

CIV/APN/94/00
IN THE HIGH COURT OF LESOTHO

In the Application of:

LESOTHO ASSOCIATION OF JEHOVA'S WITNESSES	1st Applicant
MOLEFI MOSESI	2nd Applicant
MAITATELENG LEKOENEHA	3rd Applicant
NTEBALENG NQHOAKI	4th Applicant
THE LESOTHO EVANGELICAL CHURCH	1st Respondent
UNITED PRIMARY SCHOOL	2nd Respondent
THE ROMAN CATHOLIC CHURCH	3rd Respondent
THE MOST HOLY REDEEMER PRIMARY SCHOOL	4th Respondent
THE MINISTRY OF EDUCATION	5th Respondent
THE ATTORNEY GENERAL	6th Respondent

JUDGMENT

Delivered by the Hon Mr Justice ML. Lehohla on the 27th day of April 2000

Court assembled this morning after adjourning from chambers when it dawned on it that to day is a return date in respect of an order for contempt sought by applicants in respect of non-compliance by respondents 3 i.e. Roman Catholic Church and

4 The Most Holy Redeemer

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Primary School on whose behalf Bishop Bitsoane and Mrs Mathabang Moorosi respectively were served with the order requiring them to show cause why they shouldn't be committed for contempt because of their non-compliance with the order demanding reinstatement of the child Khotsofalang Nqhoaki to the school; respondent 4.

In Court Miss Tau informed me that she was in touch with Mr Ntlhoki for respondents 3 and 4 and that he sought indulgence of 30 minutes to finish some court business with another judge. Thus very properly Miss Tau didn't want to take judgment behind a colleague's back.

Shortly afterwards Miss Tau came into Chambers with Mr Phafane who stated that he was appearing at the request of Mr Ntlhoki and was seeking, according to his instructions, an indulgence to be allowed time to file answering affidavits and, in due course, have the matter argued why there shouldn't be final order for committal for contempt.

It seemed clear to me that Mr Phafane was in a rather invidious and embarrassing position because :

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- 1) The interests of the child whom court felt should be and should have been met by letting him be re-instated were ignored along with the Court Order.
- 2) Judgments of the High Court and Court of Appeal denouncing the kind of behaviour manifested against 1st applicant in other matters were totally disregarded yet such judgments are now the undoubted law.
- 3) The two respondents by not being in attendance have compounded their contempt by frustrating the Court's ability to deal with them immediately should it so desire.

However because of sheer possibility that the fault lay with Mr Ntlhoki the Court was reluctantly inclined to grant indulgence on two strict conditions :

- 1) That the child be immediately readmitted to the school in question.
- 2) That should there be resistance then the Deputy Sheriff should take such resistors into custody pending the hearing for proper sentence by this Court for such resistance.

Finally the return date during which the application for contempt should have been finally heard today is extended to 5th May, 2000.

JUDGE

27TH April, 2000

For Applicants : Miss Tau

For Respondents : Mr Ntlhoki