

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. CON. RES. 41

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

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IN THE SENATE OF THE UNITED STATES

JULY 24, 2014

Mr. CRUZ (for himself and Mrs. GILLIBRAND) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

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## CONCURRENT RESOLUTION

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

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 Conven-

tion 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 uses civilian populations as human shields by placing its underground tunnel network and missile batteries in densely populated areas, and in and around 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; and

Whereas Hamas, al Qaeda, Hezbollah, 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

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

3            (1) strongly condemns the brutal and illegal  
4        tactic by Hamas and other terrorist organizations of  
5        using innocent civilians as human shields;

6            (2) calls on the international community to rec-  
7        ognize the grave breaches of international law com-  
8        mitted by Hamas in using human shields;

9            (3) places responsibility for launching the rock-  
10       et attacks on Hamas and other terrorist organiza-  
11       tions, such as Islamic Jihad, in Gaza;

12           (4) supports the sovereign right of the Govern-  
13       ment of Israel to defend its territory and stop the  
14       rocket attacks on its citizens;

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

17           (6) supports Palestinian civilians who reject  
18       Hamas and all forms of terrorism, desiring to live in  
19       peace with their Israeli neighbors; and

20           (7) calls on Mahmoud Abbas to condemn the  
21       use of innocent civilians as human shields by Hamas  
22       and other terrorist organizations.

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