

Australian war crimes whistleblower David McBride released from prison

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David McBride, a courageous whistleblower, was released from prison in Canberra on Thursday. McBride had been behind bars for 27 months, not for any wrongdoing, but for having helped to expose war crimes, including murders, committed by Australian special forces during the US-led neo-colonial occupation of Afghanistan.

McBride's release is welcome news, not only for his family, friends and supporters, but also for all defenders of democratic rights and opponents of imperialist war. It does not, however, mark any let-up in the assault on anti-war sentiment generally or in the persecution of whistleblowers in particular, being spearheaded by the federal Labor government.

McBride was released on parole, having served the full non-parole term of his sentence. He will potentially remain under various forms of state supervision for years, given that his full sentence was five years and eight months, the longest possible for the charges.

The bogus convictions remain, as do the extremely draconian circumstances of McBride's trial, which set a precedent for future whistleblower prosecutions.

In comments to the media after his release, McBride emphasised the breadth of the support he had received, including from ordinary people around the world. He also revealed that he has been diagnosed with lung cancer, though he reported that it is treatable and he is due to have an operation in the coming weeks.

McBride's parole was approved by the Labor government's Attorney-General Michelle Rowland. A spokesperson for Rowland confirmed that to the media, and coldly added, "The government does not provide specific commentary or details about individual parole matters."

The government's decision was a tactical one. No doubt there were fears that McBride battling illness behind bars would provoke greater demands for his freedom.

More generally, his incarceration was a particularly brutal expression of the militarist and authoritarian character of the government. By approving parole, Labor was able to remove that potential flashpoint for opposition to the government, while maintaining the anti-democratic precedent of the conviction.

McBride was the first and remains the only person to have been imprisoned over the confirmed Australian war crimes in Afghanistan. Years after the official Brereton Report of 2020 concluded that there was "credible information" that special forces had murdered 39 Afghan soldiers and prisoners, along with other atrocities, the only conviction is of a whistleblower.

McBride's imprisonment became even more conspicuous after the belated charging in April of former special forces soldier Ben Roberts-Smith, with five counts of war crimes, including murders.

Roberts-Smith was only charged after losing a years-long defamation action he had initiated against Nine Media, for having reported the allegations that he committed war crimes.

Almost immediately after being charged with those offences, Roberts-Smith was granted bail. He was invited to attend an official function at the Australian War Memorial, alongside Labor Prime Minister Anthony Albanese, has been aggressively defended by some of the country's wealthiest individuals and treated with respect and deference by the official media.

The treatment meted out to McBride over the course of more than a decade was the diametric opposite.

As an Australian military lawyer in Afghanistan, McBride had developed concerns over the deployment of special forces soldiers and had attempted to raise them with the command beginning in 2014. Only when he was stymied and blocked by all official avenues did he leak documents to the Australian Broadcasting Corporation (ABC) in 2016.

Those documents formed the basis of the ABC's "Afghan Files." While there had been reports of Australian forces committing war crimes in Afghanistan circulating for several years, the files were the most detailed and damning material that had been published to that point.

As the WSWWS previously noted, "The Files outlined at least 10 incidents from 2009 to 2013 in which Australian special forces allegedly killed unarmed civilians as well as insurgents. One of the victims was a six-year-old boy allegedly shot during a 2013 raid." They also strongly indicated a real-time awareness on the part of military command of the war crimes, an explosive issue that continues to be covered up to this day.

The official response to the exposures was a rabid offensive. The Australian Federal Police carried out an unprecedented raid of the ABC's Sydney headquarters in 2019, and one of the journalists who published the "Afghan Files," Dan Oakes, was threatened with prosecution.

While that did not proceed, the prosecution of McBride did. Having been arrested in September 2018, he was hit with five charges including four "national security" offences under the Defence Act.

While the pursuit of Roberts-Smith has been extraordinarily mild, and the prospect of anyone in military command or government being held to account for the war crimes has never been countenanced, McBride was brought to trial in 2022. Under national security provisions, it was held under a veil of secrecy.

McBride was eventually compelled to plead guilty, after the court had effectively blocked all avenues of defence. In opposing McBride's intention to run a defence that he had acted in the public interest, the court decreed that those within the military command simply had to follow orders and obey their superiors, whatever the circumstances.

That line, befitting a military dictatorship, was adopted under the current Labor government, whose then Attorney-General Mark Dreyfus rejected calls to intervene and terminate the proceedings, thus guaranteeing McBride's imprisonment.

All of the confirmed Australian war crimes occurred under a previous Labor government, between 2009 and 2013. They were an expression of the neo-colonial and predatory character of the occupation of Afghanistan and flowed from Australian involvement in the Obama administration's "troop surge," including participation in explicitly homicidal "kill or capture" raids targeting

supposed resistance leaders.

More than a decade on, the eruption of imperialist militarism, of which the assault on Afghanistan was a component, has metastasised and so has Australia's involvement. The current Labor government is completing Australia's transformation into a frontline state for war with China, while enthusiastically participating in all the fronts of a developing US-led war, from the genocide of Palestinians in Gaza to the criminal bombardment of Iran and the proxy war against Russia in Ukraine.

Labor, having presided over the Afghan war crimes, is continuing the cover-up. Last week, the *Australian* reported that the government is suppressing entirely an official report commissioned in 2021 by the Inspector-General of the Australian Defence Force, James Gaynor, into "the indirect contribution of command" to the war crimes in Afghanistan. Freedom of information requests, including from former parliamentarian Rex Patrick, have been rejected by the government, which has not permitted any of the report to be released.

The cover-up proceeds as the assault on democratic rights and anti-war sentiment is intensified, above all by Labor.

That has included a venomous campaign against mass hostility to the Gaza genocide and Labor's own complicity in this historic war crime. Labor has passed unprecedented "hate speech" laws which could illegalise strident condemnations of Zionism and imperialism and even form the basis for banning political parties on the same grounds. At the same time, universities and all civil institutions are being more directly subordinated to the military, as the government insists that war must now be a "whole-of-nation" effort.

While McBride is free, the assault on democratic rights is deepening, posing the need for a movement of the working class against the Labor government to defend civil liberties and to oppose imperialist war and its source, the capitalist system.



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