

December 20, 2021

The Honorable Janet Yellen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C St, NW
Washington, DC 20520

Dear Secretary Yellen and Secretary Blinken:

We are writing to urge you to faithfully and fully implement the [Sanctioning the Use of Civilians as Defenseless Shields Act](#) (the “Shields Act”), which was signed into law on December 21, 2018 following its unanimous passage by Congress, as soon as legally feasible. The Shields Act required the President, within one year (that is, by December 21, 2019), and annually thereafter, to submit to Congress a list of, and to impose sanctions on, individuals involved with the use of human shields by Hamas and Hizballah, as well as foreign persons, agencies, or instrumentalities that knowingly and materially support or direct the use of human shields by these groups.

In a presidential [memorandum](#) on May 24, 2019, the president delegated “to the Secretary of the Treasury, in consultation with the Secretary of State,” the principal functions and authorities vested in the president by the Shields Act. There have as yet been no sanctions imposed pursuant to this law. We urge you to prioritize the swift imposition against Hamas and Hizballah of all appropriate Shields Act sanctions.

The use of innocent civilians to shield weapons and fighters from lawful attack -- also known as the use of human shields -- is a [war crime](#). The extensive use of human shields by Hamas and Hizballah in recent years is [well documented](#).

During the May 2021 conflict, Hamas used human shields in several different ways. For example, Hamas reportedly placed weapons warehouses in [several](#) different [houses](#) and apartment buildings; installed its military intelligence headquarters next to a [kindergarten](#); and [positioned rocket](#) launch sites next to civilian buildings and in a [school courtyard](#). Each rocket launched at Israeli civilians from a site amongst Gaza civilians was thus a double war crime, violating the law of armed conflict [prohibition](#) on targeting civilians as well as the [prohibition](#) on using civilians as human shields. The Office of the United Nations Special Commissioner for the Middle East Peace Process [said](#): “Hamas & other militants’ indiscriminate launching of rockets & mortars from highly populated civilian neighborhoods into civilian population centers in Israel violates [the law of armed conflict] and must cease immediately.”

Hamas also reportedly [situated](#) pivotal intelligence research and operations facilities in the same building as the Associated Press and other foreign journalists; [used](#) civilian apartment buildings for military planning and operations; [situated](#) weapons factories in the heart of densely populated civilian areas; and [located](#) military tunnels under a [school](#) and [adjacent](#) to a kindergarten, a mosque, and a [hospital](#). The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which is not known for its support of Israel, made the following [statement](#) on June 4 regarding Hamas locating military tunnels under UNRWA schools: “UNRWA condemns the existence and potential use by Palestinian armed groups of such tunnels underneath its schools in the strongest possible terms. It is unacceptable that students and staff be placed at risk in such a way.”

Yahya Sinwar, the top Hamas political leader in Gaza, has made clear that Hamas has a deliberate policy of using Palestinian civilians as human shields. Sinwar [said](#) Hamas has “decided to turn that which is most dear to us – the bodies of our women and children – into . . . a dam to prevent the racing of many Arabs towards the normalization of ties with the plundering entity.” Sinwar has further [boasted](#) that the plan worked, as “our people have imposed their agenda upon the whole world,” forcing onto “the world’s television screens . . . the sacrifice of their [Palestinian] children as an offering for Jerusalem. . . .”

Sinwar is [reportedly](#) a radical hardliner particularly close to Iran. Sinwar made genocidal threats against Israel as recently as May 26, [declaring](#) that Hamas doctrine calls for “the eradication of Israel through armed jihad.” In the same speech, Sinwar [expressed](#) his “complete gratitude” to “the Islamic Republic of Iran, which has . . . provided us with money, weapons, and expertise” and “deserve huge credit.”

Imposing Shields Act sanctions on Sinwar and other relevant Hamas leaders would be an important step toward countering the extensive use of human shields against the U.S. and the North Atlantic Treaty Organization (NATO). The [Islamic State](#), [the Taliban](#), [Libyan forces](#), [Serbian forces](#), and [Iraqi forces](#) have all used human shields against U.S. and NATO forces.

In 2019, NATO’s Supreme Allied Commander Europe, General Curtis Scaparrotti, [called upon](#) NATO member countries to increase their efforts to counter the use of human shields, which he described as “an important obstacle for the effectiveness and success of current and future NATO operations and missions.” Scaparrotti explained that NATO’s adversaries, notably in the Middle East, “have not hesitated to use the prohibited practice of human shields” as it forces NATO troops “to choose between not taking action against legitimate military targets or seeing their actions, and the overall mission, delegitimized.”

In his 2019 request to NATO member countries, Scaparrotti said, “[I]t is essential that further measures be taken at the national level to maximize enforcement of the international legal prohibition of the use of human shields.” Scaparrotti specifically urged “imposition of sanctions” and “spotlighting of violations.” In light of the frequency and effectiveness of human-shields use against NATO forces, Scaparrotti said that such national measures “would decidedly become a major and substantial contribution” to NATO operations.

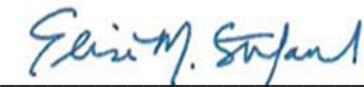
While the U.S. government has taken other strong measures to combat Hamas and Hizballah in recent years, it has yet to sanction Hamas and Hizballah leaders for their use of human shields. Imposing such sanctions would make clear the U.S. government does not tolerate the use of human shields and would encourage like-minded countries to take similar measures against this war crime. It would also augment the Biden Administration's efforts to [undermine](#) Hamas and [weaken](#) Hizballah.

Thank you for your time and attention to this matter. We look forward to your response and encourage you to pursue additional investigations based on the recent conflict so that the law may be implemented as intended.

Sincerely,



Mike Gallagher
Member of Congress



Elise Stefanik
Member of Congress



Joe Wilson
Member of Congress



Vicky Hartzler
Member of Congress

Thomas Souzzi
Member of Congress

Steve Cohen
Member of Congress

Brad Sherman
Member of Congress

Josh Gottheimer
Member of Congress



Liz Cheney
Member of Congress

Lois Frankel
Member of Congress



Peter Meijer
Member of Congress



Lee Zeldin
Member of Congress



Ronny L. Jackson
Member of Congress



Michael Waltz
Member of Congress

Brian Fitzpatrick
Member of Congress



Andrew Garbarino
Member of Congress

Maria Salazar
Member of Congress

Dan Crenshaw
Member of Congress



W. Gregory Steube
Member of Congress

Fred Keller
Member of Congress



Carlos Giménez
Member of Congress



Tim Burchett
Member of Congress



Mark Green
Member of Congress

