

March 25, 2013

Emilio Álvarez Icaza
Executive Secretary
Inter-American Commission on Human Rights
Organization of American States
1889 F Street NW
Washington, D.C., 20006
United States of America

Dear Secretary Icaza:

We write to request that the Inter-American Commission on Human Rights undertake an investigation into the troubling death of Cuban political reformer Oswaldo Payá, who, along with youth activist Harold Cepero, was killed in a suspicious automobile accident on July 22, 2012, in Bayamo, Cuba. Recent published interviews (included) with the Spanish driver of the vehicle, Ángel Carromero, raise deeply troubling concerns that Payá's car was deliberately targeted by Cuban government officials well known for their harassment of Payá.

In 2002, Payá pioneered the Varela Project, a petition drive that peacefully sought greater political freedom on the island of Cuba. At the time, the Constitution of Cuba guaranteed the right to a national referendum on any proposal that achieved 10,000 or more signatures from Cuban citizens eligible to vote. In May 2002, the Varela Project delivered 11,020 signatures from such eligible citizens to the Cuban National Assembly, calling for an end to four decades of one-party rule. The Cuban government cynically responded by beginning its own referendum that made Cuba's socialist system "irrevocable," even after an additional 14,000 signatures were added to the Varela Project petition. Payá and his colleagues faced sustained harassment, and as many as 25 of its leaders were jailed.

Payá's nonviolent effort to seek political change in Cuba was respected around the world. He received the Sakharov Price for Freedom of Thought from the European Parliament in 2002 and the W. Averell Harriman Democracy Award from the US National Democratic Institute for International Affairs in 2003 and was nominated for the Nobel Peace Prize by former Czech President Václav Havel in 2005. In July 2012, the United States Senate unanimously approved a resolution honoring the life and legacy of Oswaldo Payá. That resolution included a call for the "Government of Cuba to allow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Payá Sardin."

On March 5, 2013, the Washington Post published an interview with Ángel Carromero, vice general secretary of Spain's ruling Popular Party, indicated that the car carrying Mr. Payá was rammed from behind by a vehicle with government license plates. He said,

"...And then another, newer car appeared and began to harass us, getting very close. Oswaldo and Harold told me it must be from "la Comunista" because it had a blue license plate, which they said is what the government uses. Every so often I looked at it through the rearview mirror and could see both occupants of the car staring at us aggressively. I was afraid, but Oswaldo told me not to stop if they did not signal or force us to do so. I drove carefully, giving them no reason to stop us. The last time I looked in the mirror, I realized that the car had gotten too close — and suddenly I felt a thunderous impact from behind....

The next time I awakened, I was on a stretcher, being carried into a hospital room. The first person who talked to me was a uniformed officer of the Ministry of the Interior. I told her a car had hit our vehicle from behind, causing me to lose control. She took notes and, at the end, gave me my statement to sign. The hospital, which was civilian, had suddenly been militarized....

They began to videotape me all the time, and they kept doing so until the last day I was jailed in Cuba. When they questioned me about what happened, I repeated what I told the officer who originally took my statement. They got angry. They warned me that I was their enemy, and that I was very young to lose my life. One of them told me that what I had told them had not happened and that I should be careful, that depending on what I said things could go very well or very badly for me. ...

Then came a gentleman who identified himself as a government expert and who gave me the official version of what had happened. If I went along with it, nothing would happen to me. At the time I was heavily drugged, and it was hard for me to understand the details of the supposed accident that they were telling me to repeat. They gave me another statement to sign — one that in no way resembled the truth. It mentioned gravel, an embankment, a tree — I did not remember any of these things....

The most important thing for me is that the Payá family always has defended my innocence, when they are the most injured by this tragedy. That's why, when I met Rosa Maria [Payá's daughter] this week, I could not hide the truth any more."

On March 13, 2013, Payá's daughter, Rosa Maria Payá, appeared before the UN Human Rights Council in Geneva. She presented an appeal signed by 46 activists and political leaders from around the world, urging the United Nations to launch an independent international investigation into her father's death. She was interrupted by the Cuban representative, who accused her of being a "mercenary who has dared to come to this room." Payá and his legacy deserve better than this.

Oswaldo Payá was a brave man trying to peacefully advocate for greater political freedom for his fellow Cuban brothers and sisters. It increasingly looks like he paid for that effort with his life. His memory and his family deserve an honest and independent accounting of what happened. We urge the Commission to undertake this investigation without delay.

We thank you for your consideration and stand ready to work with you on this important matter.

Sincerely,

Richard J. Durbin United States Senator Marco Rubio United States Senator

Benjamin L. Cardin United States Senator

Mark Kirk United States Senator

John McCain United States Senator Bill Nelson United States Senator

Robert Menendez United States Senator

Mark Warner United States Senator

R Warner

The Washington Post

Ángel Carromero on the crash that killed Cuba's Oswaldo Payá

March 05, 2013

Ángel Carromero, a leader of Spain's ruling party, was visiting Cuba last July when a car he was driving crashed, killing Cuban dissidents Oswaldo Payá and Harold Cepero. Mr. Carromero was convicted of vehicular homicide; in December, he was released to Spain to serve out his term. This week he agreed to be interviewed by The Washington Post about the crash. Mr. Carromero, 27, holds a law degree and has taken a business course at Fordham University in New York.

What happened that day?

Oswaldo Payá asked me to take him to visit some friends, since he didn't have the means to travel around the island. There were four of us in the car: Oswaldo and Harold Cepero in the back, [Jens] Aron Modig [of Sweden] in front, and me driving. They were following us from the beginning. In fact, as we left Havana, a tweet from someone close to the Cuban government announced our departure: "Payá is on the road to Varadero." Oswaldo told me that, unfortunately, this was normal.

But I really became uneasy when we stopped to get gas, because the car following us stopped, waited in full view until we were finished and then continued following. When we passed provincial borders, the shadowing vehicle would change. Eventually it was an old, red Lada.

And then another, newer car appeared and began to harass us, getting very close. Oswaldo and Harold told me it must be from "laComunista" because it had a blue license plate, which they said is what the government uses. Every so often I looked at it through the rearview mirror and could see both occupants of the car staring at us aggressively. I was afraid, but Oswaldo told me not to stop if they did not signal or force us to do so. I drove carefully, giving them no reason to stop us. The last time I looked in the mirror, I realized that the car had gotten too close — and suddenly I felt a thunderous impact from behind.

I lost control of the car, and also consciousness — or that is what I believe, because from that point my memories are unclear, perhaps from the medications they gave me. When I recovered consciousness, I was being put into a modern van. I don't know how it had gotten there, but neither Oswaldo nor Harold nor Aron was inside. I thought it was strange that it was only me, and I figured that the rest of them didn't need to go to the hospital.

I began to yell at the people driving the van. Who were they? Where were they taking me? What were they doing with us? Then, woozy, I again lost consciousness.

What happened after that?

The next time I awakened, I was on a stretcher, being carried into a hospital room. The first person who talked to me was a uniformed officer of the Ministry of the Interior. I told her a car had hit our vehicle from behind, causing me to lose control.

She took notes and, at the end, gave me my statement to sign. The hospital, which was civilian, had suddenly been militarized. I was surrounded by uniformed soldiers. A nurse told me they would put in an IV line to take blood and sedate me. I remember that they kept taking blood from me and changing the line all the time, which really worried me. I still have the marks from this. I passed the next few weeks half-sedated and without knowing exactly what they were putting in me.

Some text messages were sent from the scene, and there have been reports of others, not yet disclosed. Do you know about them?

They took away my mobile phone when they took me out of the car. I was only able to use Aron's mobile phone the time we were together in the hospital. I didn't remember the messages until I arrived in Spain and I read them, asking for help and saying that our car was hit from behind.

How was your statement obtained?

They began to videotape me all the time, and they kept doing so until the last day I was jailed in Cuba. When they questioned me about what happened, I repeated what I told the officer who originally took my statement. They got angry. They warned me that I was their enemy, and that I was very young to lose my life. One of them told me that what I had told them had not happened and that I should be careful, that depending on what I said things could go very well or very badly for me.

Then came a gentleman who identified himself as a government expert and who gave me the official version of what had happened. If I went along with it, nothing would happen to me. At the time I was heavily drugged, and it was hard for me to understand the details of the supposed accident that they were telling me to repeat. They gave me another statement to sign — one that in no way resembled the truth. It mentioned gravel, an embankment, a tree — I did not remember any of these things.

The hit from the back when we left the road didn't need to be hard, because I remember that there was no curb or incline. The pavement was wide, with no traffic. I especially did not agree with the statement that we were traveling at an excessive speed, because Oswaldo was very cautious. The last speed I saw on the speedometer was approximately 70 kilometers per hour [about 45 miles per hour]. The air bags did not even deploy during the crash, nor did the windows shatter, and both I and the front-seat passenger got out unhurt.

A video of you describing the accident was shown to journalists by Cuban authorities. Under what circumstances was it made?

Once I left the hospital, they took me to a jail in Bayamo. It's the worst thing I've ever lived through. I was held incommunicado, never seeing the light of day. We walked among cockroaches until they put me in the infirmary cell, along with another Cuban prisoner. The conditions were deplorable. A stream of water fell from the roof once a day, the toilet didn't have a tank, and you could use it only when you had a bucket of water that you could throw afterward into the bowl. The cell was full of insects that woke me up when they fell on my body. Although I remember almost nothing specific from those days, images come to me—and I only wish they were nightmares, and not memories.

The video that the authorities made public was recorded under these conditions. As viewers can see, my face and my left eye are very swollen and I speak like I am drugged. When an officer gave me a notebook in which the official Cuban government account was laid out, I limited myself to reading statements from that notebook. In fact, you can see me reading Cuban expressions I didn't know, like "transit accident" (in Spain it's "traffic accident"), and you can see me direct my gaze to the right

corner, which is where the officer stood who held the notes. I hoped that no one would think that the video was freely recorded, or that what I said there corresponded to what really happened.

Who sent you to Cuba? Why did you travel there?

Nobody sent me to Cuba, and I didn't even tell my boss about my trip. I traveled there during my summer vacation, like so many other supportive people — because I admire the peaceful defenders of liberty and democracy like Oswaldo, who is very well known in Spain.

What do you think about the trial in Bayamo?

The trial in Bayamo was a farce, to make me the scapegoat, but I had to accept the verdict without appeal in order to have the minimal possibility to get out of that hell. However, I decided at the last minute to not declare myself guilty, thinking of Alan Gross [an American contractor sentenced to 15 years in prison for bringing communications equipment into Cuba illegally].

As for the Spanish authorities, I can only thank them for managing to repatriate me. I don't want to cause any more problems. I want to get my previous life back. I even understand that, even though I am innocent, I have to continue with my liberty restricted due to the bilateral accord between Cuba and Spain. I only hope that this unjust situation will not last for long.

Despite the accusations to which I am daily subjected by the press and by the defenders of the Castro dictatorship, it's not my intention to go on talking about this traumatic experience. I've received death threats in Spain, and I have had to testify before a notary so that at least the truth would be known if something happened to me.

Why are you speaking out now?

The most important thing for me is that the Payá family always has defended my innocence, when they are the most injured by this tragedy. That's why, when I met Rosa Maria [Payá's daughter] this week, I could not hide the truth any more. I am not only innocent — I am another victim, who might also be dead now. I know that this decision could result in more brutal media attacks against me from Cuba, but I don't deserve to be considered guilty of involuntary homicide, and, above all, I could not live, being complicit through my silence.

I don't know what they gave me in the intravenous line, but I continue to have large memory lapses. What they didn't manage to make me forget is that Oswaldo is one of the people who most impressed me in my life. He is the true protagonist of this nightmare. He was an exceptional person, and I will never forget him.

The interview has been translated from Spanish.