

IN THE HIGH COURT OF LESOTHO

Before COTRAN CJ.

Mofokeng J.

B. Moahloli:Assessor

N.L. Mahao :Assessor

S E N T E N C E

Delivered on 16th December 1983

COTRAN CJ.:-

The 16th December 1983 was the return date of a rule nisi issued by the High Court moru motu calling upon Mr. William Lesenya, the Editor of Moeletsi oa Basotho, of P.O. Box 18, Mazenod, and Moruti L.M. Sekokotoana, of 2166 Phuthaditjaba, P.O. Phuthaditjaba 9866, RSA, to show cause why they should not be punished for contempt of court in respect of an article appearing in the issue of the newspaper dated the 23rd October 1983.

Mr. Lesenya made an appearance but Moruti Sekokotoana did not. The latter, if he exists at all, lives outside the jurisdiction and the summons had perforce to be sent by registered mail to his given address. It was returned unclaimed and undelivered.

Mr. Lesenya, who was represented by Mr. Koornhof, had earlier submitted an affidavit, in which he sought to explain how the article came to be published and an unreserved apology was tendered on his behalf. He had previously written to the Hon. Mr. Justice Molai apologizing personally to him. This letter was published in the newspaper on a subsequent

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issue.

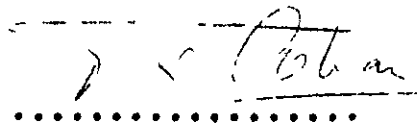
It was a terrible article, the worst any of us sitting here today, has ever seen. Great damage has been done but fortunately for Mr. Lesenya he was quick to realise the injury and injustice that has been done, or allowed to be done, and took immediate steps to mitigate its effects, which persuade us that a substantive custodial sentence ought not to be imposed. Mr. Lesenya will

- (a) pay a fine of M500 (or 2 months imprisonment in default of payment) within 15 days and
- (b) he will cause to be published in Moeletsi oa Basotho on the 1st January or 8th January 1984 an apology on the first page of the newspaper in Sesotho and English using the following text:-

Apology

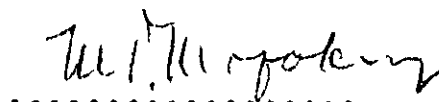
I, the undersigned, William Lesenya, Editor of Moeletsi of Basotho of P.O. Box 18, Mazenod, Lesotho, do hereby declare that I sincerely regret that an article entitled "Nyeoe ea Manyeli le Matona" appearing in the issue of the newspaper dated the 23rd October 1983 was allowed to be published. I respectfully tender my unreserved and humble apologies to the High Court of Lesotho and all its members and in particular to the Hon. Mr. Justice B.K. Molai.

W. Lesenya.



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T.S. COTRAN
Chief Justice

I agree



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M.P. MOFOKENG
Judge