

**THE ESCALATING POLICE BRUTALITY IN LESOTHO IN
EFFECTING ARREST PRECIPITATED BY COALITION
GOVERNMENTS**

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degree at the National University of Lesotho**

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CHAPTER ONE

1.0 Introduction

The Kingdom of Lesotho is totally encircled within South Africa in the southern part of Africa and it gained independence from the British on the 04th October 1966. Lesotho is a democratic country which inherited the Westminster type of constitution. In 1993 Lesotho adopted this new and current constitution which is the supreme law of this country.¹ This constitution, provides that there shall be a Police Force for Lesotho that shall be responsible for the maintenance of law and order in Lesotho and shall have such other functions as may be prescribed by the Act of Parliament.² Then in 1998 the parliament enacted Police Act³ which stipulates the general functions and duties of police. It provides that it shall be the duty of every person attested as a police officer to serve the people of Lesotho in that office, diligently, impartially and with due regard to the constitution, to preserve peace and maintain law and order. Protect life and property, detect crime and apprehend offenders and bring them to justice and while he holds that office, to the best of his skills and knowledge, discharge all duties of that office faithfully, according to the law.⁴ It prohibits police officers to be involved or affiliated to any political party or any organisation, club, association or group of a political nature.⁵ Police are expected to serve the nation without any discrimination of any kind or nature.

According to Kenneth,⁶ law enforcement officers are authorised to use force in specified circumstances, are trained in the use of force, and typically face numerous circumstances during their careers when use of force is appropriate. For example in making some arrests, restraining unruly combatants or controlling a disruptive demonstration. When the level of force exceeds the level considered justifiable under the circumstances, however the activities of the police come under public scrutiny. Incidents involving the use of excessive force by police frequently receive attention from the media, legislators and in some instances civil and even criminal courts. Whether the excessive force is aberrant behaviour of individual officers or is a pattern and practice of an entire law enforcement agency, both the law and public opinion condemn such incidents. The government has only five years to survive and after this five

¹ Section 2 of 1993 Lesotho Constitution

² Section 147 (1)

³ Police Act of 1998

⁴ Section 24 (1) of Police Act of 1998

⁵ Section 66 (1)

⁶ Kenneth Adams; US department of Justice, Office of Justice Programs, National Institute of Justice, 1999

year's period, the country has to hold general elections for the new government. From that time of independence Lesotho had a single party majority government where the government was formed by one party which won the general elections and this changed in 2012 general elections where there was no party which won outright majority elections, and hence first and historic coalition government was formed in Lesotho.

1.1 PROBLEM STATEMENT

The Lesotho Mounted Police Service is the institution that is entrusted to prevent crime, protect life and property of the people, control traffic, to preserve peace and stability and apprehend offenders and bring them to justice.⁷ The community puts their trust and faith in the police in this country for any crime that is committed against it. But recently, it seems that police has turned their back from this fundamental duty of prevention of crime and protecting life and property. There are a lot of complaints concerning the police in their discharge of their duty, as currently police officers seem to abuse the powers vested in them by the laws of this country. Actually, the main reason for the police to arrest a suspected person is to secure the attendance to court and the arrest should not be seen in anyway as the punishment to the arrestees. The police brutality was heard all over the local and international media platforms that police misuse their given legal powers to arrest suspects and bring them to justice. The Lesotho Times was once wrote that, the under fire Lesotho Mounted Police Service (LMPS) are again in the eye of the storm over allegations of brutality against civilians. That follows a recent incident in which members of the LMPS Special Operations Unit (SOU) in Maseru were captured on video physically abusing some venders by forcing them to roll on the hard ground as punishment for allegedly engaging in illegal activities of assisting the public to access vehicle licences at a fee at the Traffic department.⁸ Lesotho experienced the first coalition government after the 2012 general elections as there was no party which could form a single party government. Since then, there were many complaints concerning police brutality in Lesotho. The police brutality causes instability in the country as people or community turned away from the police and want to take the law into their own hands against the police. Therefore the need to study whether coalition governments precipitate police brutality in effecting arrest in Lesotho.

⁷ Section 24 (1) of Police Act of 1998

⁸ Lesotho Times April 23, 2019

1.2 RESEARCH QUESTIONS

- Do coalition governments precipitate Police brutality in effecting arrest in Lesotho?
- Does political influence and political instability cause police brutality in Lesotho?
- Does police brutality exist in other jurisdictions which had or have coalition governments?
- What are the possible remarks and conclusions

1.3 HYPOTHESIS

- The coalition governments causes police brutality in effecting arrest in Lesotho
- Police brutality is caused by political influence and political instability in Lesotho
- There is still police brutality in other Jurisdictions which had or have coalition governments

1.4 METHODOLOGY

In this study, literature review method, historical method, and comparative study and in library readings of articles, journals, case law, newspapers, books, internet and face to face interviews were used in this study.

1.5 CHAPTER BREAKDOWN

The purpose of this study would be, to try establish whether the escalating police brutality is due to the nature of government, being coalitions or lack of laws in that regard. Again the aim of this study is to investigate the dangers inherent in the notion of police use of force in the course of effecting arrest.

It is the duty of the state to fight crime for the betterment of security and freedom of society as a whole, there can be no doubt that in the absence of a system which limits state power by protecting the substantive rights and procedural rights, individuals and society would suffer at the hands of the state and its officials.⁹

⁹ Bekker P, *Criminal Procedure Handbook*, Juta and Co, 2007,p- 10

In this chapter, introduction of this study, statement of the problem and research questions have been outlined. Then the hypothesis, methodology and chapter breakdown have also been indicated.

In chapter 2, the study will start with the introduction and historical overview of Lesotho. Then this chapter will define police brutality and coalition government and again will discuss the law governing arrest in Lesotho. This will further focus on the effects of coalition government in police brutality in effecting arrest in Lesotho. Finally this chapter will also deal with whether political influence and political instability cause police brutality in effecting arrest in Lesotho.

In chapter 3, this study will deal with how other countries which had or still have coalition governments such as India and Zimbabwe deal with police brutality in their respective jurisdictions. In other words, there will be a comparative study in order to establish whether there is anything that can be of great importance and adopted by our Mountain Kingdom in dealing with police brutality which infringes the fundamental human rights of the people.

Chapter 4 will deal with the conclusion on the findings of this study concerning police brutality in Lesotho and then the recommendations from the findings will be made by the author.

CHAPTER TWO

The effects of coalition government on police brutality in effecting arrest in Lesotho

2.1 Introduction

The purpose of this chapter is to investigate the escalating police brutality in effecting arrest, precipitated by coalition government. The first part of this chapter is the historical overview of Lesotho politics, definition of police brutality, coalition government and will be followed by the analysis of the laws governing arrest in Lesotho. The second part will define political influence and explain how it causes police brutality with some cases cited to support this argument and finally political instability will also be defined and explained on how it contributes to police brutality in the Kingdom of Lesotho. This will also be shown with some life cases where political instability contributed to police brutality. And then there will be a conclusion based on what would have been discussed in this chapter.

2.2 Historical overview

The Kingdom of Lesotho is totally encircled within South Africa in the southern part of Africa and it gained independence from the British on the 04th October 1966. Lesotho is a democratic country which inherited the Westminster type of constitution. In 1993 Lesotho adopted this new and current constitution which is the supreme law of this country.¹⁰ The government has only five years to survive and after this five year's period, the country has to hold general elections for the new government. From that time of independence Lesotho had a single party majority government where the government was formed by one party which won the general elections but this changed in 2012 general elections where there was no party which won outright majority elections, and hence first coalition government was formed in Lesotho.

2.3. Police brutality

Police brutality is the use of excessive physical force with the intent to deliberately injure, intimidate and potentially kill a citizen during a law enforcement incident. Police may use only reasonable force necessary to make a lawful arrest, excessive force is unlawful.¹¹ On the other hand police brutality refers to the use of unnecessary use of force by the police. The use of such tools as pepper spray, batons and teasers, as well as hitting, choking, throwing a non-combatant

¹⁰ Section 2 of 1993 Lesotho Constitution.

¹¹ www.study.com (accessed on 19 May 2020)

civilian to the ground, and sexual abuse are all examples of physical police brutality. It can be physical as well as verbal abuse or racial profiling and false arrest.¹²

2.4 Coalition Government

A coalition government in parliamentary system is a form of government in which multiple political parties cooperate reducing the dominance of any one party within that coalition. The usual reason for this arrangement is that no party on its own can achieve a majority in the parliament.¹³ The King shall appoint as Prime Minister a member of the National Assembly who appears to the Council of state to be the leader of the political party or coalition of parties that will command the support of a majority of the members of the National Assembly.¹⁴ In a coalition government, coalition partners or political parties which form coalition government share powers in terms of the ministries according to their written coalition agreement. This makes the government not to function adequately because each political party seems to own that ministry or ministries which are responsible to it.

In terms of the coalition agreement of this current coalition government, the parties agreed to diligently serve and share power as follows, the Prime minister shall come from All Basotho Convention (ABC), the deputy Prime minister shall come from Alliance of Democrats (AD), and the Prime Minister shall appoint seventeen ministers from ABC, six ministers from AD, two ministers from Basotho National Party (BNP) and one minister from Reformed Congress of Lesotho (RCL). And the deputy ministers as well shall be appointed according to the coalition agreement.¹⁵

It transpired that in coalition government the coalition partners in the government take it that the Prime Minister has no power to make some decision without first consulting other partners. This is so despite the fact that Prime minister has all the powers to advise the King in the appointment and removal of the ministers as per constitution.¹⁶ This was seen in the 2012 coalition government when the then Prime Minister Dr. Thomas Motsoahae Thabane dismissed Honourable Selibe Mochoboroane as the Minister in the government of Lesotho. But honourable Selibe Mochoboroane refused to step down as minister and continued to perform

¹² <https://timesofindia.Indiatimes.com> (accessed on 19 May 2020)

¹³ <http://en.m.wikipedia.org>. (accessed on 05 March 2020)

¹⁴ Section 87(2) of 1993 Lesotho constitution.

¹⁵ Coalition Agreement for National Unity, Reconciliation, Peace and Stability, August 2017.

¹⁶ Section 87(3) provides that the King shall, acting in accordance with the advice of the Prime Minister, appoint the other ministers from among the members of the National Assembly or from among the Senators who are nominated as Senators by the King under section 55 of the constitution.

ministerial duties. This was reported in one of the local media where it was said that Selibe Mochoborone said that he only ignored his dismissal as communications, science and Technology after being told to do so by Prime Minister. Mochoboroane relied on the coalition agreement that provided for the consultation upon which the coalition government was founded, regarding key decision-making. The leader of Lesotho congress for Democracy also supported this by saying that he was not consulted before making such decision.¹⁷ This shows that coalition government seems to lack the rule of law because even the minister do not respect the constitution of this land which provides for supremacy.¹⁸ If the ministers do not respect the law of this country, can we expect the citizens to abide by the law of the country? That is the sign of the lawless country where everyone does what he or she likes knowing that no action will be taken against them.

2.5 Law governing arrest in Lesotho

It is common cause that every country has its own laws that govern and regulate the behaviour of the citizens within that country. Then for this to happen there has to be an institution that will see to it that such promulgated laws are respected by the people as required. Lesotho like any other countries under 1993 constitution established the Lesotho Mounted Police service which is entrusted to protect life and property of the people, maintain law and order, preserve law, apprehend offenders and bring them before the court of law.¹⁹ In order for the police to carry out this duty they are also empowered to use force when effecting arrest if a suspected person whom they have reasonable suspicion that such person has committed or suspected of committing a crime under part II of the first schedule of the criminal Procedure and Evidence Act of 1981(hereunder called CP&E). This further provides that if such person resists, flees or try to flee, a peace officer or a private person so authorised to arrest may kill such person and such killing will be regarded as justifiable homicide if there was no other way of arresting him or her.²⁰ In interpreting this section I find that peace officers or private persons so authorised to effect arrest are allowed to use force when effecting arrest to the suspects only when the suspected persons resist to be arrested or flee from being arrested. That means that if a suspected person submit to the arrest there is no need to use force upon him or her. However, the purpose of arrest is to bring the arrested persons before the court of law, so if suspected

¹⁷ Lesotho Times, November 13, 2014.

¹⁸ Section 2 of the 1993 Lesotho Constitution.

¹⁹ Section 147 of the 1993 Lesotho Constitution.

²⁰ Section 42 of Criminal Procedure and Evidence Act of 1981.

persons may be killed during arrest this purpose will not be achieved. According to Lesotho Constitution²¹, every person is presumed innocent until proven guilty by the court of law. It provides further that every person shall have to be informed of what he or she is suspected with and have a fair hearing in an open court. Therefore if police or private persons so authorised to effect arrest do kill suspects, this is contrary to this provision of the constitution which is the supreme law in this country.²²

Police in effecting arrest must consider that everyone is presumed innocent until proven guilty by the courts of law and every person must be given a fair hearing (*audi alterum partem*).²³ This requires that criminal trials be conducted in accordance with notions of basic fairness and justice and it is the duty of the courts to give content to these notions.²⁴ This is also considered in the international level, for instance article 14 (2) of ICCPR²⁵ provides that everyone charged with criminal offence shall have a right to be presumed innocent until proven guilty according to law. Article 11(1)²⁶, also provides that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. Apart from all these instruments, there is much concern about police brutality in Lesotho and the perpetrators are not made to pay for these unwanted acts. Instead of making them pay, such police officers got promoted to the higher ranks. For instance, the suspects in the *Mokalekale Khetheng* case were promoted during the seven party coalition government, which one would say they were rewarded for the fulfilment of the mandate. This allegation was also made by the current Commissioner of Police, in his statement when, after he got in the office, demoted some of those police officers.²⁷

2.6 Effects of Coalition Government on police Brutality in Lesotho

Lesotho had the first coalition government following general elections in May 2012 whose results were such that no political party obtained an outright majority on the basis of which it could form a government. The All Basotho Convention (ABC), Lesotho Congress for Democracy (LCD) and Basotho National Party (BNP) formed a coalition government which

²¹ Section 12.

²² Section 2 provides that this constitution is the supreme law of Lesotho and if any other law is inconsistent with this constitution, that other law shall, to the extent of the inconsistency, be void.

²³ Section 12 of 1993 Lesotho Constitution.

²⁴ Bekker P, *Criminal Procedure Handbook*, (2007), Juta and Co.

²⁵ International Covenant on Civil and Political Rights adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A(XXI) of December 16, 1966 entry into force March 23, 1976.

²⁶ Universal Declaration of Human Rights of 1948.

²⁷ www.harvestfm.co.ls (accessed on 06 January 2020.)

was led by Dr. Thomas Motsoahae Thabane of ABC as the Prime Minister of the government of Lesotho and deputised by the leader of LCD Mr. Mothejoa Metsing.²⁸

In this coalition government, it was seen that it was the intention of the then government to cab and root out the crime in this country and the government stood very strongly in the fight against crime. Dr. Thabane as the Prime Minister and Minister of Police then, took a very hard stance towards crime prevention and stressed that his ministry (meaning ministry of Police) would not to go easy on criminals and urged the police to use force, fight fire with fire.²⁹ The premier had declared war on criminals and giving them a three months period to clear up their acts or “else go to prison or die”. He further warned the criminals that their reign of terror was ending, adding that for every crime committed a thief should pay with his head, since they are in government and have responsibility to prevent crime as the ministry of Police was under their control. To make his point clearer, Prime Minister announced that the government is going to have a meeting with the Commissioner of Police as well as Assistants Commissioners of Police to give them orders that in the next three months there would be no criminals running around.³⁰

Although the statements made by the Prime Minister did not specifically authorise torture or assault on people, they could however, be interpreted as condoning police brutality as they encouraged use of force where such could be justified as a crime prevention strategy. The view that the government condoned or encouraged the use of force or torture as an interrogation tool could also be supported by the fact that during the spell of two years in power, there were more civil suits and media reports about police brutality than in any other period. The reports reflected a total number of 12 deaths in police custody, 32 cases of torture, which were investigated and the torture of 129 villagers who were arrested during police operation to search for illegal firearms in their village.³¹ In one of the local newspaper,³² it was reported that two men of Tsakholo and Ha Keketsi in the district of Mafeteng died in the hands of Mafeteng Police in January 2013. However, no criminal prosecutions had been taken against those police officers, and this brings to the point that coalition government precipitates police brutality in Lesotho. Then I submit that the government encouraged police brutality, based on the

²⁸ TW Letsie ' *The 2012 General Elections in Lesotho: A Step Towards the Consolidation of Democracy*' (2013). 12 (1) Journal of African Elections Vol. 66.

²⁹ B Ntaote 'Jail or Death' Lesotho Times, 10 October 2013.

³⁰ Lesotho Times, 10 October 2013.

³¹ United State Department of State Lesotho 2012, Human Rights Report (2013) 1 2014 (2) 2015 2.

³² Informative, 14 January 2013.

utterances of the Prime Minister and what followed after that utterances, which were also politically influential to the police.

In most instances it would be implied that police did not intent to arrest and bring suspects before the courts of law but rather enjoy to torture them without even giving them charge. In another incident, in a joint operation of police and army, villagers complained that they were physically and emotionally tormented by both police and soldiers who forced them to give information relating to illegal firearms in a raid conducted at Thota-peli in the Berea district in the early hours in search of illegal firearms. Many villagers, men and women, including pregnant women were, regardless of their age dragged to the chief's place where they were collectively beaten and male's private parts were pulled while the women were ordered to roll in the cold morning dew.³³ Those villagers were then released without being taken to custody so as to appear before the courts of law.

According to U.S Department of state report,³⁴ there were 24 cases investigated by police in 2013 in which police were alleged to have tortured suspects. For example, Tsakholo Police arrested and interrogated a brother of a suspected rapist on the 01st January 2013. It was alleged that police tortured the brother to death in custody. Roma police also arrested one Kabelo Makateng on the 27th June 2013 who was suspected to have assaulted a police officer. He was released without a charge seven days later. Kabelo alleges that during his detention he was blindfolded by about four police officers, burned his arms with an iron rod, poured hot water on his chest and assaulted him with knobkerrie. Hence a civil suit against the Commissioner of police who did not dispute liability and parties agreed by out of court settlement.

In 2014,³⁵ there were 8 reported cases in which victims were alleged to have been harassed and tortured at the hands of police. These included the case concerning the residents of ha Hlalale in Maseru district by Mokhalinyane Police. The villagers claim that while the police were investigating one man for unlawful possession of a firearm, police dragged the villagers out of their beds at night, some naked while others semi-naked, assaulted them with blunt objects including gun butts, sticks and knobkerries and 24 people then arrested. Those who were arrested and detained claim that while in detention, women were denied sanitary pads and those seriously injured were not afforded medical attention.³⁶ In all these cases people's human rights

³³ <http://www.sundayexpress.co.ls> (retrieved on 25th February 2020.)

³⁴ Ibid.

³⁵ Lesotho News's Post, February 18, 2014.

³⁶ U.S department of State Lesotho 2013, Human Rights Report (2016) 2.

were infringed by the police and the police disregard what the law of this country provides in relation to arrest of suspected people. The principle of the rule of law is also not adhered to, because the suspects are not taken before the courts of law but rather be tortured and harassed by police and release them sometimes without informing them of their charge. This brings to the conclusion that police did what they did because they knew that they have the cover of the government and nothing will happen against them.

Police are expected to observe the law in their discharge of their duty and they are not above the law. This was said in the case of *Sello v Commissioner of Police*³⁷, where it was said that it was so important that the activities of the police in this respect should be reviewed by an independent authority so as to check and see if their actions are in accordance with the law. Police should not think that they are above the law or a law unto themselves. This is what the ordinary citizen fears most and it is the main function of the courts in our kingdom to protect the rights of an individual from misuse of power by the police. Even though I personally do not support the idea of use of force and even to kill a suspected person resisting arrest or fleeing as provided in the CP&E,³⁸ this provision permits use of force when a suspect resists arrest, flees and or when there is no other way of preventing such person from fleeing, may kill him or her and that will be regarded as justifiable homicide. In a nutshell, police seemed to use force to every suspect, or any person and sometimes even killing those people. This is the misuse of this law and power by the police and the government seemed to be happy with these acts of police and hence police brutality in Lesotho.

However, in some incidents the perpetrators of this brutality were taken before the courts of law to answer for their alleged acts. In *PM v Commissioner of Police*,³⁹ and *MM v Commissioner of Police and others*,⁴⁰ which present the sexual form of torture inflicted on female suspects by members of LMPS. In both cases the victims are women who were arrested on 28th December 2012. Upon their arrival at the police station at Mokhotlong, they were ordered to take off their clothes, to sit down with their legs apart and the male police officers inserted fingers and sticks in their genitalia. In the process some police officers insulted them and assaulted them with sticks and fists. The complainants instituted a civil suit against Commissioner of police for damages in the High court of Lesotho. The Commissioner did not

³⁷ CIV/APN/10/80.

³⁸ Section 42 (ibid.)

³⁹ CIV/T/264/2012 (unreported.)

⁴⁰ CIV/T/310/2012 (unreported.)

dispute liability but negotiated the amount to be reduced and a settlement was reached between the parties as per Deed of settlement filed in the record. Both criminal and disciplinary actions were taken against those police officers who were identified by the victims as the perpetrators. Those suspected police officers were arraigned and granted bail and they fled the country, the cases are still pending thereof. In the similar vein, these suspects did not resist arrest nor fleeing so why the use of force on them? But in this case the police played their part in bringing the suspects before the courts of law for the law to take its course.

2.7 Political influence on police brutality in effecting arrest in Lesotho

Political influence means the capacity to have an effect on the character, development or behaviour of something or the effect itself. Political influence can also mean the power to shape policy or ensure favourable treatment from someone especially through status, contracts or wealth.⁴¹

Political influence was seen in those various coalition governments in Lesotho within the police Service. In 2015, Lesotho once again held general elections, in which no party had the outright majority to form a government. Seven parties agreed to form a coalition government led by the leader of Democratic congress (DC) Dr. Pakalitha Mosisili. Similar, in this coalition government police brutality seemed to take its course, as it was in the previous regime. There were still lot of cases reported of police brutality and victims instituted civil suits against the police for damages with no corresponding criminal cases in some other incidents. This brings to the conclusion that despite the change of the government police are still enjoying to violate people's human rights by brutally assaulting and torturing them, knowing that they have the government support because they will not be made to answer for what they did to the people of this country.

There are many registered civil cases at the High Court of Lesotho estimated to 229 cases as at 05th January 2015 to July 2017.⁴² These cases were lodged by victims who alleged to have been tortured by different police officers from various police stations all over the country. And still suspected police officers in those acts were not taken before the courts of law to answer for what they are alleged to have done to the community. In the case of *Thabo Shao v Commissioner of Police and others*, the victim alleged that he was arrested and subjected to torture simply because he was wearing a T-shirt of ABC which was opposition party at that

⁴¹ <http://www.bing.com> (retrieved on 06th, January 2020.)

⁴² High court Statistics as at July 2017.

time. In other words, one would say that police were politically influenced when arresting this person because it is not an offence for any person to wear his or her political T-shirt. While in *Sello Masunhloane v O/C Pitso Ground and another*,⁴³ the plaintiff alleged that he was severely assaulted by members of LMPS at Pitso Ground Police Station. He alleges that he was beaten while his hands and feet were tied behind him and that due to the severity of the beating, he defecated in the presence of female police officers. In the same way this suspect did not resist arrest nor trying to flee but he was brutally assaulted by the police of Pitso ground, bearing in mind the words, “criminals must go to prison or die because their reign has ended now”. These words have some influence to police that they have to make their presence to be felt by the suspects. In the case of *Teboho Moferefere v Commissioner of Police*,⁴⁴ *Thabo Mopeli v Commissioner of Police and Maseteli Mopeli v Commissioner of Police*, the victims averred that they were subjected to severe beatings and suffocation with different articles used. Police continued to violate people’s human rights knowing that they have the support of the government. While in the case of *Khauhelo Mabela v Commissioner of Police*,⁴⁵ the victim alleged that he was thrown onto the moving vehicle by the police. It is common cause that in most cases the victims would be arrested, assaulted and then released after a prolonged time without a proper charge against them. This is in contravention with the law because the law is clear that a suspected person arrested would be brought before the court of law within 48 hours in detention, being properly informed of the charge in which he or she is suspected of.⁴⁶ And those police are not taken before the courts of law to answer for those acts. This brings to the conclusion that the government have impact in police brutality in effecting arrest in Lesotho. And the political parties in the government try to push the agenda of their respective parties, and hence use police to torture people.

It is the government that should ensure that every ministry or government institution performs its tasks effectively and the civil servants follow the rules and regulations that govern such institutions. But what we have experienced and what we still see is the opposite because there is no rule of law in this country. If the government institutions do as they please and the government says nothing that constitutes lack of rule of law in such a country. This is seen where police would violate the people’s human rights by torturing them in a severe manner and the government says nothing but when the new government takes over, then such police

⁴³ CIV/T/530/16.

⁴⁴ CIV/T/4/2016.

⁴⁵ CIV/T/531/2016.

⁴⁶ Section 32 of CP & E.

officers are made to answer for their acts. Then this is the sign of political influence within the police service, and even some government resources are used to commit such acts. It was reported in one of the local newspapers that, it took more than fifteen months of dodging and ducking by the police to hide what had happened to their colleague, Police Constable Mokalekale Khetheng who had disappeared in their hands. It went further to say that it took about fifteen months for the Mosisili regime (meaning coalition government) to devise and attempt to hide the well-known secret of the murder of Khetheng. It took more than 12 months for an urgent habeas corpus application in the high court to be finalised. But it took just two weeks for the new Acting Commissioner of Police Holomo Molibeli to have suspects in the murder arrested, charged and the body of Khetheng exhumed. This is a sign that Lesotho criminal justice system is broken. It was reported that of all the abhorrent things that had happened in Lesotho since 2015 when the Mosisili regime took over, none was as fundamental in undermining the rule of law as the systematic dismantling of the police service and creating in its place a murderous militia made up of army, intelligence and police officers. The establishment of a joint police and army unit signalled the beginning of the end of a professional police service which did not see civilians but enemies of the state. It has since emerged that both police and intelligence were now being trained on military intelligence as opposed to their traditional skills. The Khetheng case is one illustration of how far the rot had gone in turning a law enforcement organ into a criminal unit by the government.⁴⁷ The arrest of several senior Police officers for murder is indicative that the cancer which was spreading within the police service can be stopped. These several senior police officers were only be able to be arrested after the change of the coalition government and one of the suspected persons in this case is the former minister and the deputy leader of the Lesotho Congress for Democracy. In this regard one would be of the view that the government of that day knew something about this murder, hence police brutality due to political influence.

The former defence minister and deputy leader of Lesotho Congress for Democracy Tseliso Mokhosi was arrested and questioned regarding the death of police constable Mokalekale Khetheng who went missing in March last year (2016), after being arrested by three police officers. This police constable was later found dead at ha Mokhalinyane in the rural area of Maseru and Mokhosi is alleged to have provided a government vehicle that took the deceased and disposed off his body. The LCD claims he has been tortured in the hands of police.⁴⁸ In

⁴⁷ Lesotho Times, 23 June 2017.

⁴⁸ www.sabcnews.com. (accessed on 06 January 2020)

this regard one would say that if the defence minister is also suspected in this case and government vehicle was used to take and throw away the dead body of Khetheng, the then coalition government planned his death and used police officers to perform that task. Then again misuse of the power by the police because no one of them said that Khetheng resisted arrest or trying to flee but was killed though. Therefore, I submit that police were under the political influence to perform such act and were trying to please their master and then be rewarded. For instance, those suspected police officers were promoted to the higher ranks by the then coalition government, which one would say that they were rewarded for the fulfilment of the mandate that was given to them. This allegation was also made by the current Commissioner of Police, in his statement when, after he got in the office, demoted some of those police officers. The Commissioner said that those police officers were promoted because they were rewarded for bad things they did for their masters.⁴⁹ In the light of the above, one would say that police are political influenced when they carry out their duty. This was also said in Mpaphi Phumaphi recommendations,⁵⁰ where it was testified that the security sector in Lesotho is heavily politicised, with the LMPS being largely ABC supporters even going to an extent of campaigning for the party in the previous elections. That being the case, there would be no doubt that there are political influence within the LMPS in their discharge of their duty. But police who are involved in these brutality are not prosecuted. The rule of law does however, require that public authorities and officials are subject to sanctions if they depart from law. Often sanction is that their acts are declared invalid by the courts but another sanction is the duty to compensate citizens whose rights have been infringed.⁵¹ As the rule of law requires, the victims of police brutality are compensated in most cases when they have lodged actions against the Commissioner of police, who normally does not deny liability.

2.8 Political instability on police brutality in effecting arrest in Lesotho

Political instability can be defined as the process whereby the political life or atmosphere of a country or nation suddenly changes or fails. When the political situation of a state or region is not certain because it has high possibility of changing or getting disturbed, then we say there is political instability.⁵² The political instability takes the form of a nation that has turned on

⁴⁹ www.harvestfm.co.ls (accessed on 06 January 2020.)

⁵⁰ SADC Commission of Inquiry into the Circumstances Surrounding the death of Brigadier Maaparankoe Mahao, p-50.

⁵¹ Geldenhuys, *Criminal Procedure Handbook*, 9th ed, 2011, South Africa.

⁵² <http://hosbeg.com/political-instability> (retrieved on 06th January 2020.)

itself, as groups in possession of the machinery of state use state institutions and processes against their opponents and those considered enemies.⁵³

The Lesotho opposition parties showed their concerns about this police brutality in Lesotho. As the Socialist Revolutionaries (SR) party expressed their concerns about the alarming cases of violation of human rights in Lesotho. Mr. Nkhesi Monyalosi once said that it has come to their attention as leaders of SR that some members of the LMPS are continuing to torture and harm suspects of crime. He said among these cases there is one suspect who was reported to have been assaulted by the police and he has now lost his mind. He further indicated that in the past months, they wrote letters to international organisations including Embassy of the United States to Lesotho informing them about these police brutality cases and he called onto government of Lesotho to stop the police from abusing people.⁵⁴ One of the Lesotho news platforms called Liotloana⁵⁵ published that just in the aftermath of his inauguration, the Lesotho Prime Minister Thomas Thabane made toxic pronouncements in the National Assembly, public rallies and on Lesotho Television effectively giving orders the Lesotho police to assault suspects when people are not in sight. These orders have had far-reaching consequences exemplified by a battery of systematic killings of suspects by the police. These toxic pronouncements were supported and also encouraged by the members of the National Assembly on the government side in the parliament, hence the government precipitates police brutality in Lesotho. This could be interpreted the government was not stable and has a feeling that opposition may remove them from their power, hence the sign of political instability.

The Post⁵⁶ observed that despite the proliferation of civilian murders and brutality by the police, there is shockingly little accountability. Charges for police murders are rare and convictions almost non-existent. It suggested that the reason for this complacency is not hard to find because the police who carry out these heinous acts enjoy full support of the government itself. The Transformation Resource Centre in its report to the SADC meeting at Namibia, presented the following cases that police brutally and fatally tortured people in Lesotho. And there was still no accountability for this police brutality. It was said that police brutally shot and killed one Thelingoane Mota at Korokoro in the outskirts of Maseru. His corpse was found the next day and his head was ripped open and the brain was missing and no one has been arrested even

⁵³ Motlatsi Thabane, *Towards an Anatomy of Persistent Political Instability in Lesotho, 1966-2016*

⁵⁴ www.harvestfm.co.ls (retrieved on 03rd January 2020.)

⁵⁵ News Agency 28th October 2018.

⁵⁶ Newspaper 01st August 2019.

though such police were known. This went on to report that also the known police officers in the Butha Buthe district in the northern part of Lesotho brutally tortured to death a young Mosotho male and still no one was arrested in this case. These are but few of the cases brought forth by TRC in that meeting.

Police are not expected to be involved in party politics in any way and they should perform their duties without fear or favour. In effecting arrest police should not carry out this task on the basis of discrimination of any kind such as on the basis of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth, disability or any other status. However, it was reported by Public Eye⁵⁷, that police raided the village of ha Makebe in the district of Berea on the early morning and tortured people at that village by making them roll from one place to another. Some of the villagers who were tortured said that police assaulted them because they (villagers) are members of the opposition parties and they do not support the current coalition government. This is in contrary with the LMPS standards⁵⁸ under the treatment of victims of crime which stipulates that, police will respect their dignity and human rights, be compassionate to them and do not discriminate against anyone. This further provides that police will not inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment in any circumstances and shall refuse to obey any order to do so. They shall use force only when it is strictly necessary and to the extent required for the performance of their duty. This brings to the point that in most cases police are used to torture or threaten the opposition party members so that they do not constitutionally challenge the government to do things for the society or alternatively the opposition would move the motion of no confidence in the Prime Minister and the government.

The consequences of the Prime Minister utterances which are now on public domain appears to have had unfortunate repercussions. For instance, the spade of police brutality in recent days is alleged to have skyrocketed, as on the 28th July 2017, Roma police also arrested one Kabelo Makateng on the 27th June 2013 who was suspected to have assaulted a police officer. He was released without a charge seven days later. Kabelo alleges that during his detention he was blindfolded by about four police officers, burned his arms with an iron rod, poured hot water on his chest and assaulted him with knobkerrie. While in Thaba-tseka, police brutally beat a sheep farmer to death and in Semena in the same district another suspect was killed by police.

⁵⁷ Newspaper, 12th August 2015.

⁵⁸ Lesotho Mounted Police Service, Service Charter.

Similarly, in Leribe another suspected thief on the 07th August 2017 lost his life through this police brutality. The statistics for assaulted suspects as a result of the Prime Minister's orders to the police are increasing daily and police have now become law unto themselves.⁵⁹ The government seems to ignore these unwarranted acts of police and those known police officers involved in these acts are still working as if nothing has happened, and they are not charged for those uncalled for acts. One may say that Prime Minister said these words because he was uncertain whether his government will be stable or not.

Currently, it seems that police officers who are involved in this brutality are not taken before the courts of law but rather continue to work as usual, until the public and civil society can make noise about them.

There has never been a stable coalition government in this country since its inception in 2012. This can be proved by the threats and torture upon the opposition party members by the government institutions like police and army. That shows that there has always been political instability in Lesotho since 2012, perhaps even before that.

It has been seen that members of the opposition parties are targeted and harassed by the ruling government just because they do not support what the government is doing to the people.⁶⁰ Therefore the government is alleged to have used the police to torture and harass such people. This was said by the Transformation Resource Centre (TRC) in its statement where it showed its concerns about the threats and attacks that were perpetrated against the opposition party members and media ahead of 3rd June 2017 snap elections. It further stated that between July 2016 and February 2017, BNP candidate Mr. Machesetsa Mofomobe and President of Youth League of AD Mr. Thuso Litjoko were victims of systematic threats by state institutions, particularly police and army.⁶¹ In early 2017, Mr. Mofomobe was abducted by gunmen who he recognised as members of L M P S and Lesotho Defence Force (LDF). It is believed that the abductions came as a result of Mr. Mofomobe and Litjoko's unwavering stance in opposing the government of Lesotho when it undermines democracy, good governance and human rights. They could even be arrested and released without being charged by the police. Mr. Mofomobe was arrested more than once without any charge, although police would claim that he was being interrogated for treason.

⁵⁹ <http://moafrikafmradio.com/2017/08> (retrieved on 06th January 2020.)

⁶⁰ <https://moafrikafmradio.com> (supra.)

⁶¹ Oral Statement by the Transformation Resource Centre and the Southern African Litigation Centre (SALC) at the African Commission on Human and People's Rights held in Niamey, Niger 8-22 May 2017.

Chief Executive Officer of Lesotho National Development Corporation (LNDC) MR. Mohato Seleke was also arrested and harassed by police for the allegations that he was masquerading as “Makhaola Qalo”, a personality active on face book who published confidential government information on social media. He was released after the High Court of Lesotho held that his arrest was unlawful and fall within the terms of what the court classified as abduction⁶² Transformation Resource Centre further showed its concern by the attacks made against the Editor of Lesotho Times Newspaper Mr. Lloyd Mutungamiri and intimidation of his fellow colleague Ms Keiso Mohloboli in 2016. A week later, Lloyd was arrested again and released still with no charge pressed against him, but four days later after his release, unknown assailants attacked and shot him four times on the head.⁶³ Lesotho’s ruling elite will want to keep things as they have been, and resist any change that threatens their positions, even if such change has potential to end political instability in Lesotho and benefit majority of Basotho.⁶⁴

When community show their concerns to the government and stage protest as the citizens of this country, police are sent to assault and torture those people who are fighting for their rights. This is because the government has the fear that those protestors are working for the opposition. For example, on the 8th February 2018, members of Kao village staged a protest against the Storm Mountain Diamond Mine. It was in this protest where Police from Butha-Buthe were called to break up the protest and upon their arrival they shot towards the protestors with life ammunition, killing a villager by the name of Terene Pitae and causing others to sustain serious injuries. Police continued to harass Kao community, as there was one time police conducted a raid early in the morning on 27th December 2018. Police beat men and women in the village with knob kerie and clubs and in that incident one Poshoane Moloji a vocal community activist was killed and sixteen other members of the community were taken to Mamohau Hospital in Leribe because of their injuries. These police officers were not charged nor suspended until the public make some noise about them.⁶⁵ Again in this incident police used force upon the community of Kao without giving them any charge.

However, the courts of this country still perform their function as entrusted to them, because they seem to be more serious when it comes to this escalating police brutality. In some cases Commissioner of Police was made to pay damages to the victims of police brutality and he

⁶² <https://www.southernaficanlitigationcentre.org>.

⁶³ Lesotho Times Newspaper, 08th January 2019.

⁶⁴ Motlatsi Thabane, *Towards an Anatomy of Persistent Political Instability in Lesotho, 1966-2016*.

⁶⁵ Oral statement by Transformation Resource Centre (supra.)

often did not deny liability but tries to negotiate the amount to be reduced. According to High Court statistics there are many civil cases reported against police in which victims claim damages for assault, torture and harassment by police. It indicates that there are now 158 cases pending in the High Court and some are finalised and plaintiffs were awarded their damages.⁶⁶ Too often in this country courts have increasingly been witnessing police brutality force on members of the public with no justifiable and little regard to the consequences of their use of firearms in particular on members of the public.⁶⁷ In this case a policeman rendered 20 years herd boy comatose for no justifiable reasons at all other than he may have been involved in a fight with boys of a neighbouring village during which fight the boys of plaintiff's village were alleged to have fired a shot at boys from their neighbouring village. Instead of police properly investigating the complaint, police raided plaintiff's village at night and went on a shooting rampage which critically injured an innocent herd boy. The plaintiff was also awarded damages of M900, 000, 00 with permanent disability.

It appears that some police officers misinterpret section 42 of the CP&E because they cite it wrongly or use it in the manner that was not intended by the legislature. In *Sekhoacha V The Commissioner of Police*,⁶⁸ the plaintiff and her friend were from Bloemfontein travelling on motor bikes on 11th December 2015. On their arrival at Maseru Bridge Border Post, they found the border extremely congested with people and vehicular traffic, which was normal at that time of the year. When plaintiff and her friend got to the Boom-Gate, it was her friend who got a space to park her motor bike. The Boom-Gate itself was not closed and they decided that her friend alone would go inside to pay their respective M30.00 each, Boom-Gate fee. Plaintiff slowly rolled her bike across the open boom-gate which was unmanned and parked it just beyond the boom-gate near the pay cubicle to await arrival of her friend. She was sitting astride it when she heard a sound of gunfire and felt a sharp pain on her thigh followed by numbness on the rest of her lower limbs. She noticed blood streaming down her left leg, actually she was shot by a policeman who alleged that she was evading to pay boom-gate fee. Then she heard the policeman saying that she was running away and did not want to pay boom gate fee. The plaintiff filed a suit against the Commissioner of Police. In awarding the damages the court said that it is as, its normal nowadays that police would shoot at people without any justifiable cause, and then this must serve as a deterrent to other police officers. The courts awarded

⁶⁶ High Court statistics as at 06th, March 2020.

⁶⁷ *Mathoka v Commissioner of Police and Attorney General* CIV/T/225/14.

⁶⁸ CIV/T/296/2018[2019] LSHC 5 (12 March 2019.)

damages to the respective plaintiffs who were tortured and assaulted by the police, as in *Tholang Maleka v Commissioner of Police* delivered on the 30th December 2014, plaintiff was awarded damages for assault where his injuries left him no permanent disability.

Also in *Thabang Maketsi and Maribane Moiloa v Commissioner of Police*,⁶⁹ police who were stationed at Mafeteng are alleged to have kidnapped the plaintiffs from their residence at Ha Tsolo in the district of Maseru on the 18th July 2011, taken them to Mafeteng Police Station for their detention. They refused the plaintiffs any access to their relatives and ultimately released them without any charge, on the following day. In awarding the damages the court said that it would logically follow that a lawful detention of a person should result from a lawful arrest. The converse version being that a lawful arrest could in principle result in a lawful detention. This would apply where the police in their wisdom determine that the detention would be a necessary option in their endeavour to investigate a crime towards a possible genuine charge against the detainee before the expiry of the 48 hours' time limitation. The court in this case said that police should lawfully arrest and detain people and if there is a lawful arrest then the detention would also be lawful. But here it was found that the arrest was unlawful hence the award of damages to the plaintiffs.

2.9 Conclusion

The international instruments that Lesotho is party to them, prohibit torture, inhuman treatment, ill-treatment and every state is encouraged to domesticate those instruments. That is there is no specific legislature prohibiting torture and inhuman treatment of any nature in this country to the people. However, there is a budget reserved for police to compensate the victims of police brutality. To me this means that government and police as institution of the government do encourage police brutality. The perpetrators of this police brutality are also not accountable for what they did, it is the government that pays for the damages to the victims. So from the above discussion it is clear that coalition government precipitates police brutality in this country, as it was seen by the utterances of the Premier. It was also submitted that political influence constitutes to police brutality because police will not discharge their duty as required but want to please the master. This was highlighted in the case of *Mokalekale Khetheng* and other cases where police arrested one *Thabo Shao* just because he was wearing his political attire which was on the opposition side at that time. It was also shown that political instability in the country contributes on police brutality because the government would use police to torture and harass

⁶⁹ CIV/T/550/2011.

some vocal members of the opposition so that they do not oppose the government. This is a sign of uncertainty on the part of the government, and opposition members are threatened so that they do not put pressure on the government to deliver to the community.

Therefore, it is my submission that, indeed coalition government precipitates police brutality in Lesotho, as it was previously stated that in one occasion Prime Minister instructed police to use force upon the suspects in order to prevent crime. This was seen by many cases against police where they tortured some members of the public and making them roll, detain them and consequently release them without giving them any charge or even killing some suspects in custody. Thereafter such police officers do answer for what they did when the government changes. For instance, the case of Mokalekale Khetheng⁷⁰ as illustrated above and many others. Again, I found that yes, political instability and influence cause police brutality in Lesotho. It was stated above that some opposition members were arrested, tortured and then released without any charge by the police. This was just that those opposition members did not support some of the government decisions and believed that those opposition members cause instability. This is the sign of uncertain government which constitutes political instability. Even political influence also causes police brutality because police due to political influence, were seen misusing their powers by arresting some of the influential opposition members on their political attire, just like the case of Shao⁷¹ or ha Makebe⁷² community where people were tortured by police saying that those community is against the then government. Then, it is my submission that in light with the above findings, here in Lesotho police brutality in effecting arrest is caused by coalition government.

⁷⁰ (Supra.)

⁷¹ Shao (supra.)

⁷² (Supra.)

CHAPTER THREE

3.1 Introduction

In this chapter the comparative study with other jurisdictions will be made in order to see how coalition governments precipitate police brutality in those jurisdictions. Therefore, this chapter will compare Lesotho with the following countries, India and Zimbabwe. There will also be a conclusion that will be based on the findings of such comparative study.

3.2 India

In India it is common that political parties form alliances prior elections so that after the elections they form a government based on the results of the general elections. Lesotho adopted this form of forming alliances before general elections prior 2015 general elections when LCD and DC agreed to work together before and after the elections. Then coalition government in India started some decades ago like 1998 and still India is in coalition government as today. Therefore, the National Democratic Alliance (NDA) was formed in 1998 as a coalition to contest the general elections. It was led by the Bharatiya Janata Party (BJP) and included several regional parties including the SAMTA party and the AIADMK as well as SHIV SENA. The NDA is an alliance of centre-right and right wing political parties in India. Since 2014 this Alliance formed a coalition government in India till now with the Prime Minister Narendra Modi of BJP.⁷³

The NDA does not have a formal governing structure in place, such as an executive board or politburo. It has been up to the leaders of the individual parties to make decisions on issues such as sharing of seats in elections, allocation of ministries and split voting among the allies.⁷⁴

In Lesotho the Prime Minister has the power to appoint ministers and private secretaries with consultations with coalition partners per coalition agreement.

3.3 Law Governing arrest in India

Code of Criminal Procedure Act No 2 of 1974⁷⁵

Section 46 provides that,

⁷³ Keith Jones, (9 October 1999) "Hindu Chauvinist-led Coalition to form India's next government" World Socialist Web Site. Archived from the original on 24 October 2013. Retrieved 10 May 2020.

⁷⁴ <http://en.m.wikipedia.org/wik>.

⁷⁵ Code of Criminal Procedure Act No.2 of 1974

- (1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.
- (2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest.
- (3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

In interpreting this section, sub-section 2 of this section clearly stipulates that an arrestor has to use other means necessary to arrest the suspects and it does not specifically state that the arrestor may kill such arrested person who may resist or try to flee when been arrested. That means a police officer or any person so authorised has to look for other ways of arresting such person rather than killing him or her. Then, sub-section 3 expressly states that in India, a police officer or any person authorised to arrest may only kill a fleeing or resisting arrest suspect if the offence suspected to have been committed by that person is punishable with death or life sentence. Therefore, apart from these offences, an arrestor is not allowed to make a justifiable homicide. Unlike here in our Mountain Kingdom, where the arrestor may kill a suspect who resists or flees the arrest if crime suspected to have been committed falls under schedule one offences.

3.4. Indian Police Act NO. 5 1861⁷⁶

Section 23 provides for the duties of police officers that,

It shall be the duty of every police officer promptly, to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of the offences and public nuisances, to detect and bring offenders to justice and to apprehend all persons who is legally authorised to apprehend and for whose apprehension sufficient ground exists and it shall be lawful for every police officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking-shop, gaming-house or other place or resort of loose and disorderly characters.

⁷⁶ Indian Police Act No. 5 of 1861

These duties of police in India are not that different from that of Lesotho Mounted Police Service. They give police power to deal with crime in the country and arrest offenders and bring them before the courts of law.

The efforts of the courts in India, in particular the supreme court, have been to circumscribe the vast discretionary power vested by law in police by imposing several safeguards and to regulate it by laying down numerous guidelines and by subjecting the said power to several conditionalities. George Bernard Shaw, once said poverty is a crime, but nowadays even middle classes and other well to do people, who do not have access to political power-wielders, also are becoming targets to police excesses. The effort throughout has been to prevent its abuse while leaving it free to discharge the functions entrusted to the police. In *Joginder Kumar v State of U.P.*,⁷⁷ Mr. Justice Cardozo said that, the horizon of human rights is expanding. At the same time the crime rate is also increasing. Of late, this court has been receiving complaints about violation of human rights because of indiscriminate arrests. Further said that a realistic approach, should be made in this discretion. The law of arrest is one of balancing individual rights, liberties and privileges, on the one hand and individual duties, obligations and responsibilities on the other of weighing and balancing the rights, liberties and privileges of the single individuals and those of individuals collectively, of simply deciding what is wanted and where to put the weight and the emphasis, of deciding which comes first, the criminal or society. The law violator or the law abide, of meeting the challenge which forthrightly met when wrestling with a task of balancing individual rights against society's rights and wisely held that the exclusion rule was bad law, that society came first and that the criminal should not go free because the constable blundered.

In this case the court said that inasmuch as police have power to arrest suspects, they must do so whilst respecting the people's human rights, they must not violate people's rights.

3.5 Police brutality in India

It was reported that four villagers of Bhajanpur were shot dead while protesting for the granting of land of a factory owned by a son of Ashok Agarwal a member of Bharatiya Janata party on the 03rd June 2011. An inquiry into the incident conducted by the reputed NGO ANHAD.⁷⁸ It was also reported that police opened fire on violent Muslim youths killing six of them and 20 were injured. Police were also reported to have been involved in looting shops in 2013 at Dhule

⁷⁷ AIR 1994 SC 1349.

⁷⁸ 2 killed as Tribals, Police clash. The Hindu. 20th February 2003. Retrieved on 10 May 2020.

area.⁷⁹ However, police were not prosecuted for that alleged brutality against the protesters and the crimes alleged to have been committed were not punishable by death sentence or imprisonment for life but police used force upon those people. It seems that police used force when trying to disperse the crowd protesting for certain rights in India, like it also happened in Lesotho when police Butha buthe brutality assaulted Kao community and some were killed as earlier stated.

On the 25 August 2015, the Patidar community organised an assembly of over 500,000 people at the GMDC Ground in Ahndabad demand OBC quota. The convener Hardik Patel led others remaining there on hunger strike after the formal rally was over. Police arrested him in the evening using a lathicharge (the police tactics of charging a crowd with lathis or batons in order to disperse it) during which journalists were among those injured.⁸⁰ Those police officer involved were not taking before the courts of law to answer for their actions. On the 13th October 2015 Punjab police shot protestors and injured 50 others at the protest in Kotkapura Punjab, following the Guru Granth Sahib desecration in different parts of Punjab. Police claimed to be acting in self-defence.⁸¹ Still no action taken against the police by the government. Then, I submit that the government precipitates police brutality in India.

The police were also reported to have shot to death 20 suspected persons of wood cutters in the Sechachalam forest in Chittoor district. However such police officers were not charged for such murder.⁸² In 2018 the Thoothukudi Massacre was an incident in Thoothukudi, Tamil Nadu where 13 unarmed protestors were killed by police and injured 100 + by Tamil Nadu police.⁸³ The human rights of the people are violated in these incidents but the perpetrators of such acts are not held accountable. In fact there was no need to shoot unarmed protesters with the life ammunition. There was an initiative of amending the citizenship Act in India in 2019, therefore the students of Jamia Milia Islamia protested against such amendment hence police attacked them as well as non-protesting students at the University campus and injured some of the students.⁸⁴ In the same way, no actions taken against the police and this brings to the point that political instability and political influence cause police brutality because one would say that police did what they did because they know that they will not be held accountable for what

⁷⁹ Safi Michael, The Guardian. (23rd May 2018) retrieved on 10th May 2020.

⁸⁰ Business Standard. (25th March 2015) retrieved on 10 May 2020.

⁸¹ The Tribune (India) (15 October 2015) retrieved on 09 May 2020.

⁸² Daily Mail U.K. (retrieved on 10 May 2020).

⁸³ The Hindu Net Desk (24 May 2018) (Retrieved on the 08 May 2020).

⁸⁴ The Telegraph. 18 December 2019 (Retrieved on 10 May 2020).

they did by the government, hence police brutality. As it was also seen in many discussed cases and instances that members of LMPS involved in those brutality were not prosecuted.

The Times of India,⁸⁵ reported that authorities in India have come under fire after videos surfaced on social media showing officers hitting and demeaning people on the street to enforce the country's 21 days coronavirus lockdown. The Shashi Tharoor, a law maker with the opposition India National Congress has called on Prime Minister Narendra Modi to stop police from using violent force upon people. He further said that those police who brutalize citizens are bringing disrepute to the efforts of all others, as there are other police officers who are doing a commendable job in these difficult times. Actually, here the government seemed to hold the perpetrators of the brutality accountable which is a positive thing for the government to fire them. The Times of India,⁸⁶ again reported that a 32 years old man in the city of West Bengal died after being wounded by police. It was alleged that police had beaten him while venturing out to buy milk. The police here was enforcing the coronavirus laws in India, but such law does not permit them to torture the community.

The Economic Times,⁸⁷ reported that Uddhav Thackeray, the chief minister of the state of Manarashtra, urged the state's head of police to rein in officers following indiscriminate beatings by police. India has invoked section 144 of the Indian Penal code which prohibits the assembly of four or more people, to ensure that people do not out during the lockdown and to contain the spread of the coronavirus. Indians violating this section can be arrested by police. Numerous reports have emerged of police targeting people venturing out to buy essential goods or working in essential services such as medicines. Officers have reportedly beaten people with sticks and in certain instances, forced them to crawl or to make push-ups⁸⁸. However, no accountability on the part of the government to see to it that police stop harassing and torturing people so as to abide by the lockdown laws. This police brutality in India happens during the coalition era and the government seemed not to hold the perpetrators accountable for the acts against the public, hence police brutality in India and which I also submit that coalition government precipitates police brutality. The opposition parties in Lesotho showed their

⁸⁵ March 27, 2020.

⁸⁶ March 27, 2020 (Retrieved on 11 May 2020).

⁸⁷ An English- Language Indian Daily. 27 March 2020 (Retrieved on 11 May 2020).

⁸⁸ Ankita Mukhopadhyay, DW News. (25 March 2020). Retrieved on 11 May 2020.

concerns about this police brutality as Mr. Keketsi of SR party once suggest to the government to stop this brutality in Lesotho.⁸⁹

⁸⁹ www.harvestfm.co.ls (supra).

3.6 Zimbabwe

3.6.1 Background

In 1980, the Republic of Zimbabwe achieved independence from the United Kingdom. Since then, although the country has held regular elections, it has been led by President Robert Mugabe of the Zimbabwe African National Union-Patriotic Front (ZANU-PF). Bad governance, the disregard of the rule of law and the abuse of human rights have plunged the country into significant political and economic upheaval, characterised by hyperinflation, corruption and unemployment. The 2000 elections saw the birth of the Movement of Democratic Change (MDC) party led by Morgan Tsvangirai, which secured 46% of the vote. The political and economic situation continued to deteriorate during the 2000s, with the government clamping down on civil society and opposition parties. Since 2000 elections have been criticised as not being free and fair and the period preceding the 2008 elections was marred by politically motivated violence, with the Zimbabwe Republic Police (ZRP) accused of taking a highly politicised role in support of ZANU-PF.⁹⁰

3.6.2 Law governing arrest in Zimbabwe

Criminal Procedure and Evidence Act of 1898 as Amended⁹¹

Section 42 gives police officers the power to use such force as may be reasonably justifiable and proportionate in the circumstances to overcome the resistance during arrest or prevent escape. Lethal force may be used where the person is suspected of having committed a serious offence and the person attempting the arrest believes on reasonable grounds that,

- (a) The force is immediately necessary for the purposes of protecting the person attempting the arrest, any person lawfully assisting the person attempting the arrest or any other person from imminent or future death or grievous bodily harm, or
- (b) There is a substantial risk that the suspect will cause imminent or future death or grievous bodily harm if the arrest is delayed, or

⁹⁰ Policing and Human Rights: Assessing Southern African Countries' Compliance with the SARPPCO Code of Conduct for Police Officials, African Minds, 2012.

⁹¹ Criminal Procedure and Evidence Act of 1898 as Amended.

(c) The offence for which the arrest is sought is in progress and is of a forcible and serious nature and involves the use of life-threatening violence or a strong likelihood that it will cause grievous bodily harm.

In interpreting this section, for the police officer to use force upon the suspect there has to be a reasonably justifiable and proportionate circumstance that such force is used to overcome the resistance or fleeing of the suspect and such suspect must be suspected of having committed a serious offence or such suspected person poses a threat to the arrestor or any other person assisting to the arrest. In *S v Reza and another*,⁹² two police officer were convicted of assaulting with intent to cause grievous bodily harm, for using a leather whip to assault a suspect on the soles of his feet in order to extract a confession. The court held that the actions of the police officers constituted torture as defined in international law and that existence of a motive such as the extraction of a confession as evidence of commission of a crime was a necessary element of torture. The court noted that the fact that the beatings were specifically designed to induce intense pain to force a confession made the actions of the two officers unlawfully. Lesotho CP & E with its popular section 42, gives police such wide powers to use force and even kill a suspect who resists arrest, attempt to resist arrest or who flees when being arrested or trying to flee.

3.6.3 Police Brutality in Zimbabwe

The elections of 2008 resulted in the negotiated power-sharing agreement, the Global Political Agreement (GPA) being signed by the three political parties, ZANU-PF and two MDC factions through the mediation of the former President of the Republic of South Africa, Mr Thabo Mbeki since the MDC won the majority elections but failed to win the presidential runoff elections. In February 2009, a government of national unit (GNU) also known as coalition government was established. The mandate of GPA to GNU was to undertake the constitutional reform process by 2011 and freedom of media, upholding of rule of law and strengthening public accountability. The GPA put more power on ZANU-PF to hold essential ministries like security-sectors, and ZANU-PF had absolute control over the security-sector apparatus. There have been numerous reports that ZANU-PF and security-sector agencies acting in support of the party, have been responsible for the deaths of up to 200 people, the torture and ill-treatment of 5,000 people. Announcements by ZANU-PF of possible elections in 2011 triggered violence including numerous reports of continued arbitrary arrests, detention, and selective application

⁹² 2004

of law, harassment, ill-treatment and torture, amongst other human rights violations of MDC members. This must be borne in mind that MDC was still a partner in government when its members were been torture, ill-treated, harassed and sanctioned in law. The reform process as outlined in GPA 2009 in Zimbabwe have largely been silent on the issue of reform of the security-sector, including police. The failure of government to make reforms contributed to the endless cycle of police brutality in Zimbabwe⁹³. The coalition government ended after 2011 general elections when ZANU-PF returned in power alone. Police seemed not to respect any law nor orders of the courts and they were taking law unto their own hands and not respecting the people's human rights.

In *Masaiti v Minister of Home Affairs and others*,⁹⁴ police have been reportedly defied court orders that have been issued against them on the pre-trial of detained people and human rights defenders and activists. That shows that police in Zimbabwe were the law unto themselves, they do not respect the law of the country. In *MDC v Commissioner of Police and others*, the high court of Zimbabwe granted an order that prevented ZANU-PF youths Militia not interrupt the MDC rallies, but police did not execute such order and those youths continued to assault MDC members in front of the police. It was alleged that Zimbabwe's security forces had a torture camp in the Marange diamond fields, methods used include severe beatings, sexual assault and dog mauling.⁹⁵ Even here in Lesotho it was previously discussed that some members of the opposition political parties were tortured, arrested and harassed by the police.

Robert Mugabe and his ZANu-PF party, startled by balloting that threatened their 28-year rule, unleashed a brutal crackdown on opposition supporters and the press. Veteran journalist Geoff Hill described the weeks between the first round of voting in March and a runoff in June as the worst time for journalists in Zimbabwean history. Mugabe who appeared to have lost the March 29 election, emerged the victor in the violence-plagued runoff three months later as ZANU-PF supporters orchestrated a vicious campaign against people sympathetic to the opposition MDC. About 100 people died in the violence and during the period, police and security officers used obsolete media laws to jail at least 16 journalists and media support workers⁹⁶. No independent daily newspapers and no private broadcast outlets were in operation and only two prominent independent weeklies continued to publish. The nationwide press crackdown targeted anyone

⁹³ Policing and Human Rights (supra).

⁹⁴ 2381/08.

⁹⁵ Anderson, Hilary (8 August 2011) "Marange diamond field: Zimbabwe torture camp discovered" BBC News.

⁹⁶ https://www.refworld.org/docid/4992c4821_a.htm (accessed 13 May 2020.)

involved with the media, distributors, lawyers who defended journalists and state broadcasters considered disloyal to ZANU-PF.⁹⁷ New York Times reporter Barry Bearak was arrested under the outdated accreditation law and detained for five days. He later won the case.⁹⁸ The public eye reporter of Lesotho local Newspaper was once arrested by police and subsequently shot to death by unknown assailants. That was torture of the journalists who seemed to report or write about the bad acts of the government in Lesotho, contrary to rule of law principles.

It was reported that The Standard News's editor, Davison Maruziva spent a night in Harare police custody for publishing critical April 19 opinion piece written by an MDC splinter group leader, Arthur Mutambara. Maruziva was charged under the oppressive Criminal law which forbids publication of information deemed prejudicial to the state. Harrison Nkomo was also arrested in May for purportedly making an insulting statement about Mugabe outside Harare's High court at the time Nkomo was defending freelance journalist Frank Chikowore who was caught covering an MDC protest rally in one of Harare's Suburbs. The cases against Nkomo and Chikowore were dropped and dismissed respectively after Mtetwa challenged their constitutionality.⁹⁹ There was no clear reason of why this persons were arrested except fake cases formed against them because they were opposition members. Therefore political influence and political instability cause police brutality.

In July, Associated Press photographer Tsvangirai Mukwazhi was severely beaten by police at his home in Harare and temporarily detained at the Southerton Police station and police accused the photographer of bringing the country into disrepute but did not lodge charges against him.¹⁰⁰ It was also reported that on the 15 May 2009 Patrick Masunda was shot five times by suspected war veterans reportedly employed by the minister of state Responsible for National healing John Nkomo. Patrick is a brother to Langton Masunda, a Bulawayo businessman who has been involved in a four-year land dispute with the minister that involves Jijima lodge where the shooting took place. A group of 14 war veterans are reported to have arrived and camped in some of the chalets two days before the incident. It is alleged that the shooting was a case of mistaken identity as the war veterans intended to shoot Langton instead. Some of Nkomo's workers were arrested over the incident and are facing charges of attempted murder.¹⁰¹

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Raphael Khumalo, The Standard News Paper, 10 February 2009 (accessed on 12 May 2020).

¹⁰¹ A Report by the Zimbabwe Human Rights NGO Forum, 30 June 2009.

The police again on the 05 May 2009 arrested the Director of the Zimbabwe Peace Project (ZPP), Jestina Mukoko and 17 other human rights and MDC activists accused of banditry and sabotage, had their bail conditions revoked following their indictment. They spent a night at Chikkurubi Maximum Prison before being released on bail the following day. The male victim reported that he was assaulted by three police officers accused him of loitering. He was at the bus stop with a friend when the three police officers who were on bicycles confronted them. The victim was ordered to lie on his abdomen and was assaulted on his back and buttocks. He was also kicked on the head with booted feet. The police officers then ordered him to go back home.¹⁰² Another lady who was at the bus stop was also assaulted and accused of loitering. However, these victims were never given charges nor taken before the courts of law. They were just beaten and released by the police and no action taken against them.¹⁰³ It shows that Zimbabwean Police torture people or community freely because they know that nothing will happen against them, they have the government support on those evil acts against the citizens of the republic of Zimbabwe.

In another incident, the male victim, an MDC supporter reported that he was thrown off the balcony of the 2nd floor by ZANU-PF youths who had come to disrupt the funeral wake of another MDC supporter. The incident was reported to the police who did nothing about the perpetrators of such crime just because they were ZANU-PF members. Again the MDC supporter was assaulted by members of the police because he was wearing the MDC t-shirt. He was on his way back home when these police officers confronted him and said that his party will never rule in their area. He was forced to lie down on his abdomen and assaulted and later taken to a nearby compound where he was locked in a tobacco barn overnight. He was released on the following day without any charge.¹⁰⁴ In 2009 members of the ZRP were active participants in subjecting human rights defenders, to enforced disappearances. In rare cases, in June 2012 a high ranking police officer was convicted by the High court for murder case. Zimbabwe Lawyers for Human Rights (ZLHR) filed a number of law suits seeking remedies for relatives of victims of extra-judicial killing in police custody. However, despite the fact that human rights violations committed by the ZRP have been documented by the domestic and international organisations and the availability of some procedures and remedies, the

¹⁰² A report by the Zimbabwe Human Rights NGO Forum, 30 June 2009.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

authorities continue to ignore and in few instances take a minimal action against the perpetrators, being police officers.¹⁰⁵

These police brutality in Zimbabwe was mostly targeted to the opposition party members and media personnel who were accused of been against the government when reporting. And police were used by the government to intimidate, harass and torture people who are alleged to have been against the government or the president Mugabe. Hence the government in Zimbabwe precipitates police brutality. Actually, in Zimbabwe police have such wide powers to arrest and torture the suspects and the government seemed not to hold the perpetrators accountable, just like here in Lesotho where the perpetrators of police brutality are not prosecuted but rather the government spends money to compensate the victims of police brutality.

3.6.4 Conclusion

It is apparent that in India police have such a huge discretionary powers in effecting arrest since there is no limit of force that may be applied to bring the suspect under control. Therefore police in most cases as previously stated they shoot unarmed suspects or protesters sometimes to death. As like at Bhajanpur where four villagers were shot to death by the police, when protesting for the land of a factory owned by a son of a member of the BJP. This is contrary to the law in India because the law stipulates that a police officer or authorised person may use force necessary to effect arrest not to kill, and only crimes punishable by death sentence or imprisonment for life can be subjected to killing not such a resisting or fleeing suspect. However the government seems not to hold the perpetrators accountable for what they did to the community so that the community could still have trust and confidence to their police. Then it is my submission that Indian coalition government also precipitates police brutality.

It is clear that in Zimbabwe the government allows the police to harass, torture, ill-treat and discriminate people. The rule of law in Zimbabwe is not adhered to because police see community as their enemies not the citizens, and in some cases even the courts do not punish police where they are alleged to have tortured and beaten the suspected person or persons. In *Chiramba and others v Minister of Home Affairs N.O and another*,¹⁰⁶ the High court ordered police to go and make some investigations in case where the victims were complaining that they were tortured and harassed by the same police. Further held that the victim should be remanded to the nearest magistrate. Generally, the approach of policing in Zimbabwe has been

¹⁰⁵ Policing and Human Rights (supra).

¹⁰⁶ HC 6420/08 [2008] ZWHHC 29.

described as the blatantly partisan with police responsible for routinely violating the rights of the opposition political members during policing operations.¹⁰⁷ Actually, in Zimbabwe police brutality is not precipitated by coalition government alone but it can be described as the common practice of the policing in Zimbabwe, even in one party government, it is still practiced.

¹⁰⁷ Policing and Human Rights (supra).

CHAPTER FOUR

4.0 Conclusion

It was shown from the previous discussion that in terms of section 42 of the CP &E, police are allowed to apply force upon the suspects who resist arrest, flee or attempt to do both. This section seems to be misused by the police because even where suspected persons do not resist or escape or try both, police still apply force upon them. The purpose of arrest as earlier stated is to secure the attendance of the accused to court but in most cases police did not arrest people with this sole purpose but rather with the intent of torturing, harassing and applying inhuman and degrading treatment to the people. Consequently, they were not even informed of their arrest as the constitution¹⁰⁸ requires that, hence not given chance and time to represent or being represented by the legal practitioner as their right. However, such perpetrators of police brutality were not prosecuted. It is my submission that, they are normally not prosecuted because there is no specific legislature that prohibits torture, harassment and degrading treatment of persons. That expressly provides that it is a criminal offence to torture, harass and apply inhuman treatment to other person.

It was also found that some of the utterances of the public authorities like Prime Minister may be interpreted as the order that instructed police to torture people when effecting arrest. As earlier stated, the Premier once said that he is going to have a meeting with the LMPS management where he is going to give them instructions that within three months there has to be no existing criminal in this country. This was followed by voluminous incidences where police brutally assaulting, beating and making people to roll from one place to another in their police operations. For example Roma police arrested one Kabelo Makateng who was suspected to have assaulted a police officer. He was released without a charge seven days later. Kabelo alleges that during his detention he was blindfolded by about four police officers, burned his arms with an iron rod, poured hot water on his chest and assaulted him with knobkerrie. This means that Kabelo was just arrested as a way of torturing him not to secure attendance to court. It can also be inferred that this kind of utterances were said as way to encourage police to intimidate people who are not part of the coalition government. As the villagers of Thota-peli Berea complained that they were physically and emotionally tormented by both police and soldiers who forced them to give information relating to illegal firearms in a raid conducted in

¹⁰⁸ Section 12 (supra).

the early hours in search of illegal firearms as earlier stated¹⁰⁹ Those villagers were then released without being taken to custody so as to appear before the courts of law. Then I submit that coalition government precipitates police brutality, no accountability.

In India the law clearly stipulates that police may only use lethal force where the crime committed is punishable with death sentence or imprisonment for life, but it was shown in the previous discussion that Indian police assaulted and tortured people even for the trivial offences. Like in Lesotho sometimes they arrest people, torture, assault, beat and harass them without informing them of the charge and then release them without bringing them before the courts of law. The government had put a blind eye to those acts of the police in India like here in Lesotho. That is contrary to the principles of the rule of law and democracy. It was reported that police opened fire on violent Muslim youths killing six of them and 20 were injured. Police were also reported to have been involved in looting shops in 2013 at Dhule area.¹¹⁰ However, police were not prosecuted for that alleged brutality against the protesters and the crimes alleged to have been committed were not punishable by death sentence or imprisonment for life, but police used force upon those people.

Again it was found that political influence causes police brutality in effecting arrest in Lesotho. It was discovered that Police in some instances arrested persons who were wearing the political attire of the opposition parties, and it is not an offence for a person to put on his political attire. But they were arrested for such and sometimes been tortured by police who used words like, those people do not support the government. This is not the function of the police to do that, so they do that due to political influence from the politicians. For instance in *Shao*¹¹¹, the victim alleged that he was arrested and subjected to torture simply because he was wearing a T-shirt of ABC which was opposition party at that time. In other words, one would say that police were politically influenced when arresting this person because it is not an offence for any person to wear his or her political T-shirt.

Lastly, it was apparent that political instability also causes police brutality in Lesotho as the government uses police to torture and harass some vocal and active members of the opposition parties. Those members as earlier stated were arrested without any charge given to them and released after some days or went to court. For instance in a case where a member of ABC which was at the opposition side at that time, one Mohato Seleke was arrested by police just because

¹⁰⁹ <http://www.sundayexpress.co.ls> (retrieved on 25th February 2020).

¹¹⁰ Safi Michael, *The Guardian*. (23rd May 2018) retrieved on 10th May 2020.

¹¹¹ *Shao* (supra).

he was suspected of being a notorious Makhaola Qalo on social media who posted confidential information about the then coalition government. However, he was released after the High Court held that his arrest was unlawful and politically motivated. Even the media reporters were arrested and intimidated by the police and released again without any charge. In light with this I again contend that political instability causes police brutality in Lesotho. The credit must be given to the courts of Lesotho because where the cases were sent to court, they dealt with such cases accordingly without any compromise, meaning the victims were awarded damages by the courts of this country. Moreover, it was discovered that in coalition governments police are been used as the shields to protect parties in government by intimidating, harassing and torturing mostly the opposition party members.

It is a different view when it comes to Zimbabwe, because police brutality in Zimbabwe exists at all times, whether it is a coalition government or single party government. The government of Zimbabwe uses police to intimidate opposition party members because they do not support government, and indeed police in Zimbabwe seem to enjoy that.

4.1 Recommendations

It is the responsibility of every state to put forth the mechanisms that will make the community to live a required life in that country without fear of their lives to be in danger. That is why many countries if not all have vested the power of maintenance of law and order, prevention and detection of crime to their respective police institutions. Then, such police are expected to be apolitical and serve the nation without any discrimination of any sort. There are laws that govern the services of the police when undertaking their mandate, like Lesotho has section 42 of the CP & E, as discussed above.

Firstly, the author recommends that the government of Lesotho should stop to give police a budget that is meant to compensate the victims of police brutality. The affected police officer should pay for his or her acts of brutality. This will make police officers to stop torturing, assaulting and harassing the community since they will have to be personally responsible for such acts. But now they know that the government will be vicariously liable for their acts and then minimal internal measures taken against them.

Secondly, the author recommends that Lesotho should have the specific legislature that will criminalise the torture, degrading treatment, harassment and inhuman treatment of any kind upon any person. This legislature should have a serious punishment for the perpetrators of these acts. Since the police are expected to uphold the law, they will be bound to respect this law and hence reduction of police brutality in the country.

It is the author's recommendation that this section 42 of CP & E be amended, to include the provision like that of India, which provides that police may only kill a suspected person who resists arrest or flees or trying to resist or flee if the crime alleged to have been committed is punishable by death sentence or imprisonment for life. This will restrict the wide discretion that police have on the suspect when effecting arrest in Lesotho because section 42 gives police power to kill a suspected person who resists arrest or flees or try to resist or escape if the alleged crime committed falls under the first schedule and this includes even the trivial offences like theft common and assault common. However, the use of force should be with the greatest restraint and after the discussion, negotiation and persuasion have been found to be inappropriate or ineffective. The police officers need to be well trained in weapon handling so that they may be well skilled on how and when to resort to a firearm. This should be in the initial training of the recruits and even when they are already at the field, there has to be regular in-service training for weapon handling. This will reduce high rate of civil claims against police

and police should also be empowered with developed methods of investigation and interrogation of suspects without torturing and assaulting them to extract confession.

Lastly, the author also recommends that Police Act should be strengthened such that if police officer can be found to be affiliated or support any political party, strong measures be taken against him. This must be a serious offence that must be taken into consideration because police should serve the nation without fear or favour. The government and the politicians should stop using police as their shield to assault, intimidate, harass and applying inhuman treatment to opposition party members in order to push their political interests.

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