

URGENT ACTION

PRISONERS OF CONSCIENCE ON HUNGER STRIKE

Two days after Fidel Castro's death, a family of four human rights defenders were arrested in Holguín, south-east Cuba. They received a one-year sentence, and the three siblings are currently on hunger strike. They are prisoners of conscience and must be released immediately and unconditionally.

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, currently under house arrest, 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 their mother, the three siblings began a hunger strike on 7 March, the day they began serving their sentences and were imprisoned. The siblings are currently being held in three separate hospitals in critical condition. Doctors informed their mother that Adairis is at risk of a heart attack and that Fidel is urinating blood; and that all have lost significant weight. On her last hospital visit, Maydolis Leyva Portelles says that she was asked to sign a document which would authorize doctors to force feed her three children, which she refused to do. She told Amnesty International, "I don't want any of my children to die, but I want to respect their wishes." All three siblings and their mother are prisoners of conscience and must be released immediately and unconditionally.

Please write immediately in Spanish or your own language:

- Calling on the authorities to release Anairis Miranda Leyva, Adairis Miranda Leyva, and Fidel Manuel Batista Leyva immediately and unconditionally from imprisonment and Maydolis Leyva Portelles from house arrest, as they are prisoners of conscience, 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 12 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. Dario 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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

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.

The Cuban Commission for Human Rights and National Reconciliation, a Cuban-based human rights NGO not recognized by the state, documented a monthly average of 827 politically motivated detentions in 2016.

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.

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

Gender m/f: all

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