

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

Ref.: AL LSO 1/2023  
(Please use this reference in your reply)

5 September 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 52/9 and 44/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the killing of investigative journalist, Mr. Ralikonelo 'Leqhashasha' Joki**.

Mr. Ralikonelo 'Leqhashasha' Joki was an investigative journalist and the host of current affairs show "Hlokoana-La-Tsela" (I Heard It Through the Grapevine). His radio show covered government, agriculture, and corruption, and was best known for breaking a 2021 story about five politicians who were allegedly illegally trading alcohol.

According to the information received:

In March and April 2023, Mr. Ralikonelo 'Leqhashasha' Joki reportedly received at least three death threats from different Facebook accounts, related to his work as a journalist. The death threats did not specify any of his specific reports. He had also come under recent pressure, after members of the opposition parties had accused him of siding with the ruling party, Revolution for Prosperity (RFP).

On 14 May 2023 at approximately 10pm, Mr Ralikonelo 'Leqhashasha' Joki was leaving the privately owned radio station, Ts'enolo FM, in Maseru, after his Sunday night broadcast. Mr. Ralikonelo 'Leqhashasha' Joki was shot once by an individual through the driver's side of his vehicle and again through the opposite side of his vehicle by another individual. He lost control and crashed his car, and the assailants continued firing at him, shooting him once in the head and at least 13 times on his body. He was declared dead by members of the Lesotho Defence Force (LDR), who had quickly responded to a call at the scene.

On 16 May 2023, the Government of Lesotho imposed an indefinite country-wide night curfew between 10pm and 4am, in response to the killing of Mr. Ralikonelo 'Leqhashasha' Joki.

On 21 June 2023, Lesotho authorities announced that four suspects were arrested at Maseru Border in connection with Mr. Ralikonelo 'Leqhashasha' Joki's murder. At a press conference that day, the Lesotho police spokesperson alleged that Mr. Ralikonelo 'Leqhashasha' Joki's murder may have been

related to a dispute with one of the suspects over a personal issue concerning initiation schools, which handle boys' circumcision and other cultural practices related to their transition to manhood. However, the police spokesperson did not rule out other factors that could have led to the journalist's death and that the investigation is ongoing.

According to the information received, however, it is alleged that Mr. Ralikonelo 'Leqhashasha' Joki's killing was related to his journalism, particularly considering the death threats he received.

On 26 June 2023, the four suspects in Mr. Ralikonelo 'Leqhashasha' Joki's killing appeared in court and pleaded guilty to the charge of murder. They later applied for bail, which the court denied.

Without prejudging the accuracy of the above information, we wish to express our deep concerns regarding the killing of journalist, Mr. Ralikonelo 'Leqhashasha' Joki. He had reportedly received death threats prior to his death, in connection with his work as an investigative journalist covering topics such as the government, agriculture, and corruption. We wish to express our concerns that the threats against Mr. Ralikonelo 'Leqhashasha' Joki and his eventual death are reportedly part of a wider trend of intimidation of investigative journalists in Lesotho.

As the reported suspects have been identified, we urge your Excellency's Government to ensure justice in line with international standards. As such, we urge your Excellency's Government to prosecute any individual and any culprits that may be related to Mr. Ralikonelo 'Leqhashasha' Joki's killing.

We urge your Excellency's Government to ensure the safety and security of journalists, including the effective and prompt investigation of threats against them, including death threats, both online and offline. Ensuring the safety and security of journalists is critical to safeguard their right to freedom of opinion and expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide full details of the investigation into the killing of Mr. Ralikonelo 'Leqhashasha' Joki on 14 May 2023, including the identification of the alleged perpetrator(s). If the alleged perpetrator(s) has or have been identified, please also indicate if any criminal sanctions or disciplinary measures have been imposed on them.
3. Have investigations conducted into these killing of Mr. Ralikonelo 'Leqhashasha' Joki been guided by the United Nations Manual on the

Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (2016), commonly known as the Minnesota Protocol?

4. Please indicate administrative, judicial or other mechanisms through which Mr. Ralikonelo 'Leqhashasha' Joki's family may seek remedies for their loss and harms suffered, and whether and what remedies have been provided to them in this case.
5. Please provide information about measures taken to ensure that journalists and media workers in Lesotho can carry out their professional activities in line with international human rights standards and in a safe and enabling environment without fear of harassment, criminalisation, or acts of intimidation of any kind, including threats to their life.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, the facts alleged, if proved correct, appear to be in contravention with articles 6 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Lesotho on 9 September 1992.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including inter alia 'political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism'. Further, the Human Rights Committee made clear that "It is not compatible with article 19 paragraph 3, for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information". Article 19 requires the States to guarantee the right to freedom of expression (Id.). It is the States' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23).

Attacks on journalism are fundamentally at odds with protection of freedom of expression and access to information. Governments have a responsibility not only to respect journalism but also to ensure that journalists and their sources have protection through strong laws, prosecutions of perpetrators and ample security where necessary (A/HRC/71/373 para. 35).

In this connection, the Human Rights Committee in General Comment 34 has held that "under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19. Journalists are frequently subjected to such threats, intimidation and attacks because of their activities. (...) All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted (...).".

Article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), guarantees the right of every individual to life and provides that this right shall be protected by law and that no one shall be arbitrarily deprived of his life. In General Comment No. 6, the Human Rights Committee reiterated that the right to life is the supreme right and peremptory norm (*jus cogens*) from which no derogation is permitted even in time of public emergency that threatens the life of the nation (CCPR/C/21/Rev.1/Add.6). The UN Human Rights Committee has further stressed the need for proper precautions to be taken, for limitation of the use of force to the degree strictly necessary and for investigations to be undertaken in the case of suspicious deaths in order to ensure that a loss of life is not "arbitrary" (See Human Rights Committee, *Camargo v. Colombia* (ibid., § 939.)).

We would also like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. In General Comment No. 31, the Human Rights Committee observed that there is a positive obligation on State Parties to ensure protection of Covenant rights of individuals against violations. Permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice could give rise to a breach of the Covenant (CCPR/C/21/Rev.1/Add.13). Similarly, Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council Resolution 1989, in particular principle 9, recall that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. We further refer to paragraph 25 of the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). The Protocol includes guidance on all stages of the investigation process and has detailed guidelines on crime-scene investigation, interviews, excavation of graves, autopsy and analysis of skeletal remains. In this connection, we stress that forensic investigations contribute to combating impunity by providing the evidentiary basis on which prosecutions can successfully be brought against persons responsible for grave violations of human rights law (E/CN.4/2003/135).