

URGENT ACTION

PRISONER OF CONSCIENCE SIBLINGS RELEASED

A family of four human rights defenders were arrested in Holguín, south-east Cuba, following the death of Fidel Castro. The three siblings, who began a hunger strike on 7 March, have been set free under conditional release. Their mother, Maydolis Leyva Portelles, currently under house arrest, remains a prisoner of conscience and must be released immediately and unconditionally.

Cuban authorities set free twin sisters **Anairis** and **Adairis Miranda Leyva**, and their brother, **Fidel Manuel Batista Leyva**, under conditional release (*licencia extrapenal*) on 2 April after a prolonged hunger strike, according to their mother **Maydolis Leyva Portelles**. Authorities permitted Maydolis Leyva Portelles, who has been carrying out her sentence under house arrest, to visit all three of her children in hospital that same day.

The three siblings and their mother, all human rights defenders, were arrested on 27 November 2016, two days after the death of Fidel Castro. The siblings began a hunger strike on 7 March 2017, the day they began serving their sentences 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.

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.

To date, Maydolis Leyva Portelles has not received notice of her release from house arrest. She remains a prisoner of conscience and must be released immediately and unconditionally.

Please write immediately in Spanish or your own language:

- Calling on the authorities to release Maydolis Leyva Portelles from house arrest immediately and unconditionally, as she is a prisoner of conscience, imprisoned solely for peacefully exercising her right to freedom of expression;
- Calling on them to guarantee the peaceful right to freedom of expression, assembly and association including for dissident, opponent or activist voices and to repeal all legislation which unduly limits these rights.

PLEASE SEND APPEALS BEFORE 15 MAY 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

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/
 Señor Fiscal General**

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 76/17. Further information: www.amnesty.org/en/documents/amr25/6001/2017/en/

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ADDITIONAL INFORMATION

The arrests of Anairis and Adairis Miranda Leyva, Fidel Manuel Batista Leyva and Maydolis Leyva Portelles took place in Holguín on 27 November 2016 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. According to Maydolis Leyva Portelles, there were many non-uniformed state security officials, including political police and military officials, present during the arrest. The family are government critics, known for their activism and associated with a number of political and human rights movements including the Cuban Reflection Movement (Movimiento Cubano de Reflexión). 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.

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” (*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. On 13 January 2017, 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. Amnesty International considered all three siblings and their mother to be prisoners of conscience, imprisoned solely for peacefully exercising their right to freedom of expression. According to their mother, the three siblings began a hunger strike on 7 March, the day they began serving their sentences and were imprisoned.

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.

Name: Anairis Miranda Leyva (f), Adairis Miranda Leyva (f), Fidel Manuel Batista Leyva (m), Maydolis Leyva Portelles (f)
Gender m/f: all

Further information on UA: 76/17 Index: AMR 25/6012/2017 Issue Date: 3 April 2017