10 December 2010) *Chinese get raw deal from traffic cops*
<http://www.printfriendly.com/print?url=http%3A%2F%2Fwww.lestimes.com%2F%3Fp%3D5114&partner=sociable>
(Accessed 20 June 2012)

US Department of State (24 May 2012) *2011 Human Rights Reports: Lesotho*
<http://www.state.gov/j/drl/rls/hrrpt/2011/af/186209.htm>
(Accessed 15 June 2012)

US Department of State (8 April 2011) *2010 Human Rights Report: Lesotho*
<http://www.state.gov/j/drl/rls/hrrpt/2010/af/154353.htm>
(Accessed 21 June 2012)

Sources Consulted:

African Union
All Africa
Amnesty International
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
International Crisis Group
Lexis Nexis
Refugee Documentation Centre Query Database
Refugee Review Tribunal
UNHCR Refworld
US Department of State