To impose sanctions on the judges, prosecutors and investigators of the Islamic Republic's Islamic Revolutionary Courts.

IN THE HOUSE OF REPRESENTATIVES

Ms. Kim (for herself, and Mr. Schiff, Mr. Lawler, and Mr. Trone) introduced the following bill; which was referred to the Committee on

A BILL

To impose sanctions on the judges, prosecutors and investigators of the Islamic Republic's Islamic Revolutionary Courts, which are involved in sham trials, torture, and inhumane treatment and sentencing of Iranian protesters and political dissidents.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Targeting Oppressive Officers to Mitigate Abuse in the Iranian Judiciary Act (the “TOOMAJ Act”).

SECTION 2. FINDINGS.

Congress makes the following findings:

(1) Torture is deeply contrary to both the laws and ethical values of the United States, as well as to
international norms. This universal denouncement of
torture finds its reflection in several domains: through the
U.S. criminal code, specifically 18 U.S.C. §§ 2340–2340A; in
International treaties, highlighted by the United Nations
Convention Against Torture (CAT); within customary
International law; across centuries of the Anglo-American
legal tradition; and in the longstanding policies of the
United States.

(2) Article 3 of the Universal Declaration of Human
Rights guarantees the right to life, liberty, and security of
person. Article 9 of such Declaration prohibits arbitrary
arrests or detentions and Article 18 of such Declaration
guarantees the right to freedom of thought, conscience,
and religion.

(3) As a member state of the United Nations and other
international institutions, the Islamic Republic of Iran is
bound by international commitments concerning human
rights and the rule of law. Nevertheless, the Islamic
Republic of Iran has systematically and consistently
curtailed the ability of Iranian citizens to exercise
fundamental freedoms without fear of retribution.

(4) The judicial system of the Islamic Republic of Iran
consists of a Chief Justice, who is responsible for
overseeing court administration, and several classes of
courts, including Islamic Revolutionary Courts, which are
tasked with trying prisoners accused of subverting the
Islamic Republic. The trials of Iranian political prisoners
and protestors typically are held before judges of these
Islamic Revolutionary Courts.
Unlike an adversarial system, the Islamic Republic's judicial model is inquisitorial. The inquisitorial system gives judges a significant role in deciding what evidence will be considered, whether the accused can access legal counsel or a fair trial, and the outcome of a case.

The Islamic Revolutionary Courts oversee cases involving political crimes, and employ well-documented practices that deny fairness and subvert justice. This includes denying access to counsel, refusing to disclose the nature of charges, using torture and sexual violence to extract confessions, and using coerced confessions in proceedings, among others.

On September 16, 2022, a 22-year-old woman named Jina Mahsa Amini, died in the detention of the Morality Police after being beaten and detained for allegedly transgressing the Islamic Republic's morality laws concerning women's dress. This tragic incident triggered widespread anti-gender apartheid, pro-democracy protests across all of Iran, which have become known globally as the “Woman Life Freedom” movement.

In the course of the protests, the Iranian security forces' violent crackdown included mass arrests, well-documented beating of protestors, stifling internet access, and shooting protestors with live ammunition. Weeks into the protests, Iranian security forces had reportedly killed, blinded, or injured hundreds of civilian protestors, including women and children.

By November 2022, reports were ongoing
and confirmed that the Islamic Republic had commenced
an intensive crackdown on protestors, characterized
by crimes against humanity, including mass
imprisonment of tens of thousands of civilians, torture,
gender and sexual violence, and heightened persecution of
ethnic and religious minorities.
(10) On December 12, 2022, Majid Reza Rahnavard
became the first publicly executed Iranian for charges
stemming from his alleged involvement in the protests.
In the time since, many others have been executed,
and many more have been detained, tortured and killed in
secret, and their families have been threatened.
(11) As a result of the intense crackdown, the UN
Human Rights Council established the Independent
International Fact-Finding Mission on the Islamic
Republic of Iran (FFMI) on November 24, 2022. The FFMI
mandate was to investigate alleged human rights
violations in Iran in connection with the protests that
began in Iran on September 16, 2022, especially with
respect to women and children.
(12) Despite the efforts of the FFMI to engage with
the Islamic Republic, the Islamic Republic did not grant
the FFMI access to the country, nor respond to calls for
meetings. The FFMI investigation resulted in over 27,000
evidence items. It conducted a total of 134 in-depth
interviews with victims and witnesses, including 49
women, and 85 men, both inside and outside the country,
and gathered evidence and analysis from experts on
digital and medical forensics, and domestic and international law, among others.

(13) On March 18, 2024, the FFMI issued its report following its investigation, and found that Islamic Republic authorities were responsible for egregious human rights violations in connection with the Jina Mahsa Amini protests. The FFMI confirmed the use of unnecessary and disproportionate force on peaceful protests, resulting in unlawful killings and injuries of protesters. The FFMI found that at least nine young men were arbitrarily executed, following sham proceedings before Islamic Revolutionary Courts that disregarded basic fair trial and due process guarantees, creating terror among other protestors. The FFMI further found that by January 2024, the Iranian Regime's Islamic Revolutionary Courts had issued at least 26 death sentences against protestors.

(14) With respect to the Islamic Revolutionary Courts, the FFMI found that trials involved systematic violations of due process. Most protestors were brought before Revolutionary Courts, on vague charges of “corruption on earth” or “waging war against God” in relation to protected conduct or speech. They were denied some of the basic procedural elements of due process. Many were denied access to counsel, not able to access their case files, or receive copies of their judgments. The FFMI found that Islamic Revolutionary Courts showed clear bias against protesters, and systematically dismissed complaints of rape, torture and
Toomaj Salehi is an Iranian dissident and rap artist who criticizes the Islamic Republic’s oppressive policies through his music. He is widely revered inside Iran for directly challenging the Islamic Republic’s denial of human rights. He was arrested in October 2022, in the aftermath of the Woman Life Freedom protests, and has endured intense psychological and physical torture, including prolonged solitary confinement. In July 2023, he was sentenced to over six years of prison for “corruption on Earth,” a crime manufactured by the Islamic Regime to silence dissent. On November 18, 2023, Salehi was released from prison on bail. A few days later, he issued a public statement revealing the depth of torture he had endured at the hands of the Islamic Republic. On November 30, 2023, Toomaj Salehi was re-arrested on charges of publishing false information and disturbing public opinion. On April 24, 2024, despite a remand from the Islamic Republic’s Supreme Court, the Islamic Revolutionary Court overseeing Salehi’s case declared the decision of the Supreme Court to be “advisory” and issued a death sentence to Toomaj Salehi.

Examples of victims of the Islamic Revolutionary Courts are plentiful. Vahid Afkari is a 37-year-old Iranian who was arrested along with his brothers Habib and Navid Afkari during the 2018 Iranian protests. All three were tortured into confessing to killing a security officer. On September 12, 2020, Navid Afkari was executed. Vahid
Afkari remains imprisoned, and has been held in solitary confinement for over 1,000 days. He is denied medical treatment for the injuries he has sustained from torture and suicide attempts.

(18) Narges Mohammadi is an Iranian human rights activist, the 2023 Nobel Peace Prize recipient, and the vice president of the Defenders of Human Rights Center, a human rights organization based in Tehran. She has been repeatedly prosecuted by the Islamic Republic due to her outspoken positions against the government’s human rights abuses. She is currently imprisoned, and routinely subjected to prolonged solitary confinement, psychological torture, and physical abuse.

(19) Fatemeh Sepehri is an Iranian political and women’s rights activist and a political prisoner. She is a signatory of the “Statement of 14 Political Activists,” a series of open letters that called for the resignation of the Supreme Leader of Iran, the abolition of the Islamic Republic, and the establishment of a secular democracy. She was arrested on September 21, 2022 during the Woman Life Freedom protests, and is imprisoned in solitary confinement.

(20) Saman Yasin, a well-known and acclaimed 27-year-old Kurdish artist and rapper, has been a vocal critic of the Islamic Republic and openly supported Woman Life Freedom protestors in his social media. In November 2022, he received a death sentence, which he appealed. Although the Supreme Court of the Islamic Republic
overturned his death sentence, Yasin has been denied a fair trial, and suffers ongoing psychological and physical torture while imprisoned, including involuntary admissions to psychiatric hospitals. His fate is part of a larger pattern of torture tactics against political prisoners, including injections and the administration of unidentified pills. As a result of his severe and enduring torture, on February 27, 2024, Saman Yasin wrote an open letter to the head of the Islamic Republic's judiciary, in which he demanded his own execution.

(21) Nika Shakarami was a 16-year-old Iranian girl who actively participated in nonviolent protests after the killing of Jina Mahsa Amini. She disappeared during the Woman Life Freedom protests, and her family found her shattered body in a mortuary ten days after her disappearance. Despite Islamic Republic authorities denying any wrongdoing, a subsequent leaked internal Islamic Revolutionary Guard Corps document revealed that she had been taken into custody, bound in a van, sexually assaulted by one of three men, and spent her final minutes being fatally beaten by all three men.

(22) Nika Shakarami, along with Sarina Esmailzadeh and Hadis Najafi, two other young women murdered by the Islamic Republic, became symbols of the ongoing protests in Iran. Despite attempts by authorities to suppress information about Shakarami’s death, international media coverage and social media tributes highlighted her story, sparking outrage and further
fueling the protests. Nika Shakarami is a testament to the untold number of protestors that never had the prospect of appearing before an Islamic Revolutionary Court. Had she survived; she likely would have been taken before an Islamic Revolutionary Court, based on manufactured charges, for a trial that would offer no due process, insufficient access to legal counsel, and false confessions based on torture.

(23) There are also numerous reported cases of American citizens and U.S. Legal Permanent Residents being arbitrarily detained, subjected to sham trials, and unjustly imprisoned by Iranian Revolutionary courts on baseless charges.

(24) Examples of such cases include Jason Rezaian, a Washington Post journalist who was imprisoned for over 500 days on charges of espionage, Siamak Namazi, an Iranian American businessman who was sentenced to 10 years in prison on charges of spying and collaborating with a hostile government, and Amir Hekmati, a former U.S. Marine and an Iranian American who accused of espionage and was sentenced to death, but the sentence was later overturned and then retried and sentenced to 10 years in prison.

SECTION 3. SANCTIONS ON JUDGES OF THE ISLAMIC REVOLUTIONARY COURTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States shall stand with and support the people of Iran in their demand for fundamental human rights and an end to gender apartheid;
the United States shall continue to hold the Islamic Republic of Iran, and all its branches of government, including the judiciary and its judges, accountable for abuses of human rights, crimes against humanity, corruption, and the export of terrorism; and

(3) the Islamic Republic must immediately end its gross violations of internationally recognized human rights.

(b) IN GENERAL.—

(1) DETERMINATION REQUIRED.—Not later than 90 days and annually thereafter after the date of the enactment of this Act, the President shall determine whether the sanctions listed in paragraph (2) apply with respect to each foreign person described in subsection (c), and impose all applicable such sanctions with respect to each such foreign person and entity.

(2) SANCTIONS LISTED.—The sanctions listed in this paragraph are the following:

(A) Sanctions described in section 105(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514(c)).

(B) Sanctions applicable with respect to a person pursuant to Executive Order 13553 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to serious human rights abuses by the Government of Iran).

(C) Sanctions applicable with respect to a
person pursuant to Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

(D) Sanctions applicable with respect to a person pursuant to Executive Order 13818 (relating to blocking the property of persons involved in serious human rights abuse or corruption).

(E) Sanctions applicable with respect to a person pursuant to Executive Order 13876 (relating to imposing sanctions with respect to Iran).

(F) Penalties and visa bans applicable with respect to a person pursuant to section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021.

(3) FORM OF DETERMINATION.—The determination required by paragraph (1) shall be provided in an unclassified form but may contain a classified annex provided separately containing additional contextual information pertaining to justification for the issuance of any waiver issued, as described in paragraph (1)(C)(ii). The unclassified portion of such determination shall be made available on a publicly available internet website of the Federal Government.

(c) FOREIGN PERSONS DESCRIBED.—The foreign persons described in this subsection are the following:
(1) Adjudicators and investigators including judges, prosecutors and investigators of the various branches of the Islamic Revolutionary Courts involved in overseeing, committing, or adjudicating based on inhumane treatment of prisoners of conscious including political prisoners from detention to sentencing.

(d) Congressional Oversight.—

(1) In general.—Not later than 60 days after receiving a request from the chairman and ranking member of one of the appropriate congressional committees with respect to whether a person meets the criteria of a person described in subsection (c), the President shall—

(A) determine if the person meets such criteria; and

(B) submit a classified or unclassified report to such chairman and ranking member with respect to such determination that includes a statement of whether or not the President imposed or intends to impose sanctions with respect to the person pursuant to this section.

(2) Appropriate congressional committees defined.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Foreign Relations of the Senate.

SECTION 4. STATEMENT OF POLICY.
It is the policy of the United States that—
(1) the legal and bureaucratic apparatus of the Islamic Revolutionary Courts facilitates the Islamic Republic in shielding human rights abuses from scrutiny;
(2) judgments, sentences and other official acts that emanate from the Islamic Revolutionary Courts should not be afforded judicial deference by the international legal community, and may serve as evidence of torture and human rights violations;
(3) the Islamic Republic of Iran should immediately stop violating the human rights of political prisoners or any person with a proceeding before the Islamic Revolutionary Courts, including by—
(A) torture;
(B) assault;
(C) denial of access to health care; and
(D) denial of a fair trial; and
(4) the Islamic Republic of Iran should immediately release all political prisoners.

SECTION 5. DEFINITIONS.
In this Act:
(1) POLITICAL PRISONER.—The term “political prisoner” means a person who has been detained or imprisoned on politically motivated grounds.

SECTION 6. SEVERABILITY.
If any provision of this Act, or the application of such
provision to any person or circumstance, is found to be unconstitutional, the remainder of this Act, or the application of that provision to other persons or circumstances, shall not be affected.