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## News

# Judgment reserved in LCS officers' case

RELEBOHILE TSOAMOTSE

**M**ASERU - Acting judge of the Appeal Court Justice Moses Chinhengo was on Thursday keen to know why a High Court judgment that nullified the promotions of eight Lesotho correctional Services (LCS) officers in 2015 had not been complied with.

Justice Chinhengo said the LCS, like any other government institution, ought to have obeyed the court order to the letter.

The High Court in 2018 declared the promotion of LCS commissioner Thabang Mothepu along with seven others under his command as null and void.

The court therefore ordered Commissioner Mothepu and the seven officers to reimburse the monies which were paid to them upon resuming their new positions.

However, the officers argued before the Appeal Court on Thursday that the High Court order was moot because they were promoted after the same court order.

In his submission, Advocate Rethabile Setlojoane, who represents the eight officers told the court that some of the officers were promoted again after the initial controversial promotions hence the court order does not affect the new promotions.

The officers include K. Moeno who was initially appointed Senior Assistant Commissioner, M. Raphuthing who promoted to the rank of Acting Assistant Commissioner, Selahla promoted to position of Senior Superintendent, Ntsasa Superintendent, Rammasa Assistant Superintendent, and Matingoe Phamotse who was promoted to the rank of Acting Deputy Commissioner while Mothepu was raised to the position of Assistant Commissioner before he was finally promoted to the rank of Commissioner.

But Justice Chinhengo asked whether or not the new promotions were made to defeat the law and Setlojoane showed that his clients were promoted before the High Court decided the case.

Setlojoane added: "It could not be so because the initial promotions were effected by the then Acting Commissioner who



*LCS Commissioner Thabang Mothepu*

has since been dismissed while the latest promotions were conducted by the minister of justice along with the commissioner."

The late Justice 'Masehlopho Hlajoane in June 2018 declared the initial promotions as null and void and thereby ordered the Accountant General to deduct monies paid to the officers after assuming the functions of the new position.

The new promotions were made while the officers awaited the High Court judgment on their matter. Ntsasa was raised to the position of Senior Superintendent, Phamotse was promoted to the rank of Deputy Commissioner, Raphuthing returned to his original rank of Senior Superintendent while Mothepu was confirmed as the Commissioner.

The officers therefore argue that the appeal against the High Court judgment was out of time, asking to challenge the nullification of their previous ranks.

Setlojoane argued that a clause in the LCS Staff Association (LCSSA)'s constitution on which LCSSA based its case has no meaning and ought to have been rejected by the High Court.

He said the clause does not give LCSSA powers to sue on the issue of promotions.

"The association may consider the general issues and principles governing appointments, promotions, transfers, matters of discipline and salaries within the service with the view of improving

conditions within the service as a whole, but it shall not consider individual cases concerning these matters," reads the clause.

The officers also argued that the LCS promotion guidelines which the High Court ruled ought to have been followed in effecting the promotions, have to be rejected by the Appeal Court because the guidelines have no legislative effect.

Setlojoane said the guidelines have never been used by any of the commissioners within the LCS, hence why the reliance was not put on them by former commissioner, M. Makhalemele.

In his affidavit to convince the court to hear the appeal, Mothepu said despite relentless efforts to get a copy of the judgment from the office of the Attorney General, he was unable to do so.

He said he only received a copy when his office was served with the court order on August 27, 2018.

Mothepu further states that after being served he approached the office of the Attorney General for advice but was given an appointment for August 29, 2018, almost a year later.

Mothepu argued that the judgment reached his office and the Attorney General late because the registry at the AG office never forwarded it to anybody, including his own legal representative.

He also alleges that the Attorney General advised them to lodge an appeal but have also been advised that the appeal is out of time and that it can only be

entertained upon condonation by the Court.

"I wish to indicate that the delay in noting the present appeal was not willful and inordinate, I aver that in the circumstances, the appeal is not out of time due to any default on our part and/or the part of my legal representatives.

"I aver that in all the circumstances of this case and the explanation given above, it will be in the interest of justice to grant the application for condonation as prayed and allow the parties to argue the appeal..."

"Be that as it may be, I was advised that the respondent also became aware of the judgment of the court a quo sometime in the middle of August hence the order that was served upon my office on the 27th August 2018," he said.

Mothepu maintains that the LCSSA lacked the locus standi (legal right) to challenge his promotion and that of the officers promoted along with him.

On behalf of LCSSA, Advocate Raboloetse Makara told the court that the association's constitution that the appellants complain about does not stop them from suing in respect of the promotions.

Makara said despite the constitution, the promotions stood to be nullified because the commissioner who effected the provisions acted ultra-vires in that she ought to have consulted with the minister in effecting some of the promotions.

Judgment in the case has been reserved to May 31.



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# No let up to ABC NEC fight



Acting Chief Justice 'Maseforo Mahase

RELEBOHILE TSOAMOTSE

**M**ASERU - The fight over the All Basotho Convention (ABC)'s National Executive Committee deepened this week when Acting Chief Justice 'Maseforo Mahase quashed the party's February NEC election results to the surprise of the newly-elected committee, which was neither served nor cited in the court papers.

Justice Mahase delivered the judgment after the old NEC, which was cited in the papers by Motseki Lefera and two others, did not oppose the application.

The applicants who were voting delegates at the elective

conference asked the court to nullify the election results because the ABC constitution did not provide for them.

Justice Mahase ruled in favour of the Old NEC and ordered that committee to operate in the interim so as to amend the party's constitution in order to make provisions for it.

Professor Nqosa Mahao who was elected at that conference as the party deputy leader along with his new committee consequently rushed to the Appeal Court to challenge nullification of their election.

But the old committee in turn wrote to the registrar of the Appeal Court on Thursday, requesting the court to remove

the said appeal from the roll.

Mahao's faction has a two-folded appeal. The first one is against Justice Mahase's order which nullified the February NEC elections. The second is against the initial case which remains pending before the High Court and the appellants have thereby asked the Appeal Court to consolidate the two appeals. Lawyers from both sides then met the Appeal Court judges in chambers on Wednesday morning where it was agreed that the lawyers argue the issue of the appeals' urgency.

The court ruled that the case was urgent and ordered the parties to file their papers by May 20 and that the case would be heard on May 24. In an unexpected move, the old NEC wrote to the Appeal Court Assistant Registrar and said it had not noted any appeal on behalf of ABC as purported by the Mahao faction.

This was after the old NEC's lawyer, Advocate Rapapa Sepiriti, also wrote to the Appeal Court registrar to object enrollment of the newly elected committee's appeal as urgent.

Sepiriti argued that High Court had not yet finalised the case before it. He said the issue before the High Court was whether or not the newly elected party secretary general Lebohang Hlaele had been authorised to depose an affidavit on behalf

of the ABC and its NEC. "The arguments were presented before court regarding the issue as to whether the authority of Mr Hlaele to depose to an affidavit should be argued in isolation to other issues or the court should take a holistic approach, the court per Mahase ACJ ruled that this point of authority should be argued first," Sepiriti said in the letter.

He added: "The High Court has not made a ruling with regard to the issue of whether Lebohang Hlaele has been authorised by ABC to depose to an affidavit or not. Therefore, there cannot properly speaking be an appeal before this court regarding this issue."

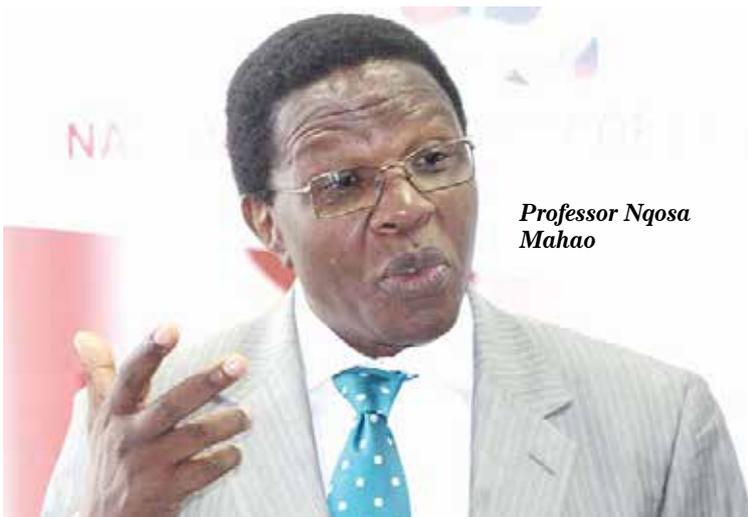
The old ABC secretary general, Samonyane Ntsekele, in his letter to the registrar said there can only be one ABC and that they are the legitimate ABC which has not noted an appeal or instructed anyone to note the appeal. Ntsekele also said they were never served with the papers of the appeal which they learnt has been noted through the media.

"We were never served with any paper, we heard through the media that there is an ABC case which is proceeding on the 15th May 2019 and we sent one of our official to go and listen to the case, then it became clear that the appeal is purportedly noted by ABC," reads part of the letter.

"... The National Executive Committee has never resolved to note an appeal against any decision or instructed anyone to note the appeal," Ntsekele's letter states. It further states that the old committee remains the lawful ABC as per Justice Mahase's interim order in the High Court case instituted by two ABC cabinet ministers and a legislator as well as the final court in the case by Motseki Lefera and two others which nullified the NEC elections.

Ntsekele says they remain the lawful ABC NEC on the basis of the two court orders and thereby asked the court to remove the appeals from the roll after the court decided to hear them as urgent.

The letter has been copied to the President of the Court of Appeal, Acting Chief Justice and the President of the Law Society.



Professor Nqosa Mahao

# SLB, Vodacom partner to ease banking

NEO SENOKO

**M**ASERU - Vodacom Lesotho subscribers registered for Mpesa service will now be able transfer money from their Standard Lesotho Bank Cards to Mpesa accounts, thanks to a partnership between the two companies.

The newly introduced facility, according to Thato Mochone of the Vodacom Lesotho Public Relations Office, is now accessible and clients are free to enjoy the new facility.

“As we speak, our subscribers are now able to transfer money from their Standard Lesotho Bank accounts to their own Mpesa accounts,” said Mochone.

That means Standard Lesotho Bank clients no longer have to travel long distances to go to the bank’s branches or ATMs or stand in long queues just to



Thato Mochone

make certain transactions. Users can now perform transactions in their own convenient time.

According to the

telecommunications company, transfers range from M25.00 up to M2,500 while users are only charged M0.50 bank card to

Mpesa transfers.

To transfer money, subscribers have to follow the normal procedures as required for the Mpesa service.

“You will then be required to enter your banking details, press OK to CONTINUE for Android or DISMISS if you are an iPhone user. Then AUTHORISE PAYMENT by accepting terms and conditions,” Vodacom said on their official Facebook page.

Clients will further be required to enter their banking details that includes the Bank Card number, Bank Card expiry date, as well as the last three or four digits at the back of their bank card to complete the process.

“You will then receive a confirmation message that your bank account was debited and the recipient of the funds will also get a confirmation SMS to say their account has been topped up with a new balance,” the company said.

This partnership between the two companies has been described and appreciated as a smart move by some clients with clients of other banks calling for a similar service with their own banks.

MASERU - Alcohol and drug addicts who are in need of rehabilitation are currently in limbo following the closure of the cash-strapped Thaba-Bosiu Blue Cross Rehabilitation Centre, Lesotho’s only national rehabilitation centre for drug and alcohol addicts.

According to the director at the centre, Thabo Mokhutšoane, clients who were supposed to be admitted on Monday last week for rehabilitation were stranded after the centre closed on April 30.

Mokhutšoane said they were forced to shut down due to the financial crisis, the same problem which forced them to close shop in October last year again.

The centre is solely funded by the government through the ministry of health. When it closed down last year, media reports showed that the centre could neither properly feed the patients nor provide them with all essential medication and vital services. This was reportedly after the centre’s management declined to elevate its memorandum of understanding (MOU) with the ministry of health into a contract.

The ministry had suggested the elevation of the MOU as a mechanism to ensure

## Blow to drug, alcohol addicts

*... as Lesotho’s sole rehabilitation centre closes*



accountability of its budgetary support for the institution.

Some reports indicated that the board of directors of the centre flatly refused in several meetings with government, to account for over M6 million budget provided by the ministry.

Mokhutšoane this week indicated that just like last year, an agreement could not be reached on financial issues between the centre and the ministry. He described the future of the centre as uncertain, adding that it was not yet clear as to when they would re-open their

doors as negotiations between the authorities were still continuing.

Mokhutšoane said the integrity of the centre was being compromised by the situation adding that the public which receives services from the centre will end up losing interest in them. He further added that their fight against alcohol and drug addiction was being reversed.

When the centre closed last year, over 30 patients were sent home packing just a month into their three-month rehabilitation programme, despite having each paid M650 admission fees

for treatment. The centre was, however, re-opened in January after it received about M 3million as subvention for the last two quarters of 2017/2018 from the government. The centre, among others, focuses on rehabilitation of drug and alcohol abusers and seeks to prevent alcohol and drug abuse. It also accommodates clients of all age groups from all over the country as well as from other countries and has three intakes each year. It has been receiving 30 clients of different age groups during each intake.

- Lena

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# Upset First Lady saves disabled kids

MATHATISI SEBUSI

**M**ASERU – First Lady 'Maesaiah Thabane was distraught over government-owned water utility Water and Sewage Company (WASCO)'s decision to cut off water supply to St Angela's home for disabled children after the centre failed to pay its water bill.

Thabane visited the orphanage located in Lithoteng, Maseru on Wednesday.

The home's chief executive officer, 'Mamokhosi Thamae told the First Lady that they had been struggling financially and therefore failed to settle their water bill, hence, the cut off.

A considerate Thabane consequently pleaded with WASCO to send her the water bill so that she could settle it.

However, she noted that it did not make sense why Lesotho failed to provide people living with disabilities with free water, yet the country sells most of its water to South Africa.

"You cannot sell anything unless you have it in abundance. That Lesotho sells water to South Africa means this country has a lot of water yet here are marginalised people struggling to get that water," she said.

The centre encountered financial problems after Sentebale, a registered charity group founded in 2006 by Prince Harry, Duke of Sussex of the British Royal Family and Prince Seiso Bereng Seiso, cut off its financial aid last year.

Thereafter, the home was forced to rely on six trays of eggs they sell to buy food, electricity, toiletries and sanity towels for girls.

The orphanage is home to 32 disabled children aged between six and 23, up to 26 of whom are wheelchair-bound

The home was founded in 1986 by a Roman Catholic Church (RCC) pastor and has since been surviving on donor funds.

The centre's worrying situation was brought to the First Lady's attention by the Lithoteng constituency Member of Parliament Lehlohonolo Moramotse, who asked the office of the First lady to come to the home's rescue.

When she got wind of its predicament, Thabane visited the centre to assess the situation.

She brought with her food, three goats for slaughter, seven-wheelchairs, blankets, heaters and paraffin for the children to use during winter.

Thabane said even though she did not have answers concerning the home's needs, she pledged to discuss the matter with the Prime Minister, saying she believed he would come to the rescue.

She was also concerned about the state of the routes that the wheelchair bound children use to go to school and church, noting the roads needed to be upgraded to enable unhindered movement of wheelchairs.

Thamae said the home's mandate is to accommodate

*... as Wasco cuts off water supply to St. Angela's home*



First Lady 'Maesaiah Thabane

children during school days and send them to their parents during school holidays.

But she said because some children are orphaned while others came from extremely disadvantaged backgrounds, the home was forced to keep some of them full-time and give those that go home to their respective families, food and toiletries to use while at home.

She said the home had been struggling to make ends meet because the majority of children's accommodation fee is paid for by government's department of social welfare which takes long to settle the fees.

She noted that apart from the chicken project the home started with the subvention it got from the government through its ministry of social development, they also have a full bakery equipment but lack resources to start baking.

"We also have full equipment for physiotherapy but have no therapist to help the children exercise their bones and a psychologist to counsel them.

"The children need to exercise every now and then and get counselling so that they can be able to come to terms with their disabilities," she said.

The home also has a greenhouse and grows tomatoes but due to the drought that hit the country, its output was poor.

'Mamatsoso Moleleki, aged 22 from Mohale's Hoek is one of the children with disability living at the home and attends school

at Abia High School where she is in grade 10. Moleleki started living at the home in 2009 and says life at the centre is way better than back home because the school and church are much nearer.

She said the other thing that makes living at the centre even more interesting is that she lives with people with disabilities similar to hers which makes it easier for her to open up and come to terms with her situation.

Moleleki, who is raised by a single mother, said she was born with bone disabilities showed that at the centre, their needs are responded to on time.

She, however said lack of proper roads and wheelchair friendly facilities forced them to depend on other people for their survival. The discrimination that they normally experience from their respective communities is one of the main challenges they have to live with, she added.

"Being humiliated and treated as outcasts is our daily bread. When we go to church or school, people would look at us in such a way that makes us feel unworthy, as if we are not humans and this hurt us badly," she said.

She said people define them basing themselves on their disability not ability which hurt them as well because they are as capable as any other person.

"All we need is for the government to construct classes and other infrastructure that is wheelchair friendly".



# Sport

THE BEST SUNDAY READ



## Matlama rule the roost

NTHAKO MAJORO

**M**ASERU - Matlama beat Linare 2-0 to clinch the 2018/19 Econet Premier League (EPL) title at Setsoto Stadium yesterday, with a first half strike by Motebang Sera and an own goal by Linare defender Koenehelo Mothala in the second half.

Sera tapped in a good pass from veteran midfielder Bushy Moletsane in the 17th minute, leaving Linare goalkeeper Boitumelo Molopi no chances, while Mothala was trying to clear the ball in the box in the 56th minute, with Sera about to reach it, thus putting pressure to the whole Linare defence.

Linare were no match for

Matlama, with the latter forcing them to play half ground for the most of the first half.

Tse Putsoa piled more pressure on their opponents in the second half but could not easily penetrate Linare's defence.

The main culprit of the day was Mabuti Potloane, who missed the penalty late in the second half after Linare's Rethabile Rasethuntsa brought down Matlama's Jane Thabantso in the box.

Potloane, instead, hit the goal-post. That was not his first mistake as before then, the former Linare ace playmaker (Potloane) missed several goal opportunities.

He first failed to score in the 16th minute when he shot over

the crossbar after he got a second ball from a poor clearance by one of the Linare defenders just outside the box.

Again in the 24th minute, Potloane missed another golden opportunity, out on a one against one with Linare goalkeeper, Boitumelo Molopi in the box. Potloane's shot went slightly wide from the goal posts.

Linare lacked an anchor, thus giving Phafa Ts'osane, Bushi Moletsane, Kefuoe Mohula and Potloane more room to play from and added numbers upfront when Matlama were in possession. Matlama were obviously determined to win yesterday as even after they got the second goal they still played pressure football and kept posing a threat when they

attacked. Thaba-nts'o was close to scoring in the 79th minute but his targeted shot just went wide.

It was a good pass from Moletsane. Matlama were more organised than their opponents and were good at ball distribution. Second half substitute, Makume Theletsane, gave the Matlama team more energy as his presence saw Linare panicking more than ever before.

Theletsane played entertaining football, dribbling and passing the ball in amazing touches.

Prime Minister Thomas Thabane, First Lady Maesaiah Thabane and sports minister Dr Mahali Phamotse witnessed the much-anticipated Econet league finale yesterday.