



Military Whistleblower Exposes Australian War Crimes in Afghanistan

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Taylor Hudak: Hi, everyone, and welcome back to another episode of The Source, I'm your host Taylor Hudak. In light of the recently released Brereton report, which shed further light on Afghanistan war crimes perpetrated by the Australian Defence Forces, today we are joined by a very special courageous guest, David McBride. McBride was a former legal officer with the Australian Defence Forces, turned whistleblower, and he joins us now. David, thank you for coming on.

David McBride: Thank you, Tyler.

TH: Absolutely. So for the viewers, can you provide them with a background on your career with the Australian Defence Forces?

DM: Yes, I joined the Australian Defence Force in 2005 and became a major, a legal officer. I went to Afghanistan with the Australian forces twice, once in 2011 and the second time in 2013, attached to the Special Operations Command. It was with my time at the Special Operations Command that I had concerns about what was going on in the Defence Force in Afghanistan and the war in general. I started to make internal complaints about what I saw and what I thought was very misleading conduct on our part and about the possibility of war crimes being covered up. My complaints didn't go anywhere and I was shunned, making me eventually fighting this sort of organisation for a few years. I left with a post-traumatic stress disorder, mainly due to fighting the organisation. After that I became a whistleblower, giving some documents to an Australian television channel. They published a story in 2017, called The Afghan Files, which at the time was a very big breakthrough. It included detailed war

crimes and detailed questionable cover ups. And it laid bare. It surprised the nation, I guess. That what we thought was going on over there, was not going on over there. After The Afghan Files were published the police raided my home, due to the fact that it was quite obvious that the information must have come from me. I left the country and lived in Spain to avoid extradition. In 2018 I came home to Australia to face trial. I was arrested at the airport and I've been waiting for trial now for about two years, I guess, and it won't go on until next year.

TH: Now, let's go back to the beginning before we get into more detail on what you had just told us. When did you realise that there were some serious systemic issues within the military and that you had to speak out about this?

DM: It's a slow build. It's a bit like having a relationship with someone who is a serial killer or something, but they're very charming and they're very good at covering up their tracks. And you would give them the benefit of the doubt for a long time. I was, to a certain extent, in love with the military. I had always wanted to be a soldier and I thought that the militaries of the Western countries like America and Australia were basically the forces to do good in the world, in the face of the legends of the Second World War and the Greatest Generation and things like that. I was very much an insider and I wasn't about to suddenly turn against my country overnight. So it took a while, but I managed to grow slowly because I could see more and more that we lied about things. Unfortunately when you're in the dodge, you don't necessarily see the full picture. I was quite lucky that I had been to Afghanistan before, I joined the military in the year 2000 and had some experience with the Taliban, as well. We were making a travel documentary, so I knew a little bit about the reality of the country before I got there. I was probably a little bit more skeptical, not skeptical, but I was a little bit more worldly-wise, when I got there. As I mentioned, in 2011 I started to get my first concerns that the war was more about winning appearances and winning approval for the domestic audiences in Australia than actually trying to make a difference for the people in Afghanistan. It was disturbing that we seemed to be putting up a lot of PowerPoint presentations about what we were doing and how we were making the world better and how we were going to win the war. There was real cynicism in the sense that it didn't matter whether it was completely detached to reality- we might have been killing civilians. We were certainly getting less popular each year, but we were putting out PowerPoint presentations saying that things were going well. That was the exact opposite of reality. I didn't do anything then but I was concerned that the war was actually being run purely as a kind of charade to impress domestic audiences. You know, that there were these bad guys over there in Afghanistan and we were killing the bad guys and as long as it looked like we were killing the bad guys and we were also building some schools, they would vote for us in Australia. And I think America was much the same. The reality of it was that we, the Australians, were only there for quite cynical geopolitical reasons- we were there because the American government asked us to be there. As a result, we didn't really want to make a difference to the people of Afghanistan. We needed to have our photo opportunities- it became kind of an

Instagram war, where it depended on how many likes we got. For example like the Insta famous person in the light of a school being opened or something like that. But the reality of what we've done was often quite different to the photo. I was concerned but didn't do anything then because of my position as a major. You are a middle ranking person in a large machine. When I went back in 2013 with the Special Forces and things were confirmed for me at that time, I could see that the government was leaking things to the press, things which they thought were helpful. And they were covering up things, too. It was the worst of both worlds, we were covering up true war crimes where people had been murdered, and then in order to sort of create a happy image, we would investigate something that we knew wasn't going to go anywhere. We would inform the press saying, look, we've investigated this incident and we're taking this kind of thing very seriously. But at the same time some very sinister murders of ten people had happened elsewhere, so we would sort of say, don't look at this- look at this, isn't this great? But whatever you do, don't look at that. And we were a victim of our own publicity. There was a very famous soldier with a very big reputation who got used by the government to sort of popularise the war, they had given him lots of medals. He was a very good self promoter as well and he talked up a lot of things. One of the things that really turned me was when I looked into one of the cases and found out that he'd been awarded a bravery medal for a situation where he actually killed an innocent shepherd, who just happened to be walking in the area. But they claimed that the shepherd boy was a spotter for the Taliban and that he was trying to outflank us. And the reports got more and more exaggerated. And so he ended up getting a bravery medal for something which was actually murder. And that is just a small example of the whole war, you know. We were talking ourselves up as we were doing something heroic or whatever, but it was actually quite the opposite. We were killing innocent people and giving ourselves medals for it and that I found was very sick. And even though this was just one incident, I could see that this was happening all the time. And the reason it was happening was because the politicians were only interested in good news stories. They basked themselves in glory, everybody who committed more troops to every regime or every government who committed more troops to Afghanistan was re-elected. It was a vote winner to drop bombs and to be fighting the bad guys. And as long as nobody found out, no one, neither the politicians, never really cared what actually went on in the country. There are quite a lot of links to my case with Julian Assange. And because I was very much inside the tent, it took me a while to really warm up to the whole WikiLeaks thing. But the more I read about it, the more I saw, I could see it was absolutely right. And I agreed with him on the big picture scale, to say, it wasn't- it was never about individual war crimes. I mean, that will always happen. And if you can't afford soldiers to kill rebel bombers, you shouldn't be sending troops, thousands of troops...they had a 100.000 US troop in Afghanistan at one time. Obviously, things are going to go wrong. That's not the big problem. The big problem is when the governments are covering it up. The governments are using it, telling a very different story to what's going on. That's where we're heading towards dystopia. And that's one of the things that WikiLeaks showed, to say that pretty much nothing that we think is true in the world's sphere, in the Middle East, where these wars are actually true. A lot of the war is being sort of popularised by the kind of

techniques that you would use to sell washing detergent. Like having focus groups and saying, "oh, it looks good"- these kinds of bombs look good or saying we're going to fight Al Qaeda. And it becomes quite dystopian when we notice that the war was being run for the benefit of either getting domestic votes or military contractors. And the result was that soldiers were murdering people, saying that they had done something heroic and nobody was questioning it. And I felt quite sickened by it.

TH: So before leaking to the ABC. You exhausted all other options, including the internal channels, as well as going to the Australian Federal Police. Now, what material did you share with them and how did they respond?

DM: It wasn't easy to do because I was a major, where you have some responsibility, but you're like a middle manager. So you can't really question the war effort. You can't really question the major political things. I was a legal officer, so I had to use what weapons I had available to me. And so I showed that we were lying in a lot of our public statements. We were deliberately not telling the public the truth. I had to show that we were not following our own procedures. And sometimes it was quite subtle and we would investigate a person who was clearly innocent in order to cover up the kind of bait and switch, or a cover up for someone who was clearly a murderer. So I complained about the fact that we weren't following our own laws, because I could see that that was some sort of a subtle indication that something was very wrong. And we were covering it up. As it turned out, I probably stumbled onto more than what I realised, because they did not want to hear that. You might think that a logical response would have been, oh yeah, we can see what you're saying. We aren't following our own laws and we are doing things just for show. We are doing a lot of media manipulation, and it was possible for them to admit minor faults and say thank you. But they really attacked me. My career was over. I was moved sideways. I was sent for a psychological review. I recently read an American book called Crisis of Conscience, which is a very good book about whistleblowers. And it deals with a lot of cases from - the nuclear industry to banking or whatever. And I saw a lot of similarities and it was quite heartening because when you don't play along with the narrative of a big organisation, they do everything they can, not to argue with you, but to silence you, by sending you for a psychological review. They did that three times to me. I kept passing and that seemed to annoy them. The psychologists would say, well, look, he's angry about what he thinks is going wrong, but he's not crazy. But that wasn't the answer. I think that eventually sent me to a psychiatrist who tried to gaslight me and tried to tell me that it was all my imagination. And I read recently that there's a dedicated programme for that in government departments, which they've copied from America. It's called something quite cynical, like "It's all your fault" and is about how to make whistleblowers- turn them basically or question their own sanity.

TH: So do they issue psychiatrists and psychologists to whistleblowers with the intent of causing them psychological harm by gaslighting them? And is the federal government doing this?

DM: Yes, they sent me to something like this. They directed me to go and see a psychiatrist. He was very smooth and it wasn't apparent but he put me on antidepressants immediately, which really slowed me down. He was charming, but he said something quite strange, which I didn't realise at the time. But after I explained to him my situation he said that I was just someone who is used to getting what they want in life and that I would be angry about it now. And that's why you're angry with the organisation. When you're seeing a psychiatrist, of course - it's a bit like my relationship with the military- you don't immediately think the worst of them. So I was like maybe that's the case. I didn't think that I had a sense of entitlement, but I thought, well, possible. And then later on I told him, look I need to go on with the whistleblowing, it is what is going on... I haven't seen the press at this stage, but I said, what is happening is wrong. And he said, no, you don't have a legal leg to stand on to report. And at the time I thought that's strange for a psychiatrist to be giving me legal advice. And I tried to argue. I said, well, surely if you worked in a hospital and patients were being killed by a doctor you would report that and I tried to appeal to him, but he was like, no, no, you've signed a confidentiality agreement. You don't have a legal leg. And I didn't realise it at the time, but only this year there was a report by an Australian investigative journalist into the Australian government. And they found other cases of whistleblowers within the taxation department who managed to prove that they had been ghastly, if that's the right word, by the government. And that they had a programme where they paid a psychiatrist to put ideas in people's head to say it was actually all their fault. And they got like a sort of a bonus if they could convince the person to drop the case.

TH: That should not even be legal. That is mental abuse. That's terrible.

DM: Yeah, I could have killed myself or something like this. And this guy/the psychiatrist is a real respected person. That goes too far, it's quite disgusting.

TH: It truly is. Another thing I want to touch on, though, is The Afghan Files, a series of stories that was published in the ABC. Now, you have stated that in fact there was a bigger crime and it was being withheld from the public in those series of stories. What is that bigger crime?

DM: Yeah, I thought that there was more. That there was a bigger story going on, in that it wasn't so much about the fact that a soldier might have shot someone either by mistake or even deliberately in the field. It was that the government knew. They did enquiries. It's even worse than the individual murder. The government would do an investigation. And then they would deliberately put pressure on the investigator to find nothing, to say everything was okay. And they were using sophisticated media messaging to try to make everything look fine. I thought it was the government who were the truly sinister party. And I can understand why in retrospect, it was kind of too big a story to take for the BBC. And that actually turned out well, because as a result of The Afghan Files, a lot of things have started to fall down.

But the government wanted to control the narrative. I think they knew about a series of war crimes back in 2006 and they awarded bravery medals to this famous guy in 2010, a bit like the equivalent of the Congressional Medal of Honour 2010. And they heard complaints from his fellow soldiers then and they just didn't want to know. They continued to cover up obvious complaints about the famous people. And they put, as I said, innocent people on trial in order to look like they were doing something. So everything was about the press. And I think they did that because they were trying to justify the war, because the war was good for votes.

TH: Just to be clear, was it the military that was purposefully investigating people they knew were innocent just to show that there was not any nefarious activity taking place?

DM: Yeah, that's right. And this was the first thing that I caught on to. That's why I guess I played an important role in *The Afghan Stories*, because the first thing I've gotten onto was due to my work as a lawyer for Special Forces. I could say that we were doing investigations of people that had done nothing. And that wasn't just my speculum. And I never got charged, but it made a big fuss for four years. Sometimes we kept people's lives on hold for four years. We did press Congress to sign that they were guilty people and they were really bad people. But it was a smokescreen. It was all a smokescreen to cover up the absolutely cold blooded murders. And that sickened me, that we would not only cover up murderers, but we would try to punish the innocent. And that was mainly because the politicians were worried that if famous people got convicted, they would have their careers damaged as well. It was a huge amount of cynicism. To the extent that they, even though *The Afghan Files* talk about war crimes, and even though I talked about war crimes and the government are now prosecuting these, they still want to put me in jail because they're annoyed that I've spoilt the narrative they wanted. What they tend to do is when they, they probably learnt this from the Americans- when they have a problem, they think, what are we going to do?! We will beat it up really big. It's a bit like starting a fire and putting it out yourself in order to be the hero. And so once when someone is compromised, we will punish them, we will make a huge deal of it, and we'll punish this person. And by making this big fuss, hopefully no one will look at our part in it. And that's that kind of cynicism. My case is linked to WikiLeaks in the sense that it's not so much about Afghanistan, which well it is- but I mean, it's about the next war. In the sense that if we don't cotton on to these techniques of manipulation and realise that everything we know about the war is manipulated by the government in order to make us think a certain thing, even if they're punishing someone. They're doing it so you can guide or manipulate your feelings. Who are never going to get blamed is the government, even though they may have been, they may have been complicit. They may have all the way along... Many luckily, a lot of soldiers are joining me in agreeing to say that the government knew everything we were doing all along. Now it's convenient to punish us because it will save them. But there is a bigger, darker thing going on where the government was using the troops for political advantage. And now they're kind of punishing them for political advantage. But it's really a sort of a game of shadows where the public is not necessarily ever going to hear

the true story, because it's manipulated.

TH: After you provided this information to ABC, they, of course, published a series of reports that we just talked about. And after they did this, the ABC was, in fact, raided by the Australian Federal Police in June of 2019. Many people have said that this is an unprecedented attack on journalism in Australia. How do you feel about that? How do you feel that these journalists were attacked for publishing this information?

DM: It shows you how far things have gotten out of hand. There was a real arrogance in Australia where they just thought they could get away with anything. That's where the problem lies, I mean, as I said, they gave this Congressional Medal of Honour to someone who was actually a murderer. And they should have known that for years beforehand. And that is kind of arrogant. And then they thought they could get away with raiding the ABC. I think it's come so far in Australia, I think we are at such a dystopian level. The only real reason the government is not trying to put those journalists in jail is that they're worried about bad press. They don't really care about human rights. And if those journalists work for some very small, minor regional paper that has no kind of clout, they'd be in jail probably, because there is very little real respect. Public opinion is important, but the rule of law is not. Like I shouldn't be on trial myself, once they have... But yeah, it was quite unprecedented that they wrote it. They also, at the same day, raided another journalist's house, and it was even worse for her because she had covered a story a few years before, saying that the Australians, it's a bit like a Snowden story, but not as graphic- that the Australians were going to start doing bulk surveillance of all civilian emails, which would have been illegal. So it was a very public interest story. And the government didn't even actually go ahead with that plan. But there was no doubt that what she published was true and the government wanted to put her in jail. And that is really quite disgusting. You're putting journalists in jail even when they've published the truth about government misdeeds. I mean, you really have a dystopian society there. But luckily every cloud has a silver lining. That was probably the moment when my case started to get better because people cared about that. I guess people don't necessarily understand whistleblowers. I got a lot of hate mail saying I was a traitor and I should be hung and all that kind of stuff. And when the journalist got arrested, it actually helped get public opinion in my case. People started to care and started to call me. And so in some ways, that was very good for me and I was happy and while I've always had a bit of a soldier's bravado about going to jail and if I need to go to jail, I will. I think it had a real effect on the journalists being charged and definitely on the charges being considered against them. I felt sorry for them because I could see that it was... They didn't sign up for that. And that's fair enough. And it took a toll that they are having those charges hanging over their head. And again, there was a certain amount of cynicism from the government, whatever they were going to do. They knew that having these charges hanging over the journalist's head A) it was making their life miserable, whether they go to jail or not but B) it was going to scare a lot of other journalists, too. And you also had a cynical move from the attorney general of Australia who said that in order to protect journalists being charged. I'm going to pass a new law, to

say, I have to approve journalists being charged. Of course it is very dystopian because under the guise of trying to promote human rights, he was basically saying, here's a message to all journalists if you print something I don't like, you go to jail. But if I do like it, well, you might be free. There was some outcry about that. But again the government in Australia has actually surprisingly become very draconian. And I was pleased to see that The Economist magazine was one of the few... and I think The New York Times also ran a story to point out that you or we think Australia is this sunny kind of place where everybody surfs and has a good time. But actually their laws about publication are more draconian than anywhere else in the Western world.

TH: But while we are on the subject of journalists, I do want to talk about Julian Assange. Julian Assange is, of course, the founder of WikiLeaks, and he is still in a London prison, that is Belmarsh prison, one of the worst prisons you could be in in the UK. And I want your perspective on Assange and his work through WikiLeaks. Through your view as a former military lawyer, now a whistleblower, can you speak about the importance of his work?

DM: As other people have said it's hard to overestimate. I mean, it's huge. And he will be remembered incredibly because he showed the sort of things that I've hinted at, to say, it is much bigger than we realise. It's much bigger than a few people getting killed here and there. And one example in Iraq we had underestimated the amount of civilian casualties- it's too much of a euphemism. We underestimated the amount of innocent people that we had just killed by, what was it, you know, 25,000 or a 100 something thousand. And that wasn't a mistake. That was a lie. And that we were doing things, like some of the other ones, Hillary Clinton's Emails for example, we were arming Islamic hard line, uncontrollable rebels with American weapons in the hope that they would destabilise Assad or something. But that at the same time not having any illusions about the fact that we wouldn't let them take over Syria, we just wanted them to cause trouble and then not two steps down the road thinking what might happen if they get disgruntled like Osama bin Laden and they'll be coming back to my land America or blowing things up. The level of cynicism also within the US government's foreign policy was immense. And that's what struck me. And one of the things I really like about Julian is him saying, you know, wars are started by lies and propaganda- maybe truth. That's a really good thing. You know, I don't think he gets enough credit. One of my missions is after my case, if I'm not in jail, to be able to popularise his case. Obviously he's got a lot of support, but there's still a lot of people, mainstream people who don't necessarily support him. But I'd like to try to work on them and to say, look, he's unusual, he's got Asperger's but essentially the things he was doing are really, really good and they're really, really essential. And they do affect you. It's about your own sons and daughters might be killed as a result of some ridiculous war. It does come home to haunt us. And we are heading to a very dystopian society, where, if someone who exposes these things goes to jail, whereas the people that were starting wars and dropping bombs go free. I mean, particularly as someone who was in the military... I still like the military. I still consider myself a soldier. I don't think war itself is a bad thing. Although I'm increasingly beginning to realise that

maybe it'd be in the sense that it seems to so often be the result of lies and misinformation and for ulterior purposes. But in itself, I don't think it's necessarily a bad thing. But it's a bit like the car has become carjacked by people who should not be in charge. And we need to be able to take action when there's bribery, corruption and double dealing going on in our foreign influence. We need to do something. And I guess from my soldier's point of view I'm particularly concerned because I can see the way we're going is not even going to work. I mean, we created more terrorists than we ever killed by our lies and by our mistakes. And so while this whole war on terror is a bit of a charade, even if it wasn't and even if it was- we are making it worse. We are definitely making it worse. And I want to reverse that trajectory, to say we need to go to the Middle East and hold our heads high. We need to apologise for what we've done. We need to reverse that trajectory. And people like Julian Assange are definitely a step in the right direction. He's the sort of person that if he went to the Middle East and if they fully understand that, they consider him an absolute hero because he told the truth that they know. I mean, they live it day in and day out. They see the bombs getting dropped on the wrong house, they see people getting in jail and murdered for nothing, on suspicion, they are livid. And he bravely exposed it, and that's the sort of thing that can heal our problems when they see people from the Western world who are not totally blind to our own propaganda and can see what's going on and actually have the courage to do something about it. So I'm a big fan of Julian's and I hope I can do more to help. But certainly the stuff that came out in WikiLeaks is the same thing that I'm dealing with, lies by the government, the absolute opposite of what's going on. There's not really much difference between this and the collateral murder and the cables or whatever to what I'm saying. And I can see more and more that there's no difference between my case and his... I'm a bit more Chelsea Manning, I guess, but it's still the same sort of thing. And I hope to at least be part of the campaign to make more and more people support him.

TH: Exactly. And what it shows, too, is that these atrocities and illegal activities that are happening during these wars is not an uncommon thing, unfortunately. It's a very common thing. But David, before we continue with our discussion, I do want to take a brief pause. And when we return, we will continue with our discussion on David McBride's case, as well as some recent developments that have come out in Australian media regarding Australian war crimes.

TH: Welcome back, everyone. You're watching The Source, I'm your host, Taylor Hudak. So David, we left off talking about Julian Assange and his work through WikiLeaks, but now I do want to shift our focus onto this new report that is coming out in the Australian media. It's called the Brereton report. Can you describe what that is and how it relates to your case and Australian war crimes?

DM: OK, it's very much linked to my case. It is a major thing in Australia. It has taken four years to compile. And it came from a series of rumours, complaints that occurred after the war finished. There were quite a few investigated reports by a reputable journalist to say that

war crimes were committed on a big scale. They were generally rejected. There was The Afghan Files, which I was involved with, which suggested that war crimes were happening. And there was another, a smaller enquiry, that the government did sort of a gathering of some rumours more or less. And then they did the original report after that. It has been highly secretive. There's been a lot of leaks about it. The idea was that they were going to look into 55 cases of potential murders and they were going to gather evidence over four years. They spoke to about 300 witnesses, all ex- servicemen and women, but it's not a criminal report in the sense that charges cannot flow directly. So that's quite disappointing. I guess one of the advantages was that people were obliged to talk to it in the same, whereas if it was a criminal enquiry, you would have the right to silence. And so they did manage to gather a lot of evidence. And it is quite damning after it's been very controversial. A lot of it has been leaked over the past four years. Supposedly there's been a lot of conjecture about what it's actually going to say. There is one famous soldier, a guy called Ben Roberts-Smith, who was one, you know, equivalent of the Congressional Medal of Honour. Some investigative journalists said he is going to be named in the Brereton report as a war criminal. And he sued those journalists for defamation and the case is ongoing. But in the course of that defamation case, quite a few allegations about that report came out and so we have actually got to hear quite a few things about the report tangentially. It was released today. One of the good things about it was that they, the government, did acknowledge that we definitely committed war crimes. I think they've said 39 cases have pretty much confirmed murders. So that is good. They have taken responsibility for the crimes that happened. They have, I think the president or the prime minister of Australia spoke to the president of Afghanistan to say, we apologise. It's not right. I think that's a really good step.

TH: Right. Is that a big deal? Because as an American, we would never see something like this happen. Is that a big deal for the Australian government to go out there and apologise?

DM: Yeah it is a big deal. It's not as good as it could be in the sense that- we're apologising for... We probably should be apologising on a larger scale, but at least it's better than nothing in that they are saying individual soldiers committed crimes. There's no taking responsibility for the larger geopolitical issues, but they say we're sorry that individual soldiers actually murder. But certainly it's a good point that you make, it wouldn't happen in America I think . And yet it's a really smart thing to do because they had an Afghan soldier involved, and he witnessed a murder. And it was his boss, a sergeant that killed someone. He didn't do anything at the time, in fact he helped cover it up. But he felt- it chewed him up for 10 years. And they ran a story about him. What he really wanted to do was to apologise to the Afghans, to the family of the man who got killed. And he wanted to go to Afghanistan to do it. Eventually he couldn't because of Covid. But he did it by Skype. And it was a good thing they didn't ask for compensation. The Afghan sons were really touched that he made the effort. They thought it was a very honourable thing for him to do, especially when he owned up to his responsibility and said, I should have done more. And all he was really saying was that I should've done more. And they were impressed. I think it would be a very healing

thing, even with the kind of WikiLeaks thing. You might not say that we shouldn't have been in Iraq in the first place, but to say that we are sorry for the terrible things that happened, atrocities that happened, and we're not going to deny them, I think that's a very healing way to go ahead. And I am very heartened by that, I have to say.

TH: Now, how does this impact your case?

DM: That's a good question. And a lot of people are asking that. They did an official report saying that there were at least 39 murders. And then they have decided not to prosecute the journalists who published The Afghan Files because they decided it's not in the public interest. And so what about David McBride? So people are asking that, there's more and more things on Australian media and Australian TV- especially the Defence Force have come out as they've had to do with the barrage of enquiry. They've had to say, we applaud the people who came forward and admitted that they were witnesses to corroborate, because as rightly said, a lot of these people are sort of implicated, a bit like the example I just talked about. They say it was a brave thing for people to come forward and say, I saw this. I didn't do anything at the time, but it's pretty bad. And so they have those people, quite rightly, who have been applauded by the government and the Defence Force. And so they are saying whistleblowers are good. But well if whistleblowers are good, why are you trying to put David in jail? I think it's a question for a bit of a slow burn. Of course, on the other side of the coin from the government, they kind of want to make an example of me and at least make my life difficult. There'll be people in the government, very cynical people, saying that he might have been a good whistleblower, but we can't afford to have government employees thinking that they can just go to leak secrets about crime. And so we need to make life very difficult for this guy. They probably are debating whether to drop the charges against me. But I think they probably won't. I think they'll probably try to argue that I wasn't the right type. I don't know what they'll say. It's all a bit ridiculous to say you have to be the right type of whistleblower and it's okay to be a whistleblower as long as you say what the government wants you to say when they want you to say it. But as I said, I've always been of the view that I'd rather go to trial on this and have these issues looked at because they won't stand up to the law, than to have the charges dropped, so they die away slowly. Because it does give me a platform and it does enable me to raise issues like the case Julian Assange and my own where to question under what principle is reporting a crime that the government has committed a crime itself. Increasingly, the governments get carried away with their own importance and think we can pass laws that make it a crime to expose government crime. But those laws must be illegal. There cannot be a legal use of the law to say that anyone who exposes us is a criminal. Well, no, you're the criminals for committing the crime. And I don't want that point to be lost. And if the charges are just dropped, it might be.

TH: Your critics may suggest that you could have or that you did put national security at risk. Now, this is a common accusation levelled at whistleblowers. So what is your response to that criticism?

DM: Yeah, now I have a lot of haters. It's kind of ridiculous. While there is some sort of secret information in Afghanistan, a murder is never a national security information. I mean, once you murder people in the name of the government, it's not national security. True National security is when you maybe have some secret missile capability and the code for the missile, something that may actually make the country less safe, but to reveal crimes is not. It's also a war that we stopped fighting six years ago. And most, if not all of the information I revealed is publicly available in books. And I once tried to make a joke of this and I got about a plastic bag full of about 20 books written about Australians in Afghanistan, and they would not evade any piece of information that I revealed that was not in those publicly available books. And then the government, I think, really changed their witness statement then and tried to say, well, it was more than just revealing about what went on in Afghanistan- they tried to make it more complex. But, yes, there is no doubt I didn't reveal anything which is not publicly available or could even be said to be in any way damaging to Australia. It really is trying to make an example of me. There's no doubt about that. But of course, they won't admit that. And even, and that's why I quite want to fight the charges, one of the charges says something along the lines of "he gave information to people outside the Defence Force and it was not his duty to do so". Now, I want that, what was my duty, to be argued in court. I was a lawyer. I had a practising certificate that I passed the bar. And you have certain obligations. I was also an officer and I would say it's exactly my duty to stand up and be counted and do the right thing. And I, in an ideal world, I really want to see that as the focus point of the case, because the problem is, when you're a whistleblower or anything like that and when you're fighting the government- the government has a very big PR machine. And so they can make it seem like you breached national security or whatever, and they can do it with their press secretaries and newspaper clerks. And you can't really fight it because it's so big. But in a courtroom, when you've got a judge with a good sharp mind, you can say, how did I damage national security? Tell me how. And then you can cross-examine them. And then you can say, tell me why this isn't my duty to stand up. And that without all the sort of smoke and mirrors of the government's sort of propaganda. And that's one of the reasons why the government has tried to make it a secret trial because they did not want anyone to be able to ask hard questions about what they claim, because they don't want it to be stripped back to the fact that they are just trying to make an example of me because the government is considered more important than the actual nation.

TH: You are being represented by Xenophon Davis and your lawyers have spoken publicly about the difficulties they have had in preparing your case. Is this going to be a secret trial? And do you think that the system in Australia is fair to whistleblowers?

DM: It's not fair at all, and it's been cynically manipulated the same as in America, or luckily not quite as bad as in America, or the United States, but it is close to it. The Attorney-General is just a politician, he's just elected. I think it's even worse than the American system is. Everybody's trying to call me about the Brereton report. Journalists are calling my phone.

And so you're getting an exclusive, Tyler. The attorney general is just an elected official and he is allowed to say all the trial is going to be secret or not. Now you could be exposing that political party for taking bribes and he could cite that the trials need to be secret on national security grounds. There's no actual test. It's just up to this politician to make that choice. And that's bad. And also, once they're making it secret, it becomes extremely difficult to run a trial because your lawyers can't even see the documents. There's even scope. It's so draconian. It almost made me laugh when I saw that they could have scope to present evidence to the judge without you knowing as a defendant what the evidence is you're facing- when I mean that it makes me laugh it's because the evidence is out and they don't even have to let the jury see it. And you kind of think you'd better realise how far you've got off track, that you could put people in jail without actually letting them see the evidence or anybody else. But that's part of the law. These things were passed, you know, in the wake of 9/11. And there was an idea that we were going to be putting people on trial who were supposedly extremely dangerous or whatever. And the government is cynically using all the powers available to someone who runs a terrorist or a true terrorist organisation and is trying to blow up the Harbour Bridge or whatever, in relation to people like me, who are really just critics of the government... And you have closed trials and secret evidence. And they don't seem to have any shame about what they can do. And no one, there's no adult supervision to say David McBride might be a whistleblower, but he's not exactly a security threat where we have to invoke all these extremely draconian things. They do it because it gives them an advantage in the courtroom.

TH: So this Brereton report did just come out. Are you hopeful for your case? Does this bring you some, some hope that this could potentially positively impact your situation?

DM: It definitely will be positive. That's true. I'm happy about it because now we probably have to go to the next stage. As I said, I'm more interested in the government's role in these war crimes rather than the actual soldiers. And luckily people in the country are with me on that, to say that to a certain extent the brochure report, while it's a step in the right direction, it is a stage managed report. It's written by the government. It's what the government wants you to know. And it would be a shame if the government gets to blame all the errors in Afghanistan on a couple of very low down people, corporals, people who were in charge of six people without saying we enabled that. Because sometimes, like this famous guy, that he was totally backed by the government, nobody could criticise him, he had the status of what was like a protected species. And it is a shame if we don't look at the larger issues. But now the report has been done. We will start asking the questions, who knew what when. It will be okay if the government takes responsibility for saying yes- OK, OK, we don't want to look into war crimes during the war, we thought it would be very, very difficult to stage manage that. We thought it would actually endanger us. We take responsibility for the fact that we did do at least a temporary cover up in order to better manage this situation. If they were to take that sort of responsibility A) I'd be happy, but B) I would win my case because my case would then be saying that this is exactly what I was referring to. I was saying that something

was very wrong with the way we are running the war, while it may be understandable from a sort of public relation. Well, if you're running a company and you had some sort of dangerous product and you found out, you might not immediately reveal it to the public- we get that. But we do need you to take responsibility for this. We stage managed the war crimes. We knew that things were up. We did cover things up. We did prosecute the wrong people. And once they admit that, I will go free. There will be a little bit of fighting, they may string it out to the last minute. But certainly it would mean good news for me.

TH: Many people who are watching right now David, may be wondering why you would risk so much and put your life on the line and your freedom on the line to reveal this information to the public. Why did you take that risk?

DM: I think it comes back to the fact that I was a sort of true believer. I tried all my life- I've done the right thing. And I went to law school. I went to Oxford University, I went to the Sandhurst Military Academy. And I was a real believer in democracy I was so incensed when I found out that we were becoming the bad guys of the world, that the Western countries were becoming everything that the sort of emerging world used to say about us, that we pretended to be in democracy, but we really favoured dictatorships. We pretended to be trying to help the people, but really, we were just trying to get corporations in there and make profits. All of those things which I used to just think it's a conspiracy theory, like everybody else, I then began to see that a lot of them were true. They'd like to do so. And I found that really shocking. And I'm so angry about it. And I still believe something can happen. I'd like to think we can change the trajectory of that downward spiral, but someone needs to make a sacrifice. All the things that have happened were truly momentous changes which have happened in the past. You do need to make sacrifices, even though it's very hard for me if I have to go to jail... and it will make the case better known and we eventually win the case by going to jail. I will have achieved something really good in my life. And I may think about that differently when I'm actually behind bars. But I know in my heart it's worth it. You know, I was prepared to die on the battlefield for what I believed in. So it's probably not that much of a surprise to say I'm prepared to go to jail because I think the Western world is in trouble. And I am also an idealist enough to think we can save it. People like yourself Taylor, and the 1000's of people like you, who help put out the message. I get messages of support from all over the world, which is terrific. And while we are in the minority, I think it's a bit like the Vietnam war. The people that opposed the Vietnam War, they eventually won and I'm always very heartened by that. It's a fight worth having. And I think in 20 years time, we'll be very grateful that we're on the right side of history.

TH: You have served your country with honour. You were also on the front lines with your life on the line in Afghanistan. You chose to sacrifice your own freedom in order to reveal serious systemic issues within the Australian military. How has your life changed and how can people support you?

DM: I have a GoFundMe page called 50 years in jail for whistleblowing on the ADF or something- I've forgotten. I'll be very grateful for any donations, however small. And what I really like is that people can share it to their friends in the US or Europe. I've had some donations from Europe, which is terrific and just sharing it and even sending me a message is great. I'm not very good at replying to messages, but I will get better once I've finished my book. But sharing it with friends is really great, because whatever cause people are linking it to, this is really about governments putting out false messages, saying one thing and doing another, and we need to stand up and stop that. And what is happening in the Australian military is not different to what's happening in the environment or so many other important issues around the world. What has been said is being done but it is not actually what's being done. And it's a battle of truth, truth versus lies, which is the same as what Julian's been saying. And so any support, any kind of help that you can is greatly appreciated. I'm not just saying that because it has been- it has been hard at times. It's easy when I'm talking to you, but obviously I've been very, very down. I've lost my job. I've got two kids, I've got two daughters. I am writing my book at the moment. And I realised at the beginning of the book they were toddlers. Now they're teenagers. I don't know how much more they can take. You know, they've had depressive issues. And it's hard for them even though they kind of think that I'm doing the right thing. But a prospective dad going to jail and not being able to work...It's been a hard ride. But support gives you back a little bit of yourself. It's always great to speak to you. Every time I've met people through you, or that I've met on Twitter, or like Slow News Day and things like that, that always really boost my spirits, especially from people from overseas. So any kind of contact, it really does help me get through the days, so thank you.

TH: You are a person of immense courage and bravery and integrity. David McBride, it was a pleasure speaking with you today.

DM: Thank you, Tyler.

TH: Thank you. And I want to thank you all for tuning in to this episode of The Source. If you are interested in supporting David McBride and his family, you can find a link in the description box below. And also make sure that you subscribe to our YouTube channel and donate to our organisation, if you like the work that we do here and would like us to continue with our independent non-profit news and analysis. I'm your host, Taylor Hudak, and thank you all for watching.

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