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In the Supreme Court sitting as the High Court of Justice

HCJ 11198/02

**Before:**

**Honorable Justice E. Mazza  
Honorable Justice M. Naor  
Honorable Justice E. Hayut**

**The Petitioners:**

1. **Diriya**
2. **Gheith**
3. **Hamed**
4. **Diriya**
5. **HaMoked: Center for the Defence of the Individual**

v.

1. **Commander of the Ofer Military Detention Facility**
2. **Commander of IDF Forces in the Judea and Samaria Area**

**Petition for Order Nisi**

Session date:

14 Adar 5763 (16 February 2003)

For the Petitioners:

Adv. T. Peleg-Sryck, Adv. Y. Wolfson

For the Respondents

Adv. Shai Nitzan

**DECISION**

The state does not dispute the right of prisoners to receive family visits. The oral supplementary response given by Respondents' counsel indicates that appropriate arrangements have already been made to shuttle relatives from Jericho, Qalqiliya, and Ramallah to visit the prisoners, beginning on 9 March 2003, and the state intends to expand the shuttles to include other locations as well, depending on the situation on the ground. It seems to us that, absent a dispute that the right exists, there is no basis – at least at the present time – to issue an Order Nisi. However, we shall leave the petition pending, so that we can check in three months whether the shuttle arrangements have been expanded to other communities in the Area. We also request the Respondents to check whether it is possible to enable visits at the Ofer detention facility, which is located in the Area, without having shuttles organized by the International Committee of the Red Cross.

Further hearing of the petition will be scheduled before this panel to the extent possible, in three months, and shortly prior to the scheduled date, counsel for the Respondents shall file an updated response.

Given today, 16 February 2003.

Justice

Justice

Justice