

NATIONAL UNIVERSITY OF LESOTHO



STATEMENT BY THE NATIONAL UNIVERSITY OF LESOTHO'S POSITION ON THE ONGOING LITIGATION AFFECTING THE GOVERNANCE OF THE UNIVERSITY

FOR IMMEDIATE RELEASE

The National University of Lesotho ("the University") wishes to inform its stakeholders, including staff, students, alumni, government, development partners, and the general public, of the circumstances surrounding the litigation that has significantly affected the governance of the University and the recruitment of its new Vice-Chancellor.

The litigation commenced with proceedings instituted by the Pro-Vice-Chancellor, Associate Professor Kananelo E. Mosito, challenging the University's facilitation of the recruitment process for the appointment of a new Vice-Chancellor. Council had begun this recruitment process following an official notice from the incumbent Vice Chancellor, Professor Olusola Isaac Fajana, that he would not be renewing his employment contract upon its expiry on 31 July 2026. Upon being served with the proceedings, the University was required to respond under exceptionally stringent timelines before the High Court.

At the commencement of those proceedings, the University raised two preliminary objections. Firstly, the University argued that the dispute was, in substance, a labour dispute falling within the exclusive jurisdiction of the Labour Court, consistent with established jurisprudence of the Court of Appeal.

Secondly, the University sought the recusal of High Court judges on the basis that the Pro-Vice-Chancellor is not only a senior employee of the University but also serves as a senior judicial officer in his capacity as the President of the Court of Appeal. This, the University contended, created circumstances capable of giving rise to reasonable apprehension regarding institutional impartiality.

The High Court dismissed both preliminary objections. Exercising its constitutional and legal rights, the University appealed those decisions.

Despite the pendency of those appeals, the High Court indicated its intention to proceed with the hearing of the main matter. Consequently, the University approached the Court of Appeal on an urgent basis seeking a stay of the High Court proceedings pending determination of the jurisdictional appeals and requesting that those appeals be heard on an expedited basis.

The University remains concerned by the manner in which these proceedings thereafter unfolded.

Although the President of the Court of Appeal had an evident personal interest arising from his dual role as litigant and head of the Court, a sitting judge of the Court of Appeal was appointed to hear the urgent application. The appointed judge, Justice Musonda, granted a stay of the High Court proceedings but declined to expedite the University's pending jurisdictional appeals.

More significantly, the Court of Appeal granted orders restraining the recruitment of the University's new Vice-Chancellor, describing those orders as preservative relief, notwithstanding that such relief had not been sought by any party. In the University's respectful view, those orders had the practical effect of determining the central dispute before the substantive appeals had been heard. Convinced that these orders exceeded what had been sought and prejudiced the University's ability to discharge its statutory mandate, the University instituted an urgent application on 5 June, 2026 seeking review and reconsideration of those orders before the Court of Appeal.

To date, the University has neither received an acknowledgement of that urgent application from the Registry of the Court of Appeal nor any directions concerning its hearing.

The University has found this particularly concerning when viewed alongside subsequent developments.

The University has recently been involved in another legal challenge, an urgent application instituted by the Student Union (SU), the Student Representative Council (SRC), and the President of the SRC. The application, among other things, challenged the constitution and inauguration of the 16th University Council. On Monday 22 June, the High Court struck off with costs, the Founding Affidavit of the President of the SRC, Tumo Tsanyane for non-compliance with the rules of Court. Following the striking out of the Founding Affidavit, an appeal was lodged on 23 June, 2026. Within two days, the Registry of the Court of Appeal issued directions requiring the University to file its answering papers under exceptionally compressed timelines by communication dated 25 June, 2026 addressed to the parties.



This contrast has raised legitimate institutional concerns regarding consistency in the administrative handling of matters involving the University. The University further notes that on the 24 June, 2026, the very day its Council was formally informed that the urgent review application remained unacknowledged by the Court of Appeal Registry, correspondence was issued by the Registrar of the Court of Appeal at 17:22 hours through Circular No. 3 of 2026 concerning Publication of Practice Directive No. 1 of 2026: Petitions for Leave to Review, Correct, or Set Aside Final Decisions of The Court of Appeal.

Given that the President of the Court of Appeal is directly connected to litigation involving both the governance of the University and the recruitment of its Vice-Chancellor, these developments have inevitably created public perception that require careful consideration in the interests of maintaining confidence in the administration of justice.

The University wishes to emphasise that it has the highest respect for the judiciary and recognises the indispensable role played by an independent judicial system in a constitutional democracy. However, judicial independence must equally be accompanied by judicial impartiality, procedural certainty, and the appearance of fairness. Public confidence in the justice system depends not only upon justice being done but also upon justice being manifestly seen to be done.

The University is deeply concerned that a combination of unresolved conflicts of interest, inconsistent procedural treatment, extraordinary litigation timelines, and orders extending beyond the relief sought has created an appearance that the ordinary safeguards of impartial adjudication may not have been fully observed.

The University remains committed to resolving all disputes through lawful judicial processes. It will continue to pursue every legal avenue available to protect its statutory autonomy, preserve sound governance, and ensure that the appointment of its new Vice-Chancellor proceeds in accordance with the law. The University also wishes to reassure students, staff, parents, alumni, and the nation that its Council and management remain steadfast in safeguarding the integrity, independence, and long-term stability of the National University of Lesotho.

This matter transcends the interests of any individual. It concerns the integrity of public institutions, respect for constitutional governance, and the fundamental principle that all litigants must receive equal, impartial, and timely treatment before the law.

The University trusts that the outstanding proceedings will be dealt with expeditiously and transparently so that public confidence in both the higher education sector and the administration of justice may be strengthened.

Date: 29 June 2026

