

Salvadoran woman hopeful of acquittal in retrial for stillbirth



San Salvador, August 17 (RHC)-- A Salvadoran woman sentenced to 30 years in prison after a stillborn delivery -- the result of rape -- is back in court for a retrial on homicide charges, for which prosecutors are now asking a 40-year prison sentence.

Judge Jose Virgilio Jurado Martinez ordered an early recess after one of the witnesses against 21-year-old Evelyn Hernandez failed to appear. Defense attorney Bertha de Leon told reporters that the missing witness, a policewoman, was expected to take the stand on Friday at the courthouse in Ciudad Delgado. She and others on the defense team are optimistic "because there is no indication that Evelyn wanted to kill the newborn," De Leon said.

Another lawyer representing Hernandez, Arnau Baulenas, said the court heard on Thursday from four witnesses – two each for the prosecution and the defense. "In principle, the trial could end tomorrow and we would have to await the decision made by the judge," Baulenas said.

Both attorneys expressed confidence that their client will be acquitted. Hernandez, who was a teenager when she became pregnant as the result of a rape, took advantage of the media presence to insist again on her innocence and to urge prosecutors to drop the case.

"I only want to say that I am innocent. I ask the attorney general's office to reflect on things, because I am truly innocent and I hope that the judge does justice and, God willing, everything comes out fine," she said.

The prosecutors, who have declined to talk to the press, accuse Hernandez of aggravated manslaughter for failing to protect the life of her baby. Hernandez was convicted on that charge and sentenced to 30 years in July 2017, but the Salvadoran Supreme Court overturned the verdict last December and ordered a new trial.

On April 6, 2016, Hernandez's mother and a neighbor found the young woman soaked in blood on the bathroom floor. Paramedics diagnosed her with shock and took her to the hospital in Cojutepeque, about 40km east of San Salvador, where the doctors detected signs that she had given birth.

El Salvador prohibits abortion under all circumstances and according to Hernandez's lawyers, the physicians reported the incident to authorities, who discovered the newborn dead at her home.

The case has captured worldwide attention and human rights organizations and groups advocating the decriminalization of abortion have requested Salvadoran state attorneys to drop the charges against Hernandez.

With the country's draconian anti-abortion law, Salvadoran women who suffer miscarriages or spontaneous abortions are often accused of intentionally terminating their pregnancies.

While six other countries in Latin America and the Caribbean have absolute bans on abortion, El Salvador stands out for its high number of convictions against women, most of whom are poor and young.

About 20 women are currently in jail for abortion crimes after they suffered miscarriages, stillbirths or pregnancy complications, some serving sentences of up to 40 years, says the Citizen Group for the Decriminalization of Abortion (CDFA).

According to the CDFA, 129 women were convicted of abortion-related crimes between 2000 and 2011 in El Salvador. Since 2015, 26 women have faced murder charges by the state.

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