

Calendar No. 357

115TH CONGRESS
2D SESSION

S. RES. 224

Recognizing the 5th anniversary of the death of Oswaldo Payá Sardiñas, and commemorating his legacy and commitment to democratic values and principles.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2017

Mr. DURBIN (for himself, Mr. NELSON, Mr. RUBIO, Mr. MENENDEZ, Mr. CRUZ, Mr. MERKLEY, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations

MARCH 21, 2018

Reported by Mr. CORKER, with an amendment and an amendment to the preamble and an amendment to the title

[Strike out all after the resolving clause and insert the part printed in italic]

[Strike the preamble and insert the part printed in italic]

RESOLUTION

Recognizing the 5th anniversary of the death of Oswaldo Payá Sardiñas, and commemorating his legacy and commitment to democratic values and principles.

Whereas Oswaldo Payá Sardiñas was born in Havana, Cuba, in 1952 and became a nonviolent critic of the communist government as a teenager, resulting in 3 years of imprisonment in 1969 at a work camp in Cuba, formerly known as “Isla de Pinos”;

Whereas, in 1987, Oswaldo Payá Sardiñas founded the Christian Liberation Movement that called for peaceful civil disobedience against the rule of the Communist Party of Cuba and advocated for civil liberties;

Whereas, in 1992 and 1997, attempts by Oswaldo Payá Sardiñas to run as a candidate for the National Assembly of People's Power were rejected by Cuban authorities;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement established the Varela Project in order to circulate a legal proposal to advocate for democratic political reforms within Cuba, including the establishment of freedom of association, freedom of speech, freedom of the press, free elections, freedom to start private businesses, and amnesty for political prisoners;

Whereas, in 2002, the Varela Project delivered a petition to the National Assembly of People's Power with 11,020 signatures from Cuban citizens calling for a referendum on safeguarding basic freedoms, an end to one-party rule, and citing Article 88 of the Constitution of Cuba that allows Cuban citizens to propose laws if the proposal is made by at least 10,000 Cuban citizens who are eligible to vote;

Whereas, in 2003, Oswaldo Payá Sardiñas redelivered the petition to the National Assembly of People's Power with an additional 14,384 signatures, establishing the biggest nonviolent campaign to oppose the Communist Party of Cuba;

Whereas, in March 2003, the crackdown on Cuban dissidents by the Government of Cuba, referred to as the "Black Spring", led to the imprisonment of 75 individuals, in-

cluding 25 members of the Varela Project and 40 members of the Christian Liberation Movement, and the formation of the Ladies in White movement by the wives of the imprisoned activists;

Whereas, in 2007, Oswaldo Payá Sardiñas called on the National Assembly of People's Power to grant amnesty to nonviolent political prisoners and to allow Cubans to travel freely without a government permit;

Whereas, in 2009, Oswaldo Payá Sardiñas developed a Call for the National Dialogue;

Whereas petitions and calls by Oswaldo Payá Sardiñas to the National Assembly of People's Power were repeatedly dismissed and disparaged by the Government of Cuba;

Whereas Oswaldo Payá Sardiñas, his family, and friends endured years of harassment and intimidation for the peaceful political activism of Oswaldo Payá Sardiñas;

Whereas Oswaldo Payá Sardiñas has been formally recognized in the past for his dedication to the promotion of human rights and democracy, including by receiving the Homo Homini Award in 1999, the Sakharov Prize for Freedom of Thought in 2002, the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003, and being nominated for the Nobel Peace Prize by Václav Havel, the former President of the Czech Republic, in 2005;

Whereas, on July 22, 2012, Oswaldo Payá Sardiñas and Harold Cepero, a fellow pro-democracy activist, died in a troubling car crash in Granma Province, Cuba, after being followed by government agents;

Whereas the Government of Cuba has failed to conduct a credible investigation into the car crash that led to the death of Oswaldo Payá Sardiñas;

Whereas the trial and conviction of Ángel Carromero, a youth leader of the People's Party who was visiting Cuba and driving the car at the time of the crash, did not include testimony from key witnesses, and did not resolve questions about whether another car was involved or whether Mr. Carromero was coerced by the Government of Cuba into signing a false statement of guilt;

Whereas, in 2012, the United States Senate unanimously passed Senate Resolution 525, 112th Congress, agreed to July 24, 2012, honoring the life and legacy of Oswaldo Payá Sardiñas;

Whereas, in 2013, a number of United States Senators and the United States Department of State called for an impartial, third-party investigation by the Inter-American Commission on Human Rights of the Organization of American States into the circumstances surrounding the death of Oswaldo Payá Sardiñas;

Whereas, in 2013, Ángel Carromero spoke in detail during an interview with the Washington Post about being hit by another car during the crash, being mistreated and coerced by Cuban authorities following the crash, and being made the “scapegoat” by the Government of Cuba for the death of Oswaldo Payá Sardiñas;

Whereas the dissidents of the “Black Spring” have been released from prison, but many political prisoners remain imprisoned in Cuba despite trials that failed to meet international due process standards; and

Whereas the 2016 Human Rights Report on Cuba by the United States Department of State cited ongoing human rights abuses by the Government of Cuba, namely “the abridgement of the ability of citizens to choose their government; the use of government threats, physical assault, intimidation, and violent government-organized counter protests against peaceful dissent; and harassment and detentions to prevent free expression and peaceful assembly.”; Now, therefore, be it

Whereas Oswaldo Payá Sardiñas was born in Havana, Cuba, in 1952 and became a nonviolent critic of the communist government as a teenager, resulting in 3 years of imprisonment in 1969 at a work camp in Cuba, formerly known as “Isla de Pinos”;

Whereas, in 1988, Oswaldo Payá Sardiñas founded the Christian Liberation Movement that called for peaceful civil disobedience against the rule of the Communist Party of Cuba and advocated for civil liberties;

Whereas, in 1992 and 1997, attempts by Oswaldo Payá Sardiñas to run as a candidate for the National Assembly of People’s Power were rejected by Cuban authorities;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement established the Varela Project in order to circulate a legal proposal to advocate for democratic political reforms within Cuba, including the establishment of freedom of association, freedom of speech, freedom of the press, free elections, freedom to start private businesses, and amnesty for political prisoners;

Whereas, in 2002, the Varela Project delivered a petition to the National Assembly of People’s Power with 11,020 signa-

tures from Cuban citizens calling for a referendum on safeguarding basic freedoms, an end to one-party rule, and citing Article 88 of the Constitution of Cuba that allows Cuban citizens to propose laws if the proposal is made by at least 10,000 Cuban citizens who are eligible to vote;

Whereas, in 2003, Oswaldo Payá Sardiñas redelivered the petition to the National Assembly of People's Power with an additional 14,000 signatures, establishing the biggest non-violent campaign to oppose the Communist Party of Cuba;

Whereas, in March 2003, the crackdown on Cuban dissidents by the Government of Cuba, referred to as the "Black Spring", led to the imprisonment of 75 individuals, including 25 members of the Varela Project and 40 members of the Christian Liberation Movement, and the formation of the Ladies in White movement by the wives of the imprisoned activists;

Whereas, in 2007, Oswaldo Payá Sardiñas called on the National Assembly of People's Power to grant amnesty to nonviolent political prisoners and to allow Cubans to travel freely without a government permit;

Whereas, in 2009, Oswaldo Payá Sardiñas developed a Call for the National Dialogue;

Whereas petitions and calls by Oswaldo Payá Sardiñas to the National Assembly of People's Power were repeatedly dismissed and disparaged by the Government of Cuba;

Whereas Oswaldo Payá Sardiñas, his family, and friends endured years of harassment and intimidation for the peaceful political activism of Oswaldo Payá Sardiñas;

Whereas Oswaldo Payá Sardiñas has been formally recognized in the past for his dedication to the promotion of human rights and democracy, including by receiving the Homo

Homini Award in 1999, the Sakharov Prize for Freedom of Thought in 2002, the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003, and being nominated for the Nobel Peace Prize by Václav Havel, the former President of the Czech Republic, in 2005;

Whereas, on July 22, 2012, Oswaldo Payá Sardiñas and Harold Cepero, a fellow pro-democracy activist, died in a troubling car crash in Granma Province, Cuba, after being followed by government agents;

Whereas the Government of Cuba has failed to conduct a credible investigation into the car crash that led to the death of Oswaldo Payá Sardiñas;

Whereas the trial and conviction of Angel Carromero, a youth leader of the People's Party who was visiting Cuba and driving the car at the time of the crash, did not include testimony from key witnesses, and did not resolve questions about whether another car was involved or whether Mr. Carromero was coerced by the Government of Cuba into signing a false statement of guilt;

Whereas, in 2012, the United States Senate unanimously passed Senate Resolution 525, 112th Congress, agreed to July 31, 2012, honoring the life and legacy of Oswaldo Payá Sardiñas;

Whereas, in 2013, a number of United States Senators and the United States Department of State called for an impartial, third-party investigation by the Inter-American Commission on Human Rights of the Organization of American States into the circumstances surrounding the death of Oswaldo Payá Sardiñas;

Whereas, in 2013, Angel Carromero spoke in detail during an interview with the Washington Post about being hit by another car during the crash, being mistreated and coerced by Cuban authorities following the crash, and being made the “scapegoat” by the Government of Cuba for the death of Oswaldo Payá Sardiñas;

Whereas the dissidents of the “Black Spring” have been released from prison, but the Government of Cuba continues to suppress, assault, and detain those peacefully expressing political beliefs contrary to or critical of the regime; and

Whereas the 2016 Human Rights Report on Cuba by the United States Department of State cited ongoing human rights abuses by the Government of Cuba, namely “the abridgement of the ability of citizens to choose their government; the use of government threats, physical assault, intimidation, and violent government-organized counter protests against peaceful dissent; and harassment and detentions to prevent free expression and peaceful assembly.”: Now, therefore, be it

1 *Resolved, That the Senate—*

2 *(1) recognizes and commemorates the legacy of*
 3 *Oswaldo Payá Sardiñas on the 5th anniversary of*
 4 *his death on July 22, 2017;*

5 *(2) honors the commitment of Oswaldo Payá*
 6 *Sardiñas to democratic values and principles;*

7 *(3) calls on the Government of Cuba to allow*
 8 *an impartial, third-party investigation into the cir-*
 9 *cumstances surrounding the death of Oswaldo Payá*
 10 *Sardiñas;*

1 (4) urges the United States to continue to sup-
 2 port policies and programs that promote respect for
 3 human rights and democratic principles in Cuba in
 4 a manner that is consistent with the aspirations of
 5 the Cuban people;

6 (5) urges the Inter-American Commission on
 7 Human Rights of the Organization of American
 8 States to continue reporting on human rights issues
 9 in Cuba, and to request a visit to Cuba in order to
 10 investigate the circumstances surrounding the death
 11 of Oswaldo Payá Sardiñas; and

12 (6) calls on the Government of Cuba to cease
 13 violating human rights and to begin providing demo-
 14 cratic political freedoms to Cuban citizens, including
 15 freedom of association, freedom of speech, freedom
 16 of the press, free elections, freedom to start private
 17 businesses, and amnesty for political prisoners.

18 *That the Senate—*

19 (1) recognizes and commemorates the legacy of
 20 Oswaldo Payá Sardiñas on the 6th anniversary of his
 21 death on July 22, 2018;

22 (2) honors the commitment of Oswaldo Payá
 23 Sardiñas to democratic values and principles;

24 (3) calls on the Government of Cuba to allow an
 25 impartial, third-party investigation into the cir-

1 *cumstances surrounding the death of Oswaldo Payá*
 2 *Sardiñas;*

3 *(4) urges the United States to continue to sup-*
 4 *port policies and programs that promote respect for*
 5 *human rights and democratic principles in Cuba in*
 6 *a manner that is consistent with the aspirations of*
 7 *the Cuban people;*

8 *(5) urges the Inter-American Commission on*
 9 *Human Rights of the Organization of American*
 10 *States to continue reporting on human rights issues*
 11 *in Cuba, and to request a visit to Cuba in order to*
 12 *investigate the circumstances surrounding the death of*
 13 *Oswaldo Payá Sardiñas; and*

14 *(6) calls on the Government of Cuba to cease vio-*
 15 *lating human rights and to begin providing demo-*
 16 *cratic political freedoms to Cuban citizens, including*
 17 *freedom of association, freedom of speech, freedom of*
 18 *the press, free elections, freedom to start private busi-*
 19 *nesses, and amnesty for political prisoners.*

Amend the title so as to read: “A resolution recog-
 nizing the 6th anniversary of the death of Oswaldo Payá
 Sardiñas, and commemorating his legacy and commit-
 ment to democratic values and principles.”.

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Oswaldo Payá Sardiñas, and commemorating his
legacy and commitment to democratic values and
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Reported with an amendment and an amendment to the
preamble and an amendment to the title