

URGENT ACTION

EX-PRISONERS OF CONSCIENCE INTIMIDATED

Three siblings sentenced to one-year of prison for allegedly leaving their house during the state mourning following Fidel Castro's death, are on hunger strike after being harassed and intimidated in Cuba since their conditional release in April. Their sentences should be quashed and their release made unconditional.

Three siblings, twin sisters **Anairis** and **Adairis Miranda Leyva**, their brother, **Fidel Manuel Batista Leyva** and their mother, **Maydolis Leyva Portelles**, all human rights defenders, were arrested on 27 November 2016, two days after the death of Fidel Castro. The siblings were given a one-year sentence for "defamation of institutions, organizations and heroes and martyrs of the Republic of Cuba" and "public disorder" for allegedly leaving their house during the period of state mourning.

On 2 April, after a prolonged hunger-strike, the three siblings were released under conditional release (*licencia extrapenal*). This form of conditional release means that charges are not dropped but that those convicted are allowed to spend the remainder of their sentences outside prison. Their mother has remained under house arrest.

On 8 June, the three siblings began another hunger strike to protest their harassment and intimidation and to seek the quashing of the sentences against all four members of their family.

According to Maydolis Portelles, since their conditional release, the family has been subjected to harassment and intimidation from various state entities. The municipal court of Holguín summoned the siblings several times and threatened to revoke the release if they did not begin to work. Members of the family were also subjected to at least two "acts of repudiation" (*acto de repudio*), a government-led demonstration that is common in Cuba. Additionally, several doctors at Hospital Lenin denied the siblings medical treatment unless they gave up their hunger strike, according to Maydolis Porteyes. The three siblings are currently at home, where they have been since leaving the hospital on 20 June.

Please write immediately in Spanish or your own language:

- Calling on the authorities to quash all four sentences against Anairis Miranda Leyva, Adairis Miranda Leyva, Fidel Manuel Batista Leyva, and Maydolis Leyva Portelles who were imprisoned solely for peacefully exercising their right to freedom of expression;
- Calling on them to refrain from using measures to punish hunger strikers or to coerce them to end a hunger strike, which would be a violation of their right to freedom of expression.
- Urging them to provide the siblings with access to qualified health professionals providing health care in compliance with medical ethics, including the principles of confidentiality, autonomy, and informed consent.

PLEASE SEND APPEALS BEFORE 11 AUGUST 2017 TO:

President of the Republic

Raúl Castro Ruz
 Presidente de la República de Cuba
 La Habana, Cuba
 Fax: +41 22 758 9431 (Cuba Office in Geneva); +1 212 779 1697 (via Cuban Mission to UN)
 Email: cuba@un.int (c/o Cuban Mission to UN)

Salutation: Your Excellency / Su Excelencia

Attorney General

Dr. Darío Delgado Cura
 Fiscal General de la República
 Fiscalía General de la República
 Amistad 552, e/Monte y Estrella
 Centro Habana, La Habana, Cuba
**Salutation: Dear Attorney General/
 Estimado Sr. Fiscal General**

Also send copies to diplomatic representatives accredited to your country. Her Excellency Teresita Vicente, Embassy of the Republic of Cuba, 167 High Holborn WC1 6PA, 020 7240 2488, Fax 020 7836 2602, secembajador@uk.embacuba.cu, www.cubadiplomatica.cu

Please check with your section office if sending appeals after the above date. This is the second update of UA 76/17. Further information: www.amnesty.org/en/documents/amr25/6012/2017/en/

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ADDITIONAL INFORMATION

Twin sisters Anairis and Adairis Miranda Leyva, their brother, Fidel Manuel Batista Leyva, and their mother, Maydolis Leyva Portelles, all human rights defenders, were arrested on 27 November 2016, two days after the death of Fidel Castro for allegedly leaving their house during the period of state mourning. The initial arrests took place in Holguín and coincided with an “act of repudiation” (*acto de repudio*), a government-led demonstration that is common in Cuba, carried out at the family’s home. The family are government critics, known for their activism and associated with a number of political and human rights movements including Movimiento Cubano de Reflexión (Cuban Reflection Movement). According to Maydolis Leyva Portelles, there were many non-uniformed state security officials, including political police and military officials, present during the arrest.

Maydolis Leyva Portelles and her children were charged under Article 204 of the Penal Code, which criminalizes defamation of institutions, organizations and heroes and martyrs of the Republic of Cuba, and with public disorder. On 13 January, a court of second instance upheld a one-year prison sentence for all three siblings, but allowed their mother to carry out her sentence under house arrest in order to care for her grandchildren, Adairis’ children.

According to its webpage, El Movimiento Cubano de Reflexión is a non-violent organization which aims to mobilize Cuban citizens to bring about social change.

Provisions of the Cuban Criminal Code, such as contempt of a public official (*desacato*), resistance to public officials carrying out their duties (*resistencia*) and public disorder (*desórdenes públicos*) are frequently used to stifle free speech, assembly and association in Cuba.

Article 204 of the Cuba Penal Code criminalizes “defamation of institutions, organizations and heroes and martyrs of the Republic of Cuba” (*Difamación de las instituciones y organizaciones y de los héroes y mártires*). Under the law, anyone who publically defames, denigrates or disparages institutions of the Cuban Republic, or political organizations, or heroes or martyrs of the homeland, risks sanctions of deprivation of liberty of three months to a year or a fine.

Under international law, the use of defamation laws with the purpose or effect of inhibiting legitimate criticism of the government or public officials violates the right to freedom of expression.

Political dissidents are frequently set free under *licencia extrapenal* in Cuba, a form of conditional release meaning that charges are not dropped but that those convicted are allowed to spend the remainder of their sentences outside prison. For example, some political dissidents arrested during the 2003 “crackdown” were released under this condition. Under this condition, the authorities could arrest the siblings again and return them to prison to complete their sentence.

Further information on UA: 76/17 Index: AMR 25/6650/2017 Issue Date: 30 June 2017