



*Office of the Prime Minister  
Kingdom of Lesotho*

31 July, 2021

**MEDIA STATEMENT**

**UPDATE ON FRAZER SOLAR GMBH versus the Kingdom of Lesotho**

The nation will recall that on the 18 June, 2021, the Office of the Prime Minister issued a media alert that was meant to keep it abreast of the developments regarding Frazer Solar GMBH versus the Kingdom of Lesotho court case (CIV 2020/33700). The Basotho nation will also recall that in the same statement, the Rt Hon the Prime Minister, Dr Moeketsi Majoro indicated that Frazer Solar GMBH has applied for enforcement of the arbitration award in different jurisdictions being the Republic of South Africa, Mauritius, the United State of America and the United Kingdom.

Starting with South Africa. Initially the matter was supposed to be heard in the week beginning the 19<sup>th</sup> to the 23<sup>rd</sup> July, 2021 for two days. However, that did not happen as the parties could not agree on the dates. Meanwhile, Frazer Solar GMBH lodged an application for leave of court to file further answering affidavit to the Kingdom of Lesotho's founding affidavit.

The nation may further recall that the Parliamentary Public Accounts Committee launched investigations into the events surrounding the Frazer Solar GMBH saga. The PAC was advised by the office of the Attorney General to hold the proceedings in abeyance pending finalisation of the court case for the fear that Frazer Solar GMBH may pounce on the testimony being tendered before the PAC and the media, and use it to its advantage and to the prejudice of the Kingdom's case. This latest affidavit by Frazer Solar GMBH is based mainly on the testimony before the PAC, meaning our worst fears have been realised.

The Trans Caledon Tunnel Authority (TCTA), who are also a party to the proceedings before court, filed a counter application. These applications required other parties to respond, thereby postponing the hearing even further.

The result is that the matter will now be heard on the 09<sup>th</sup> and 10<sup>th</sup> of November 2021, those being the nearest available dates agreed upon by all parties. In the interim, Frazer Solar GMBH has undertaken to take no further steps to execute the order granted by the High Court of South Africa (Gauteng Local Division, Johannesburg) on May 03, 2021 and any writ of execution or notice of attachment issued pursuant to that order, pending finalisation of the Kingdom's application for stay. There is a consent draft order of court to that effect.

Moving on to the United Kingdom, there is also a consent order similar to the one granted in South Africa. In the United States, Frazer Solar GMBH has only filed a petition, not an actual application. That petition is just a preliminary step to which the Kingdom of Lesotho does not have to react or respond. The Kingdom of Lesotho will only respond to the actual application as and when it has been filed in court and served upon the Kingdom. Last, regarding Mauritius, the Kingdom of Lesotho

was only served with the court papers in mid-June 2021, and must answer in mid-August 2021, which the Kingdom will definitely do.

In conclusion, as promised in the past, the government of the Kingdom of Lesotho remains committed to sharing detailed information pertaining to this case. However, the Government will continue to be vigilant when doing so based on the sensitivity of this case and also to avoid exposing its defence strategies.

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**Issued by: The Office of the Prime Minister, Kingdom of Lesotho**

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