



**The State of Israel
Ministry of Justice**

The Department for International Agreements And International Litigation

Date: Tamuz 15, 5771

July 17, 2011

Number: 4422

To
Mrs. Naama Baumgarten-Sharon
B'tselem Organization
Hata'asia rd. 8, Talpiot
Jerusalem

Dear Madam,

Re: **B'tselem's Draft Report Concerning Stone-throwing by Minors**

Your application that we address the issue of the report under discussion was received in our office and hereinafter is our response:

Methodology

The report was edited based on a non-statistical sampling, which seems at first sight to have been chosen in a tendentious manner, which distorts the existent reality, as far as the military judicial system is concerned, and especially concerning stone-throwing minors, including interrogations, protection of suspects' rights, the derived punishments and so forth.

The presentation of the report with a description of cases without identification details and without enabling the pertinent entities to examine the specific cases presented in it, deny them the possibility of examining the claims presented in the draft report pertinently to the point.

Allegation concerning field levels

The Department for Investigation of Police Officers

As a rule, the Department for Investigation of Police Officers (henceforth: "DIPO") performs its duties while recognizing the legal rights of minors, their special status and the sensitivity required while treating them.

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All the DIPO employees, including the investigators, are briefed to treat minors who submit complaints while paying attention to their age and to fact that they are minors, as well as treating them with the required sensitivity.

The decisions concerning opening an investigation, or the decisions made following an investigation, are based on the law, as well as on the rules of criminal justice and on the State Attorney's directives, and these decisions are taken professionally and pertinently to the point.

The DIPO has informed that they cannot address the issue of the general data detailed in the report and the quantity of investigated cases and the results of these cases, due to the fact that it is not clear which cases are mentioned in the report.

As for the specific files which have been detailed it has been informed that:

- DIPO File 198/10 – As mentioned in the report, an investigation was opened in this case following an application on behalf of the minors, and in that framework, the minor's versions were also collected. Contrarily to what has been said in that report, despite the fact that the complainant A.Z. had pointed out that he was not willing to continue the complaint proceedings, the suspect against whom he had filed the complaint was interrogated and a witness to the incident was questioned as well. As for the complaint filed by the minor M. H., this complaint has been investigated, but the collected evidences didn't provide sufficient basis for submitting an indictment, due to problems arisen in the minor's version. As for other minors' complaints concerning these incidents – as mentioned in the application, the file concerning the application was reopened in order to receive the minors' versions and the following measures will be considered accordingly.
- DIPO File 3516/10 – The claims presented in the report regarding this file relate to the way the investigation was carried out. From the details, as well as from what has been claimed in the report, it's evident that the investigation was conducted professionally in order to collect as many relevant details as possible from the complainant, with the intention of reaching as close as possible to the truth and basing the complaint on evidences. The file was

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eventually closed due to lack of sufficient evidence after comparing the complainant's version with the suspect's version, and since DIPO could not reach a decision concerning the two versions, and since no further investigative actions capable of promoting the investigation could be carried out as well.

Sincerely,


Assaf Radzyner, Adv.

Cc: Adv. Hila Tene-Gilad