

Moorosi Tsiane

A MAZENOD woman has sued Police Commissioner Holomo Molibeli for a whopping M8 million. The damages claim is for the alleged torture and killing of her son, Thabiso Molise, by Mazenod Flight One police officers in 2020.

Principal Secretary in the Ministry of Police and Public Safety, Tanki Mothae, Attorney General Rapelang Motsieloa and Commissioner Molibeli are the first to third respondents respectively in the application filed by the late Mr Molise's mother, Matseliso Molise.

In her High Court papers, Ms Molise alleges that her now deceased son was arrested by Mazenod police on 22 July 2020 on suspicions of housebreaking and theft.

That was the last time the family ever saw him alive as he was reported dead the following day, Ms Molise states.

"On the 22nd of July 2020, officers under the 3rd defendant (Molibeli) arrested Thabiso Molise at his home in Mazenod on suspicions of housebreaking and theft," Ms Molise states in her court papers.

"He was taken to Mazenod Flight One Police Station. However, on the 23rd of July 2020, the plaintiff was informed by the police, who came to her home that the now deceased (Thabiso) was dead. The plaintiff was asked to identify him at the mortuary. The deceased was found with bruises and injuries caused by severe beatings.

"This was done while the deceased was in the custody of the police. The deceased was unlawfully assaulted by members of the Lesotho Mounted Police Service (LMPS) while in custody. The death of the deceased was caused by the unlawful and wrongful assault by members of the LMPS and the assault was done in full view of members of the public who witnessed the assault."

Ms Molise said the family's efforts to obtain the names of the officers who tortured and killed her son had thus failed to bear fruit as the LMPS was uncooperative. She said the police had also refused to compensate her family.

"Despite several demands by the plaintiff, the defendants have refused to disclose the names of the police officers who killed the deceased. The defendants have refused to compensate the plaintiff for the loss of her son. The deceased was sole breadwinner and was supporting the plaintiff with his salary.

"The deceased was employed at

Another M8 million damages lawsuit for Molibeli

Mamohale's Tavern at Mazenod and was also an aspiring musician who used to perform for money at events such as marriage ceremonies and birthday parties. The plaintiff is now left without monetary support and lives off her old-age pension without the income from the deceased," Ms Molise further states.

She is therefore demanding to be compensated to the tune of M1 million for unlawful and wrongful detention of her son, M2 million for unlawful and wrongful killing of her son and M5million for loss of contumelia.

"The plaintiff has suffered immensely as a result of the unlawful killing of her son. The plaintiff is still mourning the untimely passing of her son who was wrongfully killed by the members of the LMPS. Despite her demands, the defendants have refused and/or failed to compensate the plaintiff.

"Wherefore the plaintiff prays for judgement against defendants in the following terms: payment of M1 000 000 for unlawful and wrongful detention of her late son by the LMPS, payment of M2 000 000 for unlawful and wrongful killing of her son and payment of M5 000 000 for loss of contumelia, loss of support and pain and suffering," Ms Molise states.

Hardly a fortnight ever goes by without a lawsuit against the police boss for torture and other acts of brutality by his subordinates.

The police boss was recently sued by one Lethoko Lethoko of Mohale's Hoek. Mr Lethoko wants M250 000 for torture, wrongful arrest and destruction of his property by police. In his High Court, Mr Lethoko alleges that police officers stormed his house on 24 March 2022 and destroyed his property. They also tortured him and unlawfully arrested him. He however, does not say what he was arrested for.

Commissioner Molibeli has also been sued by a Mafeteng man who was allegedly tortured by police officers in September 2020.

The man, Thato Malibeng, alleges that he was tortured by Mafeteng police officers and released from their custody without being charged with any crime.

After a commendable start to his tenure in 2017 which saw the crack-

ing of some unsolved murder cases and the arrests of high-profile criminals like former army commander, Tlali Kamoli, the police have lost their way under Commissioner Molibeli's watch.

They have frequently been accused of gross human rights violations and the police boss' name has been a regular feature in numerous High Court applications by torture victims.

In October 2021, two civilians, Lejone Mepha of Leribe and Zibi Nkonyana of Maseru filed separate lawsuits demanding M1 million and M500 000 respectively from Commissioner Molibeli.

In July 2019, rogue officers allegedly tortured Nqosa Mahao of Ha Mabote, Maseru and Kabelo Ratia of Nazareth in the Maseru district. Mr Mahao was abducted from his Mabote home on 18 July 2019 on suspicion of hiding firearms on behalf of some rogue soldiers.

Mr Ratia alleged that he was tortured to the point where he soiled himself and was made to eat his own faeces. His story sparked national outrage against the police.

He had been arrested for allegedly stealing M30 000 from a local businessman. During his detention Mr Ratia was allegedly subjected to horrendous torture and forced to implicate others including one Thabo Mei in the alleged theft of the businessman's money. Mr Mei was hospitalised and eventually died of the injuries inflicted on him.

Earlier this year in January, prominent human rights lawyer, Napo Mafaesa, was abducted and severely tortured by members of the police special operations unit (SOU).

All this is happening despite widespread local and international appeals to Commissioner Molibeli and his officers to desist from torturing civilians and other human rights violations.

The African Commission on Human and Peoples' Rights (ACHPR) has even voiced concerns over the "persistent allegations of police brutality" in Lesotho. The ACHPR's plea to the government to capacitate the relevant institutions to enable them to investigate allegations of human rights violations has so far fallen on deaf ears.

The United States government and the European Union are also on record expressing their displeasure over the "recurrent reports of police brutality, in particular cases of torture and of the death of detainees in police custody".

They have also implored the government to investigate and take disciplinary measures against rogue police officers implicated in the torture of civilians and other forms of human rights abuses. Most recently on 16 June 2022, police gunned down National University of Lesotho (NUL) student, Kopano Makutoane.

No police officer has been arrested and charged to date. Police spokesperson, Senior Superintendent Mpiti Mopeli, has said there were plans to charge six officers with murder and assault. But nothing has happened to date. They had since been suspended from work, he said in an interview.

In addition to the torture lawsuits, Commissioner Molibeli has been asked by Prime Minister Moeketsi Majoro to "show cause" why he should not be fired on various charges including the failure to address the scourge of police brutality.

Dr Majoro wrote his "show cause" letter on 1 June 2022. However, Commissioner Molibeli has filed applications in both the Constitutional Court and High Court to stop his dismissal. The cases are pending.



HOLOMO Molibeli.

Majoro, Frazer Solar fight gets uglier

Mohalenyane Phakela

FRAZER Solar has denied allegations that its managing director, Robert Frazer, fraudulently entered into a M1, 7 billion solar energy deal with the previous Thomas Thabane administration.

This after the DCEO recently revealed that it had secured a warrant for Mr Frazer's arrest for alleged fraud in connection with the botched 2018 deal for the German company to supply Lesotho with solar power.

Mr Frazer signed on behalf of his company while then Minister in the Prime Minister's Office, Temeki Tšolo, signed on behalf of the government.

The warrant for Mr Frazer's arrest was issued by the Maseru Magistrates' Court at the instigation of the DCEO. However, the German company denies any wrongdoing on its managing director's part.

Instead it accuses Prime Minister Moeketsi Majoro of pushing for Mr Frazer's arrest for his own political ends.

In a statement this week, the company said, "Frazer Solar utterly refutes any allegations of fraud.

"This latest step by Ntate Majoro is nothing more than a desperate attempt by a dying regime to try to extricate itself from a problem of its own making.

"Instead of helping his case, Ntate Majoro is digging a deeper hole for himself. The Majoro administration risks further damage to itself and to the reputation of Lesotho. Lesotho

is highly reliant on foreign aid and foreign funding. Dragging foreign nationals and officials into domestic political issues via bogus criminal charges risks this vital financial lifeline for the kingdom."

Not only was Dr Majoro attacking Frazer Solar, he was also insinuating that the German government was involved in fraudulent dealings in Lesotho. This would not end well for Lesotho, the company claimed.

"Frazer Solar's project was to be funded by the German government via its wholly-owned bank KfW. By accusing Frazer Solar of fraud, it appears that Ntate Majoro is implying the German government is involved in the fraud too. Majoro's own words in his affidavit supports this narrative as he states the alleged fraud was conducted by Lesotho officials in 'collaboration with individuals from abroad.'

"This presumably refers to German government officials in addition to Frazer Solar personnel, as these were the only foreign individuals involved. Should Ntate Majoro continue down this path and accuse German government officials of fraud, especially when it is completely without merit, it is unlikely to end well for Lesotho.

"Basotho must ask themselves who they believe — the German government or Ntate Majoro. The German government was to fund Frazer Solar's Lesotho project and it subsequently funded further Frazer Solar projects in Eswatini. It is apparent, with all their checks and balances, they trusted and

continue to trust Frazer Solar," the company states.

It further alleges that the arrest warrant against Mr Frazer Solar is part of a desperate attempt by Dr Majoro to boost his waning fortunes ahead of the two parties' court appearances in connection with the matter.

"It is telling that despite the warrant being issued in April 2022, no attempt has been made to contact Frazer Solar's legal team, all of whom are well known to the Government of Lesotho.

"Issuing a warrant of arrest, with an illegible signature and one that nobody in Lesotho seems to be aware of, is highly suspicious. It all seems very convenient and designed to help bolster Ntate Majoro's flagging fortunes ahead of the upcoming court appearance in September.

"Frazer Solar challenges Ntate Majoro, or anyone else that has any evidence of corruption or fraud, to immediately disclose it. If no such proof is forthcoming, then Basotho must see through this sham.

"No amount of threats or coercion against our personnel will lessen our resolve to continue to pursue this action (for damages) and enforce our rights. Broadening the fight to frame foreign officials on bogus charges is counterproductive, self-destructive and ultimately even more costly for all Basotho," Frazer Solar states.

On her part, DCEO spokesperson, Matlhokomelo Senoko, said the anti-graft body would not react to Frazer Solar's statement.

"We do not think there is any need for us to say anything on the matter. We stand by the warrant of arrest and what is needed is for Mr Frazer to come and prove his innocence before the courts of law," Ms Senoko said in an interview this week.

Frazer Solar was in 2020 awarded £50 million (M856 million) damages for the government's alleged breach of the 2018 'deal'. Frazer Solar insists it had a valid agreement that was signed by Mr Tšolo.

The project was not implemented due to current Prime Minister Moeketsi Majoro's dogged refusal to sign the financing agreement when he was finance minister under the Thabane government.

The DCEO began probing the botched deal in the aftermath of the Gauteng High Court's April 2021 judgement endorsing the damages award to Frazer Solar. The Lesotho government has since challenged the Gauteng High Court decision in the same court and in the Lesotho High Court. Both applications are pending.

The DCEO says its preliminary investigations into the abortive deal revealed that the agreement was "marred by corruption right from the beginning".

DCEO acting Director General, Sefako Seema, made the claim in a confidential 9 June 2021 letter to then-acting Attorney General, Ntebaleng Morojele, who has since been replaced by Advocate Rapelang Motsieloa.

Adv Seema's letter has been attached to the Lesotho government's Gauteng High Court application for a stay in the execution of the same court's order endorsing a South African arbitration award for £50 million (M856 million) damages to Frazer Solar.