



Occasional Paper

Number 2

September 2017

Human Rights Commission: A Grail to Improve Lesotho's Human Rights Catalogue or a Scheme to Silence Critics by the Government?

By Mokitimi Tsebo Tšosane

TRC Publications

The Transformation Resource Centre (TRC) publications play a significant role in shedding light and stimulating debate on various topical issues related to the work of the Centre.

The aim of the TRC publications is to influence debate on current issues in government, private sector, non-governmental organisations, parastatals, and civic society organisations. The publications are also used by agents of social change as the source of references in their research work.

The target audience for TRC publications are researchers, scholars, agents of social change, policy makers, politicians, academics, and students at institutions of higher learning.

The TRC has five primary publication outputs:

- Policy briefs and position papers
- Occasional papers
- Research reports
- Litaba tsa Lesotho (a Sesotho-language community publication)
- Work for Justice (quarterly journal)

Policy Briefs/Position Papers are intended to INFORM, PROVOKE DEBATE ON and INFLUENCE policy. Therefore, they are targeted at policymakers, whether in government or business. They must be concise, providing a brief analysis of the issue at hand, and making policy recommendations. They must include an executive summary on the first page, and three or four policy recommendations, as well as an indication of who they are aimed at.

Occasional Papers are intended as analytical pieces of variable length that explore particular issues. The focus is not overtly policy related, although this is not discouraged. Topics for the TRC occasional paper series can range from discussions of policy, economic, educational, and political issues. In this case, we may accept two types of occasional papers: argumentative or analytical.

Research Reports are lengthier analytical papers, usually reflecting on and analysing the findings of field research, whether commissioned or undertaken by the TRC staff. The target audience is not necessarily policymakers, but rather the academic, think tank, and student communities.

Soliciting Sources of TRC Publications

The sources for the TRC occasional paper series are as diverse as its partners and targets; and depend on the theme and topics the publication wants to focus on. The sourcing for the publication shall be as follows:

- Call for papers
- Commissioned research
- Assigned papers
- Unsolicited pieces

Information for Authors

1. The manuscript should be original, and not previously published.
2. All papers considered appropriate for publication are reviewed anonymously by at least two reviewers.
3. Authors submitting manuscripts for the TRC publication must agree to abide by the TRC publication requirements.
4. For more detailed guidelines, please contact the Editor at director@trc.org.ls or mmothae@trc.org.ls or visit the TRC website: www.trc.org.ls

Disclaimer

Opinions expressed in the TRC publications are the opinions and views of the author, and do not represent the position of the Centre.

About the Author

Mokitimi Tsebo Tšosane holds a Bachelor of Laws degree from the National University of Lesotho.

Abstract

The establishment of the Human Rights Commission in Lesotho stands at the cutting edge of the international and local reflections on Lesotho's human rights catalogue. This paper outlines a number of national and international factors which have disparaged Lesotho's human rights record and poses a question whether the 'rushed' establishment of the Human Rights Commission was a concerted political scheme to deflect international and local pressures and criticisms on Lesotho's state of human rights. This paper also makes a comparative study on the political context which catalysed the need for a Human Rights commissions in other jurisdictions like India and Kenya. This paper finally aims to make a conclusion and advance a plea for reform.

Introduction

As medieval Christians believed in the mysterious healing powers of the lost Holy Grail, so is modern human rights commentators' belief in an efficient and objective human rights commission. Existence of a Human Rights Commission in transitional societies could amply be characterised as a prescription, a protective shield against the tyranny of an overreaching government and past systemic human rights abuse by the government through its executive and administrative institutions.

It may also be a concerted attempt to offset and address international and national pressures off the state's appalling human rights situation.

There is a presumption that the legal normative framework created by this human rights mechanism consolidates democracy and lays down a solid foundation for the protection of human rights in line with the states' obligations in International Human Rights Laws. This would inevitably ensure the social security of the citizens reliant on the protection the state has to offer with respect to the protection of fundamental human rights and freedoms and to show the world that protection of the fundamental human values, civil liberties and political rights are taken seriously.

Under immense international and national pressures and criticisms, government systems like India and Kenya established human rights institutions often as a scheme to rectify their human rights record in the eyes of the local and international human rights spectators. The institutions were essentially deployed to offset international and local critics on the state of human rights, divert the pressure, and to gain wider international acceptance.

This paper briefly attempts to outline Lesotho's human rights situation in the eyes of international and national critics and the political context which may have catalysed and illustrated the dire need for an Human Rights Commission, before and after the enactment of the Human Rights Commission Act, 2016. This paper also raises pertinent questions as to whether the "rushed" passage of the Lesotho Human Rights Commission Act was an attempt to deflect international and national pressures brewing against the Executive on the protection, promotion and respect of human rights. Furthermore, the paper examines the political circumstances under which other jurisdictions established their human rights commissions; Kenya and India respectively.

Lesotho's Human Rights Index, International and Local Criticisms and Pressure

The establishment of the Lesotho Human Rights Commission arises amidst a number of national and international factors with regard to Lesotho's human rights status, and human rights being sacrificed at the altar of political interests. The issues include the death of the former Lesotho Defence Force (LDF) Commander, Maaparankoe Mahao and the government cover-ups, the alleged inhuman and degrading treatment of the soldiers accused of a mutiny plot. Moreover, the intimidation and death threats on lawyers, civil societies, and journalists; the attacks on the *Lesotho Times* and *Sunday Express* editor (Lloyd Mutungamiri) and Professor Mafa Sejanamane's home.

On 25th June 2015, the then former LDF Commander, Lt. Gen. Mahao, was killed at Mokema by his colleagues. According to the Mahao family's account, he was dragged faced down on the tarmac.

The testimonies presented before the regional body, Southern African Development Community (SADC) Commission of Inquiry suggest a covert network of well-devised events leading to the death of the former Commander, and a clandestine conspiracy implicating politicians and military personnel.

On 26th June 2015, the United Nations Secretary-General, Ban-Ki Moon, African Union Chief, Nkosazana Dlamini-Zuma, and the United States of America through its Department of State spokesperson John Kirby condemned the killing of Mahao. Ban-Ki Moon also reaffirmed the continued commitment of the United Nations to support the efforts of the Government and the people of Lesotho to consolidate peace in the Kingdom.

Furthermore, Ban-Ki Moon and John Kirby reiterated the urgent need to move forward with institutional and security reforms.

SADC also weighed in on the matter and on 3rd July 2015, the SADC Double Troika sat in Tshwane, Republic of South Africa and decided, *inter alia*, to establish a Commission of Inquiry into the circumstances surrounding the death of Gen. Mahao.

After completing its task, the SADC Commission of Inquiry submitted its report to the Double Troika in November 2015 and was adopted by the Double Troika in January 2016.

It made recommendations which were meant to break the persistent culture of impunity and ensure accountability for human rights violations and the prevalence of the rule of law in Lesotho.

With the executive reluctance to implement the recommendations adopted by the SADC Double Troika, the United States of America, through its agencies, tied its development assistance and trade in an effort to pressure

the government to implement the recommendations.

The United States of America, through two of its agencies Millennium Challenge Corporation (MCC) and African Growth and Opportunity Act (AGOA), was displeased with Lesotho's human rights situation among other things and conditioned the extension of the partnership on implementation of the SADC Commission of Inquiry recommendations (Sejanamane, 2016).

Professor Sejanamane (April 27, 2016) further notes that the MCC has recently suspended consideration of a new multi-million dollar compact to the country because of concerns about accountability and rule of law.

Even though the United States of America renewed Lesotho's eligibility for trade preferences under the AGOA, for 2016, it expressed great displeasure at the government's failure to adhere to AGOA's governance criteria (Ntaote, 2016).

However, through the United States Trade Representative Ambassador, Michael Froman, the United States of America addressed a letter to Trade Minister, Joshua Setipa, vowing to monitor the implementation of reforms ahead of the next eligibility review process (Ntaote, *op cit*).

The European Union also suspended its budget support, amounting to €26.85 million, citing among other things issues relating to governance and urged the government to implement the SADC Commission of Inquiry recommendations (Sejanamane, *op cit*).

The United Nations-African Union Joint Task Force on Peace and Security, in its twelfth Consultative Meeting on the 22nd March 2016, expressed its appreciation of SADC's efforts in its attempts to resolve Lesotho's political and security impasse and pledged its continued support for the regional bloc. The African Union (AU) and UN expressed conviction that the effective implementation of the recommendations of the SADC Commission of Inquiry presents a veritable opportunity for Lesotho to both resolve the current crisis and also avoid a possible relapse in future.

Furthermore, the United States of America, in a multi-faceted report on the state of democracy, human rights and labour, condemned Lesotho's human rights catalogue.

It noted with concern the systemic violation of human rights perpetrated by the army and the police. The report also covers the breadth of human rights ranging from respect for the integrity of the person, respect for civil liberties, corruption, and lack of transparency in government.

The Bureau of Democracy, Human Rights, and Labor (DRL) applies three key principles to its work on human rights, two of which are: forging and maintaining partnerships with organisations, governments, and multilateral institutions committed to human rights strives to learn the truth and state the facts in all of its human rights investigations, reports on country conditions

among others (US Department of State).

Amnesty International, in its 2015/16 report, documented how many governments have brazenly broken international laws in their national contexts: Lesotho was obviously among the 122 states where torture or otherwise ill-treatment was prevalent.

Amnesty International also expressed a worrying trend among governments increasingly targeting and attacking activists, lawyers, and those who work to defend human rights.

Amnesty International Report 2015/16 — Africa regional overview, with the AU declared 2016 as the Year of Human Rights in Africa.

The report hoped Africa's leaders, regional institutions and the international community would be determined and show political will to make significant headway towards addressing the entrenched human rights challenges.

Despite international pressure on Lesotho's human rights situation, human rights violations are still rampant. For example, in a letter dated 20th June 2016, the soldiers accused of a mutiny, through their legal representatives, urged the then Prime Minister, Pakalitha Mosisili to establish an independent inquiry into their arrest, torture, and "degrading treatment" they allegedly suffered at the hands of their colleagues.

The Prime Minister declined their request as most critics expected.

The Transformation Resource Centre (TRC) raised the issue of torture at the 57th, 58th, 59th and 60th Ordinary Sessions of the African Commission on Human and Peoples' Rights. But the government of the government refused the allegations claiming that they were based on unreliable sources and that it had not received any complaint by the victims alleging that they were tortured. By refusing these allegation the government of Lesotho breached its obligation under the Robben Island Guidelines on Prohibition and Prevention of Torture in Africa which compel states to investigate the matter "whenever a person who claimed to have been or who appears to have been tortured or ill-treated" makes such allegations (Rule No.17 of Robben Island Guidelines).

The government was more than just aware of the about the allegations of torture as evidenced by the fact that there were media reports on the issue and information was shared through communications by civil society organisations like TRC who raised concerns regarding torture against the Lesotho Defence Force detainees on 21 May and 22 June 2015. Moreover, in Jobo and other v commander of Defence Force and Others (2016), the Lesotho Appeal Court confirmed that the detainees had been subjected to torture and inhuman and degrading treatment; that they were brought to court in shackles, chains and handcuffs.

Locally, TRC and Catholic Commission of Justice and Peace (CCJP) mobilised a team of lawyers to legally challenge the LDF's behaviour towards these

detained soldiers.

They also mobilised assistance for the families of the detained, exiled, and slain soldier who are also victims of human rights violations.

In coalition with other human rights networks like Southern African Litigation Centre (SALC), Southern Africa Human Rights Defenders Network (SAHRDN), the TRC condemned the increasing acts of harassment and intimidation against journalists in Lesotho, and denounced the shooting of Lloyd Mutungamiri, the editor of the *Lesotho Times* and *Sunday Express* newspapers.

SAHRDN among other things urged “the government of Lesotho to take urgent steps to guarantee the security and safety of all media practitioners and human rights defenders in Lesotho” (SAHRDN Statement, 2016).

The coalition of Southern African human rights defender organisations further urged the government “to fully implement the recommendations of the SADC Commission of Inquiry and outline a clear roadmap for all actions necessary to fulfil them” (SAHRDN Statement, *op. cit.*).

The Alliance of Non-State-Actors, on the 12th May 2016, also petitioned the former Prime Minister Mosisili on the prospects of AGOA and provided him with their demands for the implementation of the Phumaphi Commission in order to save jobs endangered if the AGOA status was revoked by the United States of America (Sejanamane, *op cit.*).

The petition also noted that the United States of America review the committee-raised questions on the human rights and state security in Lesotho.

Barely 10 days after the march and petitioning of the former Prime Minister Mosisili, the Human Rights Commission Bill was recalled to the National Assembly without the proposed amendments by the Senate Legislative Committee.

This paper curiously asks whether it was a mere coincidence or was the government responding in detail to domestic and international critics.

This paper also notes that the unprecedented act by the National Assembly was made at least a month after the United States Trade Representative Ambassador, Michael Froman, in a letter to the then Minister of Trade, Joshua Setipa expressed concerns on Lesotho government’s failure to adhere to AGOA criteria relating to respect for human rights and rule of law.

Context and Analysis

The abovementioned instances are just a tip of an iceberg of events which escalated the dire need for an independent institution to deal with human rights violations in the Kingdom of Lesotho.

While the former seven-party regime headed by the Prime Minister Mosisili

may not have established the human rights commission on its own accord, it was incumbent upon his regime to implement it from the previous regime, which passed a bill in 2016.

However, with Lesotho's human rights record attracting immense international attention under his leadership, it was also incumbent upon his cabinet to attempt to uphold Lesotho's image — locally and internationally; maybe as a means to calm international and local critics.

The international organisations, civil society organisations, (both local and international) and the general public have increasingly expressed concern on human rights violations by the LDF actions in tackling the alleged mutiny and the culture of impunity favoured within the Executive.

As a matter of fact, the Executive is willing to endorse the persistent culture of impunity to human rights violations by adopting a general amnesty law that will in essence serve as a protective force field impervious to criminal justice accountability mechanisms against those who painstakingly treated human rights with contempt.

By then, it was clear that issues related to human rights overrode meager conceptual technicalities on sovereignty.

Despite geographic disparities, protection and promotion of fundamental human rights is a blueprint of the whole global system as a single community. In this community, human rights treaties and conventions serve as covenants, conditions, and restrictions devised to maintain a certain standard of humanity within the global society.

In essence, states brazenly, capriciously, and malevolently bullying their citizens. Therefore, rhetorically invoking standard argumentation on sovereignty is no better than a parent abusing a child and claiming that he or she is at absolute liberty to do whatever he or she desires with his or her children within his or her yard.

It is unequivocally clear that the National Assembly recalling the Human Rights Commission Bill without amendments from the Senate was a rhetoric illustrative of a government hysterically under pressure.

Is it a mere coincidence that the rushed passage of an act to establish an institution to oversee human rights in Lesotho followed the United States government's review committee noting "governance infractions, especially in the army, cases of extrajudicial killings and violence reportedly linked to Lesotho's military forces for which there has been no apparent prosecution, raising questions about Lesotho's adherence to AGOA criteria relating to respect for human rights and rule of law"? (Billy Ntaote, *op. cit*).

If the answer is yes, then it fits to accord the deflection theory upon the government as an attempt to appease the international audience.

These instances, locally and internationally, continued to remind the government to fulfil its international obligations to establish effective independent mechanisms for protecting human rights.

They also raised the moral and legal necessity to have an objectively independent Human Rights Commission which will steer Lesotho's human rights ship in the right direction and towards a better catalogue.

Lesotho's resuscitation on the international stage would incorporate adhering to the best international standards contained in various treaties and conventions.

Other Jurisdictions

India

The end of the Cold War and the fall of the United Soviet Socialist Republic (USSR) brought the demand for democracy, development, and human rights. The last decade of the 20th century played a domineering role in setting the trend for the protection and promotion of human rights with the Vienna World Conference on Human Rights and the adoption of the Paris Principles by the United Nations General Assembly in December 1993.

The Paris Principles are a benchmark that lay down the internationally accepted procedures for the establishment and functioning of human rights commissions.

The global participants for trade and markets embraced liberal democratic policies on privatisation, capitalism, and human rights.

At the time, India was transitioning into a participant in the global market, however, its domestic system was rampant with human rights abuses (John Dickey Montgomery and Nathan Glazer, 2002: Online).

It was mandatory for India to adopt at least the neo-liberal policies and implement measures to address its bad human rights catalogue to the international audience since it was placing the Indian government under enormous diplomatic and economic pressure.

For example, in 1991 the European Community tied development assistance to human rights conditions while the European Parliament issued a resolution in 1992 targeting tensions in Jammu and Kashmir (Sonia Cardenas, 2014: 195).

In addition to the United Kingdom, United States of America, France, Norway, Sweden, and Switzerland, other institutions such as Amnesty International, Asia Watch, and the International Committee of the Red Cross all raised the issue of Human Rights in India. As a result, the Kashmir issue was in fact slated at the upcoming World Conference on Human Rights in Vienna (Sonia Cardenas, *op. cit*).

Leading to the elections in 1991, the two parties; the Congress and the

Bharatiya Janata Party, succumbing to international and national pressure strategically, included in their manifestos the establishment of the Human Rights Commissions (Harsh Dobhal and Mattheu Jacob, 2012: 5).

The Congress Party won the elections and, as expected, they promptly embarked on establishing the Human Rights Commission.

However, from the speeches of the Executive Representatives, it was clear that the Congress Party's desire to establish the Human Rights Commission was a compromise intended to deflect international and local human rights critics of India's human rights record.

Arun Ray (as cited in Sonia Cardenas' Chains of Justice: The Global Rise of State Institutions for Human Rights, 2014) concludes that "the government decided to set up a native agency to examine its own human rights record largely to avoid criticisms and reports made by human rights organisations."

On 16th March 1992, the Home Minister, Mrs S. B. Chavan, made public declarations that the proposed Human Rights Commission was meant to counter the false and politically motivated propaganda spread by foreigners and the Indian civic societies (Harsh Dorbal and Mattheu Jacob, *op.cit*).

Barely a month later, on 24th April 1992, the honourable Home Minister, the official Congress Party spokesperson also made utterances that the commission would act as corrective measure towards the biased and one-sided non-governmental organisations' reports and would be effective in dealing with politically motivated international criticisms (Harsh Dorbal and Mattheu Jacob, *op.cit*).

As expected of enactments that are meant to deflect criticism of human rights abuses, major civil society organisations were excluded from any formal discussions leading to the passage of the founding statute; there were hardly any open public discussions; and established normal parliamentary procedures were not followed (Harsh Dorbal and Mattheu Jacob, *op.cit*).

The hasty moves by the government reflected on the international scrutiny and pressure which the Indian government felt as an emerging economy and market; hence the attempt by the government to deflect all criticism and appease the international audience so as to gain acceptance and integration into international markets and trade.

Kenya

As a matter of general knowledge, prior to 1991, Kenyan politics were dominated by a repressive dictatorial regime. Once the dictatorial regime conceded to the constitutional amendment and allow multi-party politics, from 1991 to 1998, Kenya was fraught with appalling human rights violations sparked by politically motivated ethnic violence (Chinedu Idike, 2004).

These atrocities were characterised by widespread murder, torture,

disappearances, unlawful detentions, suppression of freedom of speech, association and assembly; the police were also accused of going on the rampage, in disaccord to human rights (Chinedu Idike, *op. cit*).

In May 1993, the International Commission of Jurists (Kenya Section) and the Swiss based non-governmental organisation, World Organisation Against Torture (OMCT) weighed in on the government by holding a joint conference presenting detailed testimonies of torture in Kenya (Thomas Risse, Kathryn Sikkink, Stephen C. Ropp, 1999).

Just as any other government in denial, the Daniel Arap Moi-led Executive went on defensive mode and dismissed the testimonies.

It should be noted that the International Commission of Jurists was not simply a mouse trying to roar like a lion. It was a non-governmental organisation holding a consultative status at two of United Nations agencies; United Nations Economic and Social Council (ECOSOC) and the United Nations Education, Scientific and Cultural Organisation (UNESCO). With the Swiss based non-governmental organisation weighing in on the issue of human rights abuses in Kenya, the pressure was enormous for the Kenyan government.

In July 1993, as local and international pressure increased, the Moi government announced the creation of several commissions, through the Attorney General, to review Kenya's constitution and the repressive laws (Thomas Risse, et al, *op cit*).

In an attempt to deflect international pressure and appease donors, two days before the annual donor meeting in Paris, on 22th July 1995, the Moi government announced the creation of the Standing Committee on Human Rights for Kenya (Thomas Risse, et al, *op cit*).

The Standing Committee on Human Rights was established in May 1996, incredulously not backed by any parliamentary statute; hence its legitimacy and autonomy were susceptible to attack by critics.

Chinedu Idike (*op. cit*) gives an interesting scholarly overview of the critics of the deflectionist syndrome symptom of some of the African governments when creating human rights commissions; thus:

Commenting on the establishment of the Standing Committee on Human Rights in Kenya, Human Rights Watch noted that it was a 'tactic by the Moi government in deflecting international and national criticism of his human rights record.' (Human Rights Watch, 'Africa: Human Rights "Commissions" Have Little Effect', (New York, 2001), available at <http://www.hrw.org/press/2001/02/hrc022201.htm>). In further criticism, the body alleged that the Standing Committee was established by the government 'to make some gesture to satisfy international and domestic pressure.'³¹ Similar condemnation trailed the formation of the Nigerian National Human Rights Commission. As Okafor and Agbakwa note, 'the establishment of

the commission was widely viewed as a red herring, as a design to deflect attention from that regime's ultra-dismal human rights record, and as an entirely cynical move on the part of the regime.' (O. Okafor and S. Agbakwa, 'On Legalism, Popular Agency and 'Voices of Suffering': The Nigerian National Human Rights Commission in Context' (2002) 24 Hum. Rts Q. 662 at 664). Furthermore, another notable human rights observer in Africa notes that 'the Nigerian example of the creation of the National Human Rights Commission by the dictatorial Abacha regime was a typical example of this effort by African leaders to hoodwink the international community.' (E. Quashigah, 'National Human Rights Institutions in Africa: Functions and Weaknesses' (1999) 11 Afr. Soc'ty Int'l & Comp. L. Proc. 134). Binaifer Nowrojee summarised and based the total condemnation of African national human rights commissions on the grounds that 'millions of Africans are being displaced, tortured or killed. (B. Nowrojee, quoted in Human Rights Watch, 'Africa: Human Rights 'Commissions' Have Little Effect',

Conclusion

Critics holding that national human rights commissions in other jurisdictions are institutions largely created by leaders under pressure to deflect criticism of human rights abuses and appease international partners are to a very large extent valid.

To some extent, this deflectionist theory may as well offer an ostensible explanation as to why the National Assembly made an unprecedented move of recalling the Human Rights Commission Bill from the Senate without the necessary amendments.

It is worth noting that this paper does not even tentatively question the legality of the move or the human rights commission as a valuable institution in the protection and promotion of human rights.

The Human Rights Commission is undeniably given a broad mandate that is clearly set in a constitutional and legislative text.

However, the Paris Principles, the bench mark upon which the human rights institutions are measured, were not fully adhered to and this resulted in sections compromising the effectiveness of the institution.

There are sections which create a perfect platform for patronage appointments; therefore, compromising the independence, legitimacy and competence of the institution.

While the fundamental duty of the human rights commissions is to address the state's human rights abuses, social justice, and improve its human rights catalogue, on the contrary, politicians create servile and subservient institutions barely with teeth and the necessary authority to address human

rights violations.

The paper reiterates that regardless of the circumstances which sparked or catalysed the need for the creation of human rights commissions and the level of sceptic academics and scholars, human rights institutions are indispensable mechanisms towards human rights promotion and protection.

For example, though the Kenyan Standing Committee was set up as a defunctive scheme to appease national and international human rights watchdogs, flouting procedures in the process, the resulting commission is a more sound and effective mechanism with larger enforcement powers and greater independence from executive interference.

It is in the light of the unparalleled presumption of respect for fundamental human rights and freedoms that this paper urges governments to desist from invoking inconsequential standard arguments on sovereignty while human rights are being treated with contempt.

Governments labelling human rights defenders as political puppets or other disparaging names while duly defending human rights through advocacy or any other means is a form of denigration; an ignominious form of denial of the true state of human rights in the country.

It is quite unfortunate that the creation of such an indispensable institution, given enough enforcement powers and independence, would necessarily be an insurance against an overreaching government; government's tyranny and systemic violations of fundamental human rights through government agencies.

Recommendations

1. Amendment of the Human Rights Commission Act, 2016 to make it Paris Principles compliant. In the process leading to the amendment of the Act, the government should hold discussions with civil society organisations through inclusive seminars and consultations or any other means. The amendments should also reflect the discussions by the TRC and 15 political parties' representatives on the Human Rights Commission Bill.
2. Adoption of guidelines on how human rights institutions can be made independent and what they should do to be effective by the United Nations, the Commonwealth and Amnesty International.
3. Implementations of the reforms encapsulated in the SADC Observer Mission to the Kingdom of Lesotho (SOMILES) report.

References

African News Agency, June 28, 2015. Terror in Lesotho after Murder of former Army Chief. <http://www.biznews.com/undictated/2015/06/28/terror-in-lesotho-after-murder-of-former-army-chief/>. [Accessed 5 October 2016]

Amnesty International Annual Report 2015/2016. <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>. [Accessed 25 February 2016]

Amnesty International Report 2015/16 - Africa regional overview, 24 February 2016, available at: <http://www.refworld.org/docid/56d05b806html>. [Accessed 5 October 2016]

Cardenas, S. 2014. Chains of Justice: The Global Rise of State Institutions for Human Rights. Pennsylvania, PA: University of Pennsylvania Press

Dobhal, H and Jacob, M, (Edited). 2012. Rugged Road to Justice: a Social Audit of State of Human Rights Commissions in India Vol. 1

Human Rights Commission Act, 2016

Human Rights Commission Bill, 2014

Human Rights Commission Bill, 2015

Idike, C. 2004. "Deflectionism or Activism? The Kenya National Commission on Human Rights in Focus" Essex Human Rights Review Vol. 1 No. 1 pp. 40-53

Montgomery, J. D. and Glazer, N. (Editors). 2002. Sovereignty under Challenge: How Governments Respond. Transaction Publishers

Note to Correspondents: United Nations-African Union Joint Task Force on Peace and Security Holds Twelfth Consultative Meeting in New York, on 22 March 2016. <https://www.un.org/sg/en/content/sg/note-correspondents/2016-04-01/note-correspondents-united-nations-african-union-joint>. [Accessed 5 October 2016]

Ntaote, B. 2016. "Lesotho gets AGOA Reprieve" Lesotho Times, 9 April, 2016. <http://lestimes.com/lesotho-gets-agoa-reprieve/>. [Accessed 5 October 2016]

Ntaote, B. Lesotho Times. May 20, 2016. "Rights Bill 'snatched' from Senate" Lesotho Times, 20 May, 2016. <http://lestimes.com/rights-bill-snatched-from->

senate/. [Accessed 9 September 2016]

Ntsukunyane, L. 2015. "World condemns Mahao killing" Sunday Express, 28 June, 2015. <http://sundayexpress.co.ls/world-condemns-mahao-killing/>. [Accessed 6 October 2016]

Principles Relating to the Status of National Institutions (The Paris Principles) adopted by the United Nations Human Rights Commission by Resolution 1992/54 of 1992, and by the United Nations General Assembly in Resolution 48/134 of 1993

Professor Sejanamane, M. April 27, 2016. Contemporary Lesotho Politics: Conversations with Idiots and Parrots. [Accessed 9 July 2016]

Professor Sejanamane, M. May 24, 2016. The Dinosaur Governance Mentality: Moleleki and Company's Syndrome in Lesotho. <https://lesothoanalysis.com/2016/05/24/the-dinosaur-governance-mentality-moleleki-and-companys-syndrome-in-lesotho/>. [Accessed 9 July 2016]

Risse-Kappen, T., Ropp, S. C., & Sikkink, K. 1999. The Power of Human Rights: International Norms and Domestic change. Cambridge, Cambridge University Press.

Southern Africa Human Rights Defenders Network (SAHRDN) Condemns Carbaric Shooting and Persecution of Journalists in Lesotho <http://www.thezimbabwean.co/2016/07/sahrdn-condemns-barbaric-shooting-and-persecution-of-journalists-in-lesotho/>. [Accessed, 5 October 2016]

Staff Reporter. 2016. "Mosisili rejects torture probe" The Post. July 22, 2016. <http://www.thepost.co.ls/local-news/mosisili-rejects-torture-probe/>. [Accessed 5 October 2016]

US Concerned of the Killing of the Lesotho's former commander June 29, 2015. <http://www.trtworld.com/americas/us-concerned-about-killing-lesothos-former-commander-3866>. [Accessed 5 October 2016]

US Department of State. Human Rights. <http://www.state.gov/j/drl/hr/index.htm>. [Accessed 5 October 2016]

About TRC

The Transformation Resource Centre (TRC) is an ecumenical organisation dedicated to the promotion of justice, peace, good governance, and participatory development. Established in 1979, the TRC's main focus is to empower communities and citizens to take the lead in articulating their positions and advocating for development that aims to better their lives.

The TRC works for and with communities to influence government policy decisions through a number of activities that

- I. Contribute to transforming the orientation, understanding, and management of public-interest issues
- II. Research and document national (primarily) and related regional, continental, and international developments in thematic areas of its work
- III. Analyse policies, current trends, and possible directions; and advise policymakers and other identified stakeholders
- IV. Educate and provide new information and perspectives
- V. Train and build skills base to be used for developmental and transformational purposes
- VI. Develop, create or contribute to new knowledge and understanding through discussion and debate
- VII. Provide services that help and enable clients solve their own problems

Democracy and Human Rights

The focus of the programme is to strengthen public understanding, appreciation and participation in democracy; and supporting democratic institutions. The TRC has reached thousands of Basotho in the rural areas through civic education; and has been vocal in lobbying for the establishment of a Human Rights Commission. Recently, the programme widened its reach with the introduction of peace building.

Social Justice

The primary focus of the programme is to advocate for justice on water and environmental issues that affect communities. The TRC believes that economic activities are crucial for realising development while also including the interests and welfare of the public. The TRC has been fighting for the compensation and economic rights of individuals and communities affected by the Lesotho Highlands Water Project, and those affected by extractive industries.

Resource Centre and Media

This is a repository of knowledge accessed and used by the TRC team, students, and policymakers to broaden their perspectives on different issues. The Library has proved itself as the key source of important information on social, political, economic, and cultural issues in Lesotho. The programme also communicates the TRC's activities to the world.

The TRC carries analyses and commentaries on important national issues, and sets the agenda through public forums, regular journals, *Work for Justice*, and *Litaba tsa Lesotho*, as well as occasional papers and research reports.



Disclaimer

This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of the author and can under no circumstances be regarded as reflecting the position of the European Union.