

Dr. Raúl Ernesto Melara Morán
Fiscalía General de la República (FGR)
Edificio Farmavida
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Urb. Madre Selva 3
Antiguo Cuscatlán
San Salvador, El Salvador
via email: xvpocasangre@fgr.gob.sv

October 23, 2019

Dear Dr. Melara:

We are outraged at the Public Prosecutor's decision to appeal a lower court's acquittal of aggravated homicide charges against **Evelyn Hernández** in connection with an obstetric emergency.

Evelyn Hernández, 21, was raped by a gang member and was unaware of her pregnancy until just before delivering a stillborn son in April 2016. After she was treated at a hospital, the attending staff reported her to the police. She was arrested, tried, and sentenced to 30 years in jail for aggravated homicide. In 2018, a higher court overturned this ruling and ordered a re-trial.

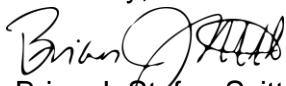
On August 19, 2019 the re-trial judge declared Evelyn innocent, stating that there was insufficient evidence to demonstrate that she had committed a crime. The Office of the Public Prosecutor, however, announced on September 6 that it was appealing this verdict, once again raising the possibility that Evelyn will be subject to prosecution for her pregnancy-related complication.

Evelyn Hernández 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 wrongly accused of aggravated homicide and sentenced to up to 40 years in prison. According to Amnesty International's partner organizations in the country, at least 16 women remain in jail or continue to face charges in these circumstances.

We **strongly urge** that you

- immediately drop the appeal against the court's verdict
- ensure that women in El Salvador are not put on trial for pregnancy-related complications

Sincerely,


Brian J. Stefan Szittai
Co-Coordinator


Christine Stonebraker-Martinez

copies: Sra. Raquel Caballero de Guevara, Ombudswoman for the Defense of Human Rights ~ via email & US mail
Ronald Johnson, US Ambassador to El Salvador ~ via US mail
Werner Romero, Chargé d'Affaires, Embassy of El Salvador in Washington, DC ~ via email and US mail
El Salvador Desk, US State Department ~ via email
Margarette May Macaulay, Rapporteur for El Salvador and Rapporteur on the Rights of Women, Inter-American Commission on Human Rights ~ via email & US mail
Dubravka Šimonović, UN Special Rapporteur on Violence against Women ~ via email
US Senators Brown & Portman and US Representatives Beatty, Fudge, Gibbs, Gonzalez, Johnson, Jordan, Joyce, Kaptur, Latta, Ryan ~ via email

UA133/19_El Salvador

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