



# LESOTHO

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## Introduction

The Kingdom of Lesotho is a small, mountainous country with a total land area of 30 355 square kilometers. It is completely surrounded by South Africa.<sup>1</sup> The 1996 census put the population at approximately two million.

The country is divided into ten administrative districts: Berea, Butha-Buthe, Leribe, Mafeteng, Maseru, Mohale's Hoek, Mokhotlong, Qacha's Nek, Quthing, and Thaba-Tseka. Maseru is the capital city and the district with the highest share of the population. The most urbanised districts are Berea, Leribe, Mafeteng and Maseru. Together these four districts account for 63.9% of the population.

Lesotho is strongly affected by a high rate of labour migration. Since the early 1960s Basotho people have had relatively easy access to employment in South Africa. Until recently, approximately 35% of Lesotho's male wage earners worked in the mines of South Africa as migrant labourers. A small number of Basotho women have worked in South Africa as domestic workers. Many Basotho families have relatives living in South Africa, especially in the Gauteng and Free State provinces. There is thus a steady flow of people across the border between Lesotho and South Africa, especially during the holiday seasons.

The country is reliant on South Africa for most consumer goods. Many of the large businesses in Lesotho are South African-owned. Lesotho uses South Africa's ports and harbours to export goods (such as clothing,



footwear, wool and mohair) internationally. South Africa is thus the main conduit for materials leaving or entering Lesotho, legally or illegally. South Africa is to some extent reliant on the Lesotho Highland Water Project for its water needs.<sup>2</sup>

### ***Lesotho's security services***

Lesotho's security forces are composed of:

- The Lesotho Defence Force (LDF), accountable to the Prime Minister through the Minister of Defence;
- The Lesotho Mounted Police Service (LMPS), reporting to the Minister of Home Affairs;
- The National Security Service (Intelligence), directly accountable to the Prime Minister.

The LDF, responsible for national security and the protection of the royal family, has 2 500 people on its staff.<sup>3</sup> It comprises an army, an airforce, and a newly formed paramilitary wing. The military expenditure for 1999 was US\$34 million. In 2002, the number of males aged 15-49, who were fit for military service, was estimated to be 283 203.

The LMPS is responsible for internal policing. It had 2 388 members as of December 1999.<sup>4</sup> In June 2000, the number of police officers had risen to 2 404.<sup>5</sup>

### **Historical overview**

Since independence from Britain in 1966, Lesotho has not experienced political and social stability for any significant length of time.

South Africa has had strong economic and political influence over Lesotho and in some instances there has been direct interference. Apartheid South Africa supported the Basotho National Party (BNP) led by Chief Leabua Jonathan and was opposed to the Basotho Congress Party (BCP), which was perceived to be pro-communist.<sup>6</sup> During the 1970 elections there was a struggle for leadership between the BNP and the BCP, which had formed a

military wing called the Lesotho Liberation Army (LLA). South Africa is alleged to have supported the BNP with both military training and arms.<sup>7</sup>

In the 1980s, despite having received support from the apartheid government, the BNP-led government began welcoming members of the banned South African liberation movements to Lesotho. This caused considerable tension between the Lesotho and South African governments.<sup>8</sup> The BNP government also began to build ties with socialist countries such as Cuba and North Korea, despite the South African government's objections.<sup>9</sup> North Korea supplied arms to the Peace Brigade (an informal militia of youth supporters) and the Lesotho Youth Service. These arms were used against opposition party supporters, specifically those supporting the BCP.<sup>10</sup> Throughout the Cold War period Lesotho was subjected to frequent cross-border raids by apartheid security forces, which were acting against African National Congress (ANC) guerrillas. The events of the 1970s and early 1980s caused major political divisions among the Basotho people, which still persist today.

These political divisions surfaced during the general election of May 1998. Controversy, including claims of electoral fraud, resulted in the country becoming temporarily ungovernable.<sup>11</sup> Opposition parties demanded that King Letsie III dismantle the parliament, since they believed that it had been fraudulently elected. Mutinous members of the LDF seized arms and ammunition and expelled or imprisoned their commanding officers. Government vehicles were hijacked, the broadcasting station was closed, and the prime minister and other ministers were held hostage. The Lesotho police lost control of the situation and rumours were rife that a military coup was being planned.<sup>12</sup> Looting and burning of the main business areas and some government offices in Maseru, Mafeteng and Moleleke's Hoek was extensive. On 22 September 1998, the Southern African Development Community mandated a South African-led military intervention, code-named Operation Boleas.

During the ensuing conflict, rebel soldiers of the LDF claimed that they had a large quantity of arms in safe houses around Maseru and in surrounding villages, including limpet mines, landmines, and 2 000 AK-47 rifles.<sup>13</sup> A number of firearms officially in the possession of the police and the military thus fell into the hands of civilians. While there have been

efforts by the LMPS to recover these weapons, it seems they have not been very successful.<sup>14</sup> The SADC force from South Africa, Botswana and Zimbabwe remained in Lesotho until 1999, assisting in retraining the LDF.

The inclusion of a number of political parties in parliament through the Mixed-Member Proportional system (MMP) reduced the levels of disharmony between political parties. However, recent history suggests that social divisions are liable to surface around election time. Divisions within the military and police have remained and present a challenge to the effective implementation of firearm controls.

## Methodology

This chapter was based on 96 interviews conducted in the districts of Maseru, Berea, Leribe and Mafeteng, between 29 October 2003 and 4 November 2003. Most interviews took place in Sesotho. These areas were chosen after research in the Magistrates Court and in the High Court indicated they had the highest numbers of arms-related cases in the period between 1998 and 2003. Statistics obtained from the Prisons Department corroborated this finding.

In the Maseru district interviews were conducted in the following villages:

- Borokhoaneng - 6 respondents
- Lithabaneng and Ha Matala - 12 respondents
- Motimposo - 7 respondents
- Ha Thamae - 6 respondents
- Sea-Point - 3 respondents
- Ha Ts'iu - 3 respondents
- Ha Mabote - 4 respondents
- Roma - 9 respondents

In Berea, Teya-Teyaneng, interviews were carried out in the following villages:

- Ha Mokhothu - 5 respondents
- Lithabaneng - 4 respondents
- Lekokoaneng - 3 respondents
- Pulane ha Mosili - 7 respondents.

In Leribe, interviews were carried out in the following areas:

- Hlotse Town - 3 respondents
- Mankoaneng - 4 respondents
- Lisemeng - 4 respondents
- Hlotse Town Centre - 3 respondents

In Mafeteng, interviews were carried out in:

- Ha Ramokhele - 6 respondents
- Le Co-op - 3 respondents
- Mafeteng Town - 3 respondents

Forty-nine of the respondents were male, and 18 were female. The gender of the remaining 29 respondents is unknown. Included in the sample were the following: a village headman; a police officer; a member of a village anti-theft squad; a worker at a police station; a widow of a village chief; a former security officer; and the wife of a soldier.

Researchers considered cases in the magistrates' courts and High Court involving firearms for the period 1998 to August 2003. Files covering cases prior to 1998 had been burnt during the political instability of 1998.<sup>15</sup>

### *Limitations of the research*

The main constraint in undertaking this research was the difficulty researchers experienced in obtaining quantitative data. This was chiefly due to poor data collection and reporting within law enforcement agencies. Some officials were reluctant to provide data, citing concerns about their personal or job safety. In addition, the subject of the study generated visible unease and suspicion among most interviewees. The files in the High Court and police case files were of limited value. High Court files record only cases where a verdict is reached. The files do not record the type of firearm used to commit a crime; the ages and location of the people who committed the crime; or the nature of the sentence passed. The majority of police files do not record what happened to a firearm at the conclusion of a case.

There were also problems experienced in obtaining access to records in some police institutions, particularly the Firearm Unit and the Criminal Investigations Department (CID) of the LMPS. While records exist, these

institutions were unwilling to allow the researchers access to them, citing confidentiality. This constraint was overcome to some extent by holding face-to-face interviews with the relevant officials. Interviews held with members of other units, such as the Stock Theft Unit, helped shed light on the link between stock theft and firearms proliferation.

## Crime in Lesotho

In 1998, the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and the United Nations Inter-regional Crime and Justice Research Institute (UNICR), carried out an International Crime (Victim) Survey in Maseru. In providing a context for its study, the report states:

“Over the past few decades, Lesotho has undergone intense political conflict and turmoil. During this period, political activity became extremely violent. This led to a feeling of insecurity on the part of the majority of people to such an extent that many believe they have to be in possession of a firearm to protect themselves and their property. As a result, many firearms are circulating among the public. Efforts to control the movement of arms have proved unsuccessful and many people are in possession of illegal firearms. This problem is further compounded by the fact that arms are smuggled from South Africa through the poorly controlled borders. The illegal arms circulating in the country are used not only by political activists but also in domestic violence, armed robbery, stock theft, car hijackings, rape and murder. It is believed that more firearms are in circulation after the political turmoil of 1998. Many arms belonging to the Lesotho Defence Force remain unaccounted for.”<sup>16</sup>

The study found that:

- There was reluctance to respond to questions about the possession of a firearm. Some respondents stated that they would not disclose to the interviewers whether or not they possessed firearms. Interviewers felt that the reason for this reluctance was that many people were not licenced to possess guns.
- 5.5% of households possessed firearms as a protection measure.

- 8.1% of all respondents reported incidents of robbery in the five-year period (1992-97) immediately prior to the survey, of which 24% occurred during 1997. Forty-four percent of the perpetrators were armed, mostly with knives (58%), guns (11%) and “other” (undefined) weapons (28%).

The victim survey found that the crimes most commonly reported to the Lesotho police were assault (40%), housebreaking (25%) and stock theft (17%).<sup>17</sup> The percentages of offences committed with weapons in Maseru in 1998 was:

- Robbery: 43.9%
- Assault and threat 46.1%
- Sexual offences 20.6%<sup>18</sup>

Interpol reported that a total of 40 064 offences were recorded for 1999, 1 029 of which had been committed by juveniles below the age of 18 years. The most common crimes in 1999 were:

- Theft: 4 888, of which 241 were committed by juveniles
- Breaking and entering: 4 256, of which 95 were committed by juveniles
- Serious assault: 2 667, of which 67 were committed by juveniles
- Sexual offences: 1 056, of which 33 were committed by juveniles.

Of the 1 418 prisoners in 2001, 305 had been convicted of housebreaking and theft, 239 of murder, and 164 of rape.<sup>19</sup>

## National Firearms Stockpiles

### *General overview*

Lesotho has a long history of conflict, and small arms have always been a feature of Basotho society. As early as the 1830s the Basotho had become proficient gunmen.<sup>20</sup> In 1880 the Basotho people fought against the British for the right to keep arms – the Gun War. Lesotho was then a British protectorate and the arms had been acquired from Boer farmers or Cape traders. The Basotho won the Gun War and were able to keep their arms.

Armed conflict and liberation struggles in Southern African countries have left a legacy of illegal arms in the region. Despite this Lesotho has arguably one of the lowest numbers of illegal arms in the region, mainly because there was not the same degree of external support for armed opposition forces<sup>21</sup> as experienced in, for example, Mozambique and Angola.

The widespread cultivation of dagga (cannabis) and the growth in illegal diamond mining are both factors that could fuel the proliferation of small arms in Lesotho. Research in other countries has shown a clear link between drug and precious minerals trafficking and small arms.<sup>22</sup> The illicit trade in both diamonds and cannabis occurs mostly between Lesotho citizens and South Africans, as does the trade in stolen livestock and hijacked vehicles. Firearms are a strong feature of all the above activities and in all of them there are ties to syndicates in other countries of the region.<sup>23</sup>

Firearms are also allegedly brought into Lesotho by Basotho mineworkers returning from South Africa.<sup>24</sup>

Both civilian and security personnel interviewed alleged that officers of the Lesotho and South African police services are involved in the proliferation of small arms in Lesotho and participate in criminal syndicates.<sup>25</sup> Groups connected to some form of underworld trade seem to have the easiest access to illegal firearms.<sup>26</sup> It is believed that these groups have connections to corrupt police officers, both in Lesotho and in South Africa.<sup>27</sup> Connection to these groups can also mean easy access to illegal firearms.<sup>28</sup>

Respondents indicated that corrupt police officers do not necessarily use their government issued firearms in their work with syndicates, but may use personal firearms or illegal firearms from South Africa.<sup>29</sup>

### ***Civilian Firearm Ownership***

Respondents to the survey were willing to talk about ownership of private firearms in their communities. Responses to the question; “Do you know of people who have firearms in this village?” ranged from “Nearly everybody has a firearm here” to “Many people here have firearms.”

More than 20 respondents, mostly from the villages around Maseru, Berea town and Leribe, said that there were many illegal firearms in their

communities. Even though most of these people could not testify as to who owned these guns, they talked about hearing gunshots in the night, and said there had been daylight shootings in their communities.

A total of 69 respondents spoke about the presence of firearms in their villages. Only eight of the respondents said that they were not aware of any firearms or that there were no firearms in their communities. Surprisingly, a large number of these respondents were from Mafeteng, the district perceived to be the most violent in Lesotho.

The majority of civilians who own small arms in Lesotho are men, especially those who own property or run businesses.<sup>30</sup> There is a definite bias against women in the regulation and control of arms in Lesotho, it is assumed that women have a male relative or a spouse to protect them.<sup>31</sup>

This research has indicated an association between legal firearm ownership and wealth. The majority of legal firearm owners live in Maseru and own property. A significant number of people who live in the rural areas of Maseru and own some livestock do not have firearms. Forty respondents from this area spoke of the high costs associated with firearm ownership, that is, the price of the firearm itself, ammunition and the annual costs of licence renewal. They also said the delay in the issuing of firearms licences, sometimes more than two years, means that money saved for the purpose of acquiring a firearm may be spent by the time a licence is issued. This is particularly true among those who depend on the seasonal export trade of wool and mohair for their income.

The number of cases that reach the courts suggests that the police are willing and able to locate and seize illegally owned firearms before they can be used to commit crimes. However there was a perception among respondents that armed robbery and armed stock theft are on the increase and that the police are not able to stem these crimes.<sup>32</sup>

In the areas where stock theft is most common – the rural areas of Maseru, including Pulane in Berea, Molikaliko, Roma, and Nazareth – the research results indicate that the households most likely to lose livestock to armed thieves are those without firearm protection. The interviewees, however, also

said that when thieves are heavily armed, they are unable to do anything, because even those who have firearms are no match for the thieves.<sup>33</sup> Due to the high rate of incidents of stock theft in Lesotho, the Ministry of Home Affairs has called for stockowners to be granted firearm licences.<sup>34</sup>

Eight people among those interviewed admitted to owning a gun, and only one among the eight admitted to owning an illegal firearm. The majority of the people interviewed had seen a gun, though they had never used one. Forty-five said they had only seen guns in the hands of army and police officers, while others had seen them in the possession of family members and relatives. Men were more likely than women to have seen a gun at close range or to have had access to one.<sup>35</sup> In response to a question about what respondents use to protect themselves, 12 men reported using firearms, while seven women indicated that they depended on their husband for security. Twenty respondents reported having no means of protection at all.

Illegal firearms enter Lesotho in a number of ways. They are exchanged for diamonds, drugs and stolen stock. They are also bought in cash transactions with South Africans. Most illegal guns are sold to individuals for personal security rather than purposes of crime.<sup>36</sup> They are likely to be bought by people who perceive themselves or their property to be in danger, but who cannot satisfy the requirements for a firearm licence, or who find the process of getting a licence too cumbersome. What is not clear is whether these guns, which are exchanged in what are thought to be very lucrative transactions, are all from the same source inside South Africa.

#### *Attitudes towards firearms*

Forty-two respondents expressed a desire to own a firearm. One said, “you are nothing if you don’t have a firearm.”<sup>37</sup> Eighteen respondents expressed the wish that every person above 21 should be allowed to have a licenced firearm. The majority felt they needed firearms because of the rise in the level of crime – especially armed robbery. An exception to this was the town of Mafeteng, which has very little crime.

Fifteen respondents expressed a lack of trust in guns and those who possess them, and suggested that those who had firearms used them for committing crimes. Some women felt that firearms were evil and wanted no association with them. This response came largely from people who said they relied on

the Bible for their personal security. The reason most commonly given by men for not wanting to have a firearm was that they had a bad temper or they had enemies, and a firearm might tempt them into shooting people and committing a crime.

Another sentiment expressed by many respondents was that if the police were able to control the proliferation of firearms and associated crimes, then people would have no need to protect themselves.

Forty respondents felt that acquiring a legal firearm was too expensive and the licencing and acquisition procedures long and cumbersome. They also believed that the application would be rejected.

One respondent said that illegal firearms were the only recourse for poor people, as the Firearms Board needed evidence of ownership of a vehicle as a reason for granting licence. There is a perception that ownership of property favours the granting of firearm licences.

Respondents were willing to talk about the ownership of licenced firearms in their villages. Without being prompted, they readily mentioned the names of people in their village who had legal firearms. Eleven interviewees who had legal firearms readily admitted this fact to the researchers. One respondent reported owning an illegal firearm. Two respondents stated that they would want people to know they had a firearm, as this would discourage attackers and criminals.

Four interviewees claimed to know that mineworkers from their communities carried illegal weapons. This indicates both acceptance of this on the part of the community, and a lack of concern about detection on the part of the mineworkers.

#### *Exchange of firearms among civilians*

According to interviewees, legal and illegal firearms are frequently lent by their owners to friends, neighbours or relatives who might need them for temporary/short-term security. At least one interviewee claimed that members of the armed forces sometimes participate in these type of exchanges, “where they borrow (sic) their issued firearms to a relative to

use, especially in family disputes”.<sup>38</sup> It was also alleged that migrant workers exchange firearms for cash or goods.

Six interviewees alleged that there was a police connection to the trade in illegal firearms. One headman in Berea went as far as to suggest that police officers in his area sell illegal firearms themselves. He spoke of an incident where an illegal firearm was taken from a villager during a police raid. The villager was not detained because he surrendered the firearm voluntarily. A few days later the firearm was believed to be in the possession of another villager who had bought it from the police officer. Another respondent, at Khubetsoana in Maseru, reported that police officers sell illegal firearms that they confiscate.

One researcher felt that respondents’ reluctance to speak about firearm-related matters was due to their perception that the research was in some way connected to the police force and that whatever they said would be reported to the police. This was evident in Pulane in the Berea district, where it became clear that police obtain their information about illegal firearms and cannabis from community members.<sup>39</sup> As a result, people mistrusted each other and wanted to sit in on each other’s interviews, possibly to make sure that no sensitive information was passed on to the research assistants. The same behaviour was observed in other areas in the Berea district.<sup>40</sup> A number of villagers willingly disclosed that they grew and traded in cannabis.

### *Source of illegal firearms*

Twenty-eight respondents suggested that the police were more likely to find illegal guns bought for personal protection than those in the hands of criminals. This, they said, was due to the decline in security in the country in general and in the rural areas in particular.

In contrast to the perception of interviewees that South Africa is a source of illegal weapons, court data suggests that there are only a few cases of people caught bringing firearms into Lesotho without permits. In one of these cases, a South African was apprehended with more than five different types of firearms, suggesting something more than self-protection.<sup>41</sup>

Another perceived source of illegal firearms was the 1998 political upheaval that resulted in the looting and burning of private business and government

offices. Respondents suggest that during that time, soldiers and police officers who were not loyal to the government gave firearms to members of the opposition, especially the youth. Nine of the respondents reported this and also claimed that these weapons were still in the possession of government opponents. Most of these respondents were from the urban areas, especially those close to Maseru.

### *Small arms, drugs, diamonds and cattle*

Historically, illicit trafficking between Lesotho and South Africa was based on the trade and exchange of cannabis and diamonds for cash. A more recent trend is the exchange of stolen livestock for arms.<sup>42</sup> Firearms are also connected with the illicit trade in diamonds, which is beginning to be replaced by the trade in stolen vehicles.<sup>43</sup> The trade in stolen vehicles, which extends beyond South Africa, is associated with brutality and firearms use. It is not clear to what extent firearms exchange features as a part of this trade.<sup>44</sup> Stock theft appears to be carried out by well-organised groups who have access to sophisticated arms.<sup>45</sup>

There is an assumption that the illicit trade in cannabis, diamonds and cattle encourages the proliferation of small arms in Lesotho. Of the 96 people interviewed, 15 expressed a belief that illegal firearms in Lesotho come from South Africa. An additional 12 respondents said they believed that firearms came from South Africa through illegal transactions in stolen cars, animals, diamonds and cannabis.<sup>46</sup> Twenty-seven respondents also suggested it was easier to find an illegal firearm in the mountain areas of Lesotho because of the trade in cannabis between Basotho growers and smugglers from KwaZulu-Natal.

Lesotho’s permeable borders, especially between Mokhotlong and the Sani Pass, enable the trade between South African and Lesotho to be carried out quite easily. According to the Commissioner of the Lesotho Revenue Authority (LRA), which is responsible for goods brought into the country through the borders, goods coming into the country are seldom searched.<sup>47</sup>

### *Crime in Lesotho*

The tables below provide a detailed breakdown of crime in Lesotho over the past 6 years.

**Table 2.1: Firearm-related cases in the Magistrates Courts between 1998 and 2003, by area**

	1999	2000	2001	2002	2003	Total
Maseru: Urban	33	33	39	39	13	157
Maseru: Rural	49	49	42	37	53	230
Maseru: Peri-Urban	43	50	49	19	29	190
Leribe	0	2	1	0	0	3
Mafeteng	1	5	4	1	1	12
Mohale's Hoek	1	2	4	1	1	9
Outhing	1	1	1	0	0	3
Butha-Buthe	1	0	2	1	2	6
Berea	1	2	0	0	2	5
RSA <sup>48</sup>	5	10	0	0	3	18
<b>Total</b>	<b>135</b>	<b>154</b>	<b>142</b>	<b>99</b>	<b>104</b>	<b>633</b>

**Table 2.2: Cases involving firearms in the Magistrates Court by type of offence 1999-2003**

Offence	1999	2000	2001	2002	2003
Unlawful possession	122	126	122	120	104
Armed robbery	8	1	2	1	
Theft	2	3		3	1
Assault	1		3	1	
Unlawful possession and armed robbery	1	3		2	
Unlawful possession and stock theft				1	
Entering country with firearm without permit					2
Attempted murder		2	1		
Culpable homicide	1				
<b>Total</b>	<b>135</b>	<b>135</b>	<b>128</b>	<b>128</b>	<b>107</b>

Table 2.3 shows that cases of armed robberies and unlawful possession of firearms are both escalating. It should be noted that most firearms-related cases are dealt with in the magistrates courts with only the most serious cases such as murder and armed robbery reaching the High Court (See Appendix 1 which shows the number of prisoners charged for firearm-related crimes between 1998 and 2002).

**Table 2.3: High Court cases involving firearms between 1998 and 2003**

Type of case	1998	1999	2000	2001	2002	2003	Total
Armed robbery	9	87	89	10	82	106	383
Armed robbery + murder	0	2	0	0	0	7	9
Attempted murder	2	9	2	2	2	11	28
Attempted murder + armed robbery	0	0	0	0	1	1	2
Murder + unlawful possession	2	3	0	0	0	0	5
Unlawful possession	0	0	0	0	2	0	2
Attempted murder + unlawful possession	0	5	0	0	0	3	8
Murder	0	2	1	1	0	3	7
Murder, robbery & kidnapping	0	1	0	0	0	0	1
<b>Total</b>	<b>13</b>	<b>109</b>	<b>92</b>	<b>13<sup>49</sup></b>	<b>87</b>	<b>131</b>	<b>445</b>

### ***The expansion of the private security industry***

Lesotho has a high number of private security firms, relative to the size of its economy and population. In 2002, seven registered and an estimated 13 unregistered security companies operated in Lesotho. Initially, these firms were only used for the protection of businesses, but a growing number of households are employing their services. The increase in the number of private security firms is believed to be directly related to negative perceptions about crime.<sup>50</sup>

Private security companies are permitted to procure firearms, but are required to apply for firearm licences in the same way as civilians do. This

process can take more than two years which presents a significant constraint to the arming of the industry.

The expansion in the private security market has been aided by a growing mistrust in the national security forces, especially the police. This mistrust is the result of a number of incidents during the 1990s, some of which are now described.

#### *The Manthabiseng riots*

The incident that sparked the riots was the fatal beating in 1991 of a Mosotho woman, Manthabiseng Senatsi, by employees of a Lesotho-based South African clothing store. The woman was beaten because she was suspected of stealing a shirt from the store. The death of Manthabiseng sparked rioting and looting that extended across the country. Foreign businesses and individuals were especially targeted for attacks. The failure of police officers to control the riots and looting made the business sector lose faith in the police services' ability to control crime.

#### *The police mutiny of 1997*

In 1997 there were internal divisions within the police services. The divisions supposedly started because of a teachers' strike, which the police were ordered to break. Officers who were pro-government followed orders, while another section of the force did not. The two sections clashed and anti-government forces called on the Commissioner of Police to resign. The army intervened in what was beginning to resemble a mutiny, which has resulted in ongoing tension between the military and police services. One respondent at ha Mofoka said the consequences of this tension is that, "police officers warn criminals when soldiers are going to hold raids in search of firearms".<sup>51</sup>

#### *The 1998 political instability*

The political instability of 1998 was caused by a dispute over the result of the general election. The military, which was mostly constituted of Basotho National Party (BNP) supporters, was also divided. The youth of the BNP, BCP, the Marematlou Freedom Party (MFP), and other smaller political parties staged public demonstrations, and closed down government offices and businesses. Some of the soldiers who were securing the town did not

intervene. Some soldiers and police members even gave their arms to the youth.<sup>52</sup>

## **Assessing Firearm Controls**

### ***Legislative control of firearms***

The Internal Security (Arms and Ammunition) Act no. 17 of 1966 prohibits the possession, sale or transfer of a firearm and/or ammunition without a licence issued by the Commissioner of Police. The Act also prohibits the purchase and possession of firearms and ammunition by people under the age of 18, alcoholics, and mentally disturbed people. People with a criminal record for an offence involving violence, and who have been sentenced to six or more months in jail, may not possess firearms for a period of five years after their release from jail.

In certain circumstances the court can order a person to forfeit or dispose of a firearm and cancel the firearm certificate. A person who gets such a court order from the Commissioner of Police must surrender the firearm certificate within 21 days. Failure to surrender the certificate is a criminal offence.

The penalties for contravening the provisions of the Internal Security (Arms and Ammunition) Act (1966) were increased through adoption of the Internal Security (Arms and Ammunition) Amendment Act (No 4 of 1999). The penalty for purchasing or possessing a firearm or ammunition without a certificate, or making a false statement when applying for a firearm certificate, carries a penalty of a minimum of M500 (US\$ 74.45<sup>53</sup>) or a minimum imprisonment of six months, or both. The use, or attempted use, of a firearm or ammunition with the intent to endanger human life, or cause injury to any person or property, carries a minimum sentence of five years imprisonment. Carrying or using a firearm with the intent to commit an offence, or to prevent or resist lawful apprehension or detention, carries a minimum penalty of 10 years imprisonment. Failure to renew a firearm certificate carries a penalty of M10 (US\$ 1.49) for each month that the offence continues.

A significant weakness of the Act is the absence of a definition of 'possession'.<sup>54</sup>

Withdrawal of firearm licences happens very rarely, but it can happen if the owner of the licence lends the firearm to another person, or uses it illegally. The renewal of firearm licences is not actively enforced, which means some formerly legal firearms have become illegal.<sup>55</sup>

The failure to monitor licenced firearms makes it impossible to trace cases in which people were awarded a licence under circumstances which are no longer valid. For example, owners of a business may sell the business, but retain the firearm licence they were granted so as to protect the business. This means it is likely that there are more people in possession of licenced firearms than intended by the law.

In an attempt to control the proliferation of illegal firearms the government established the Counter Crime Unit in March 1999. This is a special body comprising police officers and soldiers whose task is to search for unlicensed firearms and arrest the culprits. According to Superintendent Sekoateng Serabele of the LMPS, the Unit has managed to unearth more than 2 000 unlicensed firearms to date, including both heavy and light calibre weapons.

### ***The Firearms Board***

The Lesotho Mounted Police, and in particular its Firearms Board, is the institution charged with controlling firearms in Lesotho. The Firearms Board considers applications for firearms from the ten districts of Lesotho. It is responsible for awarding of licences to both individuals and businesses.

The Board is made up of four Assistant Police Commissioners, three of whom are regional police commanders, and one is the head of the Criminal Investigations Department (CID). A member of the Firearms Department at police headquarters serves as secretary to the Board. The Board meets quarterly in Maseru to review applications for firearms. Under the powers conferred on it by the Police Commissioner, the Board also has the authority to withdraw firearm licences.

The policies that guide the work of the Firearms Board have never been reviewed. There is no policy directive on the review of the functions of the Board. This makes it unlikely that the flaws in the licencing and control of firearms will be rectified in the near future.

The Firearms Unit recognises that there are cases where police officers engage in illegal firearms transactions. This problem was exacerbated by the fact that firearms recovered by the police are not routinely destroyed.

### ***Procedures for obtaining a firearm licence***

Application procedures for firearm licences start at the local level. A person who wants to apply for a firearm licence requires a letter of reference from the village chief or headman that both authenticates citizenship and supports the application written by the individual. The reference letter is sent to the local police station to receive an official stamp. It is then sent to the district police office and then on to Maseru. The Maseru office then hands over the letter to the National Security Services for a background check on the applicant. Once the background check is completed, information is sent to the Firearms Unit for presentation to the Firearms Board. The Firearms Unit looks at the application letter, the recommendation of the chief or village headman, and the background check, to determine whether an individual is eligible for a firearm.

The Firearms Board relies on information, including background checks, from the National Security Services (NSS), as the basis for making decisions. Factors that are taken into account when a firearm licence application is considered, include: record of previous offences – especially those related to firearms; proof of ownership of property; the reasons for the application; and supporting reference letters from a chief or village headman attesting to both character of applicant and ownership of property.

### ***Bias in the awarding of licences***

The Firearms Board awards over a hundred firearms licences at each quarterly meeting, and it turns down less than half that number. The Board is expected to consider applications for the licencing of personal firearms from people from different walks of life equally. However, applicants from certain sectors or groups appear to receive favourable treatment.

Members of the armed forces are likely to be favoured as they are viewed as protectors of the law who are unlikely to misuse their personal arms, and are trained in the responsible use of firearms. Another group who tend to be

awarded licences more readily are providers of privately run public transport (taxi drivers). This is despite the fact that they have a history of misuse of firearms in route disputes. While the Firearms Board seems to be aware of these, and other prejudices, there are no policies in place to counter them.

The majority of licence applications are received from businessmen and property owners in Maseru district. Reports on stock theft in Lesotho indicate that it is only since 2000, when stock theft received recognition as a national problem, that the Board started awarding firearms to people in the rural areas of Maseru.

A member of the Firearms Board indicated that the majority of applicants for licences are men. The interviewees who admitted to owning guns were all men. This correlates with property ownership. For a long time national policies confined the ownership of property to men, and since guns are associated with protection of property, it automatically disqualified women from ownership of legal firearms. This does not however imply that women do not own guns. Most of the people who grow cannabis and enter into dealings with smugglers are women, and they are therefore likely to have access to illegal firearms.

## **Regional Crime Prevention Initiatives**

Lesotho is a member of the Southern Africa Regional Police Chiefs Cooperation Organisation (SARPCCO). The organisation was established in 1995 to co-ordinate work between the police in southern African countries on matters that undermine security and stability in the subregion. A legal framework for cooperation – Agreement in Respect of Cooperation and Mutual Assistance in the Field of Crime Combating – entered into force in July 1999. It provides a forum for sub-regional collaboration on matters that fall entirely, or partly, beyond the ambit of the defence forces of southern African states, such as crime prevention and illicit trafficking. SARPCCO has also been mandated by the SADC Council of Ministers as the implementation agency for the SADC Policy on Small Arms and Cross Border Crime Prevention, as well as for the implementation of the SADC Protocol.

Joint operations between the South African Police Service and Lesotho Police aimed at tracing firearms used in crime in Lesotho were initiated in November 2002.

In 2002/2003, the South African Police Service (SAPS) in co-operation with their counterparts in Namibia, Botswana, Zimbabwe, Lesotho, Swaziland and Mozambique initiated an anti-crime operation called Operation Mangochi, which yielded the following results:

- 420 suspected stolen vehicles impounded.
- 309 impounded vehicles positively identified as having been stolen.
- 1 122 illegal immigrants arrested.
- 81 153 kg of cannabis confiscated.
- 38 illegal firearms seized.
- 360 stolen livestock recovered.
- 379<sup>56</sup> persons arrested for these crimes.

South African National Defence Force (SANDF) troops were withdrawn from the Lesotho border during 2002, after the SANDF operational budget was cut substantially. The cross-border crime rate, especially stock-theft, rose significantly after the troops were withdrawn.<sup>57</sup> As of 1 April 2003, South African troops were to be redeployed along the country's border with Lesotho to help combat cross-border crime. This is not meant to be permanent, but rather as a way to assist the police service until it puts into place proper border control measures.

### ***Destruction of Firearms***

The SADC intervention of 1998 led to the development of an “Agreement on Defence Issues” between Lesotho, South Africa and Botswana. This agreement sets a framework for cooperation, and has been used, for example, by Lesotho to request South African assistance in the destruction of unserviceable, non-standard, excess and redundant small arms. In November 2001 approximately 3 800 weapons were destroyed in an operation code named Operation Qeto.<sup>58</sup>

*Table 2.4: Lesotho Defence Force Weapons Inventoried for Destruction*

<b>Assorted Rifles and Shotguns</b>	
0.22	10
0.22	52
.303 rifles	41
AK-47	3 108
Commando weapons	6
Pump action shotguns	52
7.65 rifles	179
Galiel rifles	2
Self-loading rifles	3
G3 rifles	1
Sub-total	3 454
<b>Mortars</b>	
60mm	31
81mm	13
Sub-total	44
<b>Revolvers and pistols</b>	
.38 special revolvers	241
9mm pistols	79
Sub-total	320
<b>Assorted spares</b>	
Barrels	18
Barrels	5
Shotgun triggers	2
Sub-total	25
<b>Total items</b>	<b>3 843</b>

## Conclusion

A comprehensive analysis of the firearm phenomenon in Lesotho at this point in time is not possible as reliable data, especially on small arms stockpiles, is not publicly available. However, this study has revealed that Lesotho's recent conflict-ridden political history has contributed to a decline in internal security, and consequently an increase in the perceptions of personal insecurity, which has motivated a significant number of civilians to acquire firearms, both legally and illegally (depending on their personal circumstances). Many cattle owners, in an effort to protect their livestock from rampant cattle-rustling, have also sought to secure firearms. In addition, tensions and divisions within the armed forces have resulted in the proliferation of firearms.

## Appendix 1

### NUMBER OF PRISONERS IN LESOTHO PRISONS CHARGED WITH CRIMES RELATING TO THE USE OF FIREARMS FOR THE PERIOD 1998 – 2002<sup>63</sup>

Years	Prisons												
	Central	Juvenile	Female	Berea	Leribe	B/Bothe	M/Tlong	T/Tseka	Q/nek	Quthing	M/Hoek	Mafeteng	Total
1998	28 (1068)	1 (95)	- (167)	11 (606)	33 (1058)	16 (467)	4 (370)	10 (233)	14 (370)	6 (301)	9 (373)	13 (664)	145 (5742)
1999	69 (1900)	- (85)	1 (606)	21 (806)	32 (1022)	13 (411)	15 (391)	12 (347)	9 (321)	13 (309)	4 (404)	25 (788)	214 (6950)
2000	67 (1908)	1 (111)	1 (250)	36 (826)	49 (1004)	19 (461)	37 (299)	17 (299)	14 (238)	27 (463)	7 (537)	16 (549)	219 (7003)
2001	107 (1872)	- (83)	3 (141)	45 (812)	45 (1046)	15 (524)	20 (301)	27 (376)	14 (2500)	11 (401)	4 (454)	12 (526)	303 (6784)
2002	125 (2216)	3 (132)	3 (173)	31 (840)	59 (1097)	19 (606)	39 (484)	19 (505)	25 (471)	10 (325)	12 (556)	28 (600)	373 (8004)

NB: ( ) - Total number of crimes for which people were admitted into prison. Source: Lesotho Prison Services

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Katleho Pefole, interview with Senior Superintendent Monyane Thibeli and Senior Inspector Ts'eliso Makote of the Stock Theft Unit, 12 November 2003.

Katleho Pefole, telephonic interview with Thabo Khasipe, Customs Commissioner of the Lesotho Revenue Authority, 14 November 2003.

Katleho Pefole telephonic interview with Lt Phaila, Lesotho Defence Force, 15 March 2004.

### Endnotes

- 1 *Lesotho 1996 Official Yearbook*, Ministry of Information and Broadcasting, Maseru, p6.
- 2 Lesotho receives about R15m monthly in royalties from South Africa for water sold to the Republic. The main revenue for Lesotho is from the South African Customs Union.
- 3 Katleho Pefole, telephonic discussion with Lt Phaila, Lesotho Defence Force, 15 March 2004.
- 4 Gastrow, P. *Organised Crime in the SADC Region. Police Perceptions*, Institute for Security Studies, Monograph 60, 2001. See also, Klipin, J and Harrison, K. *The Future for Policing and Crime Prevention in SADC*, International Crime Prevention Centre, Montréal, February 2003.
- 5 "Beyond 2000, A Development Plan for Lesotho Mounted Police Service 1998-2003".
- 6 Literature on Lesotho's 30 year political crisis since independence abounds including Gill, SJ. *Lesotho, Kingdom in the Sky*, Afrika Museum, Berg en Dal, 1993, p.140.; Khaketla, BM. *Lesotho 1970: An African Coup Under the Microscope*. C. Hurst & Co, London, 1972. Macartney, W. "The Lesotho General Election of 1970" *Government and Opposition*, (4), 1973. Weisfelder, R. *Political Contention in Lesotho 1952-1965*. Institute of Southern African Studies, Lesotho, 1999. Bardill, JE. and Cobbe, JH. *Lesotho: Dilemmas of Independence in Southern Africa*. Westview Press, Boulder, 1985.
- 7 *Report of the Commission of Inquiry into the Events Leading to Political Disturbances which Occurred in Lesotho During the Period Between 1 July 1998 to 30 November 1998*, p22.
- 8 Gill, S. 1993, p 157. Also see Gill, S. *A Short History of Lesotho*, Morija Museum and Archives. 1997.
- 9 Pherudi, M. *The Mountain Kingdom of Lesotho, 1986-1997: A Democracy in Crisis*, May 2000, unpublished PhD Thesis, Faculty of Humanities, University of Free State, p16
- 10 Ibid. pp14-15.
- 11 Rule, S. "The Lesotho Election, May 1998", EISA, Johannesburg, 1998.
- 12 Neethling, T. "Military Intervention in Lesotho: Perspectives on Operation Boles and Beyond", *Online Journal of Peace and Conflict Resolution*, 4 February 2004. [http://www.trinstitute.org/ojpcr/p2\\_2neethling.htm](http://www.trinstitute.org/ojpcr/p2_2neethling.htm)
- 13 International Campaign to Ban Landmines, *Landmine Monitor Report 1999: Towards a Mine-Free World*, Human Rights Watch, Washington, 2002, pp83-84.
- 14 Katleho Pefole, interview with Sergeant Litaba of the firearms department of the LMPS, Friday 14 September 2003.
- 15 Katleho Pefole, interview with the chief magistrate, Adv. Makara, Magistrate's Court Chambers, 16 September, 2003.
- 16 "The International Crime (Victim) Survey in Maseru (1998)", report by the UNAFRI, Kampala and the United Nations Interregional Crime and Justice Research Institute (UNICRI) Rome, 1998.

17 Ibid.

18 Ibid.

19 <http://www.ydn.org.za/yes/lesotho.htm>.

20 Gill 1993, p63. Gill writes that it has been estimated that between 1870 and 1880 the Basotho already had accumulated approximately 240,000 firearms bought with money acquired in the mines of South Africa.

21 Ibid., p157. Gill says that the BCP's military Lesotho Liberation Army. (LLA) was assisted by Libya and the Pan Africanist Congress (PAC) from South Africa and ironically, the South Africa Apartheid State.

22 Honwana, J and Lamb, G. "Small Arms Proliferation and Drug Trafficking in Southern Africa: A Conceptual Paper", Centre for Conflict Resolution, Cape Town. [http://ccrweb.ccr.uct.ac/za/staff\\_papers/guy\\_small\\_arms\\_drugs](http://ccrweb.ccr.uct.ac/za/staff_papers/guy_small_arms_drugs).

23 A report by the Lesotho Police Services indicates that a joint operation targeted at theft and hijacking of motor vehicles, illicit drug trafficking, illicit firearms trafficking and stock theft carried out between Lesotho, South Africa, Swaziland and Mozambique resulted in the recovery 110 vehicles, 7 firearms and 81 bags of dagga. "Country Report by the Commissioner of Police Lesotho", SARPCCO 8th Annual General Meeting, 1-5th September 2003, Maputo, Mozambique, p.9.

24 This was raised by a number of the interviewees who said they knew that their mineworker neighbours held illegal firearms. It was also mentioned in an interview with Senior Superintendent Monyane Thibeli & Senior Inspector Ts'eliso Makote of the Stocktheft Unit at Police headquarters Maseru on the 12th November 2003. It has been suggested that this is because mineworkers tend to show off their guns more than any other group that owns guns.

25 Interview with Senior Superintendent Monyane Thibeli & Senior Inspector Ts'eliso Makote, Stocktheft Unit, Police Headquarters, Maseru, 12th November 2003.

26 An incident was reported over Moafrika Radio in Maseru, Lesotho, where on Wednesday, 19 November 2003, a cash-in- transit vehicle was attacked and robbed during the day by a group of armed people.

27 A total of 35 respondents said they believed the police were a source for illegal firearms.

28 This was mentioned during meeting between Sergeant Litabe, of the Firearms Unit and the board of the Association of Private Security Companies, held on 26th November 2003, which the writer attended.

29 An interview with a village headman in Berea, Pulane suggested the contrary. The headman spoke of an incident where a police officer was expelled from the police service because stock thieves had used his police issued arm, without the firearm being reported lost or stolen.

30 The Internal Security Act (Arms and Ammunition 1966) provides for eligibility of firearm ownership on the grounds of personal security only. This makes the granting of a firearm on the grounds of security of property discretionary on the part of the Licencing Board.

31 Thabane, M. "The Discrimination of Women and Economic Development in Lesotho", paper presented at the *Conference on Culture and Development in Africa*, University of Zimbabwe, 6 - 8 August 1997, p3. Interview with Sergeant Litaba of the Firearms Unit, Police Headquarters, Maseru, Friday 14 November 2003.

32 A total of 34 respondents felt that their security in the country and in their villages was not adequate.

33 A total of seven respondents reported such confrontations with armed stock thieves. A member of an anti-stock theft village committee reported one of the cases.

34 The Firearms Unit has contended that this goes against their efforts to control arms

- proliferation by controlling the number of licences issued.
- 35 Among the respondents 12 men reported to using firearms for security.
- 36 Four respondents reported that, though some mineworkers in their areas had illegal firearms, they used these for the protection of their families and the whole village. One recommended that such firearms should be legalised as they are used for protection.
- 37 Respondent in interview, adult male, Hlotse, Mankoaeng, 3rd November 2003.
- 38 Interview at Lithabaneng, Maseru, 28 November 2003. The respondent was the wife of a soldier.
- 39 Police have had to abandon their hitherto confrontational approach for a friendlier one (community policing) as they were losing the battle against drug and firearm trafficking in Pulane.
- 40 This was mentioned in a debriefing session among the research assistants at the end of a day of doing interviews in Berea. It is further evidence of the interest and unease the study generated among the interviewees.
- 41 Magistrate court case. Case details barred from publication.
- 42 The slowing down of the migrant labour system through the retrenchment of many Basotho has meant that many retrenched former mineworkers have had to return to farming for their livelihood, thus placing increased value on livestock. This increased value as well as a decrease in stock numbers, have made stock a target for desperate armed thieves.
- 43 The decline in illicit diamond dealing can be due to the operation of mines such as Lets'eng la Terai, Lesotho Mounted Police Service, Annual Report 2001/2002, Government Printer, Maseru, p.45.
- 44 The Lesotho Mounted Police Service Annual Report does not reflect cross-border crimes, and reports of cross border operations and do not reveal the number of firearms recovered in car theft and hijacking associated incidents.
- 45 Interview with member of Stocktheft Prevention Committee, Pulane ha Mosili, 2nd November 2003.
- 46 No authoritative information was available on the source of illegal firearms.
- 47 Telephone interview with Thabo Khasipe, the Customs Commissioner of the Lesotho Revenue Authority, Thursday 14 November 2003.
- 48 This refers to cases where South Africans committed gun related crimes in Lesotho, the most common being bringing their personal arms into Lesotho without a permit.
- 49 Cases for January to July only.
- 50 The number of private security companies rose rapidly the late 1990s with seven registered companies. There are up to 20 private security companies, most of which are not registered according to Victor Khoeli Tlali of T&T Security and a member of the board of the Association of Private Security Companies, in an interview held on 26 November, 2003. In the early 1980s Security Lesotho was the only private security company.
- 51 The research at ha Mofoka was part of the pilot to test the questionnaires and has not been included in the summary of interviews. While the LDF is not responsible for internal security, the armed forces routinely work with police officers during raids especially in search of arms and narcotics.
- 52 *Report of the Commission of Inquiry into the Events Leading to Political Disturbances which Occurred in Lesotho During the Period Between 1 July, 1998 to 30 November 1998*, pp66-68, indicates that evidence presented before the commission proved that some members of the army and police services were involved in the riots and used their weapons in "very dangerous circumstances."
- 53 Calculated on the basis of the exchange rate of 12 March 2004: US\$1=M6.716.
- 54 Sakoane, June 2001.

- 55 Interview with Sergeant Litaba of the Firearms Unit, Police Headquarters, 14 November 2003.
- 56 "Annual Report of the National Commissioner of the South African Police Service", 1 April 2002 to 31 March 2003.
- 57 SA troops to be redeployed along Lesotho border, 28 February 2003, [http://www.sabcnews.com/africa/southern\\_africa/0,2172,54157,00.html](http://www.sabcnews.com/africa/southern_africa/0,2172,54157,00.html).
- 58 3 843 weapons were inventoried at the LDF headquarters in Maseru and with the addition of components gave a destruction total of 4 240.