

# Australian government's cover-up of "Prisoner X's" death in Israel

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Further damning evidence has emerged that the Labor government not only knew about the detention and death of Ben Zygier, a dual Australian-Israeli citizen, in Israel during 2010, but systematically covered up his fate until the case finally came to light last month. The government is continuing to lie in the most bald-faced manner about the entire affair.

Classified by Israeli authorities as "Prisoner X" to hide his identity, Zygier was incarcerated for 11 months, from January 31, 2010 until he supposedly hanged himself, in a suicide-proof cell, on December 15 that year. He had apparently been charged with espionage-related offences, which could have meant 20 years' jail, though the precise charges remain unknown. Zygier's dual Australian-Israeli nationality had facilitated his work for Mossad, the Israeli intelligence agency—he repeatedly changed his name, securing at least three different Australian passports issued in the names of Zygier, Burrows and Allen.

Foreign Minister Bob Carr commissioned a Department of Foreign Affairs and Trade (DFAT) review into the affair after ABC's "Foreign Correspondent" program reported on "Prisoner X". Releasing the review on March 6, Carr attempted to whitewash the lack of any Australian consular assistance to Zygier. He declared there had simply been "a lack of clarity over the exercise of consular responsibilities" to a dual citizen in such a "complex" case. Yet Carr acknowledged that DFAT's own protocols had been broken by the decision not to even inform the Australian Head of Mission in Tel Aviv about Zygier's detention.

Other key ministers involved, including former prime minister Kevin Rudd and ex-foreign minister Stephen Smith (now defence minister), claimed to have "no recollection" of being briefed on Zygier's

imprisonment. Rudd feigned outrage, insisting he was not informed, either as prime minister at the time of Zygier's arrest, or as he served as foreign minister when Zygier died. Rudd demanded that Israel explain why Zygier was incarcerated.

However, former attorney-general Robert McClelland, a Rudd supporter who was dumped by Prime Minister Julia Gillard last year, conceded that in 2010 he had received a personal briefing about Zygier's detention from the Australian Security Intelligence Organisation (ASIO), the domestic spy agency.

The DFAT review is undoubtedly an exercise in political damage control. But an attached chronology, largely buried by the media, did shed some further light on events. It made clear that far from having no knowledge of the case, as the government alleges, it was regarded in Canberra as a matter of such political sensitivity that the prime minister's office, senior ministers, department heads and intelligence chiefs were all briefed, sometimes repeatedly.

According to the chronology, Israeli authorities advised ASIO about Zygier's detention on February 16, 2010. On February 24, "an agency" (most likely ASIO) briefed DFAT head Dennis Richardson, and reported that the Prime Minister's Office and the attorney-general had also been briefed. Sometime later, DFAT orally advised Foreign Minister Smith's chief of staff: "At the request of the agency which briefed DFAT, no formal record of oral advice was kept." In other words, the information was regarded as so sensitive that the intelligence service insisted that no written record be kept.

On March 1, the DFAT head received "a submission by another agency to the attorney-general about Zygier's detention." The distribution list included

“Prime Minister’s Office”, “Prime Minister and Cabinet—Duncan Lewis, National Security Adviser,” and “Australian Secret Intelligence Service [ASIS]—Nick Warner, Director General.” (ASIS is the external intelligence agency.)

On the same day, another submission was received. Its distribution list included Foreign Affairs Minister Smith and the heads of all the civilian and military intelligence agencies: the Office of National Assessments (ONA), the central agency located in the prime minister’s office, the Defence Signals Directorate (DSD), the electronic surveillance organisation, and the Defence Intelligence Organisation (DIO), the peak military intelligence body.

On December 17, two days after Zygier died, a submission “advising of Zygier’s suicide” was delivered to National Security Adviser Duncan Lewis. According to the Australian government’s own web site, the national security adviser is “the principal source of advice to the Secretary of the Department of the Prime Minister and Cabinet, and the Prime Minister, on all policy matters relating to the security of the nation”. Yet, the government maintains, in this important case, that Duncan Lewis advised the prime minister of nothing.

Zygier’s fate was kept hidden from the public after his death, even as DFAT secretly assisted the repatriation of the body for burial in a Melbourne cemetery.

More than a year later, the government’s cover-up continued. On January 16 this year, DFAT refused a Freedom of Information Act request from the Australian ABC’s “Foreign Correspondent” program, supposedly on privacy grounds. On February 7, once the news of the case began to break, there was a scramble to prepare media “talking points” for Prime Minister Julia Gillard, Foreign Minister Carr and others, in order to obscure the incriminating trail.

The DFAT chronology also reveals a critical piece of misinformation in the government’s initial public response to the media revelations about Zygier. That first account sought to play down any link between Zygier’s detention and the January 20, 2010 assassination in Dubai of Mahmoud al-Mabhouh, a Palestinian Hamas leader, by an Israeli Mossad squad whose members carried any array of fake passports, including three from Australia (see: “More details

emerge on assassination of Hamas leader in Dubai”).

Initial media reports, citing unnamed “Canberra sources”, said that ASIO was only informed of Zygier’s arrest on February 24, eight days after authorities in Dubai had revealed that suspected Israeli agents had used Australian passports in the assassination. The chronology shows that ASIO was in fact briefed on February 16, the same day that the passport scandal erupted.

Whether there is a connection between Zygier’s arrest and the Dubai assassination remains unclear. What is known is that the Australian government’s national security committee met the night after al-Mabhouh’s murder, February 17, to discuss the public furore over the misused passports. The meeting would have included Prime Minister Rudd, ministers Smith and McClelland, and DFAT chief Richardson. The government’s story that Zygier was not raised at this meeting lacks any credibility.

Carr’s DFAT review exonerated DFAT and the government of any responsibility for not assisting Zygier. In a revealing passage, however, the review said it “took into account” official concerns at the time “that a diplomatic approach may jeopardise the intelligence channel (the only source of information on the case).” That is, the intimate relations maintained by the Australian government and its intelligence services with Mossad and the rest of the Israeli establishment, were more important than what happened to Zygier.

Prime Minister Gillard said last week that Australia had learned some lessons from the “Prisoner X” affair. She did not specify the lessons. But everything that has been revealed so far about the affair confirms the conclusion drawn by the *World Socialist Web Site*: “It is a chilling demonstration of the readiness of the Labor government to accept the destruction of the most basic legal and democratic rights of an Australian citizen, and indeed his death, at the hands of the police-state regime in Israel, the key ally of the US in the Middle East” (See: “Australian government complicit in ‘Prisoner X’s’ death in Israel”).



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