ACTION AG

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APR 17 2013
13-03458

no action

AK.

Confidential

(replied to DPA 19/4)

Note to the Deputy Secretary-General

LETTER FROM US SENATOR BILL NELSON REQUESTING INTERNATIONAL INVESTIGATION INTO THE DEATH OF CUBAN DISSIDENT

Please find attached a draft letter responding to Senator Bill Nelson, who wrote to the Secretary-General on 19 March requesting that he appoint an independent panel to investigate the events surrounding the car crash that caused the death of Oswaldo Payá, a prominent Cuban dissident. DPA does not consider it advisable for the Secretary-General to answer the letter. With EOSG's concurrence, I would send the attached response in my name. This letter reflects DPA's informal consultation on this matter with OLA and language that OHCHR has previously provided to the Secretary-General's spokesperson to answer questions regarding requests to investigate Mr. Payá's death.

For your background, the car accident took place on 22 July 2012. The driver of the vehicle was Angel Carromero, a Spaniard and member of the youth branch of Spain's ruling Popular Party. Carromero and a Swede named Jens Aron Modig survived the crash. Both were visiting Cuba to support the work of dissidents. Modig was allowed to leave for Sweden shortly after the accident, while Carromero stood trial and was convicted in Cuba for vehicular manslaughter. During the trial, Carromero did not appear to question that the crash had been an accident. Although Carromero was sentenced to four years in prison, discreet contacts between the Cuban and Spanish Foreign Ministries led to his transfer to Spain in December 2012 to serve out his sentence there under a temporary house arrest modality.

Last March, Carromero gave an interview to the Washington Post in which he claimed that the crash had been provoked by another vehicle with Cuban government plates, which forced the car he was driving off the road. He also claimed that the trial against him was a sham and that he had been drugged and confused after the accident. After Carromero's revelations in March, the Spanish Foreign Minister stated that the only facts of which he was aware were the ones provided by Carromero to Spanish consular authorities in Cuba after the accident and that the information now being put forward by Carromero was not mentioned by him at any point in the past. The Foreign Minister added that if Carromero had any additional evidence that a crime was committed, he should present it to the justice system. Payá's family has consistently alleged the involvement of Cuban authorities in the crash.

File

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final action to be taken by DPA

Jeffrey Feltman
17 April 2013

APR 22 2013
DSG/CENTRAL

POL/03/004

United Nations Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

17 April 2013

Dear Senator Nelson,

I am writing on behalf of the Secretary-General in response to your letter dated 19 March. In that letter, you requested that the Secretary-General appoint an independent panel to investigate the events surrounding the car crash in which Mr. Oswaldo Payá died.

I am sure you will understand the issues of sovereignty which the United Nations must respect with regard to its Member States. Absent a mandate from the General Assembly or the Security Council, or a request from the Government of Cuba ~~(which, I recognize, is unlikely in this case)~~, the United Nations would not intervene in matters which are essentially within the domestic jurisdiction of a Member State.

The investigation of the car crash referred to in your letter is clearly the responsibility of the Government of Cuba. Nonetheless, I have learned from the office of the UN High Commissioner for Human Rights that UN human rights mechanisms, including Special Procedures of the Human Rights Council, have been informed about the case and are in contact with family members of Mr. Payá.

United Nations

Yours sincerely,

Jeffrey Feltman
Under-Secretary-General
for Political Affairs

Mr. Bill Nelson
United States Senator
Washington, D.C.

United States Senate
WASHINGTON, DC 20510-0905

BILL NELSON
FLORIDA

RECEIVED
MAR 19 2013
13-02502

ACTION Mr. Feltman

COPY DSG
OHCHR
AG

March 19, 2013

His Excellency Ban Ki-Moon
United Nations Secretary-General
United Nations Secretariat
New York, N.Y. 10017

Dear Mr. Secretary-General:

In light of new information concerning opposition leader Oswaldo Payá's death, I respectfully request that you appoint an independent panel to investigate the events surrounding the car crash that claimed his life.

Since the July 2012 crash that also killed youth activist Harold Cepero, the Cuban government has insisted the wreck was an accident. However, in a recent interview with the Washington Post, the driver of their car, Ángel Carromero, described how they were aggressively followed by a car with government plates, and then hit with a "thunderous impact from behind."

Given this recent account, it is time for the international community to insist that a thorough investigation occur. The United States Senate already has unanimously passed a resolution calling on the Cuban government to allow an impartial, third-party investigation into the accident. We stand ready to assist you in this necessary endeavor.

Payá's loved ones, the Cuban people, and the international community all deserve to have the truth. I greatly look forward to your response.

Sincerely,

Bill Nelson

MAR 25 2013
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Human Rights
AG

United States Senate
WASHINGTON, DC 20510-0905

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MAR 22 2013
13-02502

BILL NELSON
FLORIDA

March 19, 2013

His Excellency Ban Ki-Moon
United Nations Secretary-General
United Nations Secretariat
New York, N.Y. 10017

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Sincerely,

Bill Nelson

MAR 22 2013