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In the Supreme Court
Sitting as the High Court of Justice

HCJ 6807/94

Before: The Honorable President M. Shamgar
The Honorable Justice D. Levine
The Honorable Justice T. Sternberg-Cohen

The Petitioner: _____ Abbas

v.

The Respondents: 1. State of Israel
2. Commander of IDF Forces in the Gaza Strip

Opposition to Order Nisi

Date of session: 2 February 1995

On behalf of the Appellant: Attorney Andre Rosenthal

On behalf of the Respondents: Attorney Nili Arad

Judgment

The President:

This petition deals with the application of the family of a member of Hamas who was killed in Jerusalem while committing an act of murder. The application requests that his body be returned to the Gaza Strip for burial.

The state opposes returning the body, at this stage, arguing that it will return the body upon disclosure of the place of burial of the soldier Ilan Sa'don who was killed by members of Hamas.

We have not found reason for this court to interfere with the considerations weighed by the state, which, under the circumstances, do not seem unreasonable, as the learned counsel for the petitioner contends.

Therefore, we reject the petition.

Given today, 2 February 1995, in the presence of Attorney Rosenthal and Attorney Arad.

[signed]

The President

[signed]

Justice

[signed]

Justice