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S. RES. 355

Expressing the sense of the Senate that the Government of the Islamic Republic of Iran has systematically violated its obligations to uphold human rights provided for under its constitution and international law.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2009

Mr. LEVIN (for himself, Mr. McCAIN, Mr. CASEY, Mr. GRAHAM, Mr. LIEBERMAN, Mr. CORKER, and Mr. NELSON of Florida) submitted the following resolution; which was considered and agreed to

RESOLUTION

Expressing the sense of the Senate that the Government of the Islamic Republic of Iran has systematically violated its obligations to uphold human rights provided for under its constitution and international law.

Whereas the 1979 Constitution of the Islamic Republic of Iran supposedly guarantees certain human rights and fundamental freedoms, which encompass civil and political rights, along with economic, social, and cultural rights;

Whereas the Islamic Republic of Iran is a party to four major United Nations human rights treaties: the Convention on the Rights of the Child (which it ratified on July 13, 1994), the International Convention on the Elimination of All Forms of Racial Discrimination (which it ratified

on August 29, 1968), and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both of which its ratified on June 24, 1975);

Whereas the Government of Iran has routinely violated the human rights of its citizens, including—

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

(2) high incidence and increase in the rate of executions carried out in the absence of internationally recognized safeguards, including public executions and executions of juvenile offenders;

(3) stoning as a method of execution and persons in prison who continue to face sentences of execution by stoning;

(4) 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;

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

(6) ongoing, systematic, and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including the continuing closures of media outlets, arrests of journalists, and the censorship of expression in online forums such as blogs and websites; and

(7) severe limitations and restrictions on freedom of religion and belief, including arbitrary arrest, indefinite detention, and lengthy jail sentences for those exercising their right to freedom of religion or belief, including a

provision in the proposed draft penal code that sets out a mandatory death sentence for apostasy, the abandoning of one's faith;

Whereas, since March 9, 2007, Robert Levinson, a United States citizen, has been missing in the Islamic Republic of Iran, and the Government of Iran has provided little information on his whereabouts or assistance in ensuring his safe return to the United States;

Whereas Ja'far Kiani was publicly stoned to death in July 2007 in the Islamic Republic of Iran in contravention of an order from the Head of the Judiciary granting a temporary stay of execution;

Whereas, since May 2008, Reza Taghavi, a 71-year old Iranian-American, has been imprisoned without a trial or formal charges;

Whereas, on October 15, 2008, authorities in the Islamic Republic of Iran jailed Esha Momeni, a graduate student at California State University, Northridge, for her peaceful activities in connection with the women's rights movement in the Islamic Republic of Iran, and refused to grant her permission to leave Iran for 10 months following her release from prison in November 2008;

Whereas Iranian-American journalist Roxana Saberi was jailed in January 2009 and sentenced in a closed-door, one-hour trial to eight years in prison for charges of espionage before her release in May 2009;

Whereas, on June 19, 2009, the United Nations High Commissioner for Human Rights expressed concerns about the increasing number of illegal arrests not in conformity with the law and the illegal use of excessive force in responding to protests following the June 12, 2009, elec-

tions, resulting in at least dozens of deaths and hundreds of injuries;

Whereas the Government of Iran closed the Center for Defenders of Human Rights, headed by Nobel Peace prize winner Shirin Ebadi, in December 2008, and the Association of Iranian Journalists in August 2009, the country's largest independent association for journalists;

Whereas, on August 1, 2009, authorities in the Islamic Republic of Iran began a mass trial of over 100 individuals in connection with election protests, most of whom were held incommunicado for weeks, in solitary confinement, with little or no access to their lawyers and families, many of whom showed signs of torture and drugging;

Whereas, in early October 2009, the judiciary of the Islamic Republic of Iran sentenced four individuals to death after the disputed presidential election, without providing the individuals adequate access to legal representation during their trials;

Whereas the Supreme Leader of Iran, Ali Khamenei, issued a statement on October 28, 2009, effectively criminalizing dissent regarding the national election in the Islamic Republic of Iran this past June, further restricting the right to freedom of expression;

Whereas the Government of Iran does not allow independent nongovernmental associations and labor unions to perform their role in peacefully defending the rights of all persons;

Whereas, on November 4, 2009, security forces in the Islamic Republic of Iran used brutal force to disperse thousands of protesters, resulting in a number of injuries and arrests, in violation of international standards regarding

the proportionate use of force against peaceful demonstrations;

Whereas the Government of Iran expelled students from universities, particularly over the past two years, in reprisal for their being critical of the government;

Whereas the Government of Iran has imposed restrictions on the travel of individuals, including artists and filmmakers since the recent elections, in reprisal for their political views or their criticism of the government, such as those presently imposed on human rights lawyer Abdolfattah Soltani, human rights activist Emad Baghi, film director Jafar Panahi, and actress Fatemeh Motamed Arya; and

Whereas, according to Amnesty International, at least 346 people were known to have been executed in 2008, including eight juvenile offenders and two men who were executed by stoning: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) calls for authorities in the Islamic Republic
3 of Iran to respect the rights of the people of Iran
4 to freedom of speech, press, religion, association,
5 and assembly;

6 (2) condemns the Government of Iran's human
7 rights violations and calls on the Government of
8 Iran to hold those responsible accountable for their
9 actions;

10 (3) reminds the Government of Iran of its con-
11 stitutional obligations under its 1979 Constitution

1 and four international covenants to which it is a sig-
2 natory;

3 (4) calls for the immediate release from deten-
4 tion of opposition figures, human rights defenders,
5 journalists, and all others held for peacefully exer-
6 cising their right to expression, assembly, and asso-
7 ciation;

8 (5) urges the Government of Iran to ensure
9 that anyone placed on trial for committing acts of
10 violence or other clearly criminal acts benefits from
11 all of his or her rights to a fair trial, including pro-
12 ceedings that are open to the public, the right to be
13 represented by independent counsel, and guarantees
14 that no statements shall be admitted into evidence
15 that were shown to have been obtained through tor-
16 ture, inhumane, or degrading treatment;

17 (6) calls for the Government of Iran to ensure
18 those currently in detention are treated humanely, to
19 provide detainees immediate prompt access to their
20 families, lawyers, and any medical treatment that
21 may be needed, and calls for the Government of Iran
22 to hold accountable those responsible for torture of
23 detainees; and

24 (7) calls for authorities in the Islamic Republic
25 of Iran, consistent with their obligations under the

1 International Covenant on Civil and Political Rights,
2 to guarantee all persons the “freedom to seek, re-
3 ceive and impart information and ideas of all kinds,
4 regardless of frontiers, either orally, in writing, or in
5 print, in the form of art, or through any other media
6 of his choice”.

