



**GENDER, DEVELOPMENT AND SOCIAL CHANGE**

*SERIES EDITOR: WENDY HARCOURT*

# **African Women Judges**

## Storytelling as Judicial Freedom



*Edited by*  
**J. Jarpa Dawuni**

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# Gender, Development and Social Change

Series Editor

Wendy Harcourt, The International Institute of Social Studies,  
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The *Gender, Development and Social Change* series brings together path-breaking writing from gender scholars and activist researchers who are engaged in development as a process of transformation and change. The series pinpoints where gender and development analysis and practice are creating major 'change moments'. Multidisciplinary in scope, it features some of the most important and innovative gender perspectives on development knowledge, policy and social change. The distinctive feature of the series is its dual nature: to publish both scholarly research on key issues informing the gender and development agenda as well as featuring young scholars and activists' accounts of how gender analysis and practice is shaping political and social development processes. The authors aim to capture innovative thinking on a range of hot spot gender and development debates from women's lives on the margins to high level global politics. Each book pivots around a key 'social change' moment or process conceptually envisaged from an intersectional, gender and rights based approach to development.

J. Jarpa Dawuni  
Editor

# African Women Judges

Storytelling as Judicial Freedom

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*Editor*

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*Justice Yvonne Mokgoro (1950–2024)*  
*Justice Mary Mamyassin Sey (1952–2024)*

## FOREWORD I

From the moment we met, I knew that Jarpa Dawuni was not only an incredible scholar researching and writing about African women in law but also someone with an extraordinary passion for capturing these jurists' amazing stories and sharing them with the world. Her unwavering dedication and hard work have paid off in "*African Women Judges: Storytelling as Judicial Freedom*." These African jurists are role models, not only for women but also for men, in the African diaspora.

Their accomplishments and life lessons are a gift for all who seek to ensure that our justice systems treat everyone who appears before them fairly regardless of race, ethnic origin, age, gender, political, or financial status. They are equally inspirational for anyone who has had a dream that appeared unattainable because the challenges these jurists faced did not deter their dreams but rather spurred them to rise even higher. Their determination to triumph against all odds gives us lessons we can all learn from.

The significance of Dawuni's mission and this book resonated with me for several reasons. First, I did not meet a lawyer or a judge until I started law school and was not fully aware of the challenges I would

encounter. These stories would have helped me so much during law school and as a young lawyer. Second, they hit home as a founder of Just the Beginning—A Pipeline Organization, which began as a celebration of the contributions of U.S. federal judges of color and has evolved into a pipeline organization offering programs and guidance for students from middle school through law school. JTB was built to provide role models in the law for young people, particularly for first-generation lawyers and from underrepresented groups.

I know how invaluable role models are in the development of young people as well as in those already in the legal profession. We all need inspiration. And the stories in this book will inspire anyone who has a dream but sees a dark or difficult road ahead. Their stories will light the way forward and give them the strength to persevere.

I have also had the honor and privilege of personally helping to tell the stories of groundbreaking women in the American federal judiciary. I have moderated one-on-one public interviews with U.S. Supreme Court Justices Sandra Day O'Connor, Ruth Bader Ginsburg, Sonia Sotomayor, and Elena Kagan, as well as U.S. District Court Judges Constance Baker Motley, Consuelo Marshall, Anne Thompson, and other groundbreaking women who have served in the federal courts.

I have been inspired by their dedication to justice and by the sacrifices they made. Their stories, the challenges they faced when they grew up, the obstacles they faced as women, and their ability to juggle many roles are some of the many commonalities they have with their African counterparts.

When Dawuni asked me if I would interview outstanding African women, justices, judges, and magistrates who were the first women on their respective courts or international tribunals, I immediately said "yes." I have worked with and continue to work with some of these jurists and with many other African women as I continue to advance the Rule of Law in Africa. I was thrilled, humbled, and honored to participate.

I learned so much from each of them. My life is much richer because I got to know these remarkable women and I will continue to carry their stories in my heart and their lessons in my mind as I live my life. As



you read their stories, you will cry, laugh, and experience sadness, joy, and light. Each jurist overcame seemingly insurmountable challenges, and their stories will give you hope and confidence as they reveal how and why they have been so successful.

Judge Ann Claire Williams  
(Ret.) served on the Federal U.S.  
Court of Appeals for the Seventh  
Circuit and the U.S. District  
Court for the Northern District  
of Illinois  
Chicago, IL, USA

## FOREWORD II

Women judges in Africa bear many titles—as women, mothers, and members of extended family systems. From these titles, a lot is expected from them regarding service delivery in administering justice in various courts, while familial and faith-based demands tag along. As for litigants before them, whether as a solo, mixed gender, or women-only bench, so much anxiety is experienced that “female justice” is still not readily accepted. Over the years, the appointment and election of women judges have gradually challenged gender-based stereotypes in the minds of the recipients of justice and society in general. As women judges continue to excel, they have individually and collectively proven beyond a reasonable doubt that they are competent to occupy such positions.

Documenting and recording the experiences of individual women judges contributes to the confidence and resolve other women judges may have toward their duties on the bench. It is, therefore, important that the professional trajectories of women judges are recorded for posterity. *African Women Judges: Storytelling as Judicial Freedom* presents women as a diverse group, drawing from different geographical locations on the African continent and beyond and at varying levels of courts. Further, this book demonstrates how traditions can influence women judges during their upbringing, yet such traditions are no defining factor regarding their competence. Ethics and traditions aside, law school education and legal practice training are the guiding lights, equipping them as skilled judges practicing within the provisions of their jurisdiction.

As this book shows, African women judges have served across international, regional, and national jurisdictions, executing their duties with equal diligence and competence as male judges. This demonstrates that equal education and legal training from different national and international institutions prepare judges well, regardless of gender. While different family backgrounds may influence career choices, these narratives show that tenacity for excellent judicial outcomes is a shared resolve.

Books such as this are a welcome tool for women judges to have freedom of professional discourse. Stories of the courage of women judges in politically charged cases, as told in this book, demonstrate that educated and trained women judges are “judges” regardless of gender. In some of the stories in this book, there are aspects of bias against women judges. Some women judges have often received less respect from male lawyers and colleagues. This demonstrates that stereotyping is an ongoing bias some women judges must constantly navigate, which calls for resilience and tenacity. All these attributes are narrated in this book.

Looking at Dawuni’s research skills and clarity of expression on women judges’ personal stories, one finds a rich resource of pleasurable reading that provokes further thoughts on the quest for justice, but by whom and for whom? I have known Dawuni as a thorough chronicler of the achievements of African women judges, their influence and contributions to justice at national, regional, and international levels of jurisdiction.

As some of the pioneer women judges in this book narrate, not too long ago, women were not given equal opportunities to study law. Yet, within a relatively short time, African women judges serve worldwide at the International Court of Justice, the International Criminal Court, the African Court on Human and Peoples’ Rights, the ECOWAS Court of Justice, COMESA Court of Justice. They can also be found in increasing numbers at other regional courts and in almost all national courts. It begs one’s imagination why women were not given equal opportunities to enter law schools. Imagine laws regulating all human conduct and promoting human endeavors administered by male judges alone! What a poor world that would be! Just look at the insights and decisions of women judges wherever and whenever they are called upon to adjudicate. The quest for justice is a noble cause that must accommodate both women and men.

In her earlier pioneer book, *International Courts and The African Woman Judge: Unveiled Narratives*, Dawuni encouraged me to record my life story and experiences as a woman judge at the UNICTY/ ICTR

and the ECCC. Having served as the Vice President at the UNICTY, I share similar experiences with these women judges whose personal stories are narrated in this book. As they work in various courts, women judges do not think much about self-promotion, only about completing the cases before them. It is only when they look back at how far they have come that it dawns on them that their caseload has had an immense influence on the communities they serve. This is what Dawuni's documentation in this book has done. Her encouragement for women judges to record their personal stories encourages future female jurists to engage fully with justice and fairness. In some of the phenomenal books authored or co-edited by Dawuni, such as *International Courts and The African Woman Judge: Unveiled Narratives*; *Intersectionality and Women's Access to Justice in Africa* and, *Her Ladyship the Chief Justice: The Rise of Female Leaders in the Judiciary in Africa*, lies so much reflection on African women judges and their roles in the administration of justice.

This foreword invites the reader to dig deeper into women's intellect, courage, and steadfastness regardless of their challenges. For this reason, I recommend it as essential reading, an indispensable tool for further research into these exciting and impactful career paths women judges have trodden.

*Allow them to sing their songs...*

Justice Florence Ndepele  
Mwachande Mumba  
Former Vice President and Judge  
of the UNICTY and ICTR,  
Former Judge of The Supreme  
Court Zambia, International  
Judge of The Supreme Court  
Chamber of the Extraordinary  
Chambers in the Courts  
of Cambodia  
Lusaka, Zambia

## PREFACE

In 2020, amid the COVID-19 pandemic, I needed positive news to keep my spirit alive and hopeful. I have published four books on women judges and conducted over 100 interviews across eight countries for my research projects. Through fieldwork and in-depth interviews with women judges, I documented several narratives of women's fascinating intersectional, complex, and impactful lives as women, judges, and mothers. While I documented these accounts in my academic writings, I often wondered what other stories and lived experiences the judges could not share during these interviews.

Through my work at the Institute for African Women in Law, I harnessed the power of African storytelling to situate these judicial lives. I created an oral narrative video project through which we interviewed and profiled top women judges across Africa through the *African Women in Law Legacy Project*. I shared my vision with Judge (Ret.) Ann Claire Williams,<sup>1</sup> has a big heart for Africa and the rule of law. She thought it was a brilliant idea, so we jumped on it, and we quickly got to work designing the project and contacting women judges we could interview.

<sup>1</sup> Judge Ann Claire Williams is a retired Federal judge of the United States Court of Appeals—Seventh Circuit. She is the first African American and third African American woman to serve on a Federal Appeals Court. Judge Williams has delivered training programs for public prosecutors and judges in several African countries, including Nigeria, Kenya, and Ghana.

With an ongoing global pandemic, the geographical locations of the women judges, and the cost of travel, we resorted to Zoom as the best tool to record these narratives. Today, we have recorded and archived over 30 interviews on the YouTube channel of the Institute for African Women in Law.

When I first conceived the idea for this book, I believed it would be my best book yet. By this time, I had published four books on women judges. Paradoxically, the idea for this edited volume came when I decided not to edit any more books but rather devote my time and energy to complete my monograph, which had been shelved for several years as I worked on edited volumes. Based on the rich narratives captured in the legacy project interviews, it was better for the women judges to write their own stories because I believed that no one could tell their stories better than they could.

Conceiving the idea for this book was the easy part. I sent out a call for contributions to different judicial listservs and WhatsApp groups and reached out directly to some of the judges within my network. In the ensuing months, I pursued the judges to complete their chapters. The “pursuit” for chapters was a game of hide and seek. I had several interesting conversations and laughed with some judges. One judge told me that each time she saw a text or email message from me, she felt like running and hiding under a bed or table because she had not started writing her chapter. Another said she had never met a person so persistent because I kept following up on her promise to send me a draft. A third judge told me she was enjoying her retirement by moving from one couch to the other in her home and could not bring herself to write despite her interest in documenting her life story. Eventually, they all stayed true to their promise and submitted their chapters.

These exchanges were a fun negotiation and discursive dance I had with the women judges who had contributed so much to justice and the rule of law. Despite their service to justice, their judicial and personal lives were shrouded in the mystical black robe, and many knew nothing or little about their lives on and off the bench. Finally, the chapters began to trickle in, and soon, it was time for me to start editing the chapters. I had worked with a few judges in the past who contributed to my book projects, and I knew that, generally, judges did not like being edited (I wonder if it felt like the bench was turned and they were on the receiving

side of a judgment?). Nonetheless, I knew my role as an editor was to painstakingly read each chapter and provide constructive comments and feedback to move the chapters to the next stage. I had to balance the delicate power boundaries cautiously—the authors as judges and me as an academic. Inherent in these power boundaries are intersectional identities of age, professional rank, and diverse cultural/ethnic differences. I had to carefully navigate these hierarchies without compromising my role as an academic and scholar in gender and judging in Africa. My reflexivity was crucial in navigating these boundaries.

Judges have a heavy writing load, given the judgments they must deliver and the constant backlog of cases they are buried under. I knew I could only get some judges to write their narratives. I devised a new plan of inviting some academics to write about the second set of judges who could not make the time to write their chapters. I scheduled the reviewing of the first set of judge-written chapters in early 2023. I was on my sabbatical leave, with the ambitious goal of finishing up four book projects and launching the four-nation massive reports on women in law and leadership in Africa by the Institute for African Women in Law.

With this heavy and demanding writing load on my desk, I was caught up in writing paralysis. I needed to figure out where to start. Finally, on the dawn of February 28, 2023, I woke up at 1:50 a.m. and could not go back to sleep. After tossing and turning in bed for about forty minutes, I decided to sit at my desk and begin editing. Within five hours, I had gone through three of the chapters. After this first set of reviews, I reaffirmed the importance of this book project—*no one can tell your story better than you can!*

Reading and editing these chapters' narratives felt like watching a television series about these women judges. I had heard some of those experiences during the interviews, but the narratives in these chapters were packed with such details that only a person who had gone through those experiences could narrate. I read about the resilience in making the choices that led them to study law. I also read about the horrible experiences of sexual harassment, professional threats, and abuse some of them faced at the hands of colleagues, gendered institutional norms, and political plots.

As I read these narratives, I saw the importance of childhood experiences in shaping one's quest for justice. As some of these judges reflect

on their childhood, they highlight why the normative does not always explain the empirical and vice versa. These reflective revelations also point to the idea that judges are not a monolithic group, and each judge is a sum of their lived experiences, thereby supporting the importance of documenting the life stories of judges.

Washington DC, USA

J. Jarpa Dawuni



## ACKNOWLEDGMENTS

I thank God who gives me wisdom and direction. I am very grateful to several people who helped me along the journey in completing this book. My most immense gratitude goes to Judge Ann Claire Williams (Ret.), whose passion for justice, the rule of law, and stellar skills in conducting the interviews with the women judges led to the excellent insights we hear from each judge. I am grateful for the anonymous reviewers who read the book proposal and gave insightful feedback. I am thankful for Shannon Johnson and Tamia McDonald's editorial and research assistance, and Maame Efua Addadzi-Koom and Wunpini Fatimata Mohammed for their reviews. Special thanks to the publishers at Palgrave for your patience and guidance as I completed this manuscript. Now and always, my gratitude goes to my family, who were patient with me and encouraged me to the finish line. I am who I am because of your love; thank you.

**Competing Interests** There are no competing interests in the production of this book.

**Ethics Approval** These chapters were produced using academic ethical standards. There is no risk to the subjects covered.

## ABOUT THIS BOOK

*African Women Judges: Storytelling as Judicial Freedom* is a significant addition to the discourse on gender and judging, as it chronicles the lives and experiences of 16 women judges across Africa. The women judges, who have held various court ranks at national and international levels, are not just subjects of study but guideposts for other women in law who aspire to be changemakers. Their stories are narrated in a way that blends personal and professional experiences, offering a comprehensive view of the individual beyond the judicial roles. The storytelling method contextualizes and elucidates the critical aspects of the judges' lives and professional accomplishments and their contributions to the rule of law, justice, and women's rights, both within and outside the judiciary. By contextualizing the lives of these judges, the book moves beyond the descriptive representation of women judges by highlighting their substantive representation and contributions to justice, equity, and the rule of law in national and international judiciaries. It also enriches the diversity of research knowledge within the global discourse on gender and judging, making a unique addition to the expanding literature on African women judges. A must-read for judges, lawyers, policymakers, women's rights advocates, students, and scholars of law, gender, and judging.

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## NOTES ON CONTRIBUTORS

**Penelope Andrews** is the John Marshall Harlan II Professor of Law at New York Law School and the director of the New York Law School's Racial Justice Project. Over the last 15 years, she has been an avid educator and author on the subjects of international law, gender, racial equality and comparative law. In her work, Andrews particularly focuses on the South African judiciary, analyzing how it has transformed over the years regarding the appointment, status, and treatment of women judges. Andrews has also served on the North Gauteng High Court in Pretoria, South Africa, as an acting judge (2018) and as an arbitrator for hearings on racial discrimination. She edits the *International Journal of Law in Context*, the *Human Rights and the Global Economy E-Journal*, and the *African Law E-Journal*.

**Nancy Baraza** is a former deputy chief justice and vice president of the Supreme Court of Kenya, as well as former judge of the Supreme Court. She is a senior lecturer in the Faculty of Law, University of Law of Nairobi. She was admitted to the Bar in 1982. Dr. Baraza served as a vice chairperson of the Kenya Law Reform Commission and was influential in drafting laws such as the Marriage Act, the Matrimonial Property Act and the Protection from Domestic Violence Act, among others. Dr. Baraza was a member of the Constitution of Kenya Law Review Commission, which contributed to the drafting of the 2010 Kenyan Constitution, where she specifically oversaw the shaping of the Bill of Rights in the Constitution. She previously served as the president of the Federation

of Women Lawyers in Kenya (FIDA-Kenya), a premier NGO which champions women's empowerment.

**Tujilane Rose Chizumila** is a prominent figure in the field of law, serving as a distinguished judge on the African Court on Human and Peoples' Rights where she is serving her second and final six-year term. Her journey from being a refugee child to a respected judge is chronicled in her book, *From a Refugee Girl to a Judge: My Journey*. Her expertise spans national, regional, and international spheres, having worked in significant roles including Ombudsman of Malawi, judge at The High Court of Malawi, and high commissioner of Malawi to Zimbabwe and SADC, and with organizations such as the African Union, SADC, COMESA, UNICEF, UNHCR, and Save the Children Federation (SCF) USA. Notably, she was the first female lawyer in Malawi to establish a private legal firm, Chizumila & Company in 1994.

**J. Jarpa Dawuni** is an Associate Professor of Political Science at Howard University, Washington D.C. She is a qualified Barrister-at-Law before the Superior Courts of Ghana. She holds a Doctorate in Political Science from Georgia State University. Her primary areas of research and advocacy include law and development, judicial politics, women and the legal professions, gender and the law, international human rights, democratization and women's civil society organizing. Her books include *Intersectionality and Women's Access to Justice in Africa* (Rowman and Littlefield, 2022), *Gender, Judging and the Courts in Africa: Selected Cases* (Routledge, 2021), *International Courts and the African Woman Judge: Unveiled Narratives* (Routledge, 2018) co-edited with Judge Akua Kuenyehia and *Gender and the Judiciary in Africa: From Obscurity to Parity?* (Routledge, 2016), co-edited with Gretchen Bauer. She is the Founder and Executive Director of the non-profit organization, Institute for African Women in Law.

**Memooda Ebrahim-Carstens** is the first Botswanan woman to serve on the Industrial Court of Botswana. She received her LB from City of London Polytechnic Business Law School, and obtained her LL.B from Lincoln's Inn, London. She owned her own legal practice from 1987 to 1998, then transitioned to judiciary full-time. Judge Ebrahim-Carstens served as a judge at the High Court and Industrial Court of Botswana from 1997 to 2009, later leaving the Botswana judiciary for the United Nations Dispute Tribunal (UNDT) in New York. She remained

on the bench of the UNDT for 10 years (2009–2019), where she gave significant judgments and also served as the president for two terms (2011–2012, 2014–2015). Judge Ebrahim-Carstens has published in the *American Journal of International Law* (AJIL) on Gender Representation on the UN Tribunals and has presented papers on the topic at numerous conferences throughout Africa, Europe, and the United States.

**Nkemdilim Izuako** became a magistrate in 1982, and later worked in judicial administration as the executive secretary of the Anambra State Judicial Service Commission in Nigeria. Izuako became a judge of the High Court in 1998 and later worked for the Commonwealth, first as a judge in the Gambia and later in the Solomon Islands. Following the United Nations' reform of its internal justice system, Izuako was one of the eight pioneer judges recruited for the United Nations Dispute Tribunal (UNDT) in 2009 where she served for just over ten years. She is a women's rights activist and taught the course on Women and Minority Rights Law at the Nnamdi Azikiwe University, Nigeria.

**Shannon L. Johnson** is an attorney based in Washington, D.C. Originally from Delafield, Wisconsin, she graduated with honors degrees in political science and gender/women's studies from the University of Wisconsin-Madison. Johnson studied law at American University Washington College of Law, where she graduated magna cum laude and earned her juris doctor. She now serves as an attorney-advisor, specializing in international trade for the U.S. Customs and Border Protection within the Department of Homeland Security.

**W. Naigaga Kyobiika** is a legal practitioner with a human rights background. She has spent most of her career serving as a magistrate in the Ugandan judiciary. Kyobiika is also a Legal and Gender consultant whose work currently focuses on Law and Human Rights, Gender, and Judging across sub-Saharan Africa. Kyobiika is passionate about promoting gender-informed policymaking and improving the legal framework protecting women and girls from discrimination and gender-based violence. To this end, she aims to be a change agent at the grassroots level with civil society organizations that target access to justice and development tools for vulnerable and marginalized women and girls in Ugandan society. Kyobiika is a Federation for Women Lawyers – Uganda board member and a technical committee member of the International Association of Women Judges – Uganda Chapter.

**Agnes Meroka-Mutua** is a senior lecturer at the Faculty of Law, University of Nairobi, where she teaches and supervises in the following areas: Law and Development; Gender and the Law; Human Rights Law; and Disability Rights Law. She is a member of the Management Board of the African Women Studies Center; a trainer and researcher at the Africa Co-ordinating Center for the Abandonment of FGM (ACCAF); the senior researcher and assistant policy coordinator, at the University of Nairobi, Women Economic Empowerment (WEE) Hub; a member of the Research and Training Team at the University of Nairobi, Center for Land Acquisition and Resettlement Studies. She holds Ph.D and LL.M qualifications from the University of Warwick, an LL.B from the University of Nairobi, and she is an advocate of the High Court of Kenya.

**Sanji Mmasenono Monageng** is a retired judge of the International Criminal Court, The Hague, The Netherlands (2009–2018). She served as a judge of the High Court in The Gambia (2006–2007) and Eswatini (2008–2009), and a magistrate in the Courts of the Republic of Botswana (1987–1997). She has also served as a commissioner and chairperson of the African Commission on Human and Peoples' Rights (2003–2009). She is a judge and president of the Southern African Development Community Administrative Tribunal. Dr. Monageng is a member of several international organizations, including the International Association of Women Judges, Washington, USA. She is presently the Botswana High Commissioner to South Africa.

**Monica Kalyegira Mugenyi** is a justice of the Ugandan Supreme Court. She previously served as principal judge of the East African Court of Justice and administrative head of the Court's First Instance Division, the first woman to occupy that position. With over 30 years experience in the legal profession, Mugenyi is a Fellow of the Chartered Institute of Arbitrators of the UK (FCI Arb) and holds a Master of Laws Degree in International Trade Law from the University of Essex, UK.

**Annerita Murungi** is an advocate of the High Court of Kenya; she is a certified professional mediator on the Judiciary Court Annexed Mediation. She is currently the chief executive officer and administrator at the HIV & AIDS Tribunal, established under the law to protect the rights of people affected by HIV. Murungi has worked for the judiciary for over 14 years, at the High Court of Kenya in multiple sectors, specifically the Civil, Family, and Criminal and Commercial Divisions. Before joining the



Tribunal in 2018, she worked at the Supreme Court of Kenya. She has a keen interest in safeguarding the rights of vulnerable groups. Annerita Murungi holds a Bachelor of Laws, (LL.B); Master of Laws, (LL.M), from the University of Nairobi; a Bachelor of Commerce (B-Com); and a Master of Business Administration, (MBA), from the University of Nairobi.

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**Aminatta Lois Runeni Ngum** is a judge of the UN International Residual Mechanism for Criminal Tribunals. N’gum is a subject-matter specialist at the Legal Gambia National Assembly and a designated arbitrator for the World Bank International Center for Settlement of Investment Disputes. N’gum served on the Gambia Court of Appeal from 2010 to 2011, and was appointed and served in the Supreme Court of The Gambia for the November 2010 session. She sat on the International Criminal Tribunal for Rwanda (ICTR) from 1999 to 2009, the Head Appeals Support Unit, The Hague, The Netherlands; the Head Defense Counsel and Detention Management Section; and the Deputy Chief Court Management Section in Arusha, Tanzania. She is a member of several professional associations, including the Commonwealth Magistrates’ and Judges’ Association, International Association of Women Judges, and Soroptimist International Banjul.

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**Margie Victor** qualified as a social worker, then attorney, and was later called to the Johannesburg Bar to practice as an advocate. In 2008, after spending 25 years as an advocate at the Johannesburg Bar, she was elevated to the Johannesburg High Court of South Africa Gauteng Local Division, based in Johannesburg, as a judge. She was a judge of the Competition Appeal Court. In 2016 she served as an acting justice of the Supreme Court of Appeal. From 2019 to 2021, she sat as an acting justice of the Constitutional Court. Her contributions outside of judicial work include being vice president of the South African Chapter of the International Association of Women judges. She is also involved in the WOZA Women's Academy of Learning Project, where their motto is "Women Judges making a difference." She has done extensive work on

mentoring aspirant judges. She has mentored women legal practitioners to strengthen their skills within the profession. She also mentored final year law students from the USA while they were judges' clerks, as well as many South African law students.

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# Who Will Sing Their Songs? Women Judges and the Power of Judicial Storytelling

*J. Jarpa Dawuni*

One never knows what theories are uncovered during storytelling. The art of storytelling and the dialogic of communicating one's lived experiences is the first step to building knowledge and theory. Judicial storytelling is an act of freedom.<sup>1</sup>

*J. Jarpa Dawuni*

## INTRODUCTION

While conducting fieldwork in Ghana in 2016 on women in law, I interviewed Estelle Appiah, a lawyer who was the director of legislative drafting at the Attorney-General's Department of the Ghana Ministry of Justice. This fortuitous encounter led to a discovery that neither I nor many others in Ghana knew beforehand. Estelle Appiah was the daughter of Essi Matilda Forster, the first woman lawyer in Ghana, who was called to the English Bar (Gray's Inn) in 1945 (IAWL, n.d.). For many years, the historical archives erroneously named Annie Jiaage as the first woman

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lawyer in Ghana, conflating her position as the first woman magistrate with being the first woman lawyer (Dawuni, 2012).<sup>2</sup>

My encounter with Estelle Appiah led to another interview and a short publication about her mother (IAWL, n.d.). Estelle Appiah generously granted this interview while completing her book about Essi Matilda Forster and her family's journey from Dominica to Ghana (Rouse-Jones & Appiah, 2016). The story of how I came to "discover" the fascinating and hidden story of Essi Matilda Forster reinforced my academic yearning for more historical data and research on pioneer women lawyers and judges across Africa.<sup>3</sup> While I do not doubt the existence of some archival research on women judges in Africa, accessibility to such research is often a significant challenge due to the lack of digitalization and poor or inadequate recordkeeping.<sup>4</sup> This book attempts to ease the challenge for current and future scholars from facing similar difficulties I have faced in my research by providing a compilation of rich, thick legal narratives of the lives of 16 women judges from different countries across the continent. The experiences of these women are diverse and defy a simplistic generalization, yet patterns emerge that show the interconnections between their personal lives and professional work as judges. At the same time as I complete this volume, I am simultaneously completing my first monograph, *African Women in Law: A Comparative Overview*,<sup>5</sup> a project that has taken eight years to complete partly due to the need to construct Afrocentric models, theories, and appropriate frameworks for studying the lives of African women in law.

While this volume tells the stories of African women judges, the experiences of these women judges are interconnected with those of other women judges. Regardless of profession, race, geography, and other intersecting identities, these interconnections stretch beyond the continent of Africa. In January 2023, the Institute for African Women in Law launched a series of reports on women in law and leadership in Nigeria, South Africa, Kenya, and Senegal. During the launch of the three reports on women at the bar, bench, and the legal academy<sup>6</sup> in South Africa, Deputy Chief Justice Mandisa Maya, in her keynote speech, recounted a time when her son called her from home when she was just about to sit on a big case in the Constitutional Court of South Africa:

I have often told the story of one of my children, when they were younger, calling me on the phone just as I was getting ready to step into court to hear a big, important appeal case with four very senior male colleagues,