

# ZU-LAT Equality and Human Rights

## Destruction of the **Free Media in Israel**

Review of Government's Implementation of Regime Revolution in the Media

Adv. Tal Hillel



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#### Introduction

Since the beginning of his tenure in the current Netanyahu government, Communications Minister Shlomo Karhi has more than once declared his intention to "reform" and take significant steps toward changing the media landscape, such as to defund the Israel Public Broadcasting Corporation (IPBC) and "remove obstacles and regulation" in the industry to allow the free market to prevail, concurrently with the advancement of the regime revolution declared by Justice Minister Yariv Levin upon the formation of the government in December 2022.

Accordingly, in July 2023, the Ministry of Communications published the draft of a new Broadcast Media Law ("Draft Law"), introducing fundamental changes in the Israeli media market.<sup>3</sup> Due to the numerous objections and comments it instigated, the proposed law was sent back to the Ministry of Communications for rework, so its legislation has not progressed in the year since its publication.

Zulat's position paper, submitted to the Ministry of Communications when the Draft Law was posted for public comments, affirms that its principles (eliminating current regulators, to be replaced with a new broadcasting authority subordinate to the Communications Minister and the government; abolishing the previous licensing system, to be replaced with licenses issued by the new broadcasting authority; abolishing the structural separation in news broadcasts and the minimal requirements ensuring journalistic ethics; drastically reducing mandatory investment in local productions; defunding the IPBC; political control over the calculation of ratings) run counter to the public interest and essentially harm the independence of the media in Israel. Zulat's position is that these changes will lead to government control of the media's audio-visual content and create a raucous and unrestrained media environment, subordinate to political considerations.<sup>4</sup>

As mentioned, in the aftermath of the criticism leveled at it, including by the professional echelons in government ministries, the Draft Law was removed from the Knesset's legislative

<sup>\*</sup> English-language reference. All other references in this document are in Hebrew.

<sup>&</sup>lt;sup>1</sup> TOI Staff, \*New Communications Minister Says 'No Place' for Public Broadcasting in Israel, The Times of Israel, 9 January 2023; Nati Tucker, Not a Measly Portfolio: Netanyahu Appoints Karhi as Media's Strategic Bomber, Haaretz, 29 December 2022.

<sup>&</sup>lt;sup>2</sup> Yael Freidson, \*Netanyahu's Justice Minister Presents Plans for Radical Judicial Overhaul, Haaretz, 4 January 2023. One of the reasons that Karhi's initiative to shut down the IPBC was reportedly blocked was to allow the government to focus on Levin's plan for a judicial overhaul: Eliav Breuer and Jerusalem Post Staff, \*Plan To Defund Israel's Public Broadcast Service Delayed Indefinitely, The Jerusalem Post, 2 February 2023.

<sup>&</sup>lt;sup>3</sup> Broadcast Media Draft Bill-2023, Ministry of Justice's Government Legislation Website, 24 July 2023.

<sup>&</sup>lt;sup>4</sup> Amit Schejter and Adi Shay, \*<u>Karhi's Communications Bill: Violation of Media's Independence and Freedom of Expression</u>, *Zulat*, 7 September 2023.

agenda for 2024. Although the standstill could also be attributed to changing priorities after the Hamas massacre of 7 October 2023 and the harsh war Israel has been engaged in ever since, Karhi has stated on various occasions that the Ministry of Communications is continuing to work on a revised draft whose legislation would be advanced in the Knesset's upcoming winter session.<sup>5</sup>

Furthermore, Zulat's follow-up clearly shows that the plan to seize control of the media has not only not paused or slowed down, but that Minister Karhi and the government have continued to advance it through other routes. This document will review the steps corresponding to the principles spelled out in the Draft Law, which the government took in the past year, with the aim of harming the independence of the media. Zulat continues to act against all government measures that harm free media, and has to date published in response more than 10 policy papers outlining the issues and risks they pose.<sup>6</sup>

A comparison of the government's actions to date with the Draft Law shows that the latter's removal from the agenda led Karhi to promote some of its key elements by other means:

- Promotion of specific amendments using private bills: Applied as "band aids" to existing legislation, the bills submitted by MKs are meant to ensure the continuous delivery of benefits to allied media outlets, as well as to facilitate the enactment of the updated Draft Law in the upcoming session of the Knesset. According to Karhi, the advantage of private bills is that they are spared scrutiny by the legal counsels of the Ministries of Communications and Justice.
- Administrative decisions: Appointment of political allies to the regulatory bodies overseeing
  the broadcasting entities and government-proposed steps against critical media outlets as
  part of the accelerated politicization of the regulatory bodies.
- Enactment of temporary provisions under the cover of the war as a substitute for government legislation: Enacting temporary provisions in times of emergency, especially during wartime, significantly accelerates the legislative process and nearly eliminates public and parliamentary oversight. This practice enables far-reaching decisions to be made without a thorough examination of their implications, thereby undermining transparency and democratic checks and balances. Invoking wartime emergency justifying infringements on

<sup>&</sup>lt;sup>5</sup> David Zoldan, Communications Minister Shlomo Karhi: 'IPBC's Shutdown Not Removed From Agenda', *Ice*, 17 June 2024; David Wertheim, Karhi: 'Broadcast Media Bill To Reach Knesset at Start of Winter Session, SATR Will Be No More, People Will Vote With Their Remote Control', *Walla*, 24 September 2024.

<sup>&</sup>lt;sup>6</sup> For example, see footnotes 4, 7, 9, 11, 12, 25, 33, 34, and 49 in this document.

such fundamental rights as freedom of expression sets dangerous precedents that erode public trust and are characteristic of authoritarian regimes.

#### **Government Actions to Seize Control of The Media**

Zulat has been closely following the progress of legislative proposals, appointments, and administrative decisions pertaining to the media since the inauguration of the 25th Knesset. The fact that these measures were initially taken in a gradual, separate, or seemingly disconnected manner is a clear example of "salami tactics," a strategy used for phased hostile takeovers, where each step is executed in a way that obscures the broader picture and the final outcome. The simultaneous advancement of several measures in different areas has allowed Karhi to continue implementing key elements of the government's overarching plan to seize control of Israel's media, as first outlined in the Draft Law, through stand-alone moves even as the full legislative scheme waits in the wings.

This document focuses on the key areas where the government has been paving the way for the legislation of the amended draft law. In each area, we will detail the original proposal contained in the Draft Law and follow with the actual steps taken to advance it, which would appear to be seemingly disconnected from the original proposal. A comparison of the original proposal with the subsequent actions makes it plain that these measures were taken to advance the very same objective outlined in the Draft Law. When taken together, all these actions undoubtedly point to the overarching goal: a hostile takeover of the Israeli media by the government.

Below, we will review the four main areas where the government has been working to crush the independence of a free media in Israel: Undermining the IPBC, arranging benefits for Channel 14 and bolstering "government-friendly" media outlets, politicizing regulatory bodies, targeting and hurting critical media outlets.

#### 1. Undermining The IPBC

A public broadcasting service is the prerequisite for the existence of free and critical media, one that is not dependent on economic factors or motivated by the interests of tycoons whose profits hinge on governmental decisions. The efforts to undermine the autonomy of the IPBC, which serves as an important counterbalance to private media outlets and provides the public with independent and balanced journalism, are aimed at marginalizing it and precluding any effective criticism on its part due to its dependence on the government.

#### Draft Law's Proposal

The Draft Law proposes to require the IPBC to provide its content free of charge to all, thereby significantly cutting its own income and that of producers from the sale of content. In its response, Zulat asserted that the proposed law was yet another step to impair the IPBC enroute to terminating public broadcasting services.<sup>7</sup>

#### **Government Actions**

#### (a) Private Bills

A number of key private bills to undermine the IPCB were submitted during the current session of the Knesset:

- Likud MK Tali Gottlieb's bill to privatize the IPBC was introduced immediately upon the opening of the Knesset on 25 December 2022 and approved in preliminary reading in November 2024.8 According to the bill, the IPBC's television and Reshet Bet radio station would function as full-fledged commercial broadcasters and would be operated by a new entity selected in a tender and under the supervision of the Second Authority for Television and Radio (SATR). This would effectively dismantle the IPBC's operations and end public broadcasting in the State of Israel.9
- A bill to infringe on the IPBC's autonomy submitted in July 2023 by Likud MK Ariel Kellner sought to add the Knesset Economics Committee as an additional regulator.<sup>10</sup> It passed its preliminary reading in March 2024, and has since then been in preparation for its first reading. This bill seeks to exercise political influence over the IPBC and hurt its independence. A Zulat position paper written in response showed that other public corporations scrutinized by the Economics Committee are not subject to such a political oversight mechanism.<sup>11</sup>
- Another private bill by Kellner, designed to benefit Channel 14 (as will be described later on in this document), proposed to change the financial structure of the Idan Plus digital terrestrial television platform and use the IPBC's budget as a kind of "petty cash" to pay

<sup>&</sup>lt;sup>7</sup> Amit Schejter and Adi Shay, \*<u>Karhi's Communications Bill: Violation of Media's Independence and Freedom of Expression</u>, *Zulat*, 7 September 2023.

<sup>&</sup>lt;sup>8</sup> <u>Bill on IPBC Privatization-2022</u>, Knesset's National Legislation Repository, 12 December 2022.

Ronen Reingold and Ori Bassat, \*'What's the Point of It If We Don't Control It?' — Bill on Government Control Over IPBC Budget, Zulat, 19 January 2025.

<sup>&</sup>lt;sup>10</sup> Bill on Israel Public Broadcasting Law (Amendment: Annual Report to Knesset Economics Committee-2023), Knesset's National Legislation Repository, 24 July 2023.

<sup>&</sup>lt;sup>11</sup> Ronen Reingold and Ori Bassat, \*Public Broadcasting Corporation Undermined Under Guise of Transparency, Zulat, 24 April 2024.

the tab.<sup>12</sup> This bill was presented in several versions, and finally became law after passing its third reading in August 2024.<sup>13</sup> Until then, payment to the SATR for the use of this platform was borne primarily by the IPBC, with the Knesset Channel, Channel 12, and Channel 13 paying for their own broadcasts (partially subsidized by the Treasury), and any additional channel wishing to use it required to pay as well. The new law changed the way the platform is funded, as it exempts all commercial channels from payment retroactively to 7 October 2023, and instead imposes the charges they paid or would have paid on the IPBC.<sup>14</sup>

- Kellner's aforementioned bill included an additional clause that would have compelled
  the IPBC to make its archival material available to commercial channels at operating
  cost, which would have significantly harmed the IPBC's revenues. This clause was
  ultimately struck down from the proposed bill due to the opposition of ministerial legal
  counsels.
- A bill submitted by Likud MK Avichai Boaron,<sup>15</sup> which failed to advance, had sought to cancel the budget established by law for the IPBC and instead have the government decide it anew every year, thereby making the IPBC dependent on the political echelon on a permanent basis.<sup>16</sup> To advance this bill, the government sought to convene an emergency discussion to push it through hastily before the end of the Knesset's summer session. However, the discussion ultimately did not take place after the Knesset's legal counsel issued a strongly worded letter stating that she would not be able to defend it if it were advanced in this manner. The bill is expected to be brought up during the upcoming Knesset session.

The explanations attached to these private bills repeatedly claimed that their purpose was to increase competition and encourage a "free media market." The absurdity of this argument becomes even more obvious in light of the "emergency" meeting of the Economics Committee, summoned at the request of coalition MKs during the Knesset's

<sup>&</sup>lt;sup>12</sup> Ronen Reingold and Ori Bassat, \*Bolstering Channel 14: Tycoons' Interests Favored Over Public Good, Zulat, 24 April 2024.

<sup>&</sup>lt;sup>13</sup> Bill on Digital Channels Law (Amendment No. 7: Temporary Provision-2024), Knesset's National Legislation Repository, 3 July 2023.

<sup>&</sup>lt;sup>14</sup> The law stipulated that should the first multiplex not cease operating by 31 January 2025, the IPBC would pay for broadcast distribution out of the funds allocated by the Treasury for this purpose.

<sup>&</sup>lt;sup>15</sup> Bill on Israel Public Broadcasting Law (Amendment: Budget of IPBC-2024), Knesset's National Legislation Repository, 15 July 2024.

<sup>&</sup>lt;sup>16</sup> The IPBC's budget is anchored in the Public Broadcasting Corporation Law-2005. Consequently, any change in the budget requires legislation.

recess, to discuss the decision of commercial companies not to advertise on Channel 14. Both on this point and on the IPBC, we are talking about a gross interference in the free market. The government's blatant actions make it clear that its goal is not to promote a true agenda of free market and competition, but to strengthen those outlets that kowtow to it and to weaken independent ones, and in the process crush the defense mechanisms that prevent political and economic interests from dominating the media.

#### (b) Control Over IPBC Appointments

In April 2024, after Karhi lobbied on his behalf, the Civil Service Appointments Committee approved the nomination of retired judge Moshe Drori as chairman of the IPBC Council's search committee, a key position exploited by Karhi despite the fact that the Public Broadcasting Law-2014 establishes a two-phase mechanism aimed at distancing the political echelon from any possible influence on appointments within the IPBC. The law stipulates that council members will be appointed in accordance with the recommendations of a search committee, composed of public representatives and headed by a retired District/Supreme Court judge. Karhi chose to select the only judge meeting this definition who voiced public support for the regime revolution, who more than once expressed his distrust in the Israeli media and even dubbed it "panic-sowing channels" on one occasion, not to mention the racist and misogynistic language he used in his court rulings. Zulat, along with the Fair Regulation Movement and the Association of Ethiopian Jews, petitioned the Supreme Court to overturn the decision, on the grounds that its unsoundness cried to high heaven and that the appointment process had failed to meet administrative requirements.<sup>17</sup> Upon entering office, Drori sought the nomination to the search committee of Elad Malka, a Likud party member who oversaw the drafting of the Broadcasting Law at the Ministry of Communications, 18 but Malka was disgualified after two deputies at the Attorney General's Office claimed that Drori had falsified Malka's score, or had at least been grossly negligent when he gave him a score for work experience Malka didn't possess. 19 Drori then selected Hanan Amiur, a right-wing activist and Transportation Minister Miri Regev's speechwriter, but the Attorney General's Office is demanding that this

<sup>&</sup>quot;\*Supreme Court Petition: Retired Judge Moshe Drori's Appointment as Head of IPBC's Hiring Committee Must Be Overturned, Zulat, 15 August 2024.

<sup>&</sup>lt;sup>18</sup> Jasmin Gueta, <u>Elad Malka Resigns as Deputy Director General of Communications Ministry</u>, *TheMarker*, 11 April 2024.

<sup>&</sup>lt;sup>19</sup> Shabi Gatenio, <u>The Political Candidate and the Score for Nonexistent Work Experience</u>, *The Seventh Eye*, 5 October 2024.

appointment be disqualified as well due to Amiur's political affiliation.<sup>20</sup> In response to a petition to the Supreme Court, the Honorable Judge Yitzhak Amit issued a ruling in September 2024 freezing the appointment processes initiated by Drori.

#### 2. Arranging Benefits for Channel 14 And 'Government-Friendly' Outlets

One of the main objectives of the Netanyahu government's attempted regime revolution is to change the face of the Israeli media, driven by the belief that whoever controls the media and the information presented to the public also controls public opinion. Therefore, the government has been operating in diverse ways to bolster Channel 14, its primary propaganda mouthpiece, and benefiting cronies in the allocation of radio frequencies.

#### Draft Law's Proposal

The Draft Law proposes to grant the Minister of Communications extensive powers to intervene in the registration process of news providers and to remove restrictions on the volume of media holdings. A new regulatory body would be established to replace the current regulators, which would be managed by a council subordinate to the Minister of Communications and the government. As detailed later on in this document, this council would also be authorized to permit a news provider to concurrently own a newspaper or a news website.

#### **Government Actions**

#### (a) Legislative 'Band Aids' To Extend Benefits to Channel 14

- In July 2024, the Knesset approved legislation that significantly extended the duration of the exceptional benefits enjoyed by Channel 14, which were originally enacted in 2018 as part of Amendment No. 44 to the SATR Law-1990 (also tailored to Channel 14's needs to enable it to restructure and start operating as a "minor license holder" with no constraints on the content of its programs<sup>21</sup>). The amendment eased the erstwhile restriction denying a television broadcasting license to a channel owned by a single controlling shareholder, based on the premise that a larger number of owners generates a broader range of opinions, precludes susceptibility to political influences, and prevents use of the channel as a private playground. Channel 14 does not meet this restriction, given that Yitzhak Mirilashvili is its sole owner, yet was granted a license thanks to the

<sup>&</sup>lt;sup>20</sup> Jasmin Gueta and Yifat Reuven, <u>Attorney General: Hanan Amiur's Candidacy for IPBC's Search Committee Should Be Disqualified</u>, *TheMarker*, 29 September 2024.

<sup>&</sup>lt;sup>21</sup> SATR Law-1990, Nevo, 13 February 1990. Until Amendment No. 44 came along, Channel 14 operated as a "niche television channel." Accordingly, it was required to broadcast only Jewish heritage content and was not permitted to air news or current affairs programs.

exemptions from 2018. Having said that, these exemptions were anchored in legislation that limited their duration to a transition period of five years, which ended in February 2023. Since assuming his position as Minister of Communications, Karhi twice prolonged the transition period (first, by an additional year-and-a-half in February 2023,<sup>22</sup> and then by another three years in July 2024), thereby leaving the exemptions in effect until 2026.<sup>23</sup> With the Draft Law conferring on him powers to "solve the problem" for Channel 14 waiting in the wings,<sup>24</sup> the extension of the regulatory benefits is a kind of temporary "band aid" until the permanent legislation is finalized.

- The law amendment extending the transition period included additional concessions to
   Channel 14, as detailed in the document Zulat published on the subject.<sup>25</sup>
- After several failed attempts, the aforementioned amendment (altering the financial structure of the Idan Plus platform and shifting the burden of its funding onto the IPBC) was finally passed in August 2024. It was designed not only to economically undermine the IPBC, but primarily to help Channel 14 evade payment of the debt accrued when it used the platform free-of-charge. In February 2024, the SATR filed suit in the Central District Court in the amount of NIS 6.5 million for the years 2018-2021, after Channel 14 refused to pay the distribution fees to which it is obligated by law, despite the fact that the SATR notified it in early 2022 that it would no longer be transmitted via Idan Plus. The original amendment had sought to give Channel 14 complete immunity from the SATR's most salient sanction (cessation of transmission due to accumulated debt). Although this clause was subsequently removed from the proposed amendment, the law that was ultimately enacted nevertheless erased the debt Channel 14 had accrued since the beginning of the Gaza war, and stipulated that all commercial channels would be exempted from distribution fees retroactively to the start of the war. Other

<sup>&</sup>lt;sup>22</sup> SATR Law (Amendment No. 48-2023), Knesset's National Legislation Repository, 6 February 2023.

<sup>&</sup>lt;sup>23</sup> SATR Law (Amendment No. 49-2024), Knesset's National Legislation Repository, 15 July 2024.

<sup>&</sup>lt;sup>24</sup> At the hearings of the Economics Committee during July 2024, Karhi clarified that the extension was only temporary and that he had not abandoned his plan to permanently exempt all "micro channels" from these requirements as part of broader legislation.

<sup>&</sup>lt;sup>25</sup> Tal Hilel, \*Government Uses Regulatory Benefits to Establish Channel 14 as Propaganda Arm, Zulat, 1 October 2024.

<sup>&</sup>lt;sup>26</sup> Bill on Digital Channels Law (Amendment No. 7: Temporary Provision-2024), Knesset's National Legislation Repository, 3 July 2023.

<sup>&</sup>lt;sup>27</sup> Jasmin Gueta, After Defaulting on Debt: Channel 14 Sues State for NIS 5 Million, The Marker, 25 August 2024.

<sup>&</sup>lt;sup>28</sup> Upon the start of the war in Gaza, Karhi gave instructions to upload Channel 14 on the Idan Plus platform. This instruction was illegal. Amir Kurtz, <u>In the Midst of War: Karhi Awards More Benefits to Channel 14</u>, *Calcalist*, 15 October 2024. The law that was approved expunged the payment for these broadcasts.

commercial channels also benefited as a consequence, and the original objective of providing Channel 14 with a financial advantage was successfully attained.<sup>29</sup>

#### (b) Unwarranted Interference with Commercial Companies in Favor of Channel 14

On 11 September 2024, during the Knesset's summer recess, the Economics Committee summoned an extraordinary meeting to discuss the decision of several companies to refrain from advertising on Channel 14 due to the inflammatory and violent language used in its programs. The meeting took place on a day when four soldiers were killed, rocket attacks rained on northern Israel, and there were nationwide demonstrations for the release of the hostages following the release of a video showing the tunnel in Rafah where six hostages had been murdered by Hamas.

The discussion was called in the wake of reservations voiced by some companies, including Bank Leumi.<sup>30</sup> Committee chairman MK David Bitan claimed that the companies had coordinated their position in what amounted to illegal price-fixing. The Israel Competition Authority argued that the decision of the companies was ethical in nature, and therefore did not fall under the definition of price-fixing.<sup>31</sup> The very fact that an extraordinary meeting was called in the midst of war to discuss Channel 14's claims amply proves the government's priority to reward the channel operating in its service.

### (c) Allocation of National Radio Frequencies to Regional Stations Owned by Cronies as Temporary Provisions and Without Tenders

A comprehensive government memorandum about radio broadcasting that was set to be published was never released. Instead, the following legislative proposals were introduced:

- At the beginning of the war in Gaza, a government memorandum published as a temporary provision proposed to allow regional radio license holders to expand their broadcasts beyond their designated areas without a tender or any process ensuring an equitable distribution of national frequencies, which are a limited public resource.<sup>32</sup> The justification cited for the move was the need to provide information to the public during

<sup>&</sup>lt;sup>29</sup> Ronen Reingold and Ori Bassat, \*Bolstering Channel 14: Tycoons' Interests Favored Over Public Good, Zulat, 24 April 2024.

<sup>&</sup>lt;sup>30</sup> Channel 14's presentation submitted as background material ahead of an Economics Committee discussion.

<sup>&</sup>lt;sup>31</sup> Nati Tucker, 'Did You Speak With Your Oligarch This Morning?' - Bitan Assailed for Decision to Hold Discussion About Advertising on Channel 14, The Marker, 11 September 2024.

<sup>&</sup>lt;sup>32</sup> Draft Bill on Second Authority for Television and Radio Law-2023 (Temporary Provision for Iron Swords War: Expansion of Regional Radio Broadcasts Beyond Current Franchise Area), Government Legislation Repository, 30 November 2023.

prolonged stays in bomb shelters, an argument that lacked any factual basis.<sup>33</sup> The memorandum encountered the opposition of the professional echelons in government ministries, and its legislation was temporarily halted.

- In July 2024, an attempt was made to pass the core provisions of the government memorandum through a private bill submitted by Likud MK Eli Dallal, this time under the pretext of the need for diversity in radio broadcasts.<sup>34</sup> The bill passed its preliminary reading, and was set to be discussed in the Economics Committee on 4 November 2024. However, the discussion was removed from the committee's agenda, likely because the proposal lacks any technological feasibility.
- Toward the end of November 2024, Minister Karhi began advancing two private bills as a potential solution to the technological challenge of frequency allocation: one by Likud MK Tali Gottlieb about the privatization of the IPBC,<sup>35</sup> and another by MK Nissim Vaturi about the privatization of IDF Radio.<sup>36</sup> The advancement of these two bills at present indicates that they are an integral part of Karhi's multi-front attack on a free media in Israel, whose underlying objective appears to be to "liberate" national frequencies and make them available for distribution to regional stations owned by the minister's cronies.

#### 3. Politicization of Media Regulators

The efforts to politicize the regulators pose a vital threat to the existence of free media. These bodies are supposed to act independently and maintain balance and fairness in the media market, whereas subordination to the political echelon might turn them into a government tool. Such a development would upset the essential role of regulatory bodies and mechanisms, which are designed to ensure freedom of expression and equality of conditions in the media market.

#### Draft Law's Proposal

The Draft Law proposes to abolish the Cable and Satellite Broadcasting Council (CSBC)<sup>37</sup> and

<sup>&</sup>lt;sup>33</sup> Amit Schejter and Adi Shay, \*The Law to Expand Karhi's Regional Radio Broadcast: Unconstitutional & Harmful to Democracy, Zulat, 7 February 2024.

<sup>&</sup>lt;sup>34</sup> Tal Hilel, \*Bill to Expand Regional Radio Broadcasts: Benefits to Cronies, Zulat, 17 July 2024.

<sup>&</sup>lt;sup>35</sup> Bill on IPBC Privatization-2022, Knesset's National Legislation Repository, 12 December 2022.

<sup>&</sup>lt;sup>36</sup> Bill on Privatization of IDF Radio, Knesset's National Legislation Repository, 25 November 2024.

<sup>&</sup>lt;sup>37</sup> CSBC is a public body tasked with overseeing multichannel broadcasting via cable and satellite, as well as niche channels, the Shopping Channel, and the Knesset Channel. Its role is to represent public interests, such as improving the quality of broadcasts, expanding diversity and pluralism in content, and promoting competition.

the SATR,<sup>38</sup> and instead establish a single entity to be called the Broadcast Media Authority (BMA) subordinate to the Minister of Communications and the government. The BMA Council would consist of only nine members: the chairman who would be exempt from competing for the job with other candidates, three government representatives (on behalf of the Ministries of Communications, Finance, and Economy), two public representatives to be selected by the Minister of Communications, and three public representatives recommended by a search committee under his purview. In other words, seven of the nine members of the new authority's council, including the chairman, would be chosen by the Minister of Communications. This move, which Karhi said he would seek to promote in the next session of the Knesset,<sup>39</sup> would prevent an independent review by professionals and would subordinate the regulatory mechanism to political elements.

In addition, the Draft Law proposes to endow the new council with authority to demand real-time viewership data from all broadcast channels, as well as to analyze and publish this data in any way it determines. This contravenes the situation at present, where this information is issued by the Israeli Audience Research Board (composed of broadcasters, advertisers, and advertising agencies), thereby ensuring the measurement and publication of data free of political considerations and government interference.

#### **Government Actions**

#### (a) Private Bills

Efforts have been made during the tenure of the current Knesset to weaken the regulators and subordinate them to the political echelon by means of private bills, as well as with comprehensive legislation such as the Draft Law that is awaiting revision.

 A private bill introduced by Likud MK Moshe Saada in July 2023 proposed to divest the SATR of its power to cancel, limit, or reduce a broadcasting franchise/license and confer it instead exclusively on the Economics Committee.<sup>40</sup> The bill has yet to advance.

<sup>&</sup>lt;sup>38</sup> SATR is a statutory corporation responsible for regulating commercial television and radio broadcasts and overseeing their operations. It began functioning in 1991 and, since 2008, has also been responsible for managing the Idan Plus platform. It is headed by a public council, tasked with setting its policies, appointing the CEO, supervising the broadcasts of license holders, determining (with the minister's approval) the geographical area of radio franchises, and setting ethical rules for television and radio broadcasts and for advertisements.

<sup>&</sup>lt;sup>39</sup> David Wertheim, <u>Karhi: 'Broadcast Media Bill to Reach Knesset at Start of Winter Session, SATR Will Be No More, People Will Vote With Their Remote Control'</u>, *Walla*, 24 September 2024.

<sup>&</sup>lt;sup>40</sup> Bill on SATR Law (Amendment: Cancellation, Expiration, or Suspension of Broadcasting Franchise/License-2023), Knesset's National Legislation Repository, 24 July 2023.

- A private bill submitted by Likud MK Shalom Danino in July 2024, which has yet to advance,<sup>41</sup> proposes to shift the decision about the method to calculate viewership from the IARB to the Minister of Communications, as well as to require broadcast channels to publish this data on prime time in a format to be determined by the minister and endorsed by the Economics Committee. It also proposes that broadcasters should submit to the regulators a detailed monthly report about this data, segmented by age, sector, gender, and place of residence of viewers.

#### (b) Appointment of Cronies to SATR

Karhi's effort to politicize the regulators has also extended to appointments. Over the past year, he has sought to appoint members to the SATR who are aligned with the regime revolution. Here are his key initiatives in this regard:

- After some of the candidates he proposed were rejected, Karhi succeeded in appointing Attorney Ziv Maor, a Likud party member and former Kohelet Forum researcher who supports the abolition of media industry regulators and in the past hosted a radio talk show with Yair Netanyahu, the prime minister's son. The appointment went through, even though Maor works at a radio station regulated by the SATR and had acknowledged a personal connection with Prime Minister Netanyahu.<sup>42</sup>
- Another SATR Council appointee is Attorney Tamir Dortal, who hosts a podcast on the right-wing website *Mida*, where he interviews members of the Far Right. In one of his programs, he accused the Supreme Court of "murdering democracy."<sup>43</sup>
- On 4 August 2024, Karhi obtained the government's approval for the appointment of Dr. Odelia Minnes as the SATR Council's acting chairperson, despite the opinion of the ministry's legal counsel, Attorney Bruria Mendelsohn, that Minnes was not eligible for the job because she lacked the necessary managerial experience.<sup>44</sup> The Attorney General sent a letter to Karhi notifying him that the appointment was "illegal and harmful to the public" as Dr. Minnes did not meet the requirements.<sup>45</sup> In response to a petition, the

<sup>&</sup>lt;sup>41</sup> Bill on Requirement to Show Rating Data to Viewers-2024, Knesset's National Legislation Repository, 8 July 2024.

<sup>&</sup>lt;sup>42</sup> Jasmin Gueta, <u>Appointments Committee Approves Karhi's Candidates to SATR Council</u>, <u>TheMarker</u>, 15 May 2024; Amir Kurtz and Adiel Eithan Mustaki, <u>Karhi Plans to Appoint Ziv Maor as Director General of Communications Ministry Despite Lack of Managerial Experience</u>, <u>Calcalist</u>, 25 September 2024.

<sup>&</sup>lt;sup>43</sup> Jasmin Gueta, <u>Appointments Committee Approves Karhi's Candidates to SATR Council</u>, *TheMarker*, 15 May 2024.

<sup>&</sup>quot;4 Jasmin Gueta, To Hell With the Rules: Government Approves Appointment of Acting Chair of SATR Lacking Minimum Requirements, The Marker, 4 August 2024.

<sup>&</sup>lt;sup>45</sup> Netael Bandel, <u>Attorney General vs. Karhi: Appointment of Odelia Minnes as SATR Acting Chair Illegal</u>, *Israel Hayom*, 8 August 2024.

Supreme Court temporarily suspended Dr. Minnes's powers as acting chairperson pending a hearing.<sup>46</sup>

#### 4. Damaging Critical Media Outlets

Critical media outlets serve as watchdogs of democracy, provide the public with diverse information, expose injustices, and enable public oversight of those in power. Any attempt to weaken these bodies, whether through legislation, government resolutions, or other indirect means, poses a direct threat to freedom of expression, freedom of the press, and the people's right to know.

The measures described below could lead to the muzzling of critical voices, hurt diversity in public discourse, and create a uniform government-dictated narrative. Sabotaging the principle of checks and balances that is essential to a democratic regime brings Israel closer to an authoritarian model.

#### **Government Actions**

- (a) Memorandum on Shutdown of Foreign Media Outlet Simultaneously Enacted as Temporary Provision and as Permanent Legislation of Private Bill
  - In October 2024, the government posted for public comment the draft of Prevention of Foreign Broadcasting Entity Harm to State Security Law,<sup>47</sup> extending until May 2025 the temporary provision allowing it to shut down foreign media outlets.<sup>48</sup> This extreme legislation, passed under the guise of wartime emergency measures, grants the political leadership the authority to prevent foreign media from operating in Israel, thereby restricting the Israeli public's access to diverse perspectives, including those that contradict the Israeli government's narrative or are not aired by domestic media outlets. These provisions constitute a serious infringement on freedom of expression, freedom of the press, and the right to independent and varied information.<sup>49</sup>
  - In June 2024, a private bill introduced by MK Ariel Kellner to turn this temporary provision

<sup>&</sup>lt;sup>46</sup> Adiel Eithan Mustaki, <u>Supreme Court Freezes Powers of Dr. Odelia Minnes as SATR Acting Chair</u>, *Calcalist*, 4 September 2024.

<sup>&</sup>lt;sup>47</sup> Draft of Amendment No. 1 of Prevention of Foreign Broadcasting Entity Harm to State Security Law-2024 (Temporary Provision for Iron Swords War), *Government Legislation Repository*, 15 October 2024.

<sup>&</sup>lt;sup>48</sup> Prevention of Foreign Broadcasting Entity Harm to State Security Law (Temporary Provision for Iron Swords War), *Nevo*, updated 21 November 2024.

<sup>49</sup> Ronen Reingold and Ori Bassat, Bill to Shut Down Foreign Broadcaster Harms Democracy, Zulat, 8 July 2024.

into permanent law passed its preliminary reading.<sup>50</sup> The bill significantly expands the application of the temporary provision,<sup>51</sup> granting the Minister of Communications sweeping powers to order government bodies to halt broadcasts of foreign channels. The vague and broad language of the bill sets no clear limitations or oversight and provides for blocking specific content on such social media platforms as YouTube, Facebook, and the like that stream foreign broadcasts. Such restrictions on the internet and social media are common practice only in dictatorships and totalitarian regimes worldwide. The bill prolongs indefinitely the period during which content providers can be ordered to cease broadcasting a foreign channel, and extends the duration of the minister's other directives from 45 to 90 days, with the option of extending it an additional 90 days at a time, subject to the restrictions defined in the bill. What is most alarming about it is that, unlike the time-limited temporary provision, this bill seeks to make these powers indefinite and to turn the temporary provision into permanent legislation, despite fundamentally contravening freedom of expression and freedom of the press in a democratic regime.

#### (b) Proposal to Cut Ties with Haaretz Newspaper

On 24 November 2024, the government unanimously approved Karhi's proposal to sever all advertising and business ties with Haaretz.<sup>52</sup> The declaration called on all government ministries, agencies, state corporations, and publicly funded bodies to refrain from any engagement with the newspaper. Karhi had initially drafted a proposal to cease the Government Advertising Bureau's publications in the newspaper and to halt all subscriptions by state employees, immediately after Haaretz publisher Amos Schocken's speech in a conference in London in October 2024 where he accused the Netanyahu government of imposing "a cruel apartheid regime" on the Palestinian population. Karhi obtained Netanyahu's approval to bring the original boycott proposal to a government vote, but legal advisors raised multiple legal and financial objections about its feasibility. In a bid to bypass all censure, Karhi ultimately introduced a more moderate version that was presented to the ministers as merely "declarative."

<sup>&</sup>lt;sup>50</sup> Bill on Amendment of Prevention of Foreign Broadcasting Entity Harm to State Security Law (Temporary Provision for Iron Swords War - Standing Order), Knesset National Legislation Repository, 10 June 2024.

<sup>&</sup>lt;sup>51</sup> Prevention of Foreign Broadcasting Entity Harm to State Security Law (Temporary Provision for Iron Swords War), *Nevo*, updated 21 November 2024.

<sup>&</sup>lt;sup>52</sup> Jonathan Lis, \*<u>Israeli Government Imposes Sanctions on Haaretz, Cuts All Ties and Pulls Advertising</u>, *Haaretz*, **24** November 2024.

#### **CONCLUSION**

This document details how Minister Karhi continued to promote the regime revolution in the media sphere, in accordance with the objectives spelled out in the Broadcast Media Draft Law in July 2023. Although the original version was blocked by the professional echelon and sent back for rework, Karhi continued to promote its main principles through alternative means, primarily temporary private bills and political appointments, thereby gradually seizing control of the media market and preparing the ground for the enactment of the full Broadcast Media Law.

After legislation of the overarching Broadcast Media Law was held up, Karhi promoted private bills as temporary "band aids" until the broader legislation is finalized. Among the regulatory benefits granted were exemptions from various restrictions and financial support to microchannels, particularly Channel 14, to help them overcome existing regulatory constraints and financial debts. In parallel, his appointments politicized critical roles within media regulatory bodies. The nomination of individuals identified with the regime revolution and the subordination of regulators to political considerations undermine the autonomy of these oversight institutions and increase political control over the media.

These measures clearly indicate Karhi's intention to continue advancing his broad media reform in the current session of the Knesset and to create the preconditions to go through with its implementation, severely harming the independence of the media and the competitive balance in the market along the way.

Zulat institute works to promote a policy of equality and human rights and to restore the legitimacy of the human rights discourse in Israel.

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