

**Suspend the Rules And Agree to the Concurrent Resolution, H. Con.
Res. 107, with Amendments**

**(The amendments consist of a new preamble and a complete new
text)**

113TH CONGRESS
2^D SESSION

H. CON. RES. 107

Denouncing the use of civilians as human shields by Hamas and other
terrorist organizations in violation of international humanitarian law.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2014

Ms. ROS-LEHTINEN (for herself and Mr. DEUTCH) submitted the following
concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Denouncing the use of civilians as human shields by Hamas
and other terrorist organizations in violation of inter-
national humanitarian law.

Whereas the term “human shields” refers to the use of civil-
ians, prisoners of war, or other noncombatants whose
mere presence is designed to protect combatants and ob-
jects from attack;

Whereas the use of human shields violates international hu-
manitarian law (also referred to as the Law of War or
Law of Armed Conflict);

Whereas Additional Protocol I, Article 50(1) to the Geneva Convention defines “civilian” as, “[a]ny person who does not belong to one of the categories of persons referred to in Article 4(A) (1), (2), (3), and (6) of the Third Convention and in Article 43 of this Protocol. In the case of doubt whether a person is a civilian, that person shall be considered a civilian.”;

Whereas Additional Protocol I, Article 51(7) to the Geneva Convention states, “[T]he presence or movement of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.”;

Whereas since June 15, 2014, there have been over 2,000 rockets fired by Hamas and other terrorist organizations from Gaza into Israel;

Whereas Hamas has been using civilian populations as human shields by placing their missile batteries in densely populated areas and near schools, hospitals, and mosques;

Whereas Israel drops leaflets, makes announcements, places phone calls and sends text messages to the Palestinian people in Gaza warning them in advance that an attack is imminent, and goes to extraordinary lengths to target only terrorist actors;

Whereas Hamas has urged the residents of Gaza to ignore the Israeli warnings and to remain in their houses and

has encouraged Palestinians to gather on the roofs of their homes to act as human shields;

Whereas on July 23, 2014, the 46-Member UN Human Rights Council passed a resolution to form a commission of inquiry over Israel's operations in Gaza without a single mention of the indiscriminate rocket attacks by Hamas or the use of human shields, with the United States being the lone dissenting vote;

Whereas public reports have cited the role of Iran and Syria in providing material support and training to Hamas and other terrorist groups carrying out rocket and mortar attacks from Gaza;

Whereas throughout the summer of 2006 conflict between the State of Israel and the terrorist organization Hezbollah, Hezbollah forces utilized human shields in violation of international humanitarian law;

Whereas Al-Qaeda, Al-Shabaab, Islamic State of Iraq and the Levant (ISIL) and other foreign terrorist organizations typically use innocent civilians as human shields;

Whereas the United States and Israel have cooperated on missile defense projects, including Iron Dome, David's Sling, and the Arrow Anti-Missile System, projects designed to thwart a diverse range of threats, including short-range missiles and rockets fired by non-state actors, such as Hamas;

Whereas the United States has provided \$235,000,000 in fiscal year 2014 for Iron Dome research, development, and production;

Whereas, during the most recent rocket attacks from Gaza, Iron Dome has successfully intercepted dozens of rockets

that were launched against Israeli population centers;
and

Whereas 5 million Israelis are currently living under the
threat of rocket attacks from Gaza: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) strongly condemns the use of innocent civil-
4 ians as human shields;

5 (2) calls on the international community to rec-
6 ognize and condemn Hamas' breaches of inter-
7 national law through the use of human shields;

8 (3) places responsibility for the rocket attacks
9 against Israel on Hamas and other terrorist organi-
10 zations, such as Islamic Jihad;

11 (4) supports the sovereign right of the Govern-
12 ment of Israel to defend its territory and its citizens
13 from Hamas' rocket attacks, kidnapping attempts
14 and the use of tunnels and other means to carry out
15 attacks against Israel;

16 (5) expresses condolences to the families of the
17 innocent victims on both sides of the conflict;

18 (6) supports Palestinian civilians who reject
19 Hamas and all forms of terrorism and violence, de-
20 siring to live in peace with their Israeli neighbors;

21 (7) condemns Hamas' repeated refusals to ac-
22 cept a cease-fire with Israel;

1 (8) supports efforts to permanently demilitarize
2 the Gaza Strip, removing Hamas's means to target
3 Israel, including its use of tunnels, rockets, and
4 other means; and

5 (9) condemns the United Nations Human
6 Rights Council's biased commission of inquiry into
7 Israel's Gaza operations.