Aminata’s Story

In 2009, Aminata* was arrested, accused of murdering her abusive boyfriend during a struggle whilst he was beating her. She was only 17 years old. She was sentenced to death for murder in November 2010 and feared each day she would be executed.

AdvocAid filed an appeal for her in 2010 but it took 4 years for her case to be heard by the Court of Appeal. She, like too many women behind bars, was forgotten and overlooked. In 2011, her sentence was commuted to life imprisonment. Finally, 9 years after she was sentenced to death, her appeal was granted and her sentence was quashed.

Recently, Aminata has been working with AdvocAid to advocate for the abolition of the death penalty, meeting with Ministers, diplomats and other stakeholders to share her powerful story.

Aminata is from the Eastern region of Sierra Leone, Kenema, rich in diamonds. She was an orphan, illiterate and did not go to school. Aminata was in a relationship with Foday* but left him as he used to beat her on a regular basis and stole from her. Unfortunately, Foday lived in the same compound as Aminata as he was the landlord’s son and he used to harass her to continue the relationship.

One morning in September 2009 it all got too much for Aminata. Foday was beating her with a rubber pipe and, to protect herself, she stabbed him with a knife. She was arrested by the police and detained for several days. AdvocAid hired a senior female lawyer to represent Aminata in court. She argued at the jury trial that Aminata acted in self-defence and was not guilty of murder.

However, the judge did not agree and, when advising the jury on the law, he stated that using a knife when being beaten by a rubber pipe was disproportionate use of force. At 17 years old, Aminata was a juvenile and should not have been subjected to adult proceedings or sentenced to death in the first place. However, like many people in Sierra Leone, she did not have a birth certificate to prove her age and so the police listed her age as 18.

After her conviction, Aminata was moved to the maximum security prison in the capital Freetown, about 5 hours drive away. She sometimes attended education classes offered in the prison by AdvocAid and engaged in bead making but most days she was quiet and tearful. She had no contact with family or friends and as her physical and mental health deteriorated, she lost hope that she would ever leave prison. On several occasions, she attempted suicide.

“\nI didn’t know that a woman could report a man to the police because of abuse, if I had known I would never have ended in prison.”
-Aminata
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Aminata’s case was heard in the Court of Appeal in May 2014 and the case closed for judgment in February 2015. It took a further 4 years for Aminata to hear that she could walk free and would not have to spend the rest of her life in prison.

Since Aminata’s release, AdvocAid continues to assist her and support her in the challenging process of reintegration and rehabilitation. Her experiences have had a lasting impact on her mental health and AdvocAid provides her with ongoing psychosocial support. AdvocAid’s social workers also provided family tracing to locate members of her family, who had no idea she was still alive.

Sadly Aminata’s story is not uncommon and AdvocAid has encountered similar cases in its 10 years of providing access to justice to women. The number of women in Sierra Leone and globally who have committed violent crimes is small. However, where women are convicted of murder or manslaughter, in a significant number of cases the victim is a male family member and there is a history of domestic violence.

States have obligations to protect women from domestic violence. However, many justice systems do not take into account the trauma experienced by these women. In Sierra Leone, and many other countries, there is no legal provision for a history of abuse to be considered and women have to rely on existing defences, such as self-defence, which are not suitable for women who have experienced prolonged abuse. Further, courts often do not have the right guidance or training about how to take victimisation into account when determining guilt or sentence. Sierra Leone’s judicial system is under-resourced and many Supreme Court and Court of Appeal judges also sit on High Court cases.

“My experience in prison was hell. I tried to commit suicide. My only coping strategy is I accept myself.” -Aminata

Police, prosecutors and judges should take a gender-sensitive approach and consider the factors that lead women to come into contact with the law, which often include histories of poverty and gender-based violence.