

HONORING THE LIFE AND LEGACY OF OSWALDO PAYA SARDIÑAS – United State Senate.



(Senate – July 31, 2012)

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 525 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 525) honoring the life and legacy of Oswaldo Paya Sardinas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, I wish to speak about Oswaldo Paya, a Cuban dissident, and his untimely death in Cuba in a supposed automobile accident. The Cuban people, indeed all freedom-loving people of the world, have recently lost a great advocate for freedom. He was someone who was in peaceful opposition to the tyranny that is on the island of Cuba.

Oswaldo Paya died in a car crash on Sunday, July 22. He was just 60 years old. Another Cuban dissident, Harold Cepero, was also killed in the accident, and two European politicians, one from Spain and one from Sweden, were injured. Paya was one of Cuba's best known dissidents. He pushed for civil and human rights. He pushed for an end to one-party rule. He pushed for freedom for political prisoners. And he pushed for support for private businesses. In 2002, his Varela Project delivered more than 24,000 verifiable signatures in support of these ideals to the Cuban Government. It was the largest petition drive in Cuban history. Paya bravely led this initiative at great risk to himself, to his loved ones, and to his colleagues. For his work, he received the European Parliaments' Sakarov Prize for Freedom of Thought in 2002, and he was nominated for the Nobel Peace Prize.

The reason I am bringing this up, other than pointing out that planet Earth has lost a friend for freedom, is to note that the circumstances of the car accident are the topic of some debate. Cuban officials insist the driver was speeding and that he lost control and he hit a tree. But others are saying that witnesses saw another vehicle hit Mr. Paya's vehicle and drive it off the road. Paya's daughter Rosa Maria says she holds the Cuban Government responsible. She has told CNN en Espanol that "we think it's not an accident. They wanted to do harm and then ended up killing my father." That is a direct quote.

Paya's loved ones and the Cuban people and the international community deserve to have all the facts surrounding this tragic event examined and put out in the public. That is why I have

submitted, along with a number of our colleagues, S. Res. 525, which honors the life, legacy, and exemplary leadership of Oswaldo Paya. This resolution also calls on the Cuban Government to allow an impartial third-party investigation into the accident. I urge the Senate to unanimously pass this resolution.

This request comes on the heels of other disturbing news out of Cuba. We have learned that more than 40 prodemocracy activists were detained after Paya's funeral last Tuesday. The reason? They dared to shout "libertad" at that time—"freedom"—during the ceremony. Reports also indicate that several of the dissidents were severely beaten.

These peaceful activists were only honoring one of their own and they ended up as victims of an authoritarian regime. Now more than ever before the United States must continue policies that promote the fundamental principles of political freedom, democracy, and human rights, to all of which Oswaldo Paya devoted his life.

Senator Durbin, we are quite concerned the Castro regime continues to hold an American hostage, Alan Gross. Once again, another Senator rises to urge the Cuban regime in the strongest possible terms to immediately and unconditionally release him.

We will never forget Paya's passion and dedication to freedom and faith. The least the regime can do is to release Alan Gross.

Mr. LIEBERMAN. Mr. President, I further ask that the amendment offered by the Senator from Florida, Mr. Nelson, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; the motions to reconsider be made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the Record at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2740) was agreed to, as follows:

(Purpose: To condemn the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas)

On page 4, line 13, strike “; and” and insert a semicolon.

On page 4, line 17, strike the period and insert “; and”.

On page 4, after line 17, insert the following:

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas.

The resolution (S. Res. 525), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. Res. 525

Whereas, on Sunday, July 22, 2012, 60-year-old Cuban dissident and activist Oswaldo Payá Sardiñas died in a car crash in Bayamo, Cuba;

Whereas at a young age, Oswaldo Payá Sardiñas criticized the communist government in Cuba, which led to his imprisonment at a work camp on Cuba's Isle of Youth in 1969;

Whereas, in 1988, Oswaldo Payá Sardiñas founded the Christian Liberation Movement as a nondenominational political organization to further civil and human rights in Cuba;

Whereas, in 1992, Oswaldo Payá Sardiñas announced his intention to run as a candidate to be a representative on the National Assembly of Popular Power of Cuba and, 2 days before the election, was detained by police at his home and determined by Communist Party officials to be ineligible to run for office because he was not a member of the Communist Party;

Whereas, in 1997, Oswaldo Payá Sardiñas collected hundreds of signatures to support his candidacy to the National Assembly of Popular Power, which was rejected by the electoral commission of Cuba;

Whereas the Constitution of Cuba supposedly guarantees the right to a national referendum on any proposal that achieves 10,000 or more signatures from citizens of Cuba who are eligible to vote;

Whereas, in 1998, Oswaldo Payá Sardiñas and other leaders of the Christian Liberation Movement created the Varela Project, a signature drive to secure a national referendum on "convert[ing] into law, the right of freedom of speech, the freedom of press and freedom of enterprise";

Whereas, in May 2002, the Varela Project delivered 11,020 signatures from eligible citizens of Cuba to the National Assembly of Popular Power, calling for an end to 4 decades of one-party rule, to which the Government of Cuba 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;

Whereas the Varela Project is the largest civil society-led petition in the history of Cuba;

Whereas Oswaldo Payá Sardiñas bravely led the Varela Project at great risk to himself, his loved ones, and his associates;

Whereas, in March 2003, the Government of Cuba arrested 75 human rights activists, including 25 members of the Varela Project, in the crackdown known as Cuba's "Black Spring";

Whereas Oswaldo Payá Sardiñas's dedication to freedom and faith earned him the Sakarov Prize for Freedom of Thought from the European Parliament in 2002;

Whereas Oswaldo Payá Sardiñas received the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003;

Whereas Oswaldo Payá Sardiñas was nominated for the Nobel Peace Prize by Václav Havel, the former president of the Czech Republic, in 2005; and

Whereas President Barack Obama stated, "We continue to be inspired by Payá's vision and dedication to a better future for Cuba, and believe that his example and moral leadership will endure.": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the life and exemplary leadership of Oswaldo Payá Sardiñas;

- (2) offers heartfelt condolences to the family, friends, and loved ones of Oswaldo Payá Sardiñas;
- (3) praises the bravery of Oswaldo Payá Sardiñas and his colleagues for collecting more than 11,000 verified signatures in support of the Varela Project;
- (4) in memory of Oswaldo Payá Sardiñas, calls on the United States to continue policies that promote respect for the fundamental principles of religious freedom, democracy, and human rights in Cuba, in a manner consistent with the aspirations of the people of Cuba;
- (5) in memory of Oswaldo Payá Sardiñas, calls on the Government of Cuba to provide its citizens with internationally accepted standards for civil and human rights and the opportunity to vote in free and fair elections;
- (6) calls on the Government of Cuba to allow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Payá Sardiñas; and
- (7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Payá Sardiñas.

S5802 CONGRESSIONAL RECORD—SENATE July 31, 2012

HONORING THE LIFE AND LEGACY

OF OSWALDO PAYA SARDINAS

Mr. LIEBERMAN. Mr. President, I

ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 525 and that the Senate proceed to its immediate consideration. He, PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution

by title. The assistant legislative clerk read as follows:

A resolution (S. Res. 525) honoring the life and legacy of Oswaldo Paya Sardinias. here being no objection, the Senate proceeded to consider the resolution. Mr. NELSON of Florida. Mr. President, I wish to speak about Oswaldo Paya, a Cuban dissident, and his untimely death in Cuba in a supposed automobile accident. The Cuban people, indeed all freedom-loving people of the world, have recently lost a great advocate for freedom. He was someone who was in peaceful opposition to the tyranny that is on the island of Cuba. Oswaldo Paya died in a car crash on Sunday, July 22. He was just 60 years old. Another Cuban dissident, Harold Cepero, was also killed in the accident, and two European politicians, one from Spain and one from Sweden, were injured. Paya was one of Cuba's best known dissidents. He pushed for civil and human rights. He pushed for an end to one-party rule. He pushed for freedom for political prisoners. And he pushed for support for private businesses. In 2002, his Varela Project delivered more than 24,000 verifiable signatures in support of these ideals to the Cuban Government. It was the largest petition drive in Cuban history. Paya bravely led this initiative at great risk to himself, to his loved ones, and to his colleagues. For his work, he received the European Parliament's Sakharov Prize for Freedom of Thought in 2002, and he was nominated for the Nobel Peace Prize.

The reason I am bringing this up, other than pointing out that planet Earth has lost a friend for freedom, is to note that the circumstances of the car accident are the topic of some debate.

Cuban officials insist the driver was speeding and that he lost control and he hit a tree. But others are saying that witnesses saw another vehicle hit r. Paya's vehicle and drive it off the road. Paya's daughter Rosa Maria says he holds the Cuban Government responsible.

She has told CNN en Español that "we think it's not an accident. They wanted to do harm and then ended up killing my father." That is a direct quote. Paya's loved ones and the Cuban people and the international community deserve to have all the facts surrounding this tragic event examined and put out in the public. That is why I have submitted, along with a number of our colleagues, S. Res. 525, which honors the life, legacy, and exemplary leadership of Oswaldo Paya. This resolution also calls on the Cuban Government to allow an impartial third-party investigation into the accident. I urge the Senate to unanimously pass this resolution. This request comes on the heels of other disturbing news out of Cuba. We have learned that more than 40 prodemocracy activists were detained after Paya's funeral last Tuesday. The reason? They dared to shout "libertad" at that time—"freedom"—during the ceremony. Reports also indicate that several of the dissidents were severely beaten.

These peaceful activists were only honoring one of their own and they ended up as victims of an authoritarian regime. Now more than ever before the United States must continue policies that promote the fundamental principles of political freedom, democracy, and human rights, to all of which Oswaldo Paya devoted his life.

Senator DURBIN, we are quite concerned the Castro regime continues to hold an American hostage, Alan Gross. Once again, another Senator rises to urge the Cuban regime in the strongest possible terms to immediately and unconditionally release him. We will never forget Paya's passion and dedication to freedom and faith. The least the regime can do is to release Alan Gross.

Mr. LIEBERMAN. Mr. President, I further ask that the amendment offered by the Senator from Florida, Mr. NELSON, which is at the desk, be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; the motions to reconsider be made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 2740) was agreed to, as follows: (Purpose: To condemn the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Paya' Sardin~

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Paya' Sardin~ as.

The resolution (S. Res. 525), as amended, was agreed to. The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 525

Whereas, on Sunday, July 22, 2012, 60-year-old Cuban dissident and activist Oswaldo Paya' Sardin~ as died in a car crash in Bayamo, Cuba; Whereas at a young age, Oswaldo Paya' Sardin~ as criticized the communist government in Cuba, which led to his imprisonment at a work camp on Cuba's Isle of Youth in 1969; Whereas, in 1988, Oswaldo Paya' Sardin~ as founded the Christian Liberation Movement, a nondenominational political organization to further civil and human rights in Cuba; Whereas, in 1992, Oswaldo Paya' Sardin~ as announced his intention to run as a candidate to be a representative on the National Assembly of Popular Power of Cuba

and, 2 days before the election, was detained by police at his home and determined by Communist Party officials to be ineligible to run for office because he was not a member of

the Communist Party; Whereas, in 1997, Oswaldo Paya Sardinias collected hundreds of signatures to support his candidacy to the National Assembly of Popular Power, which was rejected by the electoral commission of Cuba; Whereas the Constitution of Cuba supposedly guarantees the right to a national referendum on any proposal that achieves 10,000 or more signatures from citizens of Cuba who are eligible to vote; Whereas, in 1998, Oswaldo Paya Sardinias and other leaders of the Christian Liberation Movement created the Varela Project, a signature drive to secure a national referendum on “convert[ing] into law, the right of freedom of speech, the freedom of press and freedom of enterprise”; Whereas, in May 2002, the Varela Project delivered 11,020 signatures from eligible citizens of Cuba to the National Assembly of Popular Power, calling for an end to 4 decades of one-party rule, to which the Government of Cuba 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; Whereas the Varela Project is the largest civil society-led petition in the history of Cuba; Whereas Oswaldo Paya Sardinias bravely led the Varela Project at great risk to himself, his loved ones, and his associates; Whereas, in March 2003, the Government of Cuba arrested 75 human rights activists, including 5 members of the Varela Project, in the crackdown known as Cuba’s “Black Spring”; Whereas Oswaldo Paya Sardinias’s dedication, to freedom and faith earned him the Sakarov Prize for Freedom of Thought from the European Parliament in 2002; Whereas Oswaldo Paya Sardinias received the W. Averell Harriman Democracy Award from the United States National Democratic Institute for International Affairs in 2003; Whereas Oswaldo Paya Sardinias was nominated for the Nobel Peace Prize by Vaclav Havel, the former president of the Czech Republic, in 2005; and

Whereas President Barack Obama stated, “We continue to be inspired by Paya’s vision and dedication to a better future for Cuba, and believe that his example and moral leadership will endure.”: Now, therefore, be it Resolved, That the Senate—

(1) recognizes and honors the life and exemplary

leadership of Oswaldo Paya Sardinias;

(2) offers heartfelt condolences to the family, friends, and loved ones of Oswaldo Paya Sardinias;

(3) praises the bravery of Oswaldo Paya Sardinias and his colleagues for collecting more than 11,000 verified signatures in support of the Varela Project;

(4) in memory of Oswaldo Paya Sardinias, calls on the United States to continue policies

that promote respect for the fundamental principles of religious freedom, democracy,

and human rights in Cuba, in a
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manner consistent with the aspirations of the people of Cuba;

(5) in memory of Oswaldo Paya´ Sardin˜ as, calls on the Government of Cuba to provide ts citizens with internationally accepted tandards for civil and human rights and the op portunity to vote in free and fair elections;

(6) calls on the Government of Cuba to llow an impartial, third-party investigation into the circumstances surrounding the death of Oswaldo Paya´ Sardin˜ as; and

(7) condemns the Government of Cuba for the detention of nearly 50 pro-democracy activists following the memorial service for Oswaldo Paya´ Sardin˜ as.

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ORDERS FOR WEDNESDAY,

AUGUST 1, 2012

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it djourn until 9:30 a.m., on Wednesday, ugust 1; that following the prayer and

pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and the first hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered. f

PROGRAM

Mr. LIEBERMAN. Mr. President, the majority leader filed cloture on the cyber security bill today. As a result, the filing deadline for first-degree amendments to S. 3414 is 1 p.m. on Wednesday. I want to indicate to my colleagues that we continue to work on an agreement on amendments to the bill which I hope we can reach. If no agreement is reached, the cloture vote will be on Thursday.

ADJOURNMENT UNTIL 9:30 A.M.

TOMORROW

Mr. LIEBERMAN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order. here being no objection, the Senate, at 7:14 p.m., adjourned until Wednesday,

August 1, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

ERIC J. JOLLY, OF MINNESOTA, TO BE A MEMBER OF

THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

FOR A TERM EXPIRING DECEMBER 6, 2016, VICE KAREN

BROSIUS, TERM EXPIRED.

SUSANA TORRUELLA LEVAL, OF NEW YORK, TO BE A
MEMBER OF THE NATIONAL MUSEUM AND LIBRARY
SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6,
2015, VICE KATHERINE M. B. BERGER, TERM EXPIRED.

VerDate Mar

Senator Richard Durbin

Statement on August 2, 2012

The Death of Oswaldo Payá and the

Continued Detention of Alan Gross

PDF: [Page: S5956]

GPO's PDF: <<http://www.gpo.gov/fdsys/pkg/CREC-2012-08-02/pdf/CREC-2012-08-02-pt1-PgS5956-2.pdf#page=1>>

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Mr. DURBIN: Mr. President, some of you may have seen in the press last week that an inspiring Cuban citizen that tirelessly fought for a peaceful transition to democracy recently died in a tragic car accident on that island.

Oswaldo Payá was a modest man. A brave man. A hero. A Cuban patriot.

And he was also very wise.

He realized that one of the best ways to change the cruel and repressive Cuban regime was to work from within.

He used a provision in Cuba's constitution to seek peaceful political change and openness.

More specifically, he and his team created the Varela Project to gather more than 11,000 signatures of Cuban citizens on a petition that called for a more open political system.

Keep in mind that putting one's name on a petition to the Cuban government is a courageous thing to do on that island. It puts that person and his or her family at great risk.

Nonetheless, in May 2002, he bravely presented the petition to the Cuban National Assembly for action – exactly as allowed for in the Cuban constitution.

What did the Cuban government do in response to a heroic and reasonable call for change allowed for under the country's own laws?

It harassed Payá and his followers. It began its own referendum that made the island's socialist system "irrevocable," even after an additional 14,000 signatures were added to the Varela Project petition.

A year later many of Payá's allies were arrested in a crackdown that sent many dissidents, writers, and even librarians to prison.

Can you believe this craven response?

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The Cuban government couldn't blame this Cuban-born effort on the US, on other outside forces, on any of the usual suspects on which it blames all the island's woes.

Thousands of brave Cubans asking for political reform within the bounds of their own constitution were simply belittled, ignored, and harassed.

Payá was a modest man. I had hoped to meet him on my trip to the Island earlier this year, but we were unable to visit – you see the Cuban government doesn't want outsiders to visit people like Payá.

His peaceful and tireless efforts for peaceful change earned him the European Parliament's Sakarov Prize for Freedom of Thought in 2002, the National Democratic Institute's W. Averell Harriman Democracy Award in 2003, and a nomination for the Nobel Peace Prize from Václav Havel in 2005.

Payá's daughter Rosa Maria said amid her loss and tears last week that her father never gave up hope that the country could be changed from within and that "He just wanted for Cubans to have their rights ... that's all he ever wanted."

Tragically the Cuban government even arrested almost 50 Cubans who showed up to pay their respects at Payá's funeral.

Can you imagine — arresting people at a peaceful memorial service?

My colleagues, Senators Bill Nelson, Menendez, and Rubio have introduced a Senate resolution recognizing his work and calling for the peaceful democratic changes in Cuba that Payá spent his life pursuing. I am pleased to be a cosponsor of that resolution and was happy to see that it passed the Senate just yesterday.

And lastly let me note that Payá was often concerned for his safety – sadly, given the Cuban government's treatment of those wanting political freedom – not an unwarranted fear.

So I want to emphasize an important point in the Senate Resolution on Mr. Payá – specifically I call on the Cuban Government to conduct a credible and transparent investigation into the auto accident that caused his death.

The Cuban Government owes this Cuban patriot and the Cuban people nothing less than a full accounting of his death. It also owes them the basic freedoms he tirelessly stood for.

Mr. President, I want to also take this opportunity to talk about another tragedy that continues day after day in Cuba – that of the detention of American citizen Alan Gross.

Alan was arrested more than two and a half years ago while trying to help the Cuban people have greater ability to communicate with one another.

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When you go to Cuba you realize the Castro regime not only blames the United States for all its woes – but cynically makes it difficult for everyday Cubans to communicate or connect to the outside world using the Internet.

That is why thousands upon thousands of Cubans use a free internet library every year at the US Interests Section in Havana.

Alan Gross was arrested initially as a spy and eventually sentenced to 15 years in prison.

That's right — 15 years.

Mr. Gross apologized for his actions and has asked for Cuban compassion to allow him to visit his 90-year old mother suffering from inoperable lung cancer in the United States. The US recently let a former Cuban detainee who was out on supervised release in the United States visit his ailing brother in Cuba, but the Cuban government has shown no such decency in return.

Mr. President, I met Alan in January in Cuba — and I am appreciative of the Cuban government for allowing me that visit. He tried to remain in good spirits, but it wasn't easy.

You can't entirely see from this photo that he has lost more than 100 pounds since his incarceration. He struggles to keep busy and healthy in jail, but it's not easy.

Quite simply, he has been separated from his family for far too long.

Alan Gross is a kind, decent man. He is no spy. He is no threat to anyone. In fact, despite all that has happened, he noted to me how deeply he still cares for the Cuban people.

Mr. President, let me say this as clear as I can — Alan Gross should no longer be a pawn of the Cuban Government in its disagreements with the United States.

The Cuban government has made its point. It will get nothing but international shame from holding Alan any longer.

Let me also note that I do not support the failed US embargo against Cuba and think the best way to see change on the island is to flood it with American ideas and people.

But I will have to think long and hard before I do anything further to ease our relations while Alan remains so cruelly behind bars.

To Oswaldo Payá's family and brave colleagues and to Alan Gross, please know that you are not forgotten here in the United States Senate and around the world

(Senate — July 31, 2012)