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NEWS WITHOUT FEAR OR FAVOUR

M7.00 R10.00

Lesotho Times



PM speaks out
on "dangerous"
economic situation

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Molibeli slapped
with M1,5 million
lawsuits

Page 5




Matobakele
should apologise:
Majoro

Page 8



SWITCH OVER, DREAM BIGGER!


See page 7 to find out how you can SWITCH TODAY and live your dream!!!


Standard Lesotho Bank IT CAN BE.

Soldiers kill police officer

- Brutally torture five civilians
- Victims demand M24,5 million compensation from army

Story on page 2


Captain Sakeng Lekola

Keep up with trends on Lesotho's
Best Value for Money Network

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M5


250MB each
= 750MB

M10


500MB each
= 1GB

M20


1GB each
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Pascalinah Kabi

SUSPENDED Directorate on Corruption and Economic Offences (DCEO) Director General, Mahlomola Manyokole, wants retired High Court Judge Teboho Moilola to recuse himself from chairing the tribunal that was set up to probe his fitness to remain in office.

Advocate Manyokole argues that prior to his suspension, he was investigating several corruption cases in which Justice Moilola was implicated. The investigations irked Justice Moilola and several other influential people who then sought his removal from the DCEO, Adv Manyokole states in his recusal application. He therefore argues that the former judge is highly unlikely to be impartial towards him and should therefore recuse himself. The recusal application will be heard today by the tribunal.

The tribunal was set up in December 2020 by Prime Minister Moeketsi Majoro to probe him for alleged incompetence. It is headed by Justice Moilola, who is assisted by High Court Judge Polo Banyane and retired judge, Semapo Peete.

In his recusal application yesterday, Adv Manyokole said, "I aver that the chairperson of the tribunal, Justice Joseph Moilola is in law required to recuse himself from participating

Manyokole seeks Justice Moilola's recusal

in the proceedings for the following reasons:

"Before my appointment as the DG of the DCEO, the DCEO investigated the rental scheme involving Justice Moilola's house which was rented to the former Chief Justice Nthomeng Majara without following public procurement regulations. At the time, Justice Majara was entitled to about M4000 per month as housing allowance.

"But the court rented and paid around M27 000 monthly as rentals out of the judiciary funds for the occupation of Justice Moilola's house, a scheme which benefited Justice Moilola's estate and caused the DCEO to investigate the alleged scheme."

Adv Manyokole said it was even reported in the local media that the former DCEO boss, Borotho Matsoso, had said he was investigating the alleged housing scandal. He said he took on the case after replacing Adv Matsoso in July 2019 and this had led

to the 'trumped-up' charges to remove him from office.

"My decision to reopen the case, reached Justice Moilola and some politicians, and this is the real reason and cause for my removal from the post of DG," Adv Manyokole states in his papers.

He adds that there were several other cases including money laundering allegations that he was probing against Justice Moilola.

However, the state is opposing the recusal application. Acting DCEO director general, Sefako Seema, is supporting the state. He argued that the DCEO had already investigated some of the cases that Adv Manyokole was referring to and found that the allegations were just a "red herring".

"Even assuming that there are such investigations pending, which I dispute, the mere fact that the chairperson of the tribunal is a subject of investigation by the DCEO does not bar him from performing his statu-

tory mandate hereunder.

"I am saying this because, such investigations if any, are conducted by the institution of the DCEO and not by a suspended individual or agent of the DCEO. It is therefore patently disingenuous for the applicant (Manyokole) to personally attribute to himself institutional imperatives as though he is the institution even in circumstances where he is under suspension as in the instant case," Adv Seema said.

Earlier this week, Adv Manyokole had also accused the DCEO of intimidating and threatening some of the DCEO staffers he had requested to testify in his defence.

He said due to the alleged threats the staffers had resolved not to testify on his behalf.

However, the state lawyer, Mohaneng Rasekoai, denied Adv Manyokole's claims. He instead accused him of seeking to frustrate the tribunal proceedings.



MAHLOMOLA Manyokole.

Frazer Solar accuses Majoro of perjury

Pascalinah Kabi

FRAZER Solar has accused Prime Minister Moeketsi Majoro of fraudulently submitting an affidavit to the Lesotho High Court in his quest to overturn a South African arbitrator's award of £50 million (M856 million) damages to the German company.

The damages are for the government's alleged breach of a 2018 contract the German company claims to have entered into with the previous Thomas Thabane-led coalition for the supply of solar power for four years.

Earlier this year, Frazer Solar successfully petitioned the Gauteng High Court to endorse the award. However, Dr Majoro is challenging the endorsement of the award in the same court and in Lesotho's High Court.

The premier was finance minister at the time of the deal. He had refused to sign the financing agreement for the implementation of the project.

However, Frazer Solar insists it had a valid agreement that was signed on behalf of the Lesotho government by then Minister in the Prime Minister's Office, Temeki Tsolo.

In the latest exchange of blows this week, Frazer Solar has alleged that Dr Majoro's September 2021 application in the Lesotho High Court is premised on falsehoods bordering on criminality. The company alleges that the premier misled the Lesotho High Court by claiming that he deposed his affidavit, which summarises his case against Frazer Solar, before a commissioner of oaths in Maseru on 20 September 2021 before submitting it to the court.

The company claims Dr Majoro was not in the country on the day in question and therefore could not have deposed the affidavit as he claims.

"In September 2021, the Government of Lesotho (GOL) submitted a petition to the High Court of Lesotho requesting that the court nullify a Supply Agreement signed between Fraz-

er Solar GmbH ('FSG') and the GOL. The supply agreement in question was signed between the GOL and FSG, and was breached by the GOL in 2019. The dispute was referred to an independent arbitrator, and FSG was awarded £50million (M856 million) in damages in 2020.

"In the months since, the award has been enforced against a number of Lesotho's overseas assets. The GOL's submission to the High Court of Lesotho included an affidavit signed by Dr Moeketsi Majoro, Prime Minister of Lesotho. Dr Majoro purportedly undertook his deposition in Maseru in the presence of a Commissioner of Oaths, on 20 September 2021. However, according to an official press release issued by the Government of Lesotho, Dr Majoro left the Kingdom of Lesotho on 19 September 2021 to attend the United Nations General Assembly in New York, USA. It is therefore impossible for Dr Majoro to have deposed the affidavit as claimed," Frazer Solar said in its statement this week.

Therefore, Dr Majoro committed perjury, the company contends.

"FSG's lawyers contend that Dr Majoro's conduct is perjurious and it is a clear criminal offence which can lead to imprisonment.

"A pattern is emerging in Dr Majoro's attitude to these legal proceedings. He appears to think himself, his government, and his decisions to be above the law.

"Having first ignored legal proceedings for more than two years, he has now perjured himself in formal legal paperwork by a total disregard for truth and for due process.

"The unifying theme here is contempt not only for these proceedings, not only for the judiciary itself, but for the people whose interests he has been elected to represent," Frazer Solar states.

Contacted for comment yesterday, Dr Majoro's press attaché, Buta Moseme, said the premier and his lawyers had denied Frazer Solar's allegations.

EMISA TLHEKEFETSO
KHAHLANONG LE BANA

Tlaleha.
Sirelletsa ngoana.

LETSETSA NOMORO
EA MAHALA EA
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