

Bill on Prevention of Foreign Broadcaster's Harm to State Security

Harms Democracy, Must Not Be Extended

Third Extension of Draconian Temporary Provision Tamount to Permanent Legislation

On 21 May 2025, the government's Bill on Prevention of Foreign Broadcaster's Harm to State Security will be brought up for discussion in the Knesset's National Security Committee in preparation for its first reading.¹ This will be the third extension of the Temporary Provision allowing the closure of a foreign broadcaster enacted during the Iron Swords War, this time until the end of November 2025.²

Zulat's position is that there is no place or justification whatsoever for extending this anti-democratic Temporary Provision yet again. The bill seeks to turn already extraordinary powers into de facto permanent provisions by repeatedly extending them. Therefore, it is a flawed and illegal bill that clearly and substantially harms democracy and constitutional fundamental rights, is devoid of a worthy purpose, and is disproportionate, at a time when there are other, less harmful means to achieve the goal of protecting state security.

The Temporary Provision, currently in effect until 31 May 2025, is in itself draconian and extreme, and as will be described below, was originally enacted as an immediate response to the state of emergency declared upon the start of the Iron Swords War. After being extended already twice, the current government bill seeks to extend it yet again **for another six months, until the end of November 2025** (or until the end of significant military operations, whichever comes first); **that is, more than two years after the start of the war.**

It is an extreme piece of legislation approved by the government during the wartime state of emergency, which empowered the political echelon to stop foreign broadcasters from

* English-language reference. All other references in this document are in Hebrew.

¹ [Draft Bill on Prevention of Foreign Broadcaster's Harm to State Security 2025 \(Temporary Provision-Iron Swords War\) \(Amendment No. 3\)](#), Knesset National Legislation Repository, 14 May 2025.

² [Law on Prevention of Foreign Broadcaster's Harm to State Security 2024 \(Temporary Provision- Iron Swords War\) \(Amendment No. 3\)](#), *Neva*, last update 21 May 2025 (hereinafter, "Temporary Provision").

operating in Israel, to keep Israelis from accessing information they wish to consume and from receiving varied information, including information that does not align with the Israeli government's narrative or is not broadcast on Israeli media channels. We are talking about a law that significantly harms freedom of expression, freedom of the press, a free media, and the right to diverse and independent information.

The fact cannot be ignored that the proposed law is only one in a series of radical legislative proposals promoted under the guise of "security needs," which when taken together attest to **the government's attempt to seize control of the free media in Israel**. This effort comes on the heels of comprehensive legislation to fundamentally change the Israeli media market announced by the Communications Minister in stark contradiction to the Attorney General's position,³ as well as the promotion of several private bills aimed at bypassing professional and legal echelons in government ministries. It bears noting in this context that alongside the repeated extensions of the so-called Temporary Provision, efforts have continued to promote a private bill submitted by Likud MK Ariel Kellner a year ago that seeks to turn the Temporary Provision into a permanent law and to endow the Communications Minister with additional powers to shut down a foreign broadcaster.⁴ This proves that the government has been using the war as a pretext to sidestep oversight mechanisms, all as part of the regime revolution extending to the media as well. Following are our main arguments regarding the proposed law.

Draconian Temporary Provision Triggered by Extreme Emergency at War Start

1. As will be elaborated below, the powers contained in the Temporary Provision, which are exceptional and inordinate to start with, **were set merely as a limited and temporary measure** distinctly linked to the extreme state of emergency, bordering on existential threat, upon the start of the Iron Swords War. Even if legislated in response to a security need at the beginning of the war, this Temporary Provision established sweeping measures that have no place in a democratic regime. The dangerous implications of the measures under this Temporary Provision, which will be addressed later on in this document, were detailed in a petition submitted to the Supreme Court,⁵ which already in its first session opined on the extreme nature of the Temporary

³ Amiram Gil, [*Attorney General's Office Slams Media Bill Approved by Ministers](#), *Globes*, 19 May 2025.

⁴ [Draft Bill on Prevention of Foreign Broadcaster's Harm to State Security 2024 \(Temporary Provision-Iron Swords War\) \(Amendment-Permanent Provision\)](#), *Knesset National Legislation Repository*, 10 June 2024.

⁵ [Supreme Court Ruling H CJ 2859/24 Association for Civil Rights in Israel v. Prime Minister](#), *ACRI*, 4 April 2024.

Provision. In the words of the Honorable Justice Yitzhak Amit, "This is a dramatic law. Not many countries have legislated such a law."

2. On 20 October 2023, following the murderous October 7 terror attack by Hamas and the start of the Iron Swords War, the government enacted Emergency Regulations that granted the Communications Minister particularly extreme powers to deal with foreign channels operating in Israel, subject to the approval of the National Security Cabinet and the defense minister, and on the latter ascertaining that a channel's broadcasts substantially harmed state security.⁶
3. Under these extreme powers, the Communications Minister was authorized to order Israeli content providers to stop airing a foreign channel, order the closure of a foreign channel's offices on Israeli soil, order the seizure of equipment used to provide content, and order the removal of a foreign channel's website.
4. The Communications Minister's powers were limited to a period of up to 30 days, with the option of a 30-day extension, should the defense minister be certain that the stipulated circumstances still applied.
5. The Emergency Regulations were to remain in effect for three months from the date of their publication, until the special state of emergency on the home front expired, or until major military operations (that is, the Iron Swords War) ended, whichever came first. Accordingly, the Emergency Regulations expired three months later, on 20 January 2024.
6. Three months later, in April 2024, the Knesset legislated the law as a Temporary Provision. It adopted most of the measures set under the Emergency Regulations, with some changes.
7. The new Temporary Provision authorized the Communications Minister to order similar actions to those defined in the Emergency Regulations, subject to the approval of the Prime Minister and either the government or the National Security Cabinet, a review of the position of security agencies, and after the Prime Minister ascertained that a foreign channel's broadcasts substantially harmed state security.

⁶ [Emergency Regulations 2023 \(Iron Swords War\) \(Prevention of Foreign Broadcaster's Harm to State Security\)](#), Prime Minister's Office, 20 October 2023 (hereinafter "Emergency Regulations").

8. Under the renewed Temporary Provision, the Communication Minister's powers were to remain in effect for up to 45 days, with the option of a 45-day extension, if the Prime Minister ascertained that the stipulated circumstances continued to exist.
9. The law was defined as a **Temporary Provision** valid until 31 July 2024, or until the expiration of the special state of emergency, or the end of major military operations, whichever came first.
10. The connection between the extreme powers established in the Temporary Provision and the country's state of emergency was clearly articulated in the explanatory notes attached to the original bill:

"Due to the fact that the State of Israel is still in the midst of the Iron Swords War, the position of the security authorities about the need to conserve the powers granted to the Communications Minister under the Emergency Regulations, and the time that has elapsed since their expiration which precludes their extension at this point, **it is proposed to anchor legislation, in the form of a three-month Temporary Provision or until the expiration of the special state of emergency on the home front, or the end of major military operations, whichever comes first,** the powers included in the Emergency Regulations concerning a foreign channel operating in Israel whose broadcasts substantially harm state security, as detailed below."

11. Consequently, on 21 July 2024, the Temporary Provision was extended yet again until 30 November 2024.
12. To date, the powers under the Emergency Regulations and the Temporary Provision have been repeatedly invoked against the Lebanese channel Al-Mayadeen and the Al-Jazeera network. According to press reports, in May 2024 these powers were also invoked against the American news agency AP based on the claim that it was providing images to Al-Jazeera. Following unprecedented criticism from many countries, this directive was later canceled.

Bill Seeks to Extend Temporary Provision and Attendant Extreme Powers

13. As noted, despite the exceptional and extreme infringement on freedom of expression and freedom of the press inherent in the Emergency Regulations, and despite the fact

that these were originally intended to remain in effect for a limited period of several months, the powers contained therein have in practice been normalized by the legislator and have remained in effect for a cumulative period of nearly one-and-a-half years.

14. The current draft bill seeks to enable the legislator to pursue this dangerous path of extending and expanding these extreme and draconian powers. Although it constitutes a violation of democracy and constitutional foundational principles, the draft bill seeks to extend the Temporary Provision yet again, for another six months, until the end of November 2025.
15. Through these repeated extensions, the legislator is seeking to entrench and normalize the constitutional violation contained in the Emergency Regulations and in the Temporary Provision, and to effectively turn them into permanent law, or at least a long-term one, without any real connection to the state of emergency.
16. **In our view, the extension of the "Temporary Provision" sought by the bill, along with its attendant draconian and extreme powers, fundamentally contradicts freedom of expression and freedom of the press in a democratic regime.**

Unreasonable, Disproportionate, Unconstitutional Bill

17. As stated above, the measures set out in the Temporary Provision are particularly extraordinary and extreme, and were therefore legislated as a temporary and time-limited measure linked to the state of emergency.
18. The Emergency Regulations and Temporary Provision were introduced as intended to prevent harm to state security by specific media outlets, such as Al-Mayadeen and Al-Jazeera. However, this clearly is a slippery slope given that the measures set therein also allow action against other foreign channels whose broadcasts may not align with Israel's public diplomacy message. The use of these powers against the AP news agency could be seen as an example to this effect.⁷

⁷ AP and TOI Staff, [*Israel Seizes AP Equipment, Accuses News Organization of Providing Services to Banned Al-Jazeera](#), *The Times of Israel*, 21 May 2024.

19. It bears noting that the Temporary Provision is worded in general language, thereby enabling its invocation to impose sanctions and restrictions on American or British broadcasters (such as CNN or BBC), and in fact on any foreign channels.
20. It goes without saying that the authority to impose such aggressive, sweeping, and draconian sanctions on media bodies as stipulated in the Emergency Regulations and the Temporary Provision (shut down offices, confiscate equipment, impound journalists' mobile phones, and block broadcasts) is incompatible with a democratic regime and could seriously harm the freedom of expression of the media as well as the people's right to receive information. **Therefore, it must clearly not be extended.**
21. The courts have ruled that freedom of expression is "the precondition for the realization of almost all other liberties" and "the lifeblood of democracy."⁸ Freedom of expression and the people's right to know are intertwined. The public's access to diverse sources of information is a prerequisite for the realization of freedom of expression.⁹
22. The people's right to know is also closely connected to the citizen's right to be part of a democratic society whose lifeblood is a free media. After all, access to the free information provided by the media allows citizens to form an opinion about what is happening around them. The free flow of information and the free exchange of ideas, including criticism of the government, are essential conditions for the existence of a democratic regime.¹⁰
23. Therefore, there is cause for concern that **the measures set in the Temporary Provision do not conform to the principle of proportionality.** Alternative, less harmful, and more proportional means for preserving state security under such circumstances already exist in the law, such as the authority of the military censor to remove specific content that endangers security or to impose sanctions on a specific journalist, as well as the authority of the Cyber Department at the State Attorney's Office to remove specific content from social media platforms whose dissemination might pose a security threat.

⁸ Supreme Court Case HCJ 255/68 State of Israel v. Avraham Ben-Moshe, *Neva*, 8 September 1968.

⁹ Supreme Court Case HCJ 5771/93 Citrin v. Minister of Justice, *Neva*, 8 September 1968.

¹⁰ [Supreme Court Case HCJ 751/10 Anonymous v. Dr. Ilana Dayan](#), *Supreme Decisions*, 7 February 2011.

24. Furthermore, **it is rather doubtful that the measures set in the Temporary Provision make a real contribution to security.** Today, more than 18 months since the start of the war, it is evident that the consumption of foreign media broadcasts has not incited the masses in a way that poses a tangible threat to state security. Hence, it is legitimate to question whether the true purpose of these measures is to stigmatize and punish foreign media outlets (and their audiences by extension) because their content is not to the government's liking. If that is the case, then this clearly is not a legitimate purpose.
25. If that indeed is the case regarding the current measures, then there is no doubt that the aforementioned draft bill seeking to extend their validity contradicts constitutional foundational principles, including the right to freedom of expression and the people's right to know.
26. The extension sought by the draft bill totally contradicts the main argument behind the enactment of the Temporary Provision and the Emergency Regulations: the connection to the wartime situation that had initially justified such draconian and anti-democratic measures. This reinforces the concern that even the current Temporary Provision lacks sufficient security justification.
27. The disconnect between the extreme measures set in the Temporary Provision and the current state of emergency completely nullifies any legitimate purpose that may have justified the infringement of constitutional rights. Turning these measures into permanent ones by repeatedly extending them for several months at a time, as the government has been doing and seeks to go on doing, can no longer in actual fact be based on the security justification that has to date served as the main anchor for their enactment, thereby making the measures contained therein illegal.

Conclusion

28. The current Temporary Provision already accords the political echelon an unreasonable and anti-democratic possibility to impose extreme sanctions on foreign media bodies with no real right to appeal, as well as to block any judicial review over unconstitutional administrative decisions by the courts.

29. The extension and expansion of the Temporary Provision sought in the draft bill is improper and illegal. Its harm to democracy, a free media, and to constitutional rights is clearly and substantially disproportionate, and lacks a legitimate purpose.

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