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HUMAN RIGHTS ORGANISATIONS CALL ON THE AFRICAN COURT TO RECOGNISE GENDER DISCRIMINATION IN THE APPLICATION OF THE DEATH PENALTY

10 March 2025, Freetown, Sierra Leone

A coalition of 24 African and international human rights organisations, from 17 countries, urged the African Court on Human and Peoples' Rights to consider the plight of women on death row throughout Africa in deciding whether the death penalty violates human rights.

The organisations argue in their submission that the “vastly inequitable treatment women receive” in courts across the continent “highlights the inherent arbitrariness of the death penalty.” Women are frequently imprisoned for crimes relating directly to their experiences of violence at the hands of intimate partners or family members. Yet courts often disregard that evidence. Moreover, women experience cruel and inhumane conditions in overcrowded prisons that rarely provide gender-specific healthcare and sanitary products, in line with the UN Bangkok Rules.

“Applying the death penalty to women through a system that so methodically demonises, humiliates, and disenfranchises women cannot be consistent with the equal-protection and right-to-life commitments that are embodied in the African Charter,” stated Juliet Mamawa Kaikai, Legal Manager of [AdvocAid](#), a civil society organisation based in Sierra Leone that provides legal representation to women and girls in contact with the criminal legal system.

In their submission to the African Court, the organisations highlight the case of Lemi Limbu, a woman who is currently facing the death penalty in Tanzania. Lemi lives with intellectual disability. As a girl, men in Lemi's village would drag her out of her family home to rape her. She was unable to resist because of her intellectual disability. Following repeated sexual violence, she became pregnant as a result of rape and married a man who beat her repeatedly. After she escaped her partner with the help of her family, she met a man who promised to marry her. Instead, he killed her daughter in front of Lemi and ran away before the police arrived. Lemi was arrested, and because of her intellectual disability, was unable to understand their questions or what they wrote down in their report. Lemi was not sure how to spell her own name. She did not know how old she was, nor could she remember her grandmother's name or the village in which she lived. She did not know the ages of her children. She did not know the last name of her husband, the name of the man who fathered her first child, or the name of the man who is believed to have killed her daughter.

At trial, the court refused to consider an expert's opinion explaining that Lemi was intellectually disabled. Lemi was convicted and sentenced to death, and remains on death row today.

“Lemi’s case is emblematic of the challenges that women face in a legal system that is blind to the consequences of gender based violence and intellectual disability,” said Sabrina Mahtani, a Zambian-British lawyer and the founder of [Women Beyond Walls](#), an organisation dedicated to combatting the over-criminalisation of women and girls worldwide. *“The death penalty cannot be upheld as a punishment when women are routinely deprived of their rights to a fair trial,”* she added.

The submission of the 24 organizations, led by AdvocAid, was presented to the African Court on Human and Peoples’ Rights on 10 March 2025 to mark International Women’s Day (which this year fell on Saturday, March 8). The organizations’ arguments were in support of a request for an advisory opinion on the death penalty submitted by the [Pan African Lawyers’ Union](#). In that request, PALU asked the court to declare the death penalty a violation of human rights, including those set forth in the African Charter on Human and Peoples’ Rights.

About AdvocAid

AdvocAid provides holistic access to justice, legal education, empowerment and post-incarceration support to women and girls who come in contact with the law. AdvocAid’s work has led to the freeing of six women on death row in Sierra Leone. In over 16 years of operation, AdvocAid has provided legal representation to over 16,000 women and girls, and contributed to law reform, such as abolition of the death penalty.

List of Organisations

1. AdvocAid (Sierra Leone);
2. Women Beyond Walls;
3. Center On Gender And Extreme Sentencing (United States);
4. Coalition Mauritanienne Contre La Peine De Mort (Mauritania);
5. Southern Africa Litigation Centre (South Africa);
6. United We Change Lives (Tanzania);
7. Penal Reform International (Uganda);
8. Center For Legal Support And Inmates’ Rehabilitation (Nigeria);
9. Cameroonian Coalition Against Death Penalty (Cameroon);
10. Children Education Society (Tanzania);
11. Dingake Law Partners (Botswana);
12. Hope Behind Bars Africa (Nigeria);
13. Kaimenyi Mose & Company Advocates (Kenya);

14. Kenya Human Rights Commission (Kenya);
15. Kenya National Commission On Human Rights (Kenya);
16. Le Forum Marocain Pour La Verite Et La Justice (Morocco);
17. Legal Assistance Centre (Namibia);
18. Legal And Human Rights Centre (Tanzania);
19. Maja And Associates (Zimbabwe);
20. Pax Christi Uvira asbl (Democratic Republic of Congo);
21. Reprieve (United Kingdom);
22. Reseau Des Avocats Camerounais Contre La Peine De Mort (Cameroon);
23. The Foundation For Human Rights Initiative (Uganda);
24. The Inclusion Project (Nigeria).

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