

March 7, 2016

The Right Honourable Dr. Pakalitha B. Mosisili
Prime Minister of Lesotho
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Hon. Moeketse Vincent Malebo
Minister of Justice, Human Rights and Correctional
Services
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Minister of Defence and National Security
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Your Excellencies:

Re: Harassment against Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the harassment and intimidation of lawyers in Lesotho, in particular: Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho are lawyers representing 23 soldiers accused of plotting a mutiny with ex-army chief Maaparankoe Mahao (who was killed on 25 June 2015).



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It has come to our attention that the lawyers are being subjected to harassment and intimidation both inside and outside of the courtroom. Members of the Lesotho Defence Forces (LDF) have reportedly: denied the lawyers access to their client; have directly threatened the lawyers with physical harm; and carry assault weapons inside the courtroom. Moreover, the lawyers report that they have been followed by members of the Special Forces.

Reports indicate that the lawyers have recently learned they are on a 'hit list', published on social media at the end of October 2015. Currently, its authorship is unknown. However, two people who were on a similar list last year were killed shortly after its publication.

Human rights organizations believe that these lawyers have been harassed and intimidated because of their legitimate legal work.

The Law Society of Upper Canada urges Your Excellencies to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional

restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Lesotho to:

- a. put an end to all acts of harassment against Haae Phoofolo, Christopher Lephuthing, Koili Ndebele, Khotso Nthontho and Tumisang Mosotho as well as other human rights lawyers and defenders in Lesotho;
- b. guarantee in all circumstances the physical and psychological integrity of these lawyers;
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments; and
- d. carry out an investigation as soon as possible into the ‘hit list’ and other threats against these lawyers.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,900 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Her Excellency Dr. Mathabo Tsepa, High Commissioner to Canada
High Commission of the Kingdom of Lesotho
1820-130 Albert Street
Ottawa, Ontario, Canada
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Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adv Shale Shale, President, Law Society of Lesotho

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales