

Abstract

The Israeli-Palestinian conflict brings up many questions considering and reaching into several different spheres, including the spheres of law. This thesis focuses on the question of the organized resistance movement against occupation and on its legal status. It is known that the inhabitants of every occupied territory are allowed to protect themselves and their territory from the occupier, thus they are allowed to resist the occupation and to claim a recognition of their resistance movement and of its acts as legal acts.

Although the resistance movement is a well known term, there is no official definition of this movement and its legal framework is quite narrow; it only establishes the characteristics needed in order for its members to gain a status and a legal protection similar to the regular combatants. It is limited from its name that the resistance movement against occupation may only exist in the territory where an actual occupation takes place. In order to characterize the organized resistance movement against occupation in the Israeli-Palestinian conflict, it is necessary for this thesis to first answer several supporting questions concerning the actual status of the specific conflict and look closer whether or not the concerned territory is actually occupied.

After reaching a conclusion that the Palestinian territory, meaning West Bank, East Jerusalem and Gaza strip, may be viewed as the occupied territory since Israel does exercise an effective control over it, the thesis concentrates on the legal status of the resistance movement. It also answers a question under what conditions can the acts of the resistance movement be looked upon as legal. This part of the work mainly analyses article 4(A)2 of the Geneva Convention relative to the Treatment of Prisoners of War. This article includes conditions that must be fulfilled by the resistance movement in order to assure a protective status of a prisoner of war for its members. The conditions are further discussed and analyzed; the thesis also discusses the legal status of such movements that do not fulfill the conditions stated. First it is concerned with the resistance movement as a general term, later on it specializes itself on the specifics of the Israeli-Palestinian conflict. Especially the last chapter is devoted to the monitored conflict, it discusses and analyses specific cases that happened during the conflict, and it helps to answer the question as to whether the real acts of the Israeli-Palestinian resistance movement can be viewed as legal and within the international humanitarian law framework.