

Not Only a Danger, But a Phenomenon– A Response to Judge Mordechai Levy’s Critique of the Book: “Convicting the Innocent: Causes and Solutions”

Boaz Sangero

Abstract

Although Judge Mordechai Levy disagrees with me regarding some of the topics discussed in my book, “CONVICTING THE INNOCENT: CAUSES AND SOLUTIONS,” I happily accept his criticism because, in my opinion, what is most important is what we agree on: there are instances of innocent people being convicted, and more can be done to reduce this phenomenon. I try to show that the rate of false convictions is 5%-10%, and not 0.5% as in the optimistic estimation of Judge Levy. I show that despite the change in the presentation of data by the Central Bureau of Statistics, described by Judge Levy, there are still almost no acquittals in Israel. I respond to criticism and address some other issues discussed in Judge Levy’s article, including tunnel vision, the passivity of the judge in the adversary system, plea bargaining and preventive detention, conviction based on a single piece of evidence: eyewitness identification; accomplice testimony; confessions; and the use of undercover agents and of trickery during police interrogation.