

AN INVESTIGATION INTO STATE SUPPRESSION OF FREEDOM OF EXPRESSION IN LESOTHO

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Abstract

The constitution of Lesotho gives assurance to freedom of expression which is supposed to protect the rights of journalists in the day to day dispensation of their duties. The situation on the ground however shows the exact opposite. Recent history can show assassination attempts on practicing journalists to the extent that one newspaper editor received severe gunshot wounds that left him maimed for life. The situation is so dire for journalists to the extent that whenever there is political turmoil in Lesotho, journalists flock into exile together with political targets during the political unrest. This study therefore sought to establish perceptions of journalists, policy makers, legislators, media students and ordinary citizens on the consequences of this prevailing situation of suppression of freedom of expression by the state. The study used qualitative methods for gathering information, presentation and analysis of findings. Information was gathered through in-depth face to face interviews with various sources. The findings were presented and analysed thematically.

Keyword: state suppression, freedom of expression, journalist, protection of rights, assassination

1.INTRODUCTION

This study investigated the suppression of freedom of expression in print media by the state in Lesotho. The purpose was to establish the reasons and effects of constricted print media practice in Lesotho. This was prompted by the realization that although the constitution of Lesotho expresses that freedom of expression is guaranteed in Lesotho, the reality on the ground is the exact opposite. For example, Mohloboli (2016) writes that Lloyd Mutungamiri, the Lesotho Times

newspaper editor, was attacked by gunmen upon his arrival at his home in Ha Thamae in Maseru. It later was established that the assailants were members of the Lesotho Defence Force (LDF). He sustained near fatal gunshot wounds all because his work had displeased the military.

The Mutungamiri incident is a typical example of the danger to media practitioners in the Lesotho. Mwananyanda, Deputy Regional Director: Research at Amnesty International is cited by Mohloboli condemning this attack on the editor of the Lesotho Times voicing that the deplorable attack and threat to the life of Mutungamiri was also a direct attack on the right to freedom of expression by the media.

2.BACKGROUND

Lesotho is a small landlocked country with a population of around two million people with Sesotho and English as the official languages. It is completely surrounded by the Republic of South Africa and the king is head of state with the prime minister as head of government.

For a small country like Lesotho, the history of publishing is rich with an independent printing company coming into existence as early as 1904 (Fako, 2000). The Lesotho printing press has contributed to literacy development in other African countries as well. The Morija Printing works has helped print and publish literacy material in more than 50 languages. The government printing company was established in 1960, six years before the attainment of independence. Before that, all official printing was done for the government by Morija Printing Works, Mazenod Printing Works or in South Africa. However, there was no guarantee of security and delivery dates were erratic so the

government decided to establish its own printing press (Fako, 2000).

In 1963, the Lesotho Information Service (LIS) was founded with the express aim of providing news and information to the Lesotho public. The LIS established the first government owned newspaper called Basutholand Times which later on was renamed Lesotho Times at the attainment of independence in 1966 and was published as a weekly by the department of information (Fako, 2000).

Fako continues to write that Lesotho Times was in 1968 replaced by two publications; Koena and Molia which were published in English and Sesotho. These newspapers only lasted a few years. It was only in 1986 and 1987 that the department of information reestablished the government owned Sesotho and English newspapers Lentsoe la Basotho and Lesotho Today respectively.

Lesotho print media also has had publications like Leselinyane la Lesotho which was published by the Lesotho Evangelical Church and the weekly Moeletsi oa Basotho published by the Roman Catholic Church. They were both established in the late 1800s (Matjama, 2013). Since that period, a number of newspapers were established with some not lasting long, for example Mo Afrika. Presently, there are quite a number of newspapers such as Lesotho Times, Sunday Express, Public Eye, thepost, The Nation, Informative, NewsDay, The Metro among others and they are all privately owned.

The government however still has its own print news outlet in the form of the Lesotho News Agency (LENA) established in 1985 and responsabilised with the distribution of local, regional and international news to the local and international media organizations, institutions and individuals. The government still has newspapers; Lesotho Today, Lentsoe la Basotho and Leseli Ka Seponesa.

3.PROBLEM STATEMENT

The constitution of Lesotho does not explicitly mention and safe guard freedom of the press. The existence of Section 14 (1) which speaks of freedom of expression

means media freedom is enjoyed under the same. However, there is no section that specifically and explicitly deals with freedom of the press; worse, print media is not regulated in Lesotho. There is no guarantee for the safety of journalists as there is no law that protects journalists' rights in the dispensation of their duties.

4.RATIONALE OF THE STUDY

This study will help enlighten policy makers, media scholars, journalists as well as ordinary citizens on the need for the guarantee of freedom of expression in Lesotho by protecting journalists as they carry out their mandate of educating, informing and entertaining society. Research has been carried out before on the subject. However, this study seeks to add to that body of knowledge by focusing on capturing perceptions of the cross section of society on the issue of the guarantee of freedom of expression in Lesotho by protecting them against terror and intimidation by the state.

5.SIGNIFICANCE OF THE STUDY

This study is important to policy makers and legislators to provide for and safe guard freedom of practice by journalists in Lesotho for purposes of transparency in the governance of Lesotho. The study will also inform the media fraternity and the community at large about the importance of freedom of expression and guaranteeing the safety of journalists in the dispensation of their duties.

6.AIM OF THE STUDY

The study aimed to sensitise the authorities, citizens and policy makers on the importance of guaranteeing freedom of journalism practice in Lesotho. This study aimed to capture views from all stakeholders on this subject so as to close any gaps in information that might have been existent when it comes to the importance of freedom of expression and freedom of practice by journalists.

7.OBJECTIVES

- To establish the levels of the limits on freedom of expression by journalists in Lesotho

- To find out why journalists in Lesotho have been threatened, arrested and prosecuted
- To discover the perception of the government on print media in Lesotho
- To establish the effects of threats and injuries on journalists and their careers as well as personal lives
- To find solutions to the lack of freedom of expression in print media practice in Lesotho.

8. QUESTIONS

- Why journalists face threats in their line of duty in Lesotho?
- What does freedom of expression mean to journalists, the state and citizens?
- What are the effects of the brutalization of journalists on their work quality in Lesotho?
- What should law makers and the state do in order to promote freedom of journalism practice in Lesotho?

9. THEORETICAL FRAMEWORK

The study is informed by the normative authoritarian theory of the press. Media scholar McQuail (2008) posits that states can suppress free practice of the media in order to minimize scrutiny of their management of the economy, human rights as well as to maintain a hegemonic hold on the populace by operating secretly.

The media which has the mandate to inform, educate and watch over the excesses by those in power is therefore in opposition to the actions of authorities with such mindsets. This is the scenario currently prevalent in Lesotho where the authorities, no matter which government comes to power, are very reluctant to allow the media to practice freely. This theory, therefore, is the most relevant to guide this study as it focuses on scrutinizing how authoritarian governments exercise a stringent hold on media practice.

10. LITERATURE REVIEW

Carlsson and Poyhtar (2015) are of the view that the media have for many years been the lifeline of freedom of expression. The presence of pluralism and independence of the media are essential to democratic

rule, and freedom of the media is crucial to the practice of journalism. People who exercise their right to freedom of expression through journalism must be allowed to practice their work without restrictions. This is the responsibility of the state, courts, media companies and journalist organizations.

In addition, Carlsson and Poyhtar say that most victims are targeted in countries that are at peace, but where revealing sensitive information about, for instance, drug trafficking, violations of human rights or corruption can mean risking one's life.

In South America, Gonzalez puts the spotlight on persecution of journalists in Brazil writing that a series of nearly 50 lawsuits were filed against five reporters who had worked on articles revealing suspiciously high earnings of members of the judiciary in Parana State. Gonzalez goes on to say that the lawsuits were apparently coordinated, using similar language, but were spread out geographically, forcing the journalists to spend considerable resources travelling between the courts. Apart from this harassment through the courts, Gonzalez also says that there are even cases of outright murder in which journalists or their sources have been targeted.

In the Middle East, Gonzalez (2018) cites the case of Yemen where the media environment has become increasingly polarized since the civil war started in 2015 as most journalists starting aligning their reporting with one of the rival warring parties, or stopped working all together or fled the country. Six journalists were killed in Yemen in 2016 alone, and nine were forcibly disappeared. In addition to the lethal dangers of working in a conflict zone, reporters had to contend with raids and arbitrary detentions by whichever authority controlling a given area, Gonzalez continues to write.

Ulla (2017) points out that the safety of journalists in Africa has been a cause of major concern. In many parts of the continent, journalists and media workers have been forced to go into exile, maltreated, jailed and assassinated for exercising the right to independent journalism and to free expression. The most appalling instances have been happening in Egypt, Somalia, Ethiopia, Eritrea, Zimbabwe, DR Congo, The Gambia, Swaziland, Niger and Chad.

Palmer (2018) cites the example of Egypt saying that Egyptian authorities restrict journalistic freedom in part through gag orders and censorship practices that suppress criticism of President Abdel Fattah al- Sissi and other high ranking officials. The military's influence on news channels is apparent; with observers noting that the private media no longer has any level of independence, and organizations focused on protecting journalists' rights face legal prosecutions and harassment from security forces.

Cowling (2015) writes that ever since the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) won 99.6 percent of parliamentary seats in the 2010 elections, the government of Ethiopia has escalated its repression of the independent media, limiting the rights to freedom of expression and access to information. 60 journalists have fled their country since 2010 while another 19 suffer in prison. The government has shut down dozens of publications leaving few options for Ethiopians to acquire independent information and analysis on domestic political issues, Cowling continues to say.

As for southern Africa, Garai (2018) writes that press freedom in Zimbabwe remains restricted, as promised reforms to liberalize the legal and regulatory environment after years of authoritarian abuse are happening slowly. There are legal harassments and attempts to extend regulatory controls over journalists, particularly those who work for the few independent media outlets.

Dush (2017) also writes that ever since the coup that forced former president Mugabe to step down, President Mnangagwa and his coup junta have insisted the coup transformed ZANU (PF) and the country with it. So far, the transformed ZANU (PF) leaders have neither restored the people's freedom of expression nor given up their patronizing habit of presuming to know best what the people think and feel.

Writing about Swaziland, Miller (2016) says that the kingdom cannot be said to be a democratic country. Even though the constitution ostensibly guarantees freedom of expression, Swaziland's media environment is extremely difficult. No discernible progress has been made in changing the existing restrictive media

environment as the media in that country is mostly government controlled. Miller continues to say that independent media continue to be hounded by the kingdom's authorities whenever they publish material the ruling elite do not like.

In 2016, the publisher of the weekly newspapers Sunday Express and Lesotho Times, Basildon Peta, was charged with defamation and crimen injuria after the newspaper published a satirical column known as Scrutator mocking the then LDF Commander Lt General Kennedy Tlali Kamoli and Prime Minister Pakalitha Mosisili and his cabinet. The editor of the same publications also narrowly survived an assassination attempt.

MISA Lesotho (2018) writes that one of the consequences of restricting the rights of freedom of expression is that journalists operate in a climate of uncertainty and fear. This is particularly so because of the libel and defamation clauses contained within common law. As a result, there is an increase in self-censorship by journalists due to the extreme high fees in libel cases handed down by courts against publication and airing of information that is seen as critical of the government.

11.METHODOLOGY

This study used qualitative research methods since it focused on gleaning perceptions of various stakeholders in print media. Coyne and Leeson (2009) say that the qualitative research is a reliable method for a research that aims to explore human attributes, attitudes and behaviour in an interpretative way. Furthermore it only uses small numbers to understand people's motivations, attitudes and behaviour this makes it crucial for investigation into suppression of freedom of expression by the state.

The study used one on one interviews; interviewing journalists, editors, legislators, media lecturers and representatives from MISA Lesotho, media students and ordinary students. The interviews took gender into consideration so there was a balance in the ratio of men and women interviewees. Semi structured interviews were used with journalists, media students, media lecturers, editors, ordinary citizens and representatives of MISA Lesotho. Structured questions were however

used with legislators. One on one interviews enabled the researchers to field follow up questions.

The study was conducted in Maseru District because the majority of the population for the study is based in this district. The other reason is also that the media houses under study are located in Maseru, the capital city of Lesotho.

The population of the study consisted of the editors and journalists working for the following newspapers: Lesotho Times/ Sunday Express, Public Eye and thepost, legislators, personnel from MISA Lesotho, personnel from the Lesotho Communications Authority, personnel from the Transformation Resource Centre, media students, media lecturers and ordinary citizens.

For the interviews, a sample of three personnel from each newspaper were interviewed being two journalists and the editor, one interviewee each from MISA Lesotho, LCA and TRC, twenty media students, nine media lecturers and twenty ordinary citizens. Non probability sampling was used where purposive or judgmental sampling was applied. Mullen and Kelboune (2010) write that purposive or judgmental sampling is a non- probability sampling technique where researchers select units to be sampled based on their knowledge and professional judgment.

12.FINDINGS

12.1. From Journalists

Journalists expressed the sentiments that they can be freer to practice if laws such as Internal Security Act, Official Secrets Act and the Penal Code Act are removed. They said that the Official Secrets Act prohibits civil servants from sharing information with journalists making accountability issues with the civil service difficult to write about yet these are serious issues of public interest. The Penal Code Act makes life difficult for journalists as it requires journalists to assist the police with investigations. The end result is that journalists end up divulging information that exposes their sources which compromises the ethical practice of protecting sources.

Some of the journalists are calling for civil society that is interested in the protection of human rights such as the Transformation Resource Centre (TRC) to work closely with the MISA Lesotho in advocating for the protection of journalists because the MISA alone cannot manage due to funding challenges.

Other journalists are calling for the establishment of a body that over sees the rights of journalists in their dispensation of their duties as well as to oversee that journalists practice ethically.

The journalists also expressed fear in the dispensation of their duties alleging that their mobile phones and social media accounts are monitored by the authorities with some claiming that their accounts have been hacked in the past. As a result, they say they live in constant fear for their lives as well as for the safety of their families. Some allege that at times they get summoned by the police to be warned that some high ranking officials are displeased with the way they are covering some issues. Claims of incarceration without the benefit of trial for unspecified periods of time were also aired by the interviewed journalists.

12.2. From newspaper editors

Newspaper editors interviewed said that there is no policy to guide what to publish or what not to publish leaving it up to individual media institutions to formulate their own editorial policies to guide their day to day activities. Some editors said that the authorities do not even have respect for the constitutional provision that guarantees freedom of the media as journalists can get harassed any time with impunity and it is worrisome because the media should be respected for playing the watchdog role against excesses by those in power.

Some of the editors said that foreign nationals working as journalists in Lesotho are vulnerable as they can be denied work permits for writing against expectations of those in power.

12.3. Findings from media lecturers

The lecturers interviewed said that media policy is a requisite in order to regulate media practice as well as to guarantee freedom of the press so as to protect the

rights of journalists. The lecturers elaborated that media practice is constricted by the state because through the Lesotho Communications Authority, the state in the past successfully shut down newspapers such as MoAfrica and Monitor. They said it would be ideal to establish a body that arbitrates between the state and media practitioners in order to avoid a scenario where the state have face to face interactions with journalists when there are disagreements.

The lecturers said it is evident that legislators are not comfortable with freedom of expression in Lesotho because there has been sustained pressure to open up media practice since 1993 but nothing much has been done in relation to safeguarding freedom of expression through formulation of laws. They said the issue of Lesotho print media relying on government adverts for survival compromises quality of reportage as the government entices the media houses by threatening to withdraw adverts revenue if the newspapers do not toe the line.

12.4. Findings from Lesotho Communications Authority

The Lesotho Communications Authority said it is not responsible for the curbing of media practice in the country but their duty is to issue out licenses in order for the media houses to operate. They also said their responsibility is to monitor the content so as to safeguard consumers against hate speech, offensive language or blasphemy and language that fans violence and cause disharmony in society.

The LCA says it does not police the activities of the media although the Communication Act of 2012 empowers the Minister of Communication to suspend any media institution that does not abide by the law but has got the power to fine wayward journalists.

12.5. Findings from MISA Lesotho

The MISA said that the government has been ignoring the media policy draft since 1992 yet this document if implemented will regulate all print media activities. The MISA went on to say that although the draft media policy was given little attention in 2012, they keep amending the draft each year with the belief that the

government will give it attention as part and parcel of the ongoing national reforms.

The MISA goes on to say that much as they advocate for unhindered enjoyment of freedom of expression, they observe that the problem is also with the print media houses that employ untrained journalists and then fail to provide in-house mentorship on the dos and don'ts of the media industry. As a result, the quality of journalism is substandard and when run into trouble they turn to the MISA for assistance.

The MISA says it comes to the rescue of journalists when they are in trouble. The MISA gave the example of journalists who run for exile when in trouble with the authorities by sourcing for accommodation, food, travel costs while advocating for them in the courts of law.

The MISA urges journalists, editors, publishers and all other media stakeholders to work together in resolving concerns bedeviling the print media industry in Lesotho. The MISA also says that one of the problems is that journalism work is everywhere at any given time therefore bringing all these players under the same roof at the same time for campaigns or workshops. As a result MISA fails to gather all the information necessary for proper advocacy for the course of journalists.

12.6. Findings from legislators

Legislators are adamant that freedom of expression is existent in Lesotho because no journalist is hindered from writing what they please. The legislators said that they understand suppression as restricting journalists on what to write or being monitored by the government on what to write and publish. They say it is not like that in Lesotho therefore there is freedom of expression. The legislators said that journalists might be threatened by some individuals in government but they are doing so in their personal capacity because it is not government policy to threaten journalists. They encourage journalists to sue such high ranking officials who threaten them.

The legislators interviewed said they do not know of the existence of any draft media policy because they requested for one for the reforms agenda but none was forth coming. They also said that journalists and their editors do not comply when invited to attend workshops

therefore giving the picture that they are not committed with media reforms.

Some legislators however said that the MISA furnished them with the draft media policy but returned it to MISA for addition of input from journalists and editors that is outstanding for the purposes of the media reforms. The legislators accused the journalism fraternity of lack of professionalism because of the poor quality of their reportage and say they look forward to the reforms that might bring professionalism to this industry.

12.7. Findings from citizens

Most of the interviewed citizens expressed that the problem might be the state but reiterate that the citizens are to blame because they witness these occurrences of threats to media practitioners but they do nothing about it. One citizen said if it was South Africa, citizens would have demonstrated against such treatment of journalists by the state.

Some citizens opined that due to the high levels of corruption in the country, journalists are hired even if they did not study any courses related to journalism but simply because they are connected. They went on to say it is such people who give journalism practice a bad name in the country and provide the lee way for the authorities to clamp down on journalists.

Most of the citizens interviewed understood freedom of expression to mean the absence of intimidation and restrictions in people's expression of their views. Some interviewees said citizens of Lesotho are too pliant and the authorities do whatever they please because of that. They say it therefore is the duty of citizens to vote into power politicians who have policies that improve the welfare of the people through respecting their freedoms and rights.

12.8. Findings from media students

Media students understand freedom of expression to mean the absence of restrictions to saying what you want at any given time despite gender or race in Lesotho. Students of media however said that in this era, freedom of expression cannot be easily curtailed by state authorities because of information communication

technologies that provide a wide variety of platforms from which one can express themselves. They said even gate keeping by editors can easily be by passed so even when they go into industry after completion of their studies they will freely express their opinions via social media platforms that are easily available to citizens.

Some of the students however expressed caution saying that media practitioners should exercise restraint because journalists have disappeared in Lesotho for exposing the secrets of those in power. They however said that the media environment has to improve in order for journalists to practice freely, hold those in power accountable so as to develop the country.

12.9. Discussion of findings

The study established that Lesotho journalists are not practicing in a free and safe environment. Journalists are brutalized and victimized in their line of duty. Some of the laws in the country lead journalists to resorting to underhand means of gathering information from civil servants which compromises ethical practice of their trade. Laws that force journalists to divulge their sources under the pretext of assisting the police with investigations also leads to journalists violating the ethics of their practice as well as breaking the trust between journalists and their sources of information. There is meddling by politicians in journalists' dispensation of their day to day duties. The situation is summed up by Matic (2017) who opines that direct or indirect political meddling has an effect on the work of journalists. Matic says that the result is ever more hateful commentary on social media by the journalists and ordinary citizens which leads to even more censorship by the authorities which leads to self censorship by journalists resulting in diluted reportage.

The study also established that media professionals such as lecturers believe there is no freedom of media practice in Lesotho and that they advocate for the establishment of a professional body to oversee the protection and representation of journalists' rights. This is in tandem with Seib (2009)'s view that where there is a common code of conduct supported by all representative journalists' organizations, the journalists' organizations will organize meetings or committees to establish a common code. This organization will handle

all disputes between the government and journalists, representing journalists in courts of law so that there is no direct confrontation between individual journalists and the authorities.

13.RECOMMENDATIONS

This study recommends that print media organizations in Lesotho should hire trained personnel in journalism. The study also recommends that the state should safeguard journalists' rights to freedom of expression as spelt out in the constitution of Lesotho.

The study also recommends that the media fraternity should unite and establish a union that will represent all practitioners and advocate for the championing of freedom of the media whilst the rights of journalists.

14.CONCLUSION

Media practice in Lesotho is constricted and there is no guarantee for freedom of expression despite the constitution spelling out that freedom of expression is acceptable in Lesotho. The hiring of untrained journalists by media houses leads to shoddy reporting thereby giving grounds for the authorities to descend heavily upon the same institutions thereby threatening freedom of expression. The media reform agenda is compromised by lack of knowledge by legislators who believe the establishment of a media policy is the prerogative of the MISA and not the house of assembly. The media fraternity should unite for the championing of their cause by establishing a union to represent their interests and protect journalists.

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