



Mapping Threats to the Media in Lesotho

Zoom seminar synopsis

INTRODUCTION AND CONTEXT OF THE WEBINAR

Intelwatch convened a webinar to discuss the findings of a report titled *Mapping Threats to the Media in Lesotho* by Pascalinah Kabi and Sechaba Mokhethi, to reflect on the wider environment in which journalism operates in the Kingdom. The discussion brought together journalists, legal advocates, and media freedom actors to examine the pressures that shape the work of the press in Lesotho, including legal restrictions, political interference, commercial pressure, weak regulatory independence, and the safety risks faced by reporters and editors. The webinar was not an isolated event, but as part of a broader regional series Intelwatch has been running on threats to media freedom in Southern Africa, with previous sessions held on Mozambique, South Africa, Botswana, and Zimbabwe.

Although each of the country's in the region face distinct circumstances, there are recurring patterns in the way power is used to constrain journalism. These patterns include the use of laws to criminalize reporting, the strategic application of regulation to punish dissenting outlets, and the use of advertising or licensing systems to pressure media houses into compliance. The Lesotho webinar, therefore, was intended not only to present the findings of the report, but also to open a conversation about the structural conditions that limit the media and what can be done to strengthen democratic communication in the country. The speakers made clear that threats to journalists cannot be treated as narrow occupational risks alone, because they are closely linked to the public's right to know, to the ability of civil society to hold power to account, and to the quality of public debate. If whistleblowers cannot safely disclose information, if journalists cannot legally obtain official records, if editors fear advertising retaliation, and if regulators are used to discipline dissent, then the entire information ecosystem becomes weakened. That weakening does not only affect reporters; it affects citizens, activists, researchers, and anyone who depends on reliable information to participate meaningfully in public life.

Panellists of the discussion included:

1. **Pascalinah Kabi** – Co-author of report | investigative journalist, media manager, researcher, trainer and author
2. **Majirata Latela** – International journalist
3. **Billy Ntaote** – Investigative journalist at MNN Centre for Investigative Journalism
4. **Selloane Nyakane** - MISA Lesotho Secretary General

5. Sibongile Mokapanesi - Advocate

REPORT FINDINGS PRESENTATION

Pascalinah Kabi, one of the report's co-authors, gave the main presentation on the report's findings. She explained that the report was written with Sechaba Mokhethi and that its aim was to map the various threats facing the media in Lesotho in a way that would be understandable not only to journalists but also to the wider public. Rather than simply listing threats in abstract terms, she chose to tell a story through which the key findings could be illustrated in a more practical and emotionally resonant way. This narrative strategy was important because it showed how threats to media freedom appear in ordinary life and how they affect each stage of the information chain, from source disclosure to publication and beyond.

Her story centred on a fictional young civil servant in the Ministry of Justice called Ntswaki who discovers a report about child trafficking. The character is an advocate for child protection and must decide whether to share the report with a journalist, but each possible choice exposes her to risk as there are no laws in Lesotho protecting whistleblowing. The scenario was deliberately constructed to demonstrate that the barriers to journalism in Lesotho are not limited to one point in the process. Instead, they appear at multiple levels: whistleblower protection is absent, access to information is weak, editorial independence is compromised, regulators can be politicized, journalists may be physically unsafe, and even members of the public who circulate information can come into conflict with the law. This story gave a human face to the report's findings and made it easier to see how a single disclosure can trigger a chain reaction of threats.

The Whistleblower Problem

One of the report's most important findings was that Lesotho lacks a legal framework to protect whistleblowers. Pascalinah explained that in the fictional story, the civil servant who discovers a hidden report on child trafficking is placed in an impossible position because disclosing the report to a journalist could cost her job, her freedom, or even her safety. In a context where whistleblowing is not protected, the act of exposing wrongdoing becomes a personal gamble rather than a civic duty. She further warned that the problem is not only the absence of protection, but also the possibility that legislation could be introduced to criminalize

whistleblowing altogether. That possibility deepens the chilling effect, because it communicates to potential sources that silence is safer than disclosure.

The significance of this issue was clear throughout the webinar. Journalism depends on access to insiders willing to reveal concealed misconduct, corruption, abuse, or negligence. If those insiders fear punishment, then journalists lose one of their most important channels for uncovering wrongdoing. Pascalinah's example showed that whistleblower vulnerability is therefore not a side issue; it is central to whether investigative journalism can function at all. In the Lesotho context, the absence of protection creates a structural barrier to transparency and accountability.

Access To Information As A Structural Weakness

Closely linked to whistleblower vulnerability was the broader problem of access to information. Pascalinah explained that even when a public servant is willing to disclose information, the journalist who receives that information still faces a legal environment in which access is poorly protected. Lesotho, she noted, is among the very few countries in the region without a strong law guaranteeing access to public information. That means journalists may have important stories but lack the legal tools to confirm, verify, or supplement them through official records. The absence of access-to-information legislation therefore weakens the verification process and increases journalists' reliance on informal or risky channels.

Billy Ntaote later reinforced this point by stressing that efforts to secure an access-to-information law have been ongoing for more than two decades. He suggested that the lack of progress is not merely the result of bureaucratic delay, but part of a deeper political unwillingness to institutionalize openness. Access to information, in the panel's view, is not just an administrative convenience; it is the legal foundation on which public-interest journalism rests. Without it, government accountability becomes harder, public debate becomes narrower, and the gap between citizens and institutions widens.

The Problem Of Editorial Self-Censorship

The report also exposed the pressure that can exist inside media houses even after a journalist has gathered a strong story. Pascalinah described a situation in which a sensitive story remained on a server for months without being published. This was used to show that the threat environment continues beyond source gathering and reporting, because the editorial stage can also be shaped by fear, caution, and commercial dependence. A story can be accurate, well-

sourced, and in the public interest, yet still fail to reach the public if editors and publishers worry about retaliation.

The economic dimension of this pressure was especially important. Pascalinah explained that government advertising is a major source of revenue in Lesotho, which means media houses may hesitate to publish critical or politically sensitive reporting if they think it could jeopardize advertising income. She described past periods in which it was openly suggested that some publications should not receive government advertising because of their editorial stance. Even where no explicit instruction is given, the fear of losing revenue can shape editorial decisions and encourage self-censorship. This makes economic pressure a subtle but highly effective form of media control.

Regulatory Power And Media Punishment

A major part of the discussion dealt with the role of the Lesotho Communications Authority, or LCA. The report and the panel's comments suggested that the LCA lacks sufficient autonomy and can be used to suppress critical broadcasters. Pascalinah described how, in response to critical reporting, authorities may not have a direct legal basis to punish a station through the content of the story itself, so they instead look for administrative or licensing irregularities that can be used as a pretext for closure. This was illustrated through reference to the closure of 357 FM, where a critical report about stolen firearms was followed by regulatory action. The implication was that enforcement mechanisms can be strategically employed to achieve political ends even when the underlying issue is editorial criticism.

The webinar treated this as a serious form of institutional capture. A regulator should be independent, predictable, and bound by clear rules, not vulnerable to political pressure. When the regulator can be used selectively, it becomes a weapon rather than a safeguard. The panel made clear that such a situation erodes trust in the media environment, because broadcasters and editors begin to see regulation not as neutral oversight but as a possible punishment for dissent.

The Safety Of Journalists

Safety emerged as another central theme. Pascalinah explained that after publishing a sensitive story, a journalist may feel that the risk does not end with publication, because they may now be watched, followed, or attacked. She connected this concern to the broader reality of violence against journalists in Lesotho, including the killing of a journalist in 2023 and the 2016

shooting of editor Lloyd Mutungamiri. These examples were used to show that the threat environment is not hypothetical; it has material consequences and a history of actual violence.

The effect of such violence is not limited to the individuals targeted. It produces a wider chilling effect across the profession, encouraging caution, discouraging investigations into sensitive subjects, and reinforcing the idea that some stories are too dangerous to pursue. The webinar therefore treated safety not just as an occupational concern, but as a necessary precondition for press freedom.

Threats To Citizens And Civil Society

A particularly important dimension of the report was its recognition that threats to media freedom spill over into the broader public sphere. Pascalinah's fictional scenario ended with a member of the public reading the story, sharing it on social media, and adding personal commentary. Even this act could create legal risk if the authorities viewed the comments as subversive under the Internal Security Act. The lesson was clear: the threat does not stop with journalists, but extends to anyone who tries to engage with information that is in the public interest. This includes activists, social media users, civic educators, and ordinary citizens who participate in public discussion.

Advocate Sibongile Mokapanesi elaborated on this by explaining that when the media is weakened, civic space also shrinks. She cited the case of an activist charged with sedition for expressing views online and another case in which a local newspaper editor was wrongfully arrested by a government body before the authorities eventually acknowledged the arrest was baseless. These examples showed that the same legal and institutional pressures used against journalists can also be deployed against civil society actors. The webinar therefore presented media freedom as part of a broader struggle for democratic participation.

CONSTITUTIONAL RIGHTS AND THEIR LIMITS

The legal section of the webinar was led by Advocate Sibongile Mokapanesi, who provided a detailed analysis of how Lesotho's constitutional protections interact with restrictive legislation. She began by recognizing that the Constitution includes freedom of expression and the right to receive information and ideas. However, she argued that the legal framework also contains provisions that limit those rights in ways that are often too broad and not properly justified. She introduced the Johannesburg Principles as a useful standard for evaluating such

restrictions. According to this framework, a restriction on expression must be provided by law, pursue a legitimate aim, and be necessary and proportional.

Advocate Sibongile's argument was that many of Lesotho's laws may claim to pursue legitimate aims such as national security or public order, but they do not satisfy the third requirement. In her view, necessity and proportionality are where the legal framework most often fails. This means that the harms caused by the restrictions outweigh the benefits they purport to achieve. As a result, laws that should protect society can instead become tools of repression. This legal analysis was one of the strongest parts of the webinar because it provided an evaluative framework rather than merely listing concerns.

Laws That Restrict Journalism

Advocate Sibongile identified several specific laws that are problematic for journalism. The Penal Code, she explained, contains provisions on sedition and offences against the royal family, while the older Sedition Act also creates a repressive environment for reporting on government conduct. The Internal Security Act, although often justified in the name of national security, can be applied in ways that are neither necessary nor proportionate. The Official Secrets Act is especially restrictive because it creates a blanket ban on disclosure of information, including information that may be highly relevant to the public interest. The Criminal Procedure and Evidence Act can be used to pressure journalists through demands for source disclosure and evidence, while the Printing and Publishing Act can be used to suppress content deemed to endanger public safety.

Advocate Sibongile stressed that even if some of these laws are not regularly used in formal prosecutions, their existence still matters because it creates a threatening legal environment. The law itself becomes a tool of intimidation. Journalists do not need to be prosecuted frequently for the law to be effective as a deterrent; the mere possibility of enforcement can shape behaviour, encourage caution, and narrow the range of stories that are pursued. This is why, in her view, legal reform must go beyond symbolic language and address the substance of the laws themselves.

The Cybersecurity Bill As A Threat

The webinar devoted substantial attention to the Cybersecurity Bill and Computer Crimes Bill because it was seen as one of the most immediate threats on the horizon. Advocate Sibongile explained that the bill has moved back and forth between committees and Parliament, with the

latest draft she had seen being from 2024. She acknowledged that the bill contains some progressive provisions, including attempts to criminalize online xenophobia and hate speech. However, she emphasized that the broader structure of the bill could criminalize ordinary journalistic conduct if not carefully revised.

Particular concern was expressed about provisions relating to data espionage, unsolicited messages, illegal access, and disclosure of information. Because journalism increasingly depends on digital exchange, messaging platforms, archived data, and online circulation of documents, a bill that criminalizes those channels can have a far-reaching chilling effect. Advocate Sibongile also noted that the bill includes very severe penalties, including heavy fines and lengthy prison terms, which in her view are disproportionate. The implication was that the bill could become a powerful tool of repression unless it includes precise exemptions and protections for public-interest speech

Access To Information And Public Participation

Advocate Sibongile also linked media freedom to the principle of meaningful public participation. She argued that good governance requires that citizens have access to the information that governments hold on their behalf. Without such access, public discourse is impoverished and participation becomes hollow. She stressed that people can only make informed judgments about their leaders if information is available and if disclosure is not treated as a crime. The discussion therefore placed access to information inside a broader democratic theory of accountability and participation.

This was one of the most important conceptual contributions in the webinar because it moved the discussion beyond professional journalism. It showed that transparency is not a privilege granted to reporters, but a democratic entitlement belonging to the public. When information is unnecessarily hidden, the state weakens civic judgment and narrows the space for informed debate. The panel treated this as a central reason why access-to-information reform is urgent.

Litigation And The Chilling Effect

The webinar also explored how civil litigation can deter reporting on corruption and other sensitive matters. Advocate Sibongile referenced examples where media houses faced extremely large compensation claims after exposing irregularities or misconduct. She explained that when the courts allow such claims without clear standards, journalists may begin to ask whether a story is worth the risk. This is because the cost of defending a case, even

before any judgment is issued, can itself be financially and psychologically devastating. In this way, litigation becomes a strategic deterrent rather than just a mechanism for resolving harm.

The panel's concern here was not that journalists should be immune from legal accountability, but that legal claims should not be used opportunistically to silence legitimate reporting. Clear procedural safeguards and more balanced thresholds are needed if civil law is not to become another pathway for censorship. This point broadened the webinar's legal analysis by showing that threats to media freedom are not limited to criminalization or licensing; they also include the misuse of ordinary civil processes.

The Ripple Effect On Civil Society

The discussion repeatedly returned to the idea that legal repression in the media sector spills over into civil society more broadly. Advocate Sibongile argued that once journalists are weakened, activists and ordinary citizens become more hesitant to speak. This is because the same statutes and enforcement bodies can be used against them if they criticize government conduct or share controversial information online. The result is a shrinking civic space in which citizens become more cautious, public debate becomes thinner, and self-censorship increases. The threat, in other words, is not just about journalism as a profession, but about the quality of public life itself.

This logic was reinforced by the examples of wrongful arrest, sedition charges against social media users, and the broader fear of institutional retaliation. The panel made it clear that once repression becomes normalized in one sector, it tends to spread into others. That is why the report was framed as a mapping of threats to the media, but also as a warning about the wider political environment in which these threats are embedded.

MEDIA ADVOCACY AND COLLECTIVE ACTION

One of the most constructive sections of the webinar focused on the efforts of media organizations and civil society to resist these pressures. Billy Ntaote explained that the campaign against the Cybersecurity Bill demonstrated the importance of collective action. He said that CSOs, media houses, and advocacy organizations came together to challenge the government's attempt to push the bill through Parliament, and their pressure contributed to the bill being removed from the floor in 2022. He described this as a major success, but also as a reminder that gains can be reversed if vigilance lapses.

Kananelo Boloetse, the former Chairperson of the Media Institute of Southern Africa (MISA) Lesotho, added that collaboration is essential because no single organization can withstand the full weight of state pressure on its own. He implied that the strength of the advocacy response lies in its breadth: when journalists, legal advocates, CSOs, and media houses speak together, the state finds it harder to dismiss their concerns. The webinar thus presented solidarity not merely as a moral ideal, but as a practical strategy for survival and reform.

Reform And Political Will

The panel was, however, realistic about the limits of advocacy. Kananelo noted that many progressive legal proposals remain stalled, partly because there is no properly constituted body to drive reform and partly because the state has not shown enough urgency. He also questioned the dependence on donor-funded reform processes, arguing that the government should take ownership and finance its own legal modernization. This was important because it pointed to a larger issue of political will. Reform is not only a matter of drafting better laws; it also requires a genuine commitment from those in power to accept transparency, accountability, and institutional independence.

This point resonated throughout the webinar. The panel made clear that the legal and institutional problems identified in the report are not accidental; they reflect political choices and governance priorities. Therefore, the solution must also be political, not just technical. It requires sustained advocacy, public pressure, legal expertise, and cross-sector coordination.

MISA's Recommendations

Selloane Nyakane's intervention gave the webinar a clear advocacy agenda. She said that MISA supports the development of cybersecurity laws in principle, but such laws must be carefully drafted to avoid criminalizing journalists, whistleblowers, researchers, and legitimate expression. She urged that public-interest journalism be explicitly protected and that vague provisions be removed or clarified. She also emphasized that media freedom cannot be defended only in legal terms; journalists need material and psychological support as well. Her call for mental health services was significant because it recognized the emotional burden that comes with working in a hostile environment.

MISA's position underscored the webinar's broader message that legal reform must be matched by professional support and institutional protection. It is not enough to say that journalists

should be brave if the system leaves them exposed to prosecution, harassment, or trauma. The profession needs a more enabling environment if it is to serve the public effectively.

GENDERED THREATS TO WOMEN JOURNALISTS

The webinar explicitly acknowledged that women journalists face distinctive and often intensified risks. Owen Gagare's introduction to the panel made clear that the report addresses threats that are peculiar to women, including gendered forms of abuse. Although the transcript excerpt available here does not contain the full intervention by Majirata Latela, the discussion itself shows that gender was treated as a substantive part of the media threat landscape. The implication is that women journalists may be vulnerable not only to the same legal and political pressures as their male colleagues, but also to gender-based intimidation and abuse. This makes gender-sensitive reform and support measures especially important.

THE BROADER MEANING OF THE REPORT

Taken together, the report and the webinar presented a picture of a media environment under sustained pressure from multiple directions. The legal system contains statutes that can be used to criminalize or intimidate journalism. The regulatory system can be politically manipulated. The economic system can reward compliance and punish criticism. The enforcement environment can expose journalists to harassment, arrest, or violence. And the absence of access-to-information and whistleblower protections makes meaningful investigative work much harder.

The result is not simply a difficult environment for the press, but a weakened public sphere. If journalists cannot safely gather and publish information, if citizens cannot safely share or discuss that information, and if institutions are not independent enough to protect these activities, then democratic accountability is significantly undermined. The webinar made this point repeatedly and forcefully.

CLOSING REFLECTIONS

The webinar ended with a clear sense that the situation in Lesotho requires urgent attention. The speakers repeatedly returned to a few core priorities: enact a proper access-to-information law, protect whistleblowers, revise or repeal repressive statutes, ensure the independence of regulatory institutions, and protect journalists from physical and legal retaliation. At the same time, the webinar showed that meaningful resistance already exists in the form of collaboration among CSOs, media organizations, and advocacy groups. Those efforts have already achieved

some success, particularly in slowing or stopping harmful legislation. But the discussion made equally clear that progress will only be sustainable if reform is broad, consistent, and backed by real political commitment.

The most important takeaway is that the webinar was both a diagnosis and a warning. It diagnosed the legal, institutional, economic, and physical threats facing media freedom in Lesotho, and it warned that these threats extend to the entire civic sphere. At the same time, it pointed to a path forward built on solidarity, legal reform, stronger institutions, and sustained advocacy. The report is therefore not only a record of problems; it is also a call to action.