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At the Supreme Court Sitting as the High Court of Justice

HCI 8031/12

Before:

**Honorable President A. Grunis
Honorable Justice N. Hendel
Honorable Justice U. Vogelman**

The Petitioners:

1. **HaMoked - Center for the Defence of the Individual, founded by Dr. Lotte Salzberger**
 2. **Physicians for Human Rights - Israel**
 3. **Israel Religious Action Center - the Israel Movement for Progressive Judaism**
- v.**

The Respondents:

1. **Director General of the National Insurance Institute**
2. **Minister of Social Affairs and Social Services**

Requesting to join as *Amicus Curiae*

Bizchut – The Israel Human Rights Center for People with Disabilities

Petition for *Order Nisi*

Session date:

13 Tevet 5774 (December 16, 2013)

Session Secretary:

Aluma Zernik

Representing the Petitioners:

Adv. Sigi Ben Ari

Representing the Respondents:

Adv. Michal Michlin-Fridlander

Representing the party requesting to join as *Amicus Curiae*:

Adv. Sharon Primor – did not appear due to weather conditions

Protocol

Adv. Ben Ari:

I apologize on behalf of Advocate Primor who could not arrive. She is locked outside the city in a settlement and refers to the grounds of the petition itself.

Honorable President A. Grunis:

Why isn't it possible to arrange a professional interpreter?

Adv. Michlin Fridlander:

We think that the solution which is provided by interpreters

Honorable Justice U. Vogelmann:

But it is not professional. In certain places, in the courts for instance, tenders are issued for professional interpretation. I understand that you are also interested in the practical aspect and the solution is possible and relatively simple

Adv. Michlin Fridlander:

Currently, the NII found the possible solution on scene. Some of the committees' physicians speak the language, seven secretaries speak the language and when all this does not work and no communication is established with the insured person, one of the branch's employees who is on-call is brought in. The Institute is of the opinion that a professional service is not required and that the arrangement is satisfactory as a whole. I don't think there is any lawful source which obligates the NII to have a professional interpreter into Arabic and I don't disregard the status of the language and there are also difficulties in other languages.

Honorable Justice U. Vogelmann:

Each problem shall be solved separately. This case concerns the Arabic language.

Adv. Michlin Fridlander:

The NII finds solutions like other government offices, either by that the vast majority of the branch's employees speak Arabic, and to obligate the NII to issue a tender for interpreters,

Honorable Justice U. Vogelmann:

He should only replace the on-call employee

Adv. Michlin Fridlander:

But each time a committee convenes he will have to replace the on-call employee throughout the session of the committee and it cannot be known in advance whether any difficulty may arise. The committee has before it medical documents and this is the main focus of the examination and the conversation with the insured party is not the main issue.

Honorable President A. Grunis:

Can it be checked?

Adv. Michlin Fridlander:

We are prepared to check it but does it mean that at any given time there will be a professional interpreter available?

Honorable President A. Grunis:

It seems that there is no other choice since Madam says that it cannot be foreseen, and when an employee is concerned, he is there any way and he can be called in. Another problem is that when an employee serves as an interpreter there is a conflict of interests, although it is indeed easier and simpler,

Adv. Michlin Fridlander:

According to what was explained to us the conversation is not the main thing.

Honorable President A. Grunis:

But it cannot be known in advance, nevertheless, it is a medical committee and I assume that questions are asked and there may be a problem. Certainly, it is preferable to have a professional interpreter rather than an local employee, which is problematic on various levels. Indeed, it is easy and accessible and saves money, can the matter be checked now

Adv. Michlin Fridlander:

Most of the government offices do not work but I shall try.

Adv. Ben Ari:

We are talking about 250 committees per month which may be scheduled for specific days and a solution must be found. We request that any decision made would be established by protocol.

Recess and thereafter:

Adv. Michlin Fridlander:

The NII requests a period of time to examine another solution, different from the currently existing one. The NII is concerned with the best interests of the insured persons. We request a 60 day period to establish a solution which would be presented to the directors. The issue of assignment to the committees is also complex and committees cannot be scheduled to specific days because the assignment is made according to the claimed disability. Everything will be examined and taken into consideration and meanwhile the current solution will continue to be in force, namely, the insured person can bring a person who speaks the language, which is also currently stated in the invitation.

Adv. Ben Ari:

We definitely accept the above and we request a right to respond after the requested 60 days.

Decision given.

Typist: Ziva