



## **Clooney Foundation for Justice Statement on the Trial of Evelyn Hernandez in El Salvador**

*The following statement can be attributed to a spokesperson for the Clooney Foundation for Justice:*

August 20, 2019 - "The Clooney Foundation for Justice's TrialWatch initiative has concluded its monitoring of the case of Evelyn Hernandez in El Salvador. Ms. Hernandez had been charged with aggravated homicide – for a second time – for an obstetric emergency.

Ms. Hernandez claims that she gave birth to a stillborn child after she was raped and was not aware that she was pregnant. Although Ms. Hernandez, a teenager at the time of the event, was acquitted in the retrial, we remain concerned about the decision to prosecute her in the first place under El Salvador's law criminalizing abortion. As with [other prosecutions that have been brought under this law](#), there were serious concerns about the fairness of the trial, including the insufficiency of the evidence presented by the prosecution to establish guilt. A full report assessing the fairness of the trial will be available soon at [www.trialwatch.com](http://www.trialwatch.com)."

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### **Background Information**

Evelyn Hernandez, a twenty-one-year-old woman, was acquitted on August 19 of aggravated homicide charges brought under El Salvador's laws criminalizing abortion. Ms. Hernandez, who has stated that she was raped and was unaware that she was pregnant, was found unconscious and covered in blood, having mistaken severe abdominal pain and diarrhea for stomach troubles. She had previously been tried on the same charge, convicted, and sentenced to 30 years in prison, but her conviction was annulled by the Supreme Court of El Salvador. This was her retrial. During the proceedings, the prosecution stated in court that the defense had not proven that she did *not* know of the pregnancy. Further, the prosecution pursued the case without adequate evidence to show that Ms. Hernandez did not intend to provide appropriate neonatal care -- a lack of evidence the judge cited in acquitting Ms. Hernandez.

The Clooney Foundation for Justice's TrialWatch initiative monitors criminal prosecutions of vulnerable persons around the world, including women and girls. This proceeding was monitored by [the American Bar Association Center for Human Rights as part of the TrialWatch initiative](#). A TrialWatch Fairness Report assessing and grading the trial according to international human rights standards will be released shortly.

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*About the Clooney Foundation for Justice's TrialWatch Project*

TrialWatch is a project of the Clooney Foundation for Justice focused on monitoring and responding to trials around the world that pose a high risk of human rights violations. For more information, visit <https://cfj.org/project/trialwatch/>.