

Sydney nurse baited by Israeli provocateur signals he will fight bogus charge

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Two Sydney nurses from Bankstown Hospital, who were baited by an Israeli provocateur online and then subjected to a massive campaign of vilification, had their first court appearance last week over serious federal charges stemming from the brief interaction.

The court appearance was an initial mention that did not touch on the substantive issues of the case.

But speaking to the media afterwards, Zemarai Khatiz, who is representing Ahmad Rashad Nadir, one of the nurses, said that his client would be contesting the charge on both “legal and technical grounds.” Lawyers for Sarah Abu Lebdeh, the other nurse, did not make comment, but it appears likely that a similar defence would be available to her.

The fact that Nadir will contest the charge against him is welcome news. It demonstrates that despite the immense forces that have rained down on the health workers, from the federal Labor government to the Liberal-National opposition, the media and the Zionist lobby, they have not been broken.

In early February, Max Veifer, an Israeli “social media” influencer, had an exchange with Abu Lebdeh and Nadir on a popular webcam chatting website. The nurses made politically backward and stupid comments, including statements that they would not treat Israeli patients.

Veifer provided edited footage of the exchange to the media. The nurses were immediately subjected to an extraordinary pile-on, with Prime Minister Anthony Albanese, Liberal-National opposition leader Peter Dutton and others denouncing them in the most strident terms. The nurses were stood down and within days, the relevant health authorities had taken steps to bar them from working in the profession ever again.

The campaign was both prejudicial and vicious.

Before any investigation had occurred, and solely on the basis of Veifer’s edited video, the nurses were condemned as guilty by senior politicians in a clear attack on their basic legal and democratic rights.

And the obvious intent was to ruin the lives of the health

workers through a sustained public assault on their reputations and character, which could have had disastrous consequences. Nadir was hospitalised amid grave concerns for his well-being.

In late February, Abu Lebdeh was charged with three offenses under federal law, which carry a maximum sentence of up to 20 years. The first, under “hate speech” legislation, was “threatening violence” against a group based on race or religion; the second was “Using a Carriage Service to Make a Death Threat, and the third, “Using a Carriage Service to Menace/Harass/Offend.”

In early March, Nadir was charged with a single offence of “Using a Carriage Service to Menace/Harass/Offend,” which can carry three years’ imprisonment.

Prior to the issuing of charges against Abu Lebdeh, police had repeatedly reassured the press and Zionist witch-hunters that they would drag the nurses before the courts. But in seeking to explain their delay in issuing criminal charges, they vaguely spoke of “jurisdictional” issues, hinting that this was related to Veifer being in Israel.

Nadir’s defence points to what those issues actually were. His lawyers have flagged that they will seek to exclude the video from the proceedings altogether, in which circumstance the prosecution case would likely collapse.

As some independent commentators noted at the time, but the mainstream media did not mention, recording private conversations with people without their knowledge or consent is a serious criminal offence in New South Wales and federally.

A summary of the various pieces of relevant legislation, by the Criminal Defence Lawyers Australia firm, notes “If you illegally secretly record someone, you can face criminal prosecution including a term of up to 5 years imprisonment.”

Veifer did not have the consent of the nurses, either to record their brief interaction, or to spread it as far and wide as he possibly could. In addition to the prohibitions on such covert recordings, contained in criminal law, civil issues also arise. The dissemination of the private exchange was clearly

aimed at inflicting severe public reputational damage on the nurses.

In his comments, Nadir's lawyer noted that the defence would centre on "legal and technical" grounds. The inadmissibility of the video is such a technical ground, but beyond the issues raised in a courtroom, that points to the politically reactionary character of Veifer's entire operation.

The whole purpose of his interactions on the webcam sites is to goad people into making stupid statements, which can then be used to advance the cause of the Israeli state, including its genocide of Palestinians in Gaza and its push for an outlaw of sharp criticism of the Zionist program globally.

As noted previously, the initial video provided by Veifer to the media had been edited. When Veifer eventually released what he described as the full video, it was apparent that the nurses were baited. In the context of Israel's mass slaughter in Gaza, Veifer proudly proclaimed that he had served in the Israel Defence Forces (IDF), which are perpetrating the atrocities. He defended the killings, as something that happens in all wars.

The comments were clearly provocative. In other videos, he dresses up as a stereotypical Arab, seeks to trick Arabic people into making pro-Israeli statements in Hebrew and has explicitly defended Israel's killing of Palestinian children. In at least one video, Veifer essentially promoted Israel's attack in Beirut last year, in which it detonated tampered pagers in an act of heinous state terrorism.

This is the individual who is being presented as the aggrieved party and the victim of not only hate speech offences but of being menaced, harassed and offended! Veifer's own conduct, it seems safe to say, may fall decidedly in the grey area of those draconian and wide-ranging charges, were he an Australian citizen.

More generally, the idea that Veifer was offended or upset by the stupid comments of the nurses is patently false. They gave him what he wanted and took the bait. In the days afterwards, Veifer triumphantly told the media that he had accomplished his "mission."

The use of the hate speech law against Abu Lebdeh raises other questions. Neither of the nurses once mentioned Jewish people. In what is presented as the unedited version of the interaction, Veifer asked them a question along those lines, and they ended the interaction without replying. All of their comments were about Israeli nationals, and the most egregious were made in response to Veifer's promotion of the IDF.

The conflation of Israeli nationals with the Israeli government is false and politically wrong. For all the contradictions, Israeli society is divided by class and Israeli workers are no more responsible for the reactionary policies

of the government, than are Australian workers for the militarism and wars of the Australian state.

Those political issues aside, it is questionable that a denunciation based on nationality could be directly compared to one based on race or religion.

Earlier this year, the Labor government expanded the hate speech laws, to cloud that issue further. The amended laws could potentially be used to prosecute something as hate speech, even if it is not directed against Jewish people or Judaism, but is a sharp condemnation of Zionism, which is a political ideology.

The witch hunt of the nurses took place in the context of a feverish campaign to justify the passage of those laws, including claims of rampant antisemitism. The police have since admitted that the low-level graffiti and arson attacks in Sydney that occurred around that time were not genuine acts of antisemitic hatred, but were hoaxes perpetrated by criminal groups for leverage with the police. The actions of the criminals were utilised by governments to crack down on civil liberties and to generate an atmosphere of national crisis and hysteria.

The exposure of the bogus attacks has received far less coverage in the press, than did the video of the nurses. Their comments too received infinitely more attention than has Israel's massacres of hundreds of Palestinians over recent days.

The nurses should be defended by all supporters of civil liberties, opponents of the genocide and by the working class as a whole. That will require independent action by ordinary people including health workers throughout NSW and nationally. The New South Wales Nurses and Midwives' Association (NSWNMA) has not only refused to defend them but immediately joined forces with the government, Zionists and right-wing layers howling for the blood of the nurses. The NSWNMA can be relied on for nothing, neither for the defence of the two nurses or the right and conditions of nurses as a whole.

If the prosecution of the nurses succeeds, it will be a greenlight for further witch hunts and persecution, directed not only against those who make politically backward statements, but at all opponents of genocide and imperialist war.



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