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Clinical Legal
Education Center

The Hebrew University of Jerusalem
Faculty of Law

July 7, 2015

To
Mrs. Keren Rabi
VP Customer Service
Enforcement and Collection Authority
37 Yirmiyahu Street, Building A,
P.O.Box 34235 Zip 9134102,
Jerusalem

Also by Fax
02-5084130

Dear Madam,

Re: **Making the Execution Procedures in the Jerusalem Bureau Accessible to Arabic Speakers**

Reference: our letter dated January 8, 2014; your response dated May 8, 2014

Our response dated June 24, 2014, your response dated July 23, 2014,

Our response dated September 23, 2014, our letter dated November 25, 2014

Our letter dated May 11, 2015, and your response dated June 3, 2015

We hereby write to you in response to your reply letter dated June 3, 2015, concerning the measures which were taken by you and which you intend to take for the purpose of making the execution proceedings in Jerusalem accessible for Palestinian debtors, residents of East Jerusalem, and for the purpose of securing their right to appropriate representation in the bureau, all as will be specified below:

Service Providers in the bureau who speak Arabic– between linguistic accessibility and appropriate representation

1. Firstly, we were happy to read in paragraph 3 of your reply letter dated June 3, 2015, that **following our letter it was decided by the director general of the authority to allocate to the execution bureau in Jerusalem a service provider who speaks Arabic**, for the purpose of assisting, to the extent necessary, the applicants who attend the bureau and need interpretation into the Arabic language, **and we welcome the decision**. In your reply letter you stated that within the next few weeks you would act for manning said position. We shall therefore appreciate receiving information concerning the schedule for the actual employment of the service provider who speaks the Arabic language. In addition, we would like to understand the exact meaning of the phrase "**a service provider who speaks Arabic**". Do you refer to an employee who speaks Hebrew and Arabic who is not necessarily one of the Palestinian citizens or residents of the state of Israel, who will act as an **interpreter** for the clerkship of the bureau for the purpose of providing solution for the linguistic accessibility need, **or** maybe to **one of the Arab employees of the bureau** who will provide solution for the appropriate representation obligation as prescribed by section 15A(a) of the Civil Service (Appointments) Law?
2. Secondly, we would like to know what is the data base which served as the basis for the decision of the director general of the authority **to allocate only one service provider**

who speaks the Arabic language? The above question is reinforced by the fact that in the response to the freedom of information request submitted by us to the authority we were advised on April 27, 2015, that the execution files were opened with an identification code according to an identification number only, and that they did not contain any information regarding the debtor other than his address and therefore the authority was unable to give answers to questions concerning sectoral or national segmentation of those who require the services of the bureau (creditors and debtors alike). This means that a combination of the statistical data according to which the Palestinians comprise more than one third of the inhabitants of the city and according to which 75% of whom are below the poverty line, requires the allocation of a similar percentage of service providers from the Arab population, in as much as the objective is to fulfill the provisions of the Civil Service (Appointments) Law concerning the appropriate representation obligation. In view of the same statistical data, in as much as the objective is to make the procedures in the bureau accessible to Arabic speakers, then it is unclear how the employment of only one service provider who speaks Arabic may suffice, even for the mere simple reason that like any employee, the Arabic speaking service provider who will be so employed will be entitled to vacation and sick days and in view of the fact that only one person is concerned he/she will have no replacement in his/her absence.

3. Thirdly, we find it hard to understand your statement according to which the above decision is made *ex gratia*, in view of the fact that no complaints regarding the above issue were received from Palestinians, residents of East Jerusalem. Firstly, whether or not complaints on this issue were or were not received directly from the Palestinian population makes no difference since it is a weakened population which has the same status as the status of residents under belligerent occupation, which does not regard the Israeli authorities as an address, the obligation of which is to protect them and defend their rights and it is only reasonable that they will not rush to file complaints, merely for the simple reason that they are not at all aware of the fact that they have the right to conduct themselves in the bureau using their own language. The argument that if there are no complaints then it may be reasonably assumed that they manage and do not need assistance only demonstrates the unequal manner by which they are treated. Moreover. How can it be expected of a person who does not speak the local language in a manner which enables him to cope with the system, to complain against the system? **It should be emphasized – the obligation to equally realize the right to due process and the right to own property, imposes the duty to provide linguistic accessibility to the bureau which has monopoly over the enforcement and collection of debts, to the residents of East Jerusalem who are subordinated thereto and who comprise more than one third of the inhabitants of the city, whether they have complained or not.**
4. It should be further emphasized that we regard very gravely the argument according to which " **a person who is not proficient in the Hebrew language usually arrives with an escort who assists him**", in view of the fact that these escorts are mostly lawyers or other representatives, whose services must be hired by the debtors for the purpose of executing the simplest actions that Hebrew speakers can carry out independently. Even if some escorts do not receive payment for their interpretation services there is no reason to impose on Arabic speaking debtors the burden of looking for Hebrew speakers who would agree to accompany them, and it is the duty of the state to ascertain that the services of the bureau are rendered to all persons equally. It should also be noted that to the extent escorts who are paid for their services are concerned, then said escorts have a clear monetary interest that the services of the bureau will not be provided in the Arabic language, and therefore, they will probably not recommend to submit a complaint or a demand for making the bureau accessible to Arabic speakers.

Translation of the warnings into Arabic

5. We were happy to read in paragraph 1 of your reply letter that for the last several weeks warnings concerning the opening of execution files have been sent in the Arabic language to the authority's clients in all execution files. An enquiry conducted by us *vis-à-vis* our clients and several attorneys who routinely handle execution files indicated that until the date hereof they have not seen warning letters in the Arabic language. In view of the above we would be happy to receive a sample, obviously without the names of the debtors and creditors, of a warning letter which was sent in the Arabic language. With respect to warnings sent by the lawyers of the creditors, you noted that you intended to demand that a translated version be attached by the lawyers to each such warning, and that coordination with the bar association and proper arrangements should be made in this regard. We shall also appreciate receiving an update concerning any developments on this issue and we shall be happy to use our best efforts to assist in this matter.
6. Finally, we would like to know when you intend to finalize the translation into Arabic of all other substantial documents, in view of the fact that **over a year ago**, in your reply letter of May 2014, you noted that you would act to translate all such documents into the Arabic language **after the Hebrew versions thereof were improved and their contents clarified**, including: **warnings, advance notices before limitation, requests for response, subpoenas**, etc. As we have already indicated in our reply letter to you of September 2014, we reiterate our demand that **the current Hebrew versions be firstly translated into Arabic subject to future changes, if and to the extent required**, since a period of more than one year exceeds by all means the reasonable time which is required for the purpose of fulfilling the obligation to make the bureau linguistically accessible. Any further delay in the translation of these substantial documents deepens and aggravates the prolonged and disproportionate injury inflicted on the right of Arabic speaking Palestinian debtors to due process and equality before the law.

Translation of the submission forms into the Arabic language

7. With respect to the translation of the submission forms into the Arabic language, you noted in paragraph 2 of your letter that immediately upon the completion of the team work for a renewed and simple construction of the forms and **towards the end of this year, all submission forms would be translated into Arabic and would also be available on the authority's website**. On this issue we would also like to emphasize once again that in so doing you, in fact, request a delay of **one additional year for the completion of the translation of the forms**, in view of the fact that in July 2014 you undertook to finalize the translation of the forms by the end of 2014. In view of the above it should be emphasized that the foot dragging and repeated delays in achieving the goal of full linguistic accessibility of the forms and other mailings of the bureau into the Arabic language are extremely unreasonable and we further wish to remind you that budgetary considerations cannot justify the severe and unreasonable violation of the constitutional rights to equality, due process as well as the right to own property and liberty of the Palestinian debtors, residents of East Jerusalem (HCJ 4541/94 **Alice Miller v. Minister of Defense**, IsrSC 49(4) 94, paragraph 19 of the judgment of Justice Mazza).

Signage and Queue Management System in the Bureau

8. With respect to this issue too, and as specified in paragraph 4 of your rely letter, a significant progress was made, and as we noted in our previous letter, said system operates in the Arabic language. However, we wish to reiterate that **in the absence of equal signage in the Arabic language throughout the bureau's area, Arabic speakers will have difficulties in locating of the service providers** to whom they were

referred by the queue management system. Therefore, we wish to know when you expect to complete the translation of all signs throughout the bureau.

Answering service and Internet service in the Arabic language:

9. With respect to paragraph 5 of your reply letter, we emphasize once again that in an additional examination conducted by us there was no possibility to leave details with the authority's answering service in the Arabic language so that an Arabic speaker customer service representative of the authority would get back to them. We shall appreciate it if you could refer us to said answering service system in the Arabic language so that we would be able to spread the word.

You prompt attention to the above is appreciated,

(Signed)

Advocate Bana Shagri-Badaraneh
And the students Zaha Natur and Daniel Barzilai
Clinic for International Human Rights

CC:

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