



LESOTHO

National Overview 2017
by MISA Lesotho

OVERVIEW

At the top of the agenda on Kingdom Lesotho's bid to stabilise the country's political environment is the National Legal Reforms programme rollout. The initiative was initially recommended by a Southern Africa Development Community (SADC) commission of inquiry into circumstances that led to the killing of former Lesotho Defence Force (LDF) commander Lt General Maaparankoe Mahao in 2015.

The project's results thus far included a road map and national consultation on the National Reforms Commission Bill, which was set to guide the reforms process in the country that was regarded as unstable and a threat to the region's peace and economic development.

The reforms project was being implemented under the watchful eye of the SADC Military Preventive Mission in the kingdom of Lesotho (SAPMIL). It was hoped that the project would not be threatened by elements within the LDF who had committed crimes against humanity during the tenure of office of the two coalition governments between the years 2012 to 2017. To date it is evident that the possibility of military rebellion was averted. Indicators in this regard include the arrest of the former LDF commander Lt. General Tlali Kennedy Kamoli together with some soldiers who were under his command, while on the other hand certain army personnel he had locked up for the alleged mutiny against him were released by the new coalition government.

While the reforms project was being rolled out, some leaders of the opposition remained in exile in neighbouring South Africa. These leaders, Mothejoa Metsing of the Lesotho Congress for Democracy (LCD) together with his Secretary General Ts'eliso Mokhosi, and Mathibeli Mokhothu, a Parliamentary head of the Democratic Congress (DC) were on record for insisting that they would not return home.

In some quarters, the absence of these leaders was regarded as a blow to the reforms project as it would then fail to pass the test of inclusivity. In response to this, the government, backed by civil society organisations (CSOs) was negotiating the safe return of these exiled political leaders.

MISA Lesotho regards the initiative as an opportunity to realise long-awaited media reforms but it came as a disappointment that the road map excluded media. In response MISA Lesotho worked to organise the media sector in order to actively lobby and advocate for the inclusion of media reforms in the national reforms project as recommended by SADC.

The media has had to operate in this politically unstable environment and has not fared well. Journalists have been physically attacked, namely the editor of *Lesotho Times*, Lloyd Mutungamiri, was shot and injured while his colleague, Keiso Mohloboli, is in exile in South Africa. Blogger and University lecturer Mafa Sejanamane was also shot at, but was not injured.

FREEDOM OF EXPRESSION

Freedom of expression in the kingdom of Lesotho has been severely hampered by tumultuous events over the last few years.

The general elections in June 2017 may have heralded new beginnings for a country dealing with political instability which resulted in Lesotho heading for the polls for the third time in five years. The election came close on the heels of Democratic Congress (DC) Prime Minister Pakalitha Mosisili losing a no-confidence motion in March, partially because his cumbersome 7 party coalition had slowly disintegrated due to infighting less than two years after him taking office. This was the second coalition failure in three years.

The disintegration of two successive coalition governments coupled with political violence at the highest levels of political insecurity as a consequence of internal factional contestation within the armed forces and tension between the police and army have had an impact on the country's landscape.

While freedom of expression is sluggishly being restored, it has been a challenging period, in particular for the media sector.

According to an Amnesty International Report 2017/18, Nkoale Oetsi Tsoana, a journalist with *Moeletsi Oa Basotho*, received death threats from Lesotho Congress for Democracy (LCD) supporters in August while he covered the Directorate on Corruption and Economic Offences' investigation into corruption allegations against LCD leader and former Deputy Prime Minister Mothetjoa Metsing.

The same day, Palo Mohlotsane, a *PC-FM* radio journalist, received threats from the Deputy Leader and members of the LCD after he covered the same story.

Nthakoana Ngatane, *South African Broadcasting Corporation* correspondent, received repeated online death

threats from June onwards, after she reported on possible motives for the killing of Lipolelo Thabane. On 16 June crowds gathered outside *MoAfrica FM* radio station's offices and threatened the owner, Sebonomoea Ramainoane, after the station implicated Prime Minister Thabane in the killing of his wife.



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On 8 September the Maseru Magistrate Court ordered Sebonomoea Ramainoane, also the station's editor-in-chief, to release to the Lesotho Mounted Police Service (LMPS) the station's audio recordings of interviews aired between 28 August and 6 September. On 13 September, the authorities closed the station for 72 hours and on 15 September detained Sebonomoea Ramainoane for several hours. On 25 September, the Lesotho High Court cancelled the Magistrate Court's order.

On 29 August, exiled investigative journalist Keiso Mohloboli received online

death threats for comments she posted on social media about human rights violations in Lesotho. She had received similar threats on 10 June.

On 13 December, five members of the LDF went on trial for the attempted murder of the *Lesotho Times* editor Lloyd Mutungamiri in July 2016. He suffered near fatal gunshot wounds after being attacked outside his home in Maseru. The shooting followed his newspaper's publication of an article claiming that the outgoing LDF head was to receive an exit package of USD3.5 million.



Owing to the vibrancy and influence of radio stations in reporting and agenda-setting, coupled with political polarisation in the country, elections were a very trying time for the broadcast sector in Lesotho.

Freedom of expression in Lesotho has been steadily exercised through conventional and new media as well as by demonstrations on the part of civic and political groups on a range of policy issues. In the year under review, mostly social media and radio stations have exercised their freedom of speech country-

wide. There were however at least two defamation cases regarding statements made on the radio stations *Ts'enofo FM* and *MoAfrika FM*.

The first case was against President of Youth League of the Alliance for Democrats (DC) political party Thuso Litjubo. In September, 2017 the high court of Lesotho cleared him of the charges following a series of postponements since January, 2017, on the grounds that "what Litjubo is alleged to have said did not constitute a criminal offence." Litjubo had been accused of defaming Maseru Urban Assistant Commissioner of Police (ACP) Motlatsi Mapola.

In a separate case, the owner of *MoAfrika FM* radio Ratabane Sebonomoea Ramainoane was ordered by police to release copies to them of a certain news bulletin containing defamatory allegations. However on 29 September 2017 the High of Court of Lesotho nullified an order by the Magistrates Court compelling the accused to release the copies of the news bulletin in question.

PRINT MEDIA

Print media developments in Lesotho have seen the migration from print-only to online versions of all major weeklies of the country. *Public Eye*, *Lesotho Times*, *The Post* and *Moeletsi Oa Basotho* all have a digital version. Lesotho still does not have a daily newspaper, and most papers in circulation are published on Tuesdays, Thursdays, Fridays and Sundays. On the alternate days there is a deficit of current news.

On a positive note, Lesotho has seen one weekly tabloid focusing on news within the capital city, Maseru. The newspaper, published in English, is called *Metro* and it has been in circulation since December 2017.

BROADCASTING

The only government-run weekly newspaper, *Lesotho Today*, was closed in February, 2017 by order of the then Minister of Communications, Science and Technology, Serialong Qoo. The minister, who was appointed in the dying moments of the 7 political party coalition led by Dr. Pakalitha Mosisili seemed to see it as his main duty to silence any media house which appeared to be un-supportive of the second coalition government.

The then ministry's Principal Secretary Ts'eliso Khomari was on record saying that *Lesotho Today* was not reporting government stories in a fair manner. His statement was taken as a criticism that the newspaper was providing partisan coverage in favour of the opposition political parties at that time, especially the All Basotho Convention (ABC), led by Dr. Thomas Motsoahae Thabane, who got the prime ministership post following the 3 June 2017 national assembly elections. *Lesotho Today* was still not in circulation by the end of 2017 although the staff continues being paid their salaries.

On a negative note for the year in review, police questioned newspaper reporter Billy Ntaote, then of the *Lesotho Times* newspaper. In January 2017 he had published an article where he interviewed a member of an opposition political party. The police had requested he provide them with a statement regarding the article. However, Ntaote had referred the police to his editor who in turn had asked for a written request. This incident appeared to be an intimidatory step against the reporter, though for unknown reasons the police did not pursue the matter further.

Owing to the vibrancy and influence of radio stations in reporting and agenda-setting that was mainly manifested through phone-in facilities on many talk shows, coupled with political polarisation in the country, elections were a very trying time for the broadcast sector in Lesotho.

With clear indication that Lesotho would forgo the third snap elections within a five-year parliamentary period, the then ruling 7 party coalition government, out of panic and desperation in the year under review, forced the closure of two radio stations. The *People's Choice FM* and *Ts'enolo FM* were closed two days ahead of the World Radio Day commemoration on 23 February.

In an attempt to compel the government to allow the stations back on air, MISA Lesotho boycotted the commemoration. The decision was taken as a result of what was viewed as an act of betrayal by the government after talks geared towards the reconnection of the radio stations to Lesotho National Broadcasting Service (LNBS). During the talks, government promised to reconnect the radio stations, however, the promise was not fulfilled even after *People's Choice FM* won a Lesotho High Court order to this effect.

The day was however, commemorated later, on the 28 February, 2017 when the two radio stations were once again back on air.

On 11 August 2017 transmission services for *MoAfrika FM* were terminated - from LNBS transmitters rented by most private radio stations to widen their coverage. The government attributed the closure to non-payment of LNBS transmitter rental fees by the radio station.

Despite the fact that numerous other radio stations have also failed to pay their rental fees for transmission, only *MoAfrika* was penalised. Secondly, LNBS officials had issued demand for the money owed on the afternoon of 11 August insisting that the payment be settled the same day. *MoAfrika's* attempt to pay the fees owed was thwarted by the fact that in terms of its arrangements with the bank, it could only pay in batches, and not the whole amount in one go.

In trying to resolve the issue, MISA Lesotho teamed up with other CSOs to write a joint letter to the Minister at the time - Chief Joang Molapo, requesting that *MoAfrika* be reconnected with immediate effect and both parties start talks leading to a mutual arrangement regarding payment to avoid any damage to Lesotho's democratic rule. Only one meeting took place as a result, in the presence of MISA Lesotho and Christian Council of Lesotho.

The political programmes radio presenter, Rets'epile Maloi, of *Ts'enolo FM*, a private radio station, was summoned for questioning by a panel of four Lesotho Mounted Police Service officers immediately after his morning programme on 9 March 2017. The interrogation, which took more than two hours, was convened, according to the explanation given to him by the police, to discuss concerns which arose from conduct on his programme, *Fika Le Mohala*, which aired on weekdays from 6am to 10am.

Some of the concerns raised included a segment on the programme where guests with different political standpoints are called in at the same time to debate burning issues. This according to the police had the potential to spark violence among the general public.

Police also pointed out that callers to *Fika Le Mohala* abuse the Speech Withdrawal¹ Principle by phoning in and being abusive. While they were later being told to withdraw the remarks, the message had already been aired. The police warned Maloi that it would be the last time he was called in to talk about the content and conduct of his programme.

On 8 August, 2017 *People's Choice FM* presenter Palo Mohlotsane and a *Moeletsi Oa Basotho* newspaper reporter were threatened by supporters of the LCD who tried to stop them from covering the appearance of the party's leader, Mothejoa Metsing, before the Directorate on Corruption and Economic Offences (DCEO). In an attempt to address the issue, MISA Lesotho wrote LCD a letter expressing their concern about the incident, while also encouraging the party to embark on talks with the two media houses to resolve the issue before it escalated and placed the lives of the two journalists in danger. However, LCD dismissed the letter, saying that MISA Lesotho had been biased by taking the side of the journalists.

On a positive note, the government of Lesotho announced in December 2017 that it had rescinded its moratorium on issuance of broadcast licenses that was put in place two years earlier. The news was received with jubilation as a call for applications for radio stations licenses was issued.

This move will allow the MISA Lesotho project, "Access to Information Through Establishment of Community Radio Stations" get three community radio stations on air by mid 2018. The morato-

¹ In Lesotho, in case a person utters words found to be unsuitable for radio, the person is asked to withdraw such words. If in agreement the person will then state: "I withdraw my words."

rium, which was purported to have been issued to allow for a review of broadcasting law, had been viewed by MISA Lesotho as a ploy by the government to hinder the project. It was expected that the suspension of the moratorium would enable an additional three communities of Quthing, Semonkong and Mokhotlong radio stations to go on air.

Another progressive development was the announcement by the government of the adoption of an interim Broadcasting Code of 2017, pending cabinet sanction of the code to repeal the Broadcasting Rules of 2004. The announcement was made in August 2017 and MISA Lesotho saw this as a bid to ensure legislation was in step with global standards. The new policy is also expected to protect consumers while at the same time guarding the interests of the broadcasting sector in Lesotho.

ACCESS TO INFORMATION

MISA Lesotho's advocacy campaign on the passing of the Access and Receipt of Information Bill of 2000, saw some hope in the National Legal Reforms project, as SADC had categorically called for media and information reforms. The reforms project began with drawing up a bill to establish the National Reforms Commission.

While the reforms are an opportunity to accelerate positive results after MISA Lesotho's long advocacy campaign, the big challenge would be the degree of cooperation and unity among media houses and individual journalists in Lesotho. Characterised by political polarisation, the media in Lesotho could lose out on opportunities presented by the reforms project if they are unable to find common ground.

The Editors Forum established in 2014 was dysfunctional and similarly the Journalists Union of Lesotho. Both organisations lack clearly defined programmes and were not operating in accordance with the guiding principles acknowledged by CSOs allowing for positive changes in the sector they were established to protect and advance as development agents.



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Challenges of poor governance in MISA Lesotho were also evident since March 2017 when it elected a board that lacked leadership and corporate governance skills. The organisation's National Governing Council (NGC) was rocked by scandals ranging from:

- The Deputy Chairperson and Deputy Secretary General of the NGC leading a group of 12 out of 42 participants to boycott a workshop held by MISA due to their discontent

with the fact that no per diems were budgeted for the workshop.

- Conflict of interest among NGC members – in fact a grouping of some of the members had formed an advocacy organisation that capitalised on gaps in MISA Lesotho programming.
- A demand for sitting allowances for unconstitutional meetings held without collaboration with or knowledge of the secretariat.

By acting in this manner the NGC placed MISA Lesotho at risk and the organisation was therefore not likely to get support in driving the media reforms agenda.

Despite these challenges, MISA Lesotho was still pursuing a legal transformation agenda through its clearly articulated project on media reform that is likely to get support for better implementation. Among the project's objectives were organisational development and establishment of media leadership forums to actively participate in the reforms project with a clearer focus on the sectors priorities in Lesotho.

MEDIA AND ELECTIONS

Multi-media Elections Reporting

To contribute to peaceful national assembly elections held in June 2017, MISA Lesotho rolled out an innovative project on multi-media elections reporting. The project focused on the training of 30 journalists in producing content for diverse social media platforms and simultaneous live broadcast of the elections. The ultimate result of the project was simultaneous broadcast of electoral process that connected 12 radio stations.

The broadcast was coordinated and facilitated by MISA Lesotho through their broadcasting studio providing updates from all ten districts of the country through live reports compiled by teams of three journalists per district. This ground breaking innovative project supported by OSISA, included posting of video and articles on a portal www.misa.org.ls (now linked to www.lesotho.misa.org). Observer missions and other interested parties credited the project for its contribution to transparency in the electoral process thereby assisting with the acceptance of the results through professional and credible reporting.



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JOURNALIST SAFETY

The media sector saluted the eventual arrest of the soldiers who allegedly shot *Lesotho Times* editor, Lloyd Mutungamiri in 2016. His attackers had remained free as the second coalition government was not interested in taking legal action against members of the army involved in criminal activities. They were eventually arrested towards the end of 2017. At the time of writing, the suspects were still remanded in custody with their case set to be heard during 2018. The arrest was viewed as an attempt by government to end impunity in Lesotho.

Generally, journalists in Lesotho are at risk when they come up against the Lesotho Defence Force (LDF).

In May, Motsamai John Talla, a well-known presenter of the *People's Choice FM* based in Maseru was followed by a suspicious vehicle which was later found to be driven by members of the LDF. Upon realising he was followed, Talla sought refuge at the Thetsane Police Station and posted the incident on Facebook. At the police station, the LDF members claimed that they were simply eager to meet Talla as he was such a well known presenter in Maseru.

In a separate incident, two presenters of *Motjotli FM* – a community radio station of the Thaba-Tseka district – were arrested by the district police for allegedly calling a police's wife "mosali" (woman) on air.

In the latter part of the year, one of the two reporters was re-arrested for allegedly grabbing a girl and stealing her money. However, during their interrogation the police kept telling him that radio presenters were arrogant and big-headed. The presenter was physically assaulted and released without charge.

Another incident which involved Palo Mohlotsane and Nkoale Ts'oana of *People's Choice FM* and *Moeletsi Oa Basotho* newspaper, was reported earlier in the broadcast section of this report.

FREEDOM OF EXPRESSION ONLINE

WhatsApp, Facebook and Websites

While WhatsApp is used by civic groups as a platform for organised communication, Facebook still led as the most vibrant online platform for exchange of ideas and information as well as a forum for debate. The platform places pressure on the government, as some groups, like Count Down to Election, carry information from well-placed sources in the government of Lesotho. Facebook in Lesotho is a useful and effective platform for publishing serious assertions, which often turn out to be factual. It had thus become very strategic in influencing the political agenda of the 2017 national assembly elections.

In the year under review Facebook has seen a number of advertising groups in Lesotho. Most of the groups are run by youth and vigorous business marketing was pushed out on these platforms. Some of them have proved to have reached as many as 30 000 people which is considered enough of a customer base to conduct a viable business in Lesotho.

Websites were less popular due to poor content generation. Most websites in Lesotho are not functional as they merely carry information relating to organisations' names and business background in general terms but there were no updates on day-to-day operations. Government websites were similarly neglected.

LOOKING FORWARD TO 2018

The year 2018 is likely to see the reforms agenda topping most of the headlines in Lesotho. This is largely because Lesotho's instability is evident and most citizens are hopeful the reforms will help the country redefine its agenda for development while globally positioning itself for active participation in various initiatives aiming at improving people's lives.

While the reforms project provides hope for Lesotho, much will depend on the organisational abilities of societal groups to work towards achieving peace and stability as important elements for development. Political polarisation remains the primary challenge. The media plays a very active role in this regard and this makes the sector top of the reforms agenda, although the state and other actors do not necessarily regard this as a priority.

Most contested issues in Lesotho are fuelled by the media, especially content on radio stations. The year 2017 saw most radio stations openly aligning themselves with either congress or nationalism ideologies. This was the case as the country headed towards the national assembly elections and it would continue even beyond. It was hoped that the reforms would address this conduct of the media, as it was potentially divisive and dangerous to development in Lesotho.

LESOTHO MEDIA FREEDOM VIOLATIONS AND VICTORIES



9 February 2017

CENSORED

Four days ahead of the commemoration of the World Radio Day on 13 February 2017, the government of Lesotho cut the broadcasting signals of two local radio stations, *Ts'enolo FM* (104.6MHz) and *People's Choice FM* (95.6 MHz).

According to the Principal Secretary (PS) of the Ministry of Communications, Science and Technology, Ts'eliso Khomari, the radio stations were taken off the air for alleged defamatory content about the country's Prime Minister, Bethuel Mosisili, and Deputy Prime Minister, Mothejoa Metsing.



1 March 2017

CENSORED

During a vote of no confidence against Prime Minister Pakalitha Mosisili in Parliament, the media was moved out from the press gallery. According to journalists, a police officer ordered them to the public gallery, arguing that media accreditation issued exceeded the press gallery's capacity.



10 MARCH 2017

THREATENED

Ts'enolo FM, a private radio station in Lesotho, saw its political programmes radio presenter, Rets'epile Maloi, brought in for questioning by a panel of four officers from Lesotho Mounted Police Service immediately after his morning programme on 9 March 2017. The questioning which took more than 2 hours, was convened, according to the explanation given to him by the police, to discuss concerns arising from the conduct on his programme, *Fika Le Mohala*.

The concerns raised included a segment on his programme where guests with different political standpoints were called in to debate burning issues. These arguments, according to the police, could incite violence among the general public.

Police also pointed out that the listeners of *Fika Le Mohala* abused the Speech Withdrawal Principle by phoning in and deliberately abusing free speech and they were asked to withdraw the comments only after such messages had already been aired.



13 February 2017

**NOTEWORTHY DEVELOPMENT
BOYCOTT**

MISA Lesotho boycotted the World Radio Day commemoration on Monday, 13 February 2017. This decision was taken in support of *Ts'enolo FM* and *People's Choice FM* which were temporarily taken off air by government in the previous week.

MISA Lesotho is of the firm belief that the commemoration should reflect the Lesotho Government's commitment to the day's aspiration as set out by UNESCO. The government's decision to defy the Court order to re-connect *People's Choice FM* to LNBS antennas was seen by MISA Lesotho as a clear indication of the government's intention to suppress freedom of the media and undermine the rule of law in Lesotho.



28 April 2017

CENSORED

The government of Lesotho closed down its only weekly newspaper, *Lentsoe La Basotho* (*Lesotho Today*). According to a newspaper report from *The Post*, the Principal Secretary (PS) of Communications, Science and Technology, Tseliso Khomari, accused the paper's journalists of publishing stories favouring the opposition.



5 May 2017

CENSORED

People's Choice FM was taken off Lesotho National Broadcasting Service's transmitters. The radio was off-air for an entire weekend. However, *People's Choice FM* managed to buy its own transmitter link and went back on air.



10 August 2017

THREATENED

Lesotho Congress for Democracy (LCD) members allegedly threatened two journalists, Palo Mohlotsoane of *People's Choice FM* and NkoaleTs'oane of *Moeletsi Oa Basotho*, at the premises of the Directorate on Corruption and Economic Offences (DCEO) on 8 August 2017. The LCD denied the allegations in a response to queries made by MISA Lesotho, the LCD gave details of the incident and denied allegations of the attack.

The police warned Maloi that it would be the last time he is called in to talk about the content and conduct of his programme.



17 August 2017

VICTORY

MoAfrica FM resumed broadcasting after the High Court ordered the Lesotho National Broadcasting Services (LNBS) to lift the suspension it had imposed on the radio station a week earlier.

The LNBS had suspended the operations of *MoAfrica FM* on the grounds that the radio station owed the regulating body M100 000 (US\$8074).

The Lesotho Communications Authority suspended a moratorium on issues of broadcasting licenses, a development which would see the MISA Lesotho project on "Access to Information Through Establishment of Community Radio Stations" fully implemented. This means that three community stations will be on air by mid-2018 in Semonkong in the Maseru district, Outhing and Mokhotlong districts.