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To impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2010

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. DURBIN, Mr. BAYH, Mr. GRAHAM, Mrs. GILLIBRAND, Mr. THUNE, Mr. CASEY, Mr. CORNYN, Ms. COLLINS, Mr. KAUFMAN, Mr. VITTER, Mr. BROWNBACK, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes.

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 “Iran Human Rights
5 Sanctions Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Iran voted in the United Nations General
2 Assembly on December 10, 1948, to adopt the Uni-
3 versal Declaration of Human Rights, thereby com-
4 mitting to guarantee the “life, liberty, and security
5 of person” of all people and rejecting “cruel, inhu-
6 man, or degrading treatment or punishment”.

7 (2) The Constitution of the Islamic Republic of
8 Iran guarantees certain human rights and funda-
9 mental freedoms, including political and civil rights,
10 along with economic, social, and cultural rights, in-
11 cluding a prohibition on torture and a guarantee of
12 sentencing according to the law.

13 (3) The Islamic Republic of Iran is a party to
14 4 major United Nations human rights treaties: the
15 Convention on the Rights of the Child (which it rati-
16 fied on July 13, 1994), the International Convention
17 on the Elimination of All Forms of Racial Discrimi-
18 nation (which it ratified on August 29, 1968), and
19 the International Covenant on Civil and Political
20 Rights and the International Covenant on Economic,
21 Social and Cultural Rights (both of which it ratified
22 on June 24, 1975).

23 (4) The Government of the Islamic Republic of
24 Iran is violating its international and constitutional

obligations to respect the human rights and fundamental freedoms of its citizens, including by—

(A) using torture and cruel, inhuman, or degrading treatment or punishment, including flogging, and amputations;

(B) carrying out an increasingly high rate of executions in the absence of internationally recognized safeguards, including public executions and executions of juvenile offenders;

(C) using stoning as a method of execution and maintaining a high number of persons in prison who continue to face sentences of execution by stoning;

(D) carrying out arrests, violent repression, and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women's rights defenders, and continuing discrimination against women and girls;

(E) permitting or carrying out increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic, or other minorities;

(F) imposing ongoing, systematic, and serious restrictions of freedom of peaceful assem-

1 bly and association and freedom of opinion and
2 expression, including the continuing closures of
3 media outlets, arrests of journalists, and the
4 censorship of expression in online forums such
5 as blogs and websites; and

6 (G) imposing severe limitations and re-
7 strictions on freedom of religion and belief, in-
8 cluding by carrying out arbitrary arrests, in-
9 definite detentions, and lengthy jail sentences
10 for those exercising their rights to freedom of
11 religion or belief and proposing a provision in a
12 draft penal code that sets out a mandatory
13 death sentence for apostasy, the abandoning of
14 one's faith.

15 (5) On June 19, 2009, the United Nations
16 High Commissioner for Human Rights expressed
17 concerns about the increasing number of arrests not
18 in conformity with the law and the illegal use of ex-
19 cessive force in responding to protests following the
20 June 12, 2009, elections in Iran, resulting in at
21 least dozens of deaths and hundreds of injuries.

22 (6) On August 1, 2009, authorities in the Is-
23 lamic Republic of Iran began a mass trial of more
24 than 100 individuals in connection with election pro-
25 tests, most of whom were held for weeks, in solitary

1 confinement, with little or no access to their lawyers
2 or families, and many of whom showed signs of tor-
3 ture or abuse.

4 (7) The Supreme Leader of Iran issued a state-
5 ment on October 28, 2009, effectively criminalizing
6 dissent in the aftermath of the national election of
7 June 12, 2009.

8 (8) On November 4, 2009, security forces in
9 the Islamic Republic of Iran used brutal force to dis-
10 perse thousands of protesters, resulting in a number
11 of injuries and arrests, in violation of international
12 standards regarding the proportionate use of force
13 against peaceful demonstrations.

14 (9) At least 8 citizens of Iran were killed and
15 an undetermined number were injured on December
16 27, 2009, when security forces of the Islamic Repub-
17 lic of Iran violently broke up peaceful gatherings
18 during the Ashura holiday.

19 (10) The Government of the Islamic Republic of
20 Iran has recently sentenced numerous Iranian citi-
21 zens to death without due process for politicized
22 crimes relating to the peaceful demonstrations that
23 followed the June 12, 2009, elections, including
24 “waging war against God”, and has begun carrying

1 out those execution sentences, including the death by
2 hanging of 2 individuals on January 28, 2010.

3 **SEC. 3. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS**
4 **WHO ARE COMPLICIT IN HUMAN RIGHTS**
5 **ABUSES COMMITTED AGAINST CITIZENS OF**
6 **IRAN OR THEIR FAMILY MEMBERS AFTER**
7 **THE JUNE 12, 2009, ELECTIONS IN IRAN.**

8 (a) IN GENERAL.—Except as provided in subsections
9 (d) and (e), the President shall impose sanctions described
10 in subsection (c) with respect to each person on the list
11 required by subsection (b).

12 (b) LIST OF PERSONS WHO ARE COMPLICIT IN CER-
13 TAIN HUMAN RIGHTS ABUSES.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date of the enactment of this Act, the President
16 shall submit to the appropriate congressional com-
17 mittees a list of persons who are citizens of Iran
18 that the President determines are complicit in
19 human rights abuses committed against citizens of
20 Iran or their family members on or after June 12,
21 2009, regardless of whether such abuses occurred in
22 Iran.

23 (2) UPDATES OF LIST.—The President shall
24 submit to the appropriate congressional committees

1 an updated list under paragraph (1) periodically and
2 as new information becomes available.

3 (3) PUBLIC AVAILABILITY.—The list required
4 by paragraph (1) shall be made available to the pub-
5 lic and posted on the websites of the Department of
6 the Treasury and the Department of State.

7 (4) CONSIDERATION OF DATA FROM OTHER
8 COUNTRIES AND NONGOVERNMENTAL ORGANIZA-
9 TIONS.—In preparing the list required by paragraph
10 (1), the President shall consider data already ob-
11 tained by other countries and nongovernmental orga-
12 nizations, including organizations in Iran, that mon-
13 itor the human rights abuses of the Government of
14 Iran.

15 (c) SANCTIONS DESCRIBED.—The sanctions de-
16 scribed in this subsection are the following:

17 (1) VISA BAN.—Ineligibility for a visa to enter
18 the United States.

19 (2) FINANCIAL SANCTIONS.—Sanctions author-
20 ized under the International Emergency Economic
21 Powers Act (50 U.S.C. 1701 et seq.), including
22 blocking of property and restrictions or prohibitions
23 on financial transactions and the exportation and
24 importation of property.

1 (d) EXCEPTIONS TO COMPLY WITH INTERNATIONAL
2 AGREEMENTS.—The President may, by regulation, au-
3 thorize exceptions to the imposition of sanctions under this
4 section to permit the United States to comply with the
5 Agreement between the United Nations and the United
6 States of America regarding the Headquarters of the
7 United Nations, signed June 26, 1947, and entered into
8 force November 21, 1947, and other applicable inter-
9 national agreements.

10 (e) WAIVER.—The President may waive the require-
11 ment to impose or maintain sanctions with respect to a
12 person under subsection (a) or the requirement to include
13 a person on the list required by subsection (b) if the Presi-
14 dent—

15 (1) determines that such a waiver is in the na-
16 tional interest of the United States; and

17 (2) submits to the appropriate congressional
18 committees a report describing the reasons for the
19 determination.

20 (f) TERMINATION OF SANCTIONS.—The provisions of
21 this section shall cease to have force and effect on the date
22 on which the President determines and certifies to the ap-
23 propriate congressional committees that the Government
24 of Iran has—

1 (1) unconditionally released all political pris-
2 oners, including the citizens of Iran detained in the
3 aftermath of the June 12, 2009, presidential election
4 in Iran;

5 (2) ceased its practices of violence, unlawful de-
6 tention, torture, and abuse of citizens of Iran while
7 engaging in peaceful political activity; and

8 (3) conducted a transparent investigation into
9 the killings, arrest, and abuse of peaceful political
10 activists in Iran and prosecuted those responsible.

11 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” has the meaning given that term
14 in section 14(2) of the Iran Sanctions Act of 1996 (Public
15 Law 104–172; 50 U.S.C. 1701 note).

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