

Joint Civil Society Statement: Lesotho Authorities Must Protect the Right to Freedom of Expression

The undersigned organisations condemn the increasing acts of harassment and intimidation against journalists in Lesotho, exemplified by the recent attack against the editor of the Lesotho Times newspaper and the institution of criminal defamation charges against its publishers. We call on the Lesotho authorities to take effective measures to protect the right to freedom of expression and the physical safety of all journalists in the country. In addition, the authorities must expeditiously and impartially investigate the attack and bring those responsible to justice.

On 9 July 2016, Mr Lloyd Mutungamiri was attacked and shot at his house in Maseru, Lesotho. He was taken to Queen Mamohato Memorial Hospital where he remains in a serious condition. This attack comes shortly after the publication of a story in the 23 June 2016 edition of the Lesotho Times which referred to an “exit strategy” for current commander of the Lesotho Defence Force, Lieutenant General Tlali Kamoli. On the day this article was published, Mr Mutungamiri and the journalist who wrote the story, Miss Keiso Mohloboli, were summoned to the police station, interrogated by police and forced to reveal their sources.

In addition, the publisher of the Lesotho Times, Mr Basildon Peta, has been charged with criminal defamation and *crimen injuria* in connection with a satirical article about Lt Gen Kamoli which was also published in the 23 June edition of the paper.

The ability of journalists to work safely and without fear of reprisal is paramount to the right to freedom of expression, protected under article 9 of the African Charter on Human and People’s Rights and article 19 of the International Covenant on Civil and Political Rights, to which Lesotho is party. Media freedom is essential to the exercise of this right. The role the media plays in any society is vital in ensuring the free flow of information, including the legitimate criticism of all public figures.

It is deeply concerning that Mr Mutungamiri and Miss Mohloboli were forced to reveal sources for one of their stories. International human rights law recognises the need to protect the confidentiality of journalistic sources because of its importance to the right to freedom of expression. We call on the Lesotho authorities, including law enforcement officials, to desist from using intimidation tactics to force journalists to reveal their sources.

We also note with concern the criminal charges brought against Mr Peta, and condemn the persistent use of criminal defamation laws to stifle dissent and intimidate journalists in Lesotho. The African Commission and the Human Rights Committee have recognised the disproportionate effect the offence of criminal defamation has on the practice of journalism and have called on states to decriminalise defamation. The Human Rights Committee has stressed that under no circumstances should a person be subject to imprisonment for defamation. The Lesotho authorities should drop the criminal defamation charges, and if other legitimate charges for an internationally recognised criminal

offence are to be brought, must ensure that all fair trial guarantees are respected at all stages of the criminal prosecution.

The authorities have not yet clarified who is responsible for the attack on Mr Mutungamiri. The Lesotho authorities must ensure that a prompt, thorough and independent investigation is carried out and that effective measures are taken to ensure that the perpetrators are brought to justice.

These incidents – and particularly the attack on Mr Mutungamiri – constitute serious infringements of the right to freedom of expression in Lesotho. No journalist should operate in fear during the course of their work. We urge the Lesotho authorities to implement effective measures to both protect the safety of journalists and to ensure that there is no impunity for attacks against them. The authorities must send a clear message that such acts are not tolerated.

Signatories:

amaBhungane Centre for Investigative Journalism

Amnesty International

Freedom of Expression Institute

International Commission of Jurists

Institute for Democracy

Lawyers for Human Rights

Lawyers for Human Rights (Swaziland)

Media Institute for Southern Africa – Zimbabwe Chapter

Media Monitoring Africa

Open Society Initiative for Southern Africa

PEN Afrikaans

PEN South Africa

Right 2 Know Campaign

SOS Coalition

Southern Africa Human Rights Defenders Network

Southern Africa Litigation Centre

Transformation Resource Centre

Zimbabwe Human Rights NGO Forum

Zimbabwe Lawyers for Human Rights