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113TH CONGRESS
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H. CON. RES. 107

IN THE SENATE OF THE UNITED STATES

JULY 30, 2014

Received

NOVEMBER 18, 2014

Referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. MENENDEZ, with an amendment and an amendment to the
preamble and an amendment to the title

[Strike out all after the resolving clause and insert the part printed in italic]

[Strike the preamble and insert the part printed in italic]

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

*Whereas the use of human shields is unconscionable and mor-
ally unacceptable;*

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

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

*Whereas Israel dropped leaflets, made announcements, placed
phone calls, and sent text messages to the Palestinian peo-
ple in Gaza warning them in advance that an attack was
imminent, and went to extraordinary lengths to target
only terrorist actors and to minimize collateral damage;*

*Whereas Hamas urged the residents of Gaza to ignore the
Israeli warnings and to remain in their houses and en-
couraged 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 in-
quiry over Israel's operations in Gaza that completely fails
to condemn Hamas for its indiscriminate rocket attacks
and its unconscionable 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 at-
tacks from Gaza;*

Whereas throughout the summer of 2006 conflict between the State of Israel and the terrorist organization Hezbollah, Hezbollah forces utilized innocent civilians as human shields;

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 provided \$460,000,000 in fiscal year 2014 for Iron Dome research, development, and production;

Whereas, during the most recent rocket attacks from Gaza, Iron Dome successfully intercepted dozens of rockets that were launched against Israeli population centers; and

Whereas 5,000,000 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;*

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

4 (4) supports the sovereign right of the Govern-
5 ment of Israel to defend its territory and its citizens
6 from Hamas' rocket attacks, kidnapping attempts
7 and the use of tunnels and other means to carry out
8 attacks against Israel;

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

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

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

16 (8) supports efforts to permanently demilitarize
17 the Gaza Strip, removing Hamas's means to target
18 Israel, including its use of tunnels, rockets, and
19 other means; and

20 (9) condemns the United Nations Human
21 Rights Council's biased commission of inquiry into
22 Israel's Gaza operations.

23 *That Congress—*

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

1 (2) *calls on the international community to rec-*
2 *ognize and condemn Hamas' use of human shields;*

3 (3) *places responsibility for the rocket attacks*
4 *against Israel on Hamas and other terrorist organi-*
5 *zations, such as Palestine Islamic Jihad;*

6 (4) *supports the sovereign right of the Govern-*
7 *ment of Israel to defend its territory and its citizens*
8 *from Hamas' rocket attacks, kidnapping attempts,*
9 *and the use of tunnels and other means to carry out*
10 *attacks against Israel;*

11 (5) *expresses condolences to the families of the*
12 *innocent victims on both sides of the conflict;*

13 (6) *supports Palestinian civilians who reject*
14 *Hamas and all forms of terrorism and violence, desir-*
15 *ing to live in peace with their Israeli neighbors;*

16 (7) *supports efforts to demilitarize the Gaza*
17 *Strip, removing Hamas's means to target Israel, in-*
18 *cluding its use of tunnels, rockets, and other means;*
19 *and*

20 (8) *condemns the United Nations Human Rights*
21 *Council's biased resolution establishing a commission*
22 *of inquiry into Israel's Gaza operations.*

Amend the title so as to read: "A concurrent resolu-
tion denouncing the use of civilians as human shields by
Hamas and other terrorist organizations."