

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Ref.: OL ISR 5/2026
(Please use this reference in your reply)

29 April 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 58/14, 52/9, 52/4 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **Law on the Prevention of Harm to State Security by a Foreign Broadcasting Body (Temporary Provision), 5770-2025** ("Foreign Media Law"), that was adopted by the Knesset in December 2025. The Law will be in effect until 31 December 2027, and extends legislative measures first adopted in April 2024, which themselves followed emergency regulations to similar effect. An earlier extension of the Law was the subject of communication ISR 15/2024 by the Special Rapporteur on freedom of opinion and expression. The same human rights concerns expressed therein apply to the present extension, namely that the Law is not consistent with Israel's international human rights obligations concerning the right to freedom of opinion and expression. The Law expands the scope of the previous measures and delinks it from emergency conditions, raises new human rights concerns.

The Law

Section 2(a) of the Law allows the Prime Minister of Israel to determine that the content broadcast on a foreign channel broadcasting in Israel or "the Judea and Samaria region" [part of the Occupied Palestinian Territory] is "materially detrimental to the security of the state", on the basis of a professional opinion from the security agencies (according to the procedure in section 2(b)).

Section 2(a)(1) authorizes the executive authorities to order: a content provider to cease broadcasting a channel; the closure of the offices of a channel in Israeli territory; the seizure of a device used to supply the content of the foreign channel; the restriction of the website of a channel if the server is located in Israel or is under the control of a person located in Israel or under the control of a corporation registered in Israel; and the restriction of internet access to the broadcast of a foreign channel. Such orders are given by the Minister of Communications with the consent of the Prime Minister and with the approval of the Committee of Ministers or the Government.

Section 2(a)(2) authorizes the Minister of Defense, upon the instruction of the Government or the Committee of Ministers, to technologically prevent direct reception of the foreign channel's broadcasts via satellite throughout Israel and "Judea and Samaria", thus expanding these measures for the first time into occupied territory.

Under section 2(b), the powers under section 2(a) may only be exercised after: at least one professional opinion from the security authorities has been presented to the Prime Minister and the Minister of Communications, including regarding the factual basis for a real harm to state security; all security authorities have been requested to provide such an opinion; and that all opinions received are provided to the responsible authorities. The failure to provide all opinions does not, however, delay the approval of a decision as long as the Government or Ministerial Committee is satisfied that the required factual basis had been brought before it.

Section 3 provides that orders under section 2(a) are in force for a stated period of up to 90 days, renewable for further 90-day periods.

Orders under section 2(a) and renewals under section 3 must be brought before the President of a District Court or his deputy as soon as possible and no later than 24 hours from the time it enters into force, to consider within three days of the entry into force of the order whether to amend it or to limit its period of validity.

Section 4 provides that the implementation of the Law is subject to the system of inspectors under the Telegraph Ordinance. An inspector is authorized to carry out the closure of offices and seizure of devices, including to assist a police officer by using reasonable force in accordance with the powers of a police officer under any law.

Human rights concerns

We are concerned that the Law is not consistent with Israel's obligations under international human rights law to respect the right to freedom of opinion and expression, including freedoms of the media and to impart and receive information, under article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on 3 October 1991, which applies in Israel and throughout the occupied Palestinian territory.

We recall that article 19 of the ICCPR provides that "everyone shall have the right to hold opinions without interference" and that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." This right includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend (CCPR/C/GC/34, para. 7). Media freedom is an integral element of the right to seek, receive and impart information. The principle of confidentiality of journalistic sources is also derived from this article (A/70/361, para 15).

Legality

In the first place, the grounds for restricting freedom of expression – that foreign broadcast content would be “materially detrimental to the security of the state” – are vague, overbroad and unspecific and do not satisfy the requirement of legal certainty concerning permissible restrictions under article 19(3) of the ICCPR. The Human Rights Committee has noted that in order for a norm to be characterized as “law” under article 19(3), it “must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly” (CCPR/C/GC/34, para. 25). Further, “laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not” and to avoid conferring “unfettered discretion” on those implementing laws. These vague grounds are prone to arbitrary application and abuse, particularly in the sensitive political climate of occupation, armed conflict and counter-terrorism.

Necessity and proportionality

Secondly, the potential extensiveness of the restrictive measures under the Law – completely stopping broadcasting, closing offices, and restricting websites, webcasting and satellite broadcasting – are likely to result in unnecessary and disproportionate restrictions on freedom of expression in pursuit of any legitimate security aim, further contrary to article 19(3), particularly when coupled with the vague and overbroad grounds for imposing restrictions. The measures do not appear to be tailored to addressing concrete or specific risks – such as to restrict information about a sensitive operation in a specific area for a limited time – but enable a total foreign media “blackout”. Since these measures were first introduced after 7 October 2023, the authorities have not adequately substantiated the nature of the threat allegedly posed by foreign media organisations so as to justify such sweeping restrictions.

The Human Rights Committee has emphasized that States must show in “specific and individualized fashion” the precise nature of the threat and the necessity and proportionality of any restriction, in particular by establishing a direct and immediate connection between the journalistic activities and the threat (CCPR/C/GC/34, paras. 30 and 35). Further, proportionality requires that any restrictions must be the least intrusive instrument amongst those which might achieve their protective function (para. 34). Under Israeli law, there already exist less invasive measures for addressing genuine security concerns, including the authority of the Cyber Department at the State Attorney’s Office and the military censor to remove specific harmful content. In addition, any legitimate concerns about foreign media disinformation or misinformation could be addressed by Israel disclosing objective, accurate and impartial information about military operations and occupation; educatively encouraging (but not coercing) media responsibilities to fact-check and report accurately; and promoting independent, diverse, pluralistic media; ensuring media, digital and information literacy; and fostering an enabling environment for civil society and human rights defenders to counter information manipulation.

We recall that it is incompatible with article 19(3) of the ICCPR to “suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information”

(CCPR/C/GC/34). The Human Rights Committee has further emphasized that “penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government, can never be considered to be a necessary restriction of freedom of expression” (CCPR/C/GC/34, para. 42). Restrictions must likewise not be used to suppress viewpoints and narratives with which the authorities disagree, including reporting on violations of international human rights law and international humanitarian law and accountability efforts.

We further wish to recall that the use of national security grounds to silence critical voices, including those of human rights defenders and journalists, is not in line with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, and in particular with article 6(b), which provides that everyone has the right, individually and in association with others, to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms.

By restricting foreign media, the Law also deprives citizens and residents of Israel and the occupied Palestinian territory of their human rights to information under article 19 of the ICCPR. It further impairs the full enjoyment of other human rights that depend on freedom of information, including upon receiving diverse sources of information that do not reflect limited perspectives, Israeli media viewpoints, or Government narratives, which is particularly important during armed conflict and occupation. Lack of information can impair rights such as freedom of assembly and association and the right to vote (CCPR/C/GC/34, paras. 4 and 13), as well as the right to take part in public affairs. The Israeli Supreme Court has long recognized that freedom of expression is “the precondition for the realization of almost all other liberties” and “the lifeblood of democracy” (*State of Israel v. Avraham Ben-Moshe*, Supreme Court Case HCJ 255/68, Nevo, 8 September 1968), including in respect of the free flow of information regime (*Anonymous v. Dr. Ilana Dayan*, Supreme Court Case HCJ 751/10, 7 February 2011).

Freedom of information is particularly important during a conflict where Israeli and international journalists, including those reporting on human rights issues, have largely been unable to operate in Gaza since 7 October 2023 (except where occasionally accompanying Israeli forces), and Palestinian journalists residing in Gaza and reporting for foreign media have been the backbone of reporting on the conflict on the ground. Both the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Office of the United Nations High Commissioner for Human Rights have documented extensively the human rights situation of journalists since 7 October 2023 (A/HRC/61/71).¹

Procedural issues

Thirdly, we are concerned that the decision-making process may be susceptible to imposing foreign media restrictions in the absence of sufficient substantiation that

¹ <https://www.ohchr.org/en/press-releases/2026/04/palestinians-across-gaza-unsafe-six-months-ceasefire-announcement-says-turk>

the grounds for restriction have been met. While the Law requires opinions to be sought from all security authorities, a decision may be made by the Prime Minister based on a single opinion, including where there may exist other opinions that contradict it. Further, no detail is provided about the nature, sources or methodology of the “opinion” provided by the security authorities. The Prime Minister may rely on intelligence assessments which are not necessarily made according to high judicial standards of evidence and proof, frequently involve secret, subjective and probabilistic determinations, have not been tested in a court or subject to any transparent adversarial process, and may not have undertaken any structured human rights assessments of whether restricting freedoms of expression, information and the media are necessary and proportionate. Intelligence agencies may not, in any event, be institutionally well placed to undertake such balancing exercises, and there is no requirement that the Prime Minister’s decision be informed by actors with expertise in human rights or the Basic Law, including the Attorney-General. Further, when making a decision, the Prime Minister must only be convinced that there is factual basis establishing a real harm to state security, which constitutes a relatively low standard of proof given the interests at stake.

In addition, the absence of any requirement of prior judicial authorization substantially increases the risk of arbitrary interference in freedom of expression. While the decision must be brought before a specified senior judge of the District Court within 24 hours, with a review decision required within three days, the Law empowers the judge only to “amend it or to limit its period of validity”, but it does not appear to specifically contemplate a power to quash the order. Moreover, the Law does not require the disclosure to the judge of all the classified information from the security authorities on whose opinion the order was purportedly based, or envisage the calling of security personnel as witnesses to interrogate their opinions. These limitations may increase the risk of unsubstantiated intelligence reports and unjustified restrictions, and undermine the right to an effective remedy of affected media organizations and their personnel, contrary to article 2 of the ICCPR.

Normalizing emergency measures

Finally, we are concerned that the Law regularizes and normalizes measures, subject to a two-year sunset clause, that were originally introduced and explained (in legislative explanatory notes) as temporary emergency measures after the 7 October 2023 attacks on Israel, namely based on the declaration of a “special situation on the home front” or the existence of “significant military operations”. The state of emergency was terminated by the Knesset on 1 December 2025, yet the Law not only continues to authorize but also expands the measures, and removes any linkage to the aforementioned emergency conditions. Further, it does so well after the Gaza ceasefire came into effect, and more than two years after 7 October 2023 – for another two years (that is, for more than four years after the attack). Further, Israel has never notified the existence of any public emergency threatening the life of the nation in accordance with article 4 of the ICCPR or justified the need for derogation or specific derogating measures according to the requirements of international human rights law.

We further emphasize that international humanitarian law does not specifically regulate freedom of expression and media freedoms so as to override or limit the right to freedom of expression under international human rights law. Moreover, in

empowering the Minister of Defense to prevent satellite broadcasts including in the West Bank, the Law expands Israeli national law to the Occupied Palestinian Territory. By doing so, Israeli thus purports to exercise its sovereign legal jurisdiction there, contrary to the duty to respect the laws in force in occupied territory under the law of occupation, and the international law duty not to take measures to purportedly annex occupied territory. We recall further that the 2024 advisory opinion of the International Court of Justice declared Israel's presence in the occupied Palestinian territory unlawful and called to bring it to an end as rapidly as possible.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned ana.
2. Please provide your observations on how the Law guarantees media freedom and freedom of expression in full compliance with article 19 of the ICCPR, including in relation to the right of the residents of Israel and the Occupied Palestinian Territory to access diverse sources of information, including from foreign media, as well as the requirements of legality, legitimate aim, necessity and proportionality (including least invasive means).
3. Please explain how the Law complies with other provisions of the ICCPR and international human rights standards, including in relation to derogation and the right to effective remedy including judicial safeguards.
4. Please indicate whether the Law will be reviewed and repealed.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge your Excellency's Government to review and revise the Law in light of Israel's international human rights obligations.

Please be informed that a copy of the communication has also been sent to the State of Palestine.

Please accept, Excellency, the assurances of our highest consideration.

Ben Saul

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