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At the Supreme Court in Jerusalem Sitting as the High Court of Justice

HCJ 6757/95

Before The Honorable President A. Barak The Honorable Justice Y. Kedmi The Honorable Justice D. Dorner

The Petitioners: 1. A minor boy

resident of Hebron

- 2. HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger (Reg. Assoc.)
- 3. The Association for Civil Rights in Israel

V.

The Respondent:: Commander of IDF Forces in Judea and

Samaria

Application for Order Nisi

Date of session: 11 February 1996

On behalf of Petitioners: Attorney Eliahu Abrams

On behalf of Respondent: No appearance

Judgment

We give the effect of a judgment to the agreement reached by the parties pursuant to which, in reporting the detention and place of detention of a person who is detained in accordance with the defence legislation and regarding the location of detainees through the IDF's Control Center, the following arrangements will apply:

A) Upon the detention of a person who is a resident of the region, notification on his detention and on his place of detention will be delivered without delay by telephone to a telephone number that the detainee gives to the detaining official.

The detaining official will provide said telephone notification, and will record on a form prepared for this purpose the details of the notification that he conveyed and the particulars of the person who received the notification.

In the event that the detainee so requests, notification by telephone will also be conveyed to an attorney whose name and details are provided by the detainee, and the detaining official will inform the detainee of this right.

Where the detainee requested that notification by telephone or otherwise not be conveyed, the request shall be recorded on the form.

Where the detainee did not provide details for the delivery of notification by telephone, a postcard will be sent, at the time of his detention, to his relatives at the address that the detainee provides.

- B) The IDF's Control Center (whether the Control Center or another entity) will receive from all entities (IDF, Israel Police Force, Prisons Service) updated information once a day on the arrest and place of detention of a detainee, in a manner that enables it to locate the detainee, upon written request by an external person or entity.
- C) The IDF Control Center will provide details from the said information in response to a written request of public organizations that deal in such matters and/or upon the request of an attorney representing the detainee or his family.

Following the making of the written request, the requesting party may obtain the information by telephone.

- D) IDF officials will check with officials of the Palestinian Authority on the feasibility of providing the said information also to the D.C.O., so that the said notification can also be delivered through its auspices.
- E) The said agreement will be implemented in a manner that takes into account the need to arrange a number of logistical matters, no later than 1 March 1996.
- F) If it is found that the implementation does not conform to the said arrangements, their effective application will be reexamined.

In light of the above, the petition is dismissed.

Given today, 11 February 1996 before counsel for the parties.

[signed] [signed] [signed]

The President Justice Justice