

via fax: 011 503 2207-3586

Sr. Douglas Meléndez

Attorney General of El Salvador

June 1, 2016

Dear Attorney General Meléndez:

We are extremely concerned to learn that you plan to file an appeal action and request a review of the latest ruling concerning **María Teresa Rivera**, age 33, who was released from prison on May 20 where, since 2011, she has been serving a 40-year sentence for aggravated homicide after having a miscarriage.

In November 2011, María Teresa's mother-in-law took her to the hospital when she found her on the floor almost unconscious and bleeding. While she was still bleeding, a health worker reported María Teresa to the police for "signs of having had an abortion." Police detained and handcuffed her as she lay in her hospital bed.

During her trial, the court ruled that María Teresa's statement that she did not know she was pregnant could not be true because one of her bosses asserted that María Teresa had informed her in January 2011 that she was pregnant. But if that assertion were true, María Teresa would have been 11 months pregnant at the time of her arrest.

In November 2015, El Salvador's Human Rights Ombudsperson declared that the authorities had not respected María Teresa Rivera's rights to equality and non-discrimination or her right to due process. The ombudsperson stated that the authorities had violated the principle of the presumption of innocence and that they had not proven María Teresa's guilt. On May 20, 2016 a judge released María Teresa after reviewing her sentence and ruling that there was not enough evidence to prove the charges against her.

María Teresa is one of many women in El Salvador who are victims of the 1996 law that criminalizes abortion in all circumstances, including danger to the woman's life, rape, incest, or cases of severe fetal impairment. Many women miscarry or experience other obstetric emergencies, especially women who do not have pre-natal medical care because they come from poor or disadvantaged circumstances. Often they are prosecuted on charges of abortion. Some have been accused of aggravated homicide and sentenced to up to 40 years in prison.

Because of the circumstances described above, we **strongly urge** that you refrain from filing an appeal to reverse the release of María Teresa Rivera.

Sincerely,

Brian J. Stefan Szittai
Co-Coordinators

and

Christine Stonebraker-Martinez

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Martha Pacheco, El Salvador Desk at US State Dept. ~ via email
Margarette May Macaulay, Rapporteur for El Salvador, Inter-American Commission on Human Rights ~ via fax: 202.458.3992
US Senators Brown & Portman and US Representatives Fudge, Gibbs, Johnson, Jordan, Joyce, Kaptur, Latta, Renacci, Ryan ~ via email

UA 127/16_El Salvador

The following people hereby urge you to take action on this matter as indicated in this letter: