

URGENT ACTION

EVELYN AT RISK OF FURTHER CRIMINALIZATION

Evelyn Hernández was acquitted of charges for aggravated homicide in August, after suffering an obstetric emergency in which she lost her pregnancy in 2016. She is now at risk of further criminalization by El Salvador's Public Prosecutor's Office, which has appealed the court's ruling. Please take immediate action calling upon the Attorney General to drop the appeal.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Dr. Raúl Ernesto Melara Morán
Fiscal General de la República
Fiscalía General de la República (FGR)
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Urb. Madre Selva 3, Antiguo Cuscatlán,
San Salvador, El Salvador
Email: xvpcasangre@fgr.gob.sv

Dear Attorney General,

I am writing to express my outrage at the decision by your office to appeal the court ruling that absolved Evelyn Hernández of charges for aggravated homicide.

Evelyn suffered an obstetric emergency in 2016, which led to the loss of her pregnancy. She was unjustly jailed over this event, and courts found her innocent in August 2019.

I call upon you to immediately drop the appeal against the court's verdict and ensure that neither Evelyn nor any other woman in El Salvador be put on trial for pregnancy-related complications.

Yours sincerely,

ADDITIONAL INFORMATION

On 6 April 2016, Evelyn Hernández, 21, suffered an obstetric emergency in her home in El Salvador which resulted in the loss of her pregnancy. Once at hospital, 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 19 August 2019, the judge in this re-trial declared Evelyn innocent, stating that there was insufficient evidence to demonstrate that she had committed a crime. On 6 September 2019, however, the Salvadoran Public Prosecutor's Office announced that it was appealing this verdict, once again raising the possibility that Evelyn will be subject to prosecution for her pregnancy-related complication.

Abortion is illegal under all circumstances in El Salvador, and women who suffer obstetric emergencies are often wrongly accused under these laws. 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.

In 2015, Amnesty International published a report (<https://www.amnesty.org/en/documents/amr29/2873/2015/en/>) that highlighted the impact of such arbitrary punishments on women in El Salvador and how those impacted come predominantly from marginalized backgrounds.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 8 November 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Evelyn (she, her)

LINK TO PREVIOUS UA: N/A