

# Australian whistleblower sent to prison for exposing Afghan war crimes

Oscar Grenfell  
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In a chilling attack on democratic rights, David McBride was sentenced to five years and eight months' imprisonment yesterday for blowing the whistle on Australian war crimes in Afghanistan. McBride was hit with a non-parole period of two years and three months.

The sentence means that the cumulative period during which he has been hounded by the authorities, subjected to secretive national-security trials and now imprisoned, will cost McBride almost two decades of his life.

A former army lawyer, McBride is the first person to be prosecuted over the war crimes in Afghanistan and to be sentenced to prison. He is being punished, not for committing the crimes, but for providing information to journalists documenting gross violations of international law, including extrajudicial murders.

In handing down the punishment, Australian Capital Territory Supreme Court Justice David Mossop noted that it was a lengthy sentence and that he had the option of a more lenient penalty.

Mossop, however, declared that a substantial term of imprisonment was necessary "to deter others from such conduct. They must know that breaching their legal obligations ... will be met by significant punishment."

Mossop said this was all the more important when questions of "national security" were involved. That is a clear declaration that exposures of war crimes, including contraventions of international law, must be suppressed to keep the population in the dark and deter others.

The persecution of McBride is all the more striking given that his exposures have been fully vindicated. After his attempts to raise complaints through internal military channels were rebuffed in 2014, McBride contacted Australian Broadcasting Corporation (ABC) journalists and provided them with military documents over the next two years related to the occupation of Afghanistan.

The resulting 2017 Afghan Files series by the ABC documented the alleged murder of Afghan prisoners by Australian Special Forces, the killing of children and the retrospective green light given to such actions by military investigators. The exposures, adding to earlier media reports, cut across a protracted cover up of the war crimes, the majority of which were reportedly committed between 2009 and 2013.

A belated and highly limited official investigation, dubbed the Brereton Inquiry, concluded in 2020 that there was "credible evidence" that Australian Special Forces soldiers murdered at least 39 Afghan civilians and prisoners between 2009 and 2013. The

inquiry was a damage control exercise, with its chief aim being to clear governments and the military command of any knowledge or direct responsibility for the war crimes.

Since the Brereton report was handed down, only one relatively lowly Special Forces soldier has been charged with an offence. The prosecution was almost unavoidable, given that footage of the soldier shooting a prone and unarmed Afghan teenager dead had been broadcast nationally.

That trial has been repeatedly delayed, and no one else has been charged. Senior representatives of the federal Labor government and military command have insisted that it is necessary to "move on" from the Afghan war crimes, lest they dent army morale and obstruct current military operations, including the US-led build up directed against China.

There has been no such reticence in the persecution of McBride, which has rolled on relentlessly. He was charged with five national security offences, including unlawfully disclosing classified information under the Defence Act and divulging information in breach of the Crimes Act. The trial was held with "national security" secrecy provisions and restrictions on reporting in force.

Last November, McBride was effectively compelled to plead guilty to three of the charges. The court sided with prosecutors in barring one of his main lines of defence. McBride had planned to argue that he was legally obligated to disobey orders aimed at suppressing the war crimes, because they were in violation of international law. The court upheld the prosecution line, which was essentially that members of the military must follow whatever orders they are given.

That authoritarian position was central to Mossop's sentencing remarks. McBride was condemned for having gone against military command and for showing no "contrition," while the contents of what he exposed were scarcely mentioned.

The imprisonment of McBride is another demonstration of the anti-democratic and militarist program of the federal Labor government.

In the first instance, many of its leading figures, including Prime Minister Anthony Albanese, were prominent members of the 2007–2013 Labor administrations of Kevin Rudd and Julia Gillard. Those Labor governments oversaw Australian participation in the US-led, neo-colonial occupation of Afghanistan throughout the period of the war crimes documented in the Brereton Report.

Gillard's government participated in US President Obama's "troop surge," including greater Australian Special Forces

involvement in “kill or capture” raids. Those were assassination operations, targeting Afghans placed on intelligence lists without a semblance of due process.

McBride is going to prison because the Albanese Labor government has put him there.

Attorney-General Mark Dreyfus rejected calls to use his powers to order a termination of the prosecution. The prosecution’s case, including barring McBride’s defence arguments, was undoubtedly worked out in collaboration with the government.

In addition to exacting retribution and covering up past crimes, the clear aim is to send a chilling message to whistleblowers and opponents of war more broadly.

That is a component of Labor’s support for US-led wars today, which are increasingly metastasising into a new global conflict. Labor has aggressively backed Israel’s genocide of the Palestinians in Gaza. It is a party to the US-NATO proxy war against Russia in Ukraine having added to more than a billion dollars of aid to Washington’s puppet regime in Kiev, most of it military.

In the Indo-Pacific, Labor is completing Australia’s transformation into a frontline state for a US-led war against China, including through the \$368 billion purchase of nuclear-powered submarines under the AUKUS pact, a vast expansion of missile and strike capabilities, expanded US basing arrangements and a continuous diplomatic offensive to involve nations throughout the region in the campaign against Beijing.

The government and the national security establishment have insisted this must be a “whole of nation” war effort, subordinating every aspect of society to the war drive.

As part of this, Labor joined hands with the then Liberal-National Coalition government in 2017 to pass sweeping “foreign interference” laws. In addition to stoking a McCarthyite anti-China hysteria, the legislation potentially outlaws internationally-coordinated political activity, including anti-war campaigning, and increases penalties for whistleblowing and “national security” exposures.

The crackdown on opposition to war is currently taking the form of a vitriolic campaign against protesters opposing the genocide in Gaza. Every day they are slandered by government and opposition leaders and the corporate media as dangerous, terrorist sympathisers and antisemites, as part of a lying global campaign to conflate opposition to the Israeli war crimes with anti-Jewish bigotry.

The McBride sentence further exposes Labor’s phony posturing over the persecution of WikiLeaks publisher Julian Assange. The Australian citizen faces imminent extradition from Britain to the US, where he would be prosecuted on 17 Espionage Act charges carrying a total maximum sentence of 175 years’ imprisonment, for exposing war crimes in Iraq and Afghanistan, as well as global diplomatic conspiracies, spying and human rights abuses by the US and its allies.

Labor has occasionally feigned concern for Assange’s plight, with Albanese and others vaguely declaring “enough is enough” and the case “should be brought to a close.” At the same time, Labor has rejected demands that it use its diplomatic and legal powers to secure his freedom. Last October, Albanese confirmed

that his government had not and would not request that US President Joe Biden intervene to end the prosecution of Assange.

Labor has presented the US-led frame-up of the WikiLeaks publisher as a “legal process” involving America and Britain that must be “respected” and to which Australia is not a formal party. As phony as these evasions are, in the McBride case there are no such excuses. This is a prosecution, with striking similarities to the persecution of Assange, directly overseen by the Labor government itself.

McBride’s sentence and the ongoing assault on Assange underscore the need for a fight against the onslaught on democratic rights and the imperialist war drive with which it is inseparably connected.

That includes the global campaign of the Socialist Equality Party and the International Committee of the Fourth International to free the courageous Ukrainian socialist Bogdan Syrotiuk. He has been jailed by the fascistic Zelensky regime for fighting to unite Ukrainian and Russian workers on a socialist program against the US-NATO war and all the governments involved, as part of the struggle by the Young Guard of Bolshevik Leninists organisation.

The defence of democratic rights cannot be taken forward through impotent appeals to the governments or through the corporatised trade unions, which have done nothing to oppose war or authoritarianism.

Instead, it requires the independent mobilisation of the social and political power of the working class. Such a mobilisation must be based on an international socialist perspective directed against the capitalist system itself, which is tobogganing toward world war and dictatorship, as it did in the 1930s. This perspective will be discussed at a May 26 public meeting of the Socialist Equality Party in Sydney and online, “Free Julian Assange, Fight Imperialist War.”



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