



Press Statement on the Causes of Instability in the Lesotho Mounted Police Service

Introduction

In August 2020, I set up an adhoc committee to investigate the causes of instability in the Lesotho Mounted Police Service. The committee consisted of the Honourable Ministers Nqosa Mahao, Minister of Justice and Law, 'Mamoipone Senauoane, Minister of Police and Public Service, Kemiso Mosenene, Minister in the Prime Minister's Office, and Prince Maliehe, Minister of Defence and National Security.

The Committee submitted its report in November. The committee undertook their work by conducting interviews and receiving affidavits, court judgments, and other written materials. In conducting its work, the committee heard evidence that included allegations against individuals some of whom were subsequently requested to respond to those. I have carefully considered the report and today I am making public a summarized version of the report. The report focuses on the findings on substance and excludes names of individuals.

The report made findings in the following areas that in the opinion of the Committee are the major causes of the instability in the Lesotho Mounted Police Service:

- 1) 6% salary dispute;
- 2) Promotions and appointments;
- 3) Human rights abuses;
- 4) Conflicts within the management of the Service;
- 5) Intrusion of external politics; and
- 6) The role of LEPOSA.

Findings

The Committee makes the following findings:

6 percent salary dispute

- 1) The Letsema Government in its sunset days raised police salaries by 6 percent across the board. However, this increase was withheld from the Police. By the time it was fully resolved following a new government in 2017, it had sown considerable bad blood between police management and Police rank file represented mainly by LEPOSA.

Promotions and appointments

- 2) Well-established and accepted promotion practices and appointments in the Lesotho Mounted Police Service have in recent times been substituted by seemingly unilateral or politically motivated decision-making practices. Some of these have been successfully questioned in the courts of law by LEPOSA or resulted in generalized dissatisfaction in the Police.

Human rights abuses by the LMPS

- 3) Human rights abuses of citizens by members of the LMPS including torture and murder have a long history and are deeply embedded. Many hypotheses have been offered for this including demoralisation, lack of uniforms and equipment, unclear criteria for rewards, dehumanizing training culture, political pressure on the police to contain crime at all cost and thus inciting police to extract confessions, and investigative skills and equipment being in short supply leading to brutality. In most cases of police brutality, while investigations tend to be undertaken, there has not been commensurate prosecution of suspects.

Conflicts with the Management of LMPS

- 4) Accusations and counter-accusations of mal-administration, commissions of crime, favouritism and open disdain of each other within the top brass of the LMPS are rife. External politics and considerable politicization of the LMPS have severely polarized relations within the service and certainly within the top management of the police service. In the context of coalition governments, new governments tend to appoint their own management of the police and this also tends to widen already existing rifts within the police top echelons. These divisions have resulted in gory allegations of crimes committed by one or the other of the management of the police and thus creating recriminations and camps within the institution's hierarchy.

External politics

- 5) The First Amendment of the Constitution of Lesotho eliminated the Defence Commission, whose responsibility was to appoint the heads of the security agencies and bestowed those powers onto the Office of the Prime Minister. This amendment, which was an effort by the BCP Government to wrest control of the institutions that for a long time had come under the spell of BNP, has led to the prevailing polarisation and instability dogging the security agencies and the LMPS in particular. This pattern has become more pronounced with coalition governments beginning in 2012.

The role of LEPOSA

- 6) The LMPS regulations recognise LEPOSA as the representative of the welfare interests of both professional police and civilian staff within the LMPS. The regulations confer on

LEPOSA the status of an independent body vested with the rights to sue and be sued. Over time LEPOSA has become a powerful organisation and has attracted the interest of political parties seeking to influence the allegiance of the members of the police in one direction or another. Meanwhile Section 66 of the Police Act prohibits members of the LMPS from becoming members of political parties or trade unions. The Committee observes that LEPOSA has however morphed into a classical trade union and often challenges the authority of the Commissioner of Police over members of the LEPOSA executive. As LEPOSA is open to all ranks in the LMPS, the association has also been vulnerable to infiltration of power struggles within the police service.

Recommendations

The committee recommends that, for the LMPS to be efficient, effective and responsive institution sensitive to the needs of the Basotho nation, it must undergo immediate restructuring of its structures and systems. Appointments must be depoliticized, with particular attention paid to the recruitment of Commissioner and all senior management positions. Promotions must be merit-based and transparent and based on clear policies. To urgently address human rights abuses, the management of the Police and the Office of the Director of Public Prosecutions must urgently bring to court all outstanding cases of abuse, render the Police Complaints Authority independent of the Commissioner and be allowed to investigate and institute criminal proceedings independent of the police hierarchy.

The committee also recommends that Government must take bold steps to strengthen the capacity of the LMPS to investigate cases and not depend on torture to extract evidence. The LMPS laboratory should be fully capitalised to enable it to function as an important part of a national crime fighting strategy. Regular refresher courses should be run at all levels of the police structure to empower members with contemporary skills necessary for practising their vocation.

The Committee recognises that LEPOSA acts and carries itself as a trade union and this is outside the boundaries set forth in the regulations that allowed the associated to be established. The Committee recommends that the regulations be reviewed to clearly enunciate the principle that police officers are first and foremost policemen and policewomen and are subject to the authority, command and discipline of the hierarchy of the LMPS at all times. LEPOSA constitution must also be reviewed to ensure that it is compliant with the provisions for an association.

During its work, the Committee recommended to all sides of the disputes to desist from any further action against each other. The Committee further notes that to its credit, LEPOSA withheld its planned industrial action. The Committee thus recommends that in the interests of beginning a path towards reconciliation whatever pending disciplinary action that occurred during the investigations and which emanate solely from the association activities be withdrawn and abandoned.

The Government commends the work of the committee and accepts its recommendations. Government recognises the urgency of the need to address all the issues and conflicts within the police and plans to propose a reform work plan working with the LMPS by mid-December 2020.

End
Monday, 30th November 2020