

Thabane re-ignites Mosito feud

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Thabane re-ignites Mosito feud

...PM gives judge a week to stave off suspension

POLOKO MOKHELE

MASERU – Less than two weeks after the Court of Appeal temporarily blocked Thomas Thabane's plan to get rid of its president, Justice Kananelo Mosito, the Prime Minister has again written to Mosito questioning his fitness to hold office.

The letter, which Public Eye on Sunday has seen, is dated August 14, 2019. Mosito must reply within seven days.

Government Secretary (GS) Moahloli Mphaka confirmed on Saturday Thabane had written to Mosito over why he had not relinquished his position with the National University of Lesotho (NUL) when he became President of the Court of Appeal. In the letter, Thabane requested Mosito to "show cause" why he should not be suspended "to preserve the administration of justice as a whole".

Thabane took issue with Mosito's continued employment at the NUL as dean of law, "whilst you remain the President of the Court of Appeal".

"It appears that you continue to be employed with the National

University of Lesotho because you find the emoluments attached to the position of the President of the Court of Appeal to be insufficient.

"As you put it, all judges of the Court of Appeal (the President included) get sitting allowances only per sitting. I find this excuse not to be valid," Thabane wrote.

Public Eye could not get a comment from Mosito as he was unavailable on his mobile phone.

Thabane said when Mosito accepted his appointment as President of the Court of Appeal, he was aware of the emoluments attached to that office.

"It is concerning that because of the insufficiency of the emoluments attached to your office as the President of the Court of Appeal, you are prepared to compromise such office and engage in other functions that are inconsistent with perceived impartiality and neutrality of a judge," he wrote.

According to the Prime Minister, Mosito's employment relationship with the NUL might compromise his independence, impartiality, integrity and competency as a judicial officer.

"I therefore intend to advise His Majesty the King to appoint a tribunal in terms of section 125(5) of the constitution to investigate the aforesaid misconduct and your fitness to hold office.

"In order to preserve the integrity of the office of the President of the Court of Appeal and the administration of justice as a whole, kindly be advised that I further intend to advise His Majesty the King to suspend you from office in terms of section 125 (7) of the constitution," he said.

Thabane first threatened Mosito with suspension to make way for an inquiry into his conduct on July 5, this year.

This was after Acting Chief Justice 'Masefora Mahase excoriated Mosito for the Court of Appeal's reversal of Mahase's controversial judgements in the highly combustible All Basotho Convention (ABC) cases.

Thabane is leader of the fractious ABC.

On the strength of Mahase's letter Thabane requested Mosito to show cause why he could not be suspended on the back of Mahase's allegations against him.

Perturbed by Thabane's move, the Law Society launched an urgent application in the High Court seeking an interdict against the King, Thabane and Mahase. Despite having a direct personal interest in the matter, Mahase elected to preside over the matter herself to the chagrin of the lawyers' body which immediately appealed. The matter is pending in the Court of Appeal.

Concerned that Thabane might carry through his threat before the appeal is heard, the Law Society then sought an interim interdict against Thabane pending final determination of the main appeal.

Accordingly, the Court of Appeal, on August 2, ordered that pending hearing of the main appeal, Thabane "is hereby interdicted from advising and/or recommending to His Majesty the King, the suspension of the President of the Court of Appeal, Dr Kananelo Mosito".

The King was also interdicted and restrained from suspending and/or establishing a tribunal intended to enquire into the competence of Mosito.

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News

Pressure mounts on Mahase to go

...top lawyer brands ACJ 'biased'

KANANELO BOLOETSE

MASERU – Embattled Acting Chief Justice ‘Maseforo Mahase came in for withering criticism again this weekend as lawyers cranked up the pressure on her to go.

Advocate Koili Ndebele on Friday took a swipe at Justice Mahase accusing her of bias when handling cases involving the ruling All Basotho Convention (ABC).

“The Acting Chief Justice is biased. That is why we do not want her to preside over our cases. It is very embarrassing to stand before a biased judge,” Ndebele said.

He represents one of two factions in the ABC at loggerheads since late last year when the then National Executive Committee (NEC) of the ABC attempted to bar Professor Nqosa Mahao from running for deputy leader.

Mahao rubberstamped the NEC decision, only for the Court of Appeal to set it aside.

NEC posts which were up for grabs at the February elective conference included those of deputy leader, national chairperson, secretary general, treasurer, spokesperson and their deputies.

Despite grabbing the post, the outgoing NEC refused to hand over power to Mahao



Acting Chief Justice ‘Maseforo Mahase

and barred the new committee from moving into the party’s national office. Since then, the two factions have been bickering over which side has the legitimate right to run the affairs of the 13-year-old party.

One faction is aligned to Prime Minister Thomas Thabane, the leader of the party, while the other backs the former National University of Lesotho (NUL) Vice Chancellor.

Thabane has up to now, tried in vain to get rid of Mahao.

“A biased judge creates bad blood between lawyers representing the plaintiffs and the defendants. It causes unnecessary tension between lawyers,” Ndebele said during a press conference called by the Mahao faction at the Transformation Resource Centre (TRC).

“It makes our clients lose

confidence in us because we do not know how to explain to our clients how we lost a case when a judge was biased. Biased judges make the public lose respect for judicial decisions,” he added.

Judicial neutrality is the backbone of the judicial system.

Judges are expected to be neutral when making legal rulings. Even if judges do have a political preference, their final rulings are expected to be free of such influences.

The Court of Appeal earlier this month found Mahase had failed to perform her judicial duties competently and diligently in the ABC cases.

The court said with the sequence of events relative to the ABC cases and the role played by Mahase, there could be no doubt that a reasonable observer, armed with the correct facts, would form the view that she would not be impartial in any ABC matter before her.

It said her decisions, adverse to the Mahao faction, have given that faction cause to believe that she is not impartial when it comes to matters in which they are pitted against the Thabane faction.

Mahao has himself branded Mahase’s decisions unethical and concocted.



Advocate Koili Ndebele

Thabane calls for reforms midwives

....PM says mediators needed to calm tension

KANANELO BOLOETSE

MASERU – Thomas Thabane has appealed to the Southern African Development Community (Sadc) to send top notch mediators and dispute resolution experts to Lesotho to midwife ongoing political reforms.

The Prime Minister beseeched the regional body to grant his request for

the Sadc Mediation and Conflict Resolution Structure to be deployed to Lesotho to diffuse conflict and guide belligerents during the reform process.

“This is an existing Sadc mechanism that was created to deal with the challenges such as the ones we are facing now in Lesotho,” Thabane told the Sadc Troika on Politics, Defence and Security Cooperation on Friday.

“Our support on the mediation structure is premised on the principles governing the activities of the mediation structure, among others, the pursuit of solutions that will ultimately lead to a restoration of relationships among all political parties to the conflict; the inclusion of all the parties to the conflict and not just the main ones; and the fact that the interventions will address both the root causes of the conflict as well as the



present issues,” he said.

Lesotho is in a state of political flux.

Between May 2012 and June 2017, the country went through three general elections resulting in three changes of government.

The current coalition government came into office in 2017 after an election which saw the exit of another coalition government led by then Prime Minister Pakalitha Mosisili.

Mosisili’s coalition had itself assumed the reins of power after the exit of the previous coalition led by Thabane which had won office on the heels of violent episodes that resulted in deaths and political instability.

Now, Thabane’s own party the All Basotho Convention

(ABC) is divided as two factions stare each other down for control of the party. This followed the party’s February elective conference.

The outcome of the elective conference has not only destabilized the ruling ABC but also the coalition government and general governance of the country.

ABC Member of Parliament (MP) for Koro-Koro constituency Motebang Koma in June filed a motion of no confidence against Thabane.

Koma’s motion was seconded by MP for Qalabane, Motlalentoa Letsosa, who is also deputy leader of the main opposition Democratic Congress (DC).

Parliament was adjourned sine die for the Winter break before the motion could be tabled in the house.

It was only opened last week Friday for the sole purpose of enacting a law establishing the National Reform Authority (NRA).

Thabane told the Sadc Troika meeting on Friday that the NRA “will indeed safeguard the reforms process and insulate it from any possible disruptions”. The reforms were recommended by a Sadc-sponsored commission of inquiry that was established in 2015, to prevent the country from sliding back into political instability and violence.

The commission was established to examine the core and contributing factors of the lingering political instability

thoroughly. Progress in implementing the reforms has been slow.

Many citizens and the country’s development partners now fear the deteriorating political situation in the country could derail the reform process.

The Prime Minister also told the Sadc meeting: “The enormity and complexity of the task greatly surpassed our anticipation. While all stakeholders are unanimous on the need for reforms, they are widely opposed on the actual process of implementing the reforms.”

He further indicated that there was a need for meticulous consultations, confidence building, transparency and buy-in of all sectors of the Basotho society before the country could embark on the reforms.

During the consultations, he explained, stakeholders had expressed the need to first bridge the deep political divide and cultivate ownership of the process. “Hence, the resultant extensive consultations that have been undertaken. It is expected that after this very laborious process of consultations the process of legislating the reforms and implementation of the actual reforms will be less onerous,” he said.

He added: “The process is now in full swing and has now taken full hold. It is now proceeding in a smooth and orderly fashion and has reached an irreversible gear.

“I stand here before this Troika Summit and declare that this vehicle that we are driving towards reforms and lasting peace in Lesotho has no reverse gear. We are on a one-way highway to reforms with no off ramps.”

Thabane assured Sadc that his government “remains committed to implement all Sadc decisions on Lesotho” particularly on the reforms and the recommendations of the Sadc commission of inquiry.

“We are riding on a roller coaster, with no reverse gear,” he concluded.

The 39th Ordinary Summit of the Heads of State and Governments in Dar es Salaam



Motlalentoa Letsosa deputy leader of Democratic Congress (DC)

News

Lesotho to stop SACU bottled water imports

...as country eyes increasing exports



Minister of Trade Habofano Lehana

NEO SENOKO

MASERU – The government has drawn up a blueprint to stop bottled water imports from South Africa Customs Union (SACU) countries as it steps up plans to protect foundering local producers and secure dwindling jobs.

Currently, Lesotho spends an estimated M69 million on bottled water imports annually, according to the Ministry of Small Business.

This situation, the government argues, is largely caused by local water bottlers' lack of standardisation mechanisms and infrastructure which has resulted in local retailers importing water.

Minister of Trade Habofano Lehana this week said government will soon start negotiating with SACU member states to stop them

exporting water to Lesotho as the country has enough to supply its market.

"Once we are ready we will tell SACU to stop giving us water but we should be allowed to export bottled water into their countries. This is only good for our economy because our economy is still at a development stage," Lehana added.

The country annually exports an estimated 780 million cubic metres of clean water to neighbouring South Africa under the Lesotho Highlands Water Project (LHWP) programme – a bi-national project entered into by the two countries in 1986.

The first phase of this agreement saw water transferred to South Africa to address shortages there, contributing some 3 percent of Lesotho's GDP as well as generating hydroelectric power for the kingdom.

"The project was developed as the least-cost option to secure water for more than 12 million people in the dry Gauteng Province, which generates more than 40 percent of South Africa's GDP," says a 2016 World Bank report.

The second phase, the 163.5m high Polihali Dam, is expected to start transferring water to South Africa towards the end of 2025. However, Lesotho Highlands Development Authority (LHDA), officials expect collection of water into the dam to take place as early as 2023.

Lehana was speaking in the wake of conclusion of free trade negotiations between the South African Customs Union (SACU) and the East African Community (EAC) in June to open up trade between the two regional economic blocs.

"As a young economy, we wanted to make it clear to partners that we wanted to

protect some of our products against the free trade agreement. With this proposal we were looking into things like chicken and water. The same thing is happening between South Africa and Eswatini with sugar," Lehana said in an interview with Public Eye on Sunday.

The trade deal will allow symbiotic import and export of goods between countries in the two regions, unhindered.

This means the country can sell finished products to the sprawling East African trade bloc and import raw materials it needs for its manufacturing industries.

SACU consists of South Africa, Botswana, Eswatini, Namibia and Lesotho. The EAC on the other hand consists of Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda.

A free trade agreement relaxes restrictions on imports and exports thus signing up for such a deal means a country agrees to lower tariffs and open up its market to trading partners.

The SACU-EAC agreement therefore means member countries of either bloc can import certain goods under a duty-free arrangement with participating countries.

As a member of SACU, Lesotho is eyeing export opportunities to EAC countries with water and textile products at the fore front of such opportunities.

Lehana said in an interview on Tuesday the SACU-EAC agreement would open up new opportunities for the country.

At the moment Lesotho exports most of its textile products to South Africa, Europe and the United States although local garments face stiff competition from better designed clothes in some importing countries.

"While we export to South Africa at the moment, we normally come across tough competition to fully penetrate their market based on the quality of their clothing designs. They have a high end production in design as compared to us, but if we go to some of those countries in the EAC we can easily penetrate the market. Our major competition will be Kenya only," the minister added emphasizing further that Lesotho produces good quality clothing products.



Team Lesotho jets off

...Govt releases funds for trip

NTHETHE MAPHAONG

MASERU – At least 27 Basotho sportsmen and women will take part in the All African 2019 Games which start in Rabat, Morocco tomorrow.

They will be accompanied by 20 officials and coaching staff.

Team Lesotho which comprises 19 males and 8 female participants travelled thanks to a M1.8 million government grant.

The first batch of athletes left for Rabat on Friday while the second group will leave on August 23.

Team Lesotho will take part in six sporting codes; athletics, tennis, boxing, taekwondo, cycling and weightlifting.

T'sepang Mantutle has been appointed Chef de Mission and will be responsible for overall leadership of the team at the

Games.

Speaking at the sending off ceremony, Lesotho Sports and Recreation Commission (LSRC) vice president Moipone Mashale said participants were selected on merit.

She praised the sterling efforts of the Task Team comprising T'sepang Mantutle who is Chef de Mission, Advocate Bothobile Shebe, General Team Manager, Moipone Mashale from LSRC, Letsatsi Ntsibolane from Lesotho National Olympics Committee (LNOC), Lefa Moneri from LSRC and Palesa Katile from LNOC.

"The responsibilities of the Task Team Leadership are to oversee the preparation of Team Lesotho athletes and coaches, to ensure compliance with all requirements of the organizers of the African Games by all stakeholders, compile and submit a budget for the African Games as well as to ensure

appropriate procuring of items identified and also to ensure effective participation of Team Lesotho in Rabat.

"Task team was selected based on their experience with both LSRC and LNOC so that they would prepare Team Lesotho in order for them to put Lesotho on the map in Morocco," Mashale said on Thursday last week. She added: "We have seen how the Ministry of Sports, Gender, Culture and Recreation struggled to make this journey successful, therefore we advise Team Lesotho to go and make us proud in Morocco by bringing medals back home for Basotho," she concluded.

The same sentiments were echoed by the Minister of Sports, Gender, Culture and Recreation Dr Mahali Phamotse when she said Team Lesotho should go to Rabat not to fight for themselves but for all Basotho.

"When you have won, you

will be crowned but that victory is not for you alone but also for Basotho at home," said Dr Mahali. She said the same team will participate in the Tokyo 2020 Olympic Games and they should consider the Rabat Games a dress rehearsal for the global competitions.

Team Lesotho comprises Mosito Lehata, Jobo Khatoane, Phomolo Lekhoana, Mamakoli Senauoane, T'sepang Sello, Mokulubete Makatisi, and Lerato Sechele.

Machachamise Nt'sinyi, Thapelo Sebota, Makoena Tsosane, Lemohang Mokhobo, Marumo Moloisane, Michelle Tau, Tebello Mootisa, and Rethabile Tjotji will also travel.

Tlholohelo Mokhesi, Moroke Mokhotho, Qhobosheane Mohlerepe, Mokhashane Moshoeshoe, Mpaleng Sempe, Tumelo Makae and Teboho Khantsi complete the travelling party.

Sport

THE BEST SUNDAY READ



Lioli meet Bantu in Alliance final



Staff Reporter

MASERU - 'Mamathe based out fit Lioli came from a goal down to eventually win the first Alliance Winter Soccer Challenge 2-1 against Lesotho Correctional Service (LCS) played before a capacity crowd at Setsoto stadium on Saturday.

The win means that Lioli will have a chance to defend the Alliance Winter Challenge against Bantu in the final to be played at the same venue today.

LCS FC which dominated the first half, forcing a couple of corner kicks, eventually broke the ice when Refiloe Mots'oane scored the first goal of the pre-season soccer tournament.

However, LCS fluffed many clear goal scoring chances and eventually regretted as Lioli came back strongly in the second half.

Lioli international striker Switbirth Kum Bin scored the much needed goal which worked as a catalyst to the maroon, black and gold outfit as former Matlama midfielder Bushy Moletsane reacted quickly to score an opportunistic goal from a set piece.

Despite trying to force the game to penalties by creating a few goal scoring chances, Lioli shut the back door and eventually won the game 2-1 to book a spot in the final against

Bantu.

Kum Bin was voted as the man of the match and earned himself M1000.00 for his efforts.

In the second game of the double header, current league champions Matlama faced Bantu.

Bantu's Lehlohonolo Fothoane put his side ahead after the Matlama defence was caught napping in the 34th minute.

However, Matlama equalised in the second stanza through Lisema Lebokollane to keep the hopes of the Mighty Blues supporters alive.

Lebokollane's equalising goal came against the run of play after Bantu had enjoyed much of the possession.

In a post match interviews Matlama coach Mr. Charles Manda said his players created mistakes and conceded soft goals but promised to go back to the drawing board and rectify the mistakes.

On the other hand Bantu's man of the match Fothoane promised to settle the score with Lioli, saying his man of the match award was due to team work.

This means that Matlama will face LCS for the third place play offs while Bantu and Lioli will fight for the M50, 000.00 winner take all in the final.

All four participating teams will equally share the gate takings.

