

Lesotho authorities accuse MoAfrika FM of incitement

Authorities in Lesotho should immediately withdraw a baseless complaint of incitement against the privately owned MoAfrika FM radio station and cease trying to intimidate critical journalists, the Committee to Protect Journalists said.



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Lesotho's Broadcasting Dispute Resolution Panel (BDRP) in a letter dated August 7, summoned MoAfrika to appear tomorrow, after the Ministry of Communication filed a complaint on behalf of the government accusing the station of incitement to violence, according to its editor-in-chief, Sebonomoea RK Ramainoane, and documents reviewed by CPJ. The letter cites four instances in July when the station aired critical reporting or commentary on government officials and the government claims MoAfrika may have incited violence.

"The Lesotho government's allegations of incitement to violence against the MoAfrika FM are clearly baseless and expose intolerance to critical journalism," said CPJ Sub-Saharan Africa Representative Muthoki Mumo. "The government should withdraw its complaint immediately and let journalists do their work of holding the powerful to account."

On a weekly news review program July 1, according to the documents seen by CPJ, Serialong Qoo, an opposition party spokesperson, called in and made several critical comments about Prime Minister Thomas Thabane, including about his purported *per diem* allowance. On July 4, the complaint says, Qoo was again interviewed by MoAfrika and discussed the prime minister's alleged role in a [diplomatic crisis](#) with South Africa relating to Lesotho's King Letsie III's delegation [being stopped and searched](#) at the border on the way back to Lesotho.

The complaint further claims that on July 12, MoAfrika quoted Deputy Home Affairs Minister Machesetsa Mofomobe refusing to respond to questions on a [procurement dispute](#) in connection to [birthday celebrations](#) for King Letsie III. The government also complained about July 23 radio programming in which Ramainoane and guests, including Qoo, [discussed reports](#) that Lesotho's first lady, Maesaea Thabane, had been warned to behave well when she took over as chairperson of a continental anti-cancer forum.

Thabane took up the role in the wake of [news reports](#) that she had been involved in [a public altercation](#) with a woman at a hospital in the capital, Maseru. Tabane denies having started the altercation, according to *Lesotho Times*.

Ramainoane told CPJ that his station aired the content cited in the government complaint but denied it amounted to incitement of violence.

Media licenses

Ramainoane and MoAfrika lawyer Zwelakhe Mda told CPJ that they fear tomorrow's hearing could lead to authorities ordering MoAfrika to shut down. Lesotho's BDRP, which is a statutory body of members appointed by the minister of communication, can impose fines on stations but not withdraw media licenses, according to [Lesotho's 2012 Communication Act](#). However, the BDRP may refer cases to the Lesotho Communications Authority (LCA), which can withdraw licenses, according to the same act.

BDRP chairman Arthur Majara on August 10 told CPJ that he could not comment on the matter until the hearing was completed. He referred CPJ to the LCA, the broadcasting industry regulator whose chief executive, Tšeliso 'Mokela, declined to comment, saying he was not party to the dispute. Communication Minister Thesele Maseribane did not respond to a phone call, text messages, or WhatsApp message on August 10.

Rorisang Molefe, a legal officer who responded on his behalf, today told CPJ via telephone that the minister had filed the complaint on behalf of the cabinet because he could not sit back and watch MoAfrika insult people. Citing as an example MoAfrika's coverage of the diplomatic crisis, Molefe said some of the station's programming had posed a threat to public order, leaving people at "loggerheads" and causing confusion.

She said the station also failed to label commentary as such, as required by [Lesotho's 2004 broadcasting rules](#). She said the ministry has the power to shut down MoAfrika but chose to go the civil route by having the BDRP adjudicate the matter, and that it would take other measures if this fails.

Action

Maseribane on August 10 warned the media that the government would take unspecified action against outlets inciting violence, according to Chalale Mokhenthli, a MoAfrika journalist who attended the press conference, and Tsebo Mats'asa, national director of the Media Institute of Southern Africa who watched reporting of the event on the state-owned Lesotho Television.

The action, the minister said, would be taken within existing legislation and the constitution, according to these same sources. Molefe said that no warnings were issued at the press conference and that the minister was reminding the press to be ethical and comply with existing regulations. She referred CPJ to a video recording of the event, but did not immediately provide the recording and CPJ was unable to locate it.



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In a separate incident, Thabo Thakalekoala, spokesperson for the prime minister, on August 9 tried to forcibly enter the MoAfrika studio in Maseru, Ramainoane told CPJ. Thakalekoala was reacting to MoAfrika's earlier on-air criticism of the spokesperson, according to Ramainoane and Malichaba Lekhoaba, manager of the privately owned Harvest FM which shares a building with MoAfrika and whose journalists reported the incident.

Thakalekoala wanted to enter the studio with a group of men that had accompanied him but Ramainoane denied entry, saying that he would speak with the spokesperson alone, according to these same sources. Thakalekoala told CPJ that he left the MoAfrika offices after Ramainoane went on air and called on MoAfrika's "supporters" to come to the studio. Some of the "supporters" who showed up included opposition politicians, according to Ramainoane and Thakalekoala.

He denied the allegation that he tried to enter the studio forcibly, telling CPJ that he had gone to MoAfrika to ask why Ramainoane had "insulted" him on air. He did not specify the nature of the insults. Ramainoane and Mda, the lawyer, said the editor-in-chief had reported the incident to the police in Maseru.

MoAfrika has run into difficulty before. Authorities shut down the station in August 2017 [for six days](#) saying it had not paid government fees, allegations that MoAfrika [disputed](#), according to media reports and Ramainoane.

In September 2017 the station was [shut down for 72 hours](#) as the government alleged incitement to violence, while Ramainoane was briefly arrested as police accused him of criminal defamation, according to media reports and a statement by international human rights group [Amnesty International](#). The criminal defamation case has fallen apart since Lesotho repealed the law earlier this year, Ramainoane told CPJ.

However, the station in April applied for the High Court to set aside a 40,000 Maloti (\$2,929) fine imposed by the BDRP in a [separate case](#) in which MoAfrika is accused of contravening broadcasting codes through a historical drama series, according to Ramainoane and documents reviewed by CPJ.

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