

Australian Labor government facilitating extradition of former US pilot on frame-up charges

Oscar Grenfell
26 July 2023

A Sydney court hearing on Tuesday has placed former American military pilot and naturalized Australian citizen Daniel Duggan a step closer to being extradited to the US on national security charges that are extraordinarily thin and reek of a politically-motivated frame-up.

A judge rejected an application by Duggan's lawyers for a stay on proceedings. His barristers have argued that the extradition process should be halted, while the Inspector General of Intelligence and Security (IGIS) completes an investigation into allegations that Australian intelligence operatives lured Duggan to return from overseas to Australia so that he could be arrested and dispatched to the US.

The court ruling means that Duggan will remain in a maximum-security prison in conditions of solitary confinement, as he has since last October. An extradition hearing is now set for November 24, but it may be postponed if the IGIS inquiry is not completed by that date.

All of the circumstances demonstrate that the Labor government, and the state apparatus, are doing everything possible to ensure Duggan's dispatch. The extradition hearings are proceeding because they were approved by Labor's Attorney-General Mark Dreyfus last December. He has rejected calls for any government intervention to block the proceedings.

Duggan, who served as a US marine pilot, is accused of training Chinese pilots. A US indictment, first issued under seal by the Trump administration in 2017, presents this commercial activity as a violation of US arms controls. Duggan is alleged to have used the expertise he acquired in the American military to train Chinese state forces to land fighter jets on aircraft carriers.

The activities are supposed to have occurred between 2010 and 2012. The substantial delay in the indictment and the extradition underscores the political character of the purported offenses. The American state retrospectively turned its attention to Duggan's activities, as it was intensifying a full-court press against China, which it views

as the chief threat to US global dominance.

But the substance of the already weak allegations is contested by Duggan, his supporters and even authoritative former military figures.

This week, Duggan took the unusual step of granting an interview to the Australian Broadcasting Corporation's (ABC) "7:30" program from behind bars. When the producers put the US charges to him, Duggan replied: "I think the better question is, with all due respect... 'Was there any training that went on that was illegal?' And the answer to that is an emphatic 'no.'

"There was no, and I repeat, there was no secret information, or proprietary information, or anything like that, it's all public domain, open-source information that anybody if they're interested in, could Google it or look it up on Wikipedia."

He added: "The truth of it is, that there was nothing wrong. I went as an employee, with other western pilots, including other Australians, and trained civilian Chinese test pilots."

Duggan noted that his ability to defend himself was being hampered by the extraordinary conditions of imprisonment to which he had been subjected, including protracted periods of almost total isolation. If he were extradited to the US, where he would face national security charges totalling decades behind bars, it would be the equivalent of a "death sentence," he stated.

Duggan noted the broader erosion of democratic and legal norms in the US. "There's a sad joke amongst the (US) legal fraternity... they say you can indict a ham sandwich. So unfortunately, I happen to be the ham sandwich at the moment," he said.

In the same program, one of Duggan's lawyers, the respected Bernard Collaery, noted the relationship between the attempt to prosecute his client and the shift in US policy towards China. He stated: "So far as China is concerned, we [i.e., the Australian armed forces] were conducting joint

military exercises at sea between the Royal Australian Navy, and the PLA [People's Liberation Army] Navy at a time [2010] when Dan Duggan is accused of, as it were, consorting with the enemy. It's double-standard. It's hypocrisy."

The Test Flying Academy of South Africa, where the illegal training is alleged to have taken place, has also rejected the accusations. In a statement to the *Guardian*, the institution insisted that "The syllabus of the course that Mr Duggan was part of delivering was in line with international standards and totally unclassified."

Retired US marine colonel Ben Hancock, who worked closely with Duggan, has described the man as a "loyal patriot" and has condemned the US charges. "The allegations do not match the character of the Dan Duggan that I knew and respected as a US marine," he wrote. "I look forward to the dismissal of these charges and Dan returning home to his wife and children."

Duggan's Australian wife Saffrine has launched a determined campaign for his freedom. Duggan has six children, all Australian citizens.

Despite the growing condemnations, and the threadbare character of the US case, the Australian state is pressing ahead. That is completely tied to Australia's ever greater integration into the US war drive against China, which is being accelerated under the Albanese Labor government.

The Labor government this year announced a \$368 billion deal under the militarist AUKUS pact for Australia to acquire a fleet of nuclear-powered submarines directed against China. And it endorsed a Defence Strategic Review, which called for a vast expansion of Australian strike capabilities in preparation for a near-term major war in the Indo-Pacific.

As part of this war drive, a signal is being sent to former US and allied military personnel that times have changed. Any post-career activities associated with China will now be scrutinised and even prosecuted, under conditions of war planning for an imminent conflict. Duggan's arrest last October coincided with repeated warnings by the British state to its former military personnel against any collaboration with China.

Meanwhile, former military personnel are free to work with any number of despotic regimes, so long as they are aligned with American imperialism. In 2018, for instance, the ABC reported it had found almost 100 former Australian soldiers and federal police who publicly advertised their private work for the military of the United Arab Emirates. They were moonlighting for that dictatorship under conditions in which it was waging a war against Yemen condemned by international rights' organisations as a war crime and even genocidal.

Duggan's lawyers have foreshadowed two defences. One is that the crimes of which their client is accused do not exist in Australia and thus fail the bar of dual criminality. The other is that they are political offences, for which extradition is barred. Lawyers for Duggan have indicated that proof of the latter may be cooperation between US and Australian intelligence agencies, years after the offences were supposedly committed.

Judicial representatives, however, have already hinted at a narrow definition of political offences, which may prevent Duggan from establishing that defence. As in a number of states allied with American imperialism, the US-Australia extradition treaty provides sweeping grounds for the US state to get its hands on individuals indicted for criminal offences.

The open collaboration of the Australian Labor government in the persecution of Duggan, and the alleged involvement of Australian intelligence agencies, has a broader significance. It underscores the fact that the war policies against China are incompatible with basic democratic rights.

It also demonstrates the sham of Labor's claim to have made limited representations to the US on behalf of persecuted Australian citizen and WikiLeaks publisher Julian Assange. To the extent that such representations have been made, they have been rebuffed. The Biden administration is proceeding with its attempt to extradite Assange from Britain so that he can face Espionage Act charges carrying 175 years imprisonment, for publishing documents revealing US-led war crimes.

As this travesty of justice and international law proceeds, Labor is directly assisting the US to pursue another national security frame-up.

In 2012, the Greens-backed Labor government of Prime Minister Julia Gillard amended Australian extradition laws, removing several safeguards against extradition for political offences. Those alterations, motivated by hostility to Assange, now threaten Duggan.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact