

118TH CONGRESS
2D SESSION

H. R. 8586

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

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2024

Mrs. KIM of California (for herself, Mr. SCHIFF, Mr. LAWLER, and Mr. TRONE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Targeting Oppressive
5 Officers to Mitigate Abuse in the Iranian Judiciary Act” or
6 the “TOOMAJ Act”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

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

12 (2) Article 3 of the Universal Declaration of
13 Human Rights guarantees the right to life, liberty,
14 and security of person. Article 9 of such Declaration
15 prohibits arbitrary arrests or detentions and Article
16 18 of such Declaration guarantees the right to free-
17 dom of thought, conscience, and religion.

18 (3) As a member state of the United Nations
19 and other international institutions, the Islamic Re-
20 public of Iran is bound by international commit-
21 ments concerning human rights and the rule of law.
22 Nevertheless, the Islamic Republic of Iran has sys-
23 tematically and consistently curtailed the ability of
24 Iranian citizens to exercise fundamental freedoms
25 without fear of retribution.

1 (4) The judicial system of the Islamic Republic
2 of Iran consists of a Chief Justice, who is respon-
3 sible for overseeing court administration, and several
4 classes of courts, including Islamic Revolutionary
5 Courts, which are tasked with trying prisoners ac-
6 cused of subverting the Islamic Republic. The trials
7 of Iranian political prisoners and protestors typically
8 are held before judges of these Islamic Revolutionary
9 Courts.

10 (5) Unlike an adversarial system, the Islamic
11 Republic’s judicial model is inquisitorial. The in-
12 quisitorial system gives judges a significant role in
13 deciding what evidence will be considered, whether
14 the accused can access legal counsel or a fair trial,
15 and the outcome of a case.

16 (6) The Islamic Revolutionary Courts oversee
17 cases involving political crimes, and employ well-doc-
18 umented practices that deny fairness and subvert
19 justice. This includes denying access to counsel, re-
20 fusing to disclose the nature of charges, using tor-
21 ture and sexual violence to extract confessions, and
22 using coerced confessions in proceedings, among oth-
23 ers.

24 (7) On September 16, 2022, a 22-year-old
25 woman named Jina Mahsa Amini, died in the deten-

1 tion of the Morality Police after being beaten and
2 detained for allegedly transgressing the Islamic Re-
3 public’s morality laws concerning women’s dress.
4 This tragic incident triggered widespread anti-gen-
5 der apartheid, pro-democracy protests across all of
6 Iran, which have become known globally as the
7 “Woman Life Freedom” movement.

8 (8) In the course of the protests, the Iranian
9 security forces’ violent crackdown included mass ar-
10 rests, well-documented beating of protestors, stifling
11 internet access, and shooting protestors with live
12 ammunition. Weeks into the protests, Iranian secu-
13 rity forces had reportedly killed, blinded, or injured
14 hundreds of civilian protestors, including women and
15 children.

16 (9) By November 2022, reports were ongoing
17 and confirmed that the Islamic Republic had com-
18 menced an intensive crackdown on protestors, char-
19 acterized by crimes against humanity, including
20 mass imprisonment of tens of thousands of civilians,
21 torture, gender and sexual violence, and heightened
22 persecution of ethnic and religious minorities.

23 (10) On December 12, 2022, Majid Reza
24 Rahnavard became the first publicly executed Ira-
25 nian for charges stemming from his alleged involve-

1 ment in the protests. In the time since, many others
2 have been executed, and many more have been de-
3 tained, tortured and killed in secret, and their fami-
4 lies have been threatened.

5 (11) As a result of the intense crackdown, the
6 UN Human Rights Council established the Inde-
7 pendent International Fact-Finding Mission on the
8 Islamic Republic of Iran (FFMI) on November 24,
9 2022. The FFMI mandate was to investigate alleged
10 human rights violations in Iran in connection with
11 the protests that began in Iran on September 16,
12 2022, especially with respect to women and children.

13 (12) Despite the efforts of the FFMI to engage
14 with the Islamic Republic, the Islamic Republic did
15 not grant the FFMI access to the country, nor re-
16 spond to calls for meetings. The FFMI investigation
17 resulted in over 27,000 evidence items. It conducted
18 a total of 134 in-depth interviews with victims and
19 witnesses, including 49 women, and 85 men, both in-
20 side and outside the country, and gathered evidence
21 and analysis from experts on digital and medical
22 forensics, and domestic and international law,
23 among others.

24 (13) On March 18, 2024, the FFMI issued its
25 report following its investigation, and found that Is-

1 Islamic Republic authorities were responsible for egre-
2 gious human rights violations in connection with the
3 Jina Mahsa Amini protests. The FFMI confirmed
4 the use of unnecessary and disproportionate force on
5 peaceful protests, resulting in unlawful killings and
6 injuries of protesters. The FFMI found that at least
7 nine young men were arbitrarily executed, following
8 sham proceedings before Islamic Revolutionary
9 Courts that disregarded basic fair trial and due
10 process guarantees, creating terror among other
11 protesters. The FFMI further found that by Janu-
12 ary 2024, the Iranian Regime’s Islamic Revolu-
13 tionary Courts had issued at least 26 death sen-
14 tences against protesters.

15 (14) With respect to the Islamic Revolutionary
16 Courts, the FFMI found that trials involved system-
17 atic violations of due process. Most protesters were
18 brought before Revolutionary Courts, on vague
19 charges of “corruption on earth” or “waging war
20 against God” in relation to protected conduct or
21 speech. They were denied some of the basic proce-
22 dural elements of due process. Many were denied ac-
23 cess to counsel, not able to access their case files, or
24 receive copies of their judgments. The FFMI found
25 that Islamic Revolutionary Courts showed clear bias

1 against protesters, and systematically dismissed
2 complaints of rape, torture and ill-treatment.

3 (15) Toomaj Salehi is an Iranian dissident and
4 rap artist who criticizes the Islamic Republic’s op-
5 pressive policies through his music. He is widely re-
6 vered inside Iran for directly challenging the Islamic
7 Republic’s denial of human rights. He was arrested
8 in October 2022, in the aftermath of the Woman
9 Life Freedom protests, and has endured intense psy-
10 chological and physical torture, including prolonged
11 solitary confinement. In July 2023, he was sen-
12 tenced to over six years of prison for “corruption on
13 Earth,” a crime manufactured by the Islamic Re-
14 gime to silence dissent. On November 18, 2023,
15 Salehi was released from prison on bail. A few days
16 later, he issued a public statement revealing the
17 depth of torture he had endured at the hands of the
18 Islamic Republic. On November 30, 2023, Toomaj
19 Salehi was re-arrested on charges of publishing false
20 information and disturbing public opinion. On April
21 24, 2024, despite a remand from the Islamic Repub-
22 lic’s Supreme Court, the Islamic Revolutionary
23 Court overseeing Salehi’s case declared the decision
24 of the Supreme Court to be “advisory” and issued
25 a death sentence to Toomaj Salehi.

1 (16) Examples of victims of the Islamic Revolu-
2 tionary Courts are plentiful. Vahid Afkari is a 37-
3 year-old Iranian who was arrested along with his
4 brothers Habib and Navid Afkari during the 2018
5 Iranian protests. All three were tortured into
6 confessing to killing a security officer. On September
7 12, 2020, Navid Afkari was executed. Vahid Afkari
8 remains imprisoned, and has been held in solitary
9 confinement for over 1,000 days. He is denied med-
10 ical treatment for the injuries he has sustained from
11 torture and suicide attempts.

12 (17) Narges Mohammadi is an Iranian human
13 rights Activist, the 2023 Nobel Peace Prize recipi-
14 ent, and the vice president of the Defenders of
15 Human Rights Center, a human rights organization
16 based in Tehran. She has been repeatedly prosecuted
17 by the Islamic Republic due to her outspoken posi-
18 tions against the government’s human rights abuses.
19 She is currently imprisoned, and routinely subjected
20 to prolonged solitary confinement, psychological tor-
21 ture, and physical abuse.

22 (18) Fatemeh Sepehri is an Iranian political
23 and women’s rights activist and a political prisoner.
24 She is a signatory of the “Statement of 14 Political
25 Activists,” a series of open letters that called for the

1 resignation of the Supreme Leader of Iran, the abo-
2 lition of the Islamic Republic, and the establishment
3 of a secular democracy. She was arrested on Sep-
4 tember 21, 2022 during the Woman Life Freedom
5 protests, and is imprisoned in solitary confinement.

6 (19) Saman Yasin, a well-known and acclaimed
7 27-year-old Kurdish artist and rapper, has been a
8 vocal critic of the Islamic Republic and openly sup-
9 ported Woman Life Freedom protestors in his social
10 media. In November 2022, he received a death sen-
11 tence, which he appealed. Although the Supreme
12 Court of the Islamic Republic overturned his death
13 sentence, Yasin has been denied a fair trial, and suf-
14 fers ongoing psychological and physical torture while
15 imprisoned, including involuntary admissions to psy-
16 chiatric hospitals. His fate is part of a larger pat-
17 tern of torture tactics against political prisoners, in-
18 cluding injections and the administration of uniden-
19 tified pills. As a result of his severe and enduring
20 torture, on February 27, 2024, Saman Yasin wrote
21 an open letter to the head of the Islamic Republic's
22 judiciary, in which he demanded his own execution.

23 (20) Nika Shakarami was a 16-year-old Iranian
24 girl who actively participated in nonviolent protests
25 after the killing of Jina Mahsa Amini. She dis-

1 appeared during the Woman Life Freedom protests,
2 and her family found her shattered body in a mor-
3 tuary ten days after her disappearance. Despite Is-
4 lamic Republic authorities denying any wrongdoing,
5 a subsequent leaked internal Islamic Revolutionary
6 Guard Corps document revealed that she had been
7 taken into custody, bound in a van, sexually as-
8 saulted by one of three men, and spent her final
9 minutes being fatally beaten by all three men.

10 (21) Nika Shakarami, along with Sarina
11 Esmailzadeh and Hadis Najafi, two other young
12 women murdered by the Islamic Republic, became
13 symbols of the ongoing protests in Iran. Despite at-
14 tempts by authorities to suppress information about
15 Shakarami's death, international media coverage
16 and social media tributes highlighted her story,
17 sparking outrage and further fueling the protests.
18 Nika Shakarami is a testament to the untold num-
19 ber of protestors that never had the prospect of ap-
20 pearing before an Islamic Revolutionary Court. Had
21 she survived; she likely would have been taken before
22 an Islamic Revolutionary Court, based on manufac-
23 tured charges, for a trial that would offer no due
24 process, insufficient access to legal counsel, and false
25 confessions based on torture.

1 (22) There are also numerous reported cases of
2 American citizens and U.S. Legal Permanent Resi-
3 dents being arbitrarily detained, subjected to sham
4 trials, and unjustly imprisoned by Iranian Revolu-
5 tionary courts on baseless charges.

6 (23) Examples of such cases include Jason
7 Rezaian, a Washington Post journalist who was im-
8 prisoned for over 500 days on charges of espionage,
9 Siamak Namazi, an Iranian American businessman
10 who was sentenced to 10 years in prison on charges
11 of spying and collaborating with a hostile govern-
12 ment, and Amir Hekmati, a former U.S. Marine and
13 an Iranian American who accused of espionage and
14 was sentenced to death, but the sentence was later
15 overturned and then retried and sentenced to 10
16 years in prison.

17 **SEC. 3. SANCTIONS ON JUDGES OF THE ISLAMIC REVOLU-**
18 **TIONARY COURTS.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) the United States shall stand with and sup-
22 port the people of Iran in their demand for funda-
23 mental human rights and an end to gender apart-
24 heid.

1 (2) the United States shall continue to hold the
2 Islamic Republic of Iran, and all its branches of gov-
3 ernment, including the judiciary and its judges, ac-
4 countable for abuses of human rights, crimes against
5 humanity, corruption, and the export of terrorism;
6 and

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

10 (b) IN GENERAL.—

11 (1) DETERMINATION REQUIRED.—Not later
12 than 90 days and annually thereafter after the date
13 of the enactment of this Act, the President shall de-
14 termine whether the sanctions listed in paragraph
15 (2) apply with respect to each foreign person de-
16 scribed in subsection (c), and impose all applicable
17 such sanctions with respect to each such foreign per-
18 son and entity.

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

21 (A) Sanctions described in section 105(c)
22 of the Comprehensive Iran Sanctions, Account-
23 ability, and Divestment Act of 2010 (22 U.S.C.
24 8514(c)).

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

7 (C) Sanctions applicable with respect to a
8 person pursuant to Executive Order 13224 (50
9 U.S.C. 1701 note; relating to blocking property
10 and prohibiting transactions with persons who
11 commit, threaten to commit, or support ter-
12 rorism).

13 (D) Sanctions applicable with respect to a
14 person pursuant to Executive Order 13818 (re-
15 lating to blocking the property of persons in-
16 volved in serious human rights abuse or corrup-
17 tion).

18 (E) Sanctions applicable with respect to a
19 person pursuant to Executive Order 13876 (re-
20 lating to imposing sanctions with respect to
21 Iran).

22 (F) Penalties and visa ban applicable with
23 respect to a person pursuant to section 7031(c)
24 of the Department of State, Foreign Oper-

1 ations, and Related Programs Appropriations
2 Act, 2021.

3 (3) FORM OF DETERMINATION.—The deter-
4 mination required by paragraph (1) shall be pro-
5 vided in an unclassified form but may contain a clas-
6 sified annex provided separately containing addi-
7 tional contextual information pertaining to justifica-
8 tion for the issuance of any waiver issued, as de-
9 scribed in paragraph (1)(C)(ii). The unclassified por-
10 tion of such determination shall be made available
11 on a publicly available internet website of the Fed-
12 eral Government.

13 (c) FOREIGN PERSONS DESCRIBED.—The foreign
14 persons described in this subsection are the following:

15 (1) Adjudicators and investigators including
16 judges, prosecutors and investigators of the various
17 branches of the Islamic Revolutionary Courts in-
18 volved in overseeing, committing, or adjudicating
19 based on inhumane treatment of prisoners of con-
20 scious including political prisoners from detention to
21 sentencing.

22 (d) CONGRESSIONAL OVERSIGHT.—

23 (1) IN GENERAL.—Not later than 60 days after
24 receiving a request from the chairman and ranking
25 member of one of the appropriate congressional com-

1 mittees with respect to whether a person meets the
2 criteria of a person described in subsection (c), the
3 President shall—

4 (A) determine if the person meets such cri-
5 teria; and

6 (B) submit a classified or unclassified re-
7 port to such chairman and ranking member
8 with respect to such determination that includes
9 a statement of whether or not the President im-
10 posed or intends to impose sanctions with re-
11 spect to the person pursuant to this section.

12 (2) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES DEFINED.—In this subsection, the term “ap-
14 propriate congressional committees” means—

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

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

19 **SEC. 4. STATEMENT OF POLICY.**

20 It is the policy of the United States that—

21 (1) the legal and bureaucratic apparatus of the
22 Islamic Revolutionary Courts facilitates the Islamic
23 Republic in shielding human rights abuses from
24 scrutiny;

1 (2) judgments, sentences and other official acts
2 that emanate from the Islamic Revolutionary Courts
3 should not be afforded judicial deference by the
4 international legal community and may serve as evi-
5 dence of torture and human rights violations;

6 (3) the Islamic Republic of Iran should imme-
7 diately stop violating the human rights of political
8 prisoners or any person with a proceeding before the
9 Islamic Revolutionary Courts, including by—

10 (A) torture;

11 (B) assault;

12 (C) denial of access to health care; and

13 (D) denial of a fair trial; and

14 (4) the Islamic Republic of Iran should imme-
15 diately release all political prisoners.

16 **SEC. 5. DEFINITIONS.**

17 In this Act:

18 (1) **POLITICAL PRISONER.**—The term “political
19 prisoner” means a person who has been detained or
20 imprisoned on politically motivated grounds.

21 **SEC. 6. SEVERABILITY.**

22 If any provision of this Act, or the application of such
23 provision to any person or circumstance, is found to be
24 unconstitutional, the remainder of this Act, or the applica-

- 1 tion of that provision to other persons or circumstances,
- 2 shall not be affected.

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