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Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them
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BY AIRMAIL

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Amsterdam, 2 December 2015

Subject: Security situation of lawyers and independence of the legal profession

Your Excellencies,

On behalf of Lawyers for Lawyers (L4L) and Lawyers Rights Watch Canada (LRWC), independent and non-political Dutch and Canadian organizations that support lawyers all over the world who are threatened or suppressed because of their work, we express our grave concern about the security situation of lawyers in Lesotho, in particular Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho.

The aforementioned lawyers represent 23 soldiers accused of plotting a mutiny with ex-army chief Maaparankoe Mahao, who was killed on 25 June 2015. We have been informed that the lawyers are victims of direct threats against their safety both in- and outside the court. According to our information, members of the Lesotho Defence Forces (LDF) have prevented the lawyers from consulting their clients and have verbally threatened to harm the lawyers. LDF-members carry assault weapons in court, which creates an unsafe and intimidating atmosphere. The lawyers report that they have been followed and monitored by armed special forces. Another lawyer representing the soldiers has fled Lesotho out of fear for his and his family's safety.

Recently, the lawyers learned they are on a 'hit list' circulating on social media networks since the end of October 2015. This raises even more concern, especially since two people who were on an earlier 'hit list' were killed soon after publication of the list. We understand the origin of the hit list is unknown. L4L and LRWC call on you to carry out a thorough investigation into this matter and to do everything that is required to

ensure the personal and professional safety of Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho.

Lawyers play an important and invaluable role in a democratic society such as Lesotho, in promoting and upholding the rule of law and protecting the human rights and fundamental freedoms to which all persons are entitled. Governments must respect this vital role and governments ensure that lawyers can carry out their professional duties freely and independently, without fear for their own safety or that of their families.

As a member of the United Nations, Lesotho is bound by the UN Basic Principles on the role of Lawyers, adopted by the Assembly in 1990. Article 16 stipulates that 'governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference'. Article 17 provides: 'Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.'

In view of these principles, we call on the Government of Lesotho to honour Lesotho's international human rights obligations to:

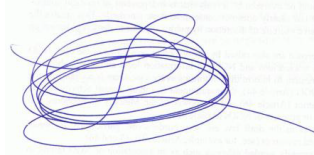
1. carry out an investigation as soon as possible into the 'hit list' and other threats against Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho, and to take all necessary action to end these threats;
2. take all measures necessary to ensure the lawyers' personal and professional safety;
3. enable the lawyers to carry out their professional duties free from intimidation, harassment and reprisals.

L4L and LRWC respectfully request your response as soon as possible. We will continue to monitor this important matter closely.

Sincerely,



Adrie van de Streek, Executive Director L4L



Gail Davidson, Executive Director LRWC

CC:

- The Embassy of the Netherlands in South Africa
- The Embassy of the European Union in South Africa
- The United Nations Special Rapporteur on the Independence of Judges and Lawyers

The Lawyers for Lawyers Foundation (L4L) is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

Lawyers Rights Watch Canada (LRWC) is a committee of lawyers that campaigns for advocates in danger and engages in research and education. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.