

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. CON. RES. 107
OFFERED BY MS. ROS-LEHTINEN OF FLORIDA**

Strike the preamble and insert the following:

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

Whereas the use of human shields violates international humanitarian 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; and

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: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That Congress—

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

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

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

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

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

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

1 (7) condemns Hamas' repeated refusals to ac-
2 cept a cease-fire with Israel; and

3 (8) condemns the UN Human Rights Council's
4 biased commission of inquiry into Israel's Gaza oper-
5 ations.

