Albanese government tortures Australian citizen to please Washington

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Ongoing detention of accused former US marine an 'affront to Australia's rule of law', wife says

Daniel Duggan - held since October - will fight extradition and says US charges he trained Chinese fighter pilots are politically motivated, court hears

Daniel Duggan. The Australian citizen and former US military pilot denies US charges of arms

The Duggan case dates back to 2017 and is just now garnering attention. Photo: Screenshot

The Albanese Labor government considers the lives and wellbeing of Australian citizens expendable, and will trade them away without a qualm to ingratiate itself with the United States. On the national level, as the *Australian Alert Service* has documented, Albanese and his senior ministers have continued without a hitch their predecessors' handover of strategic sovereignty to the USA, including direct control over Australian defence facilities, so that it may make our country the staging point for war on China. And at the individual level, Labor has now shown itself willing to arrest, jail and psychologically torture an Australian citizen who has broken no Australian law, to comply with a legally dubious extradition request by the United States on spurious and politically motivated charges.

The Australian Federal Police (AFP) arrested 54-year-old Daniel Duggan on 21 October last year in his home town of Orange, New South Wales at the request of the US Federal Bureau of Investigation (FBI), pending a formal request for an extradition hearing, which has since been approved by Attorney-General Mark Dreyfus. A former United States Marine Corps fighter pilot and flight instructor, Duggan reportedly moved to Australia in 2002, and renounced his US citizenship upon becoming an Australian citizen in 2012. Since his arrival in Australia Duggan had operated several businesses, including Top Gun Tasmania, which took tourists on joy flights in decommissioned military aircraft. He is also reported to have worked abroad as a flight instructor in several countries; and to have run an aviation consultancy company in Qingdao, China from 2017 until it was wound up in 2020.

Because he was arrested on the basis of a "sealed indictment" by a US Grand Jury, the charges against Duggan were initially not made public, leaving media to speculate, incorrectly, that he had been "turned" while working in China. When the indictment was unsealed on 9 December, however, it was revealed to date from September 2017, and to relate to a contract Duggan had taken in 2011-12 at the Test Flying Academy of South Africa (TFASA), a specialised training institution for test pilots. According to a summary published 12 January by international legal research website Lexology, the indictment "[alleges] Duggan and eight unnamed co-conspirators operated a South African flight school that trained Chinese military pilots. Such flight training is deemed a 'defence service' subject to the International Traffic in Arms Regulations (ITAR) and thus must be licensed by the State Department's Directorate of Defence Trade Controls (DDTC)." Specifically, Duggan is accused of having taught Chinese military pilots how to land on an aircraft carrier. Lexology continued, "The US government has long maintained a policy of denial for ITAR export licenses to China, including for providing defence services to Chinese nationals in a third country. Duggan also allegedly aided Chinese and South African companies in fraudulently obtaining a T-2 Buckeye training airplane [an obsolete US Navy aircraft] to use in their training." The ITAR is a regulation under the 1976 *Arms Export Control Act*, breaches of which carry a penalty of 10 years' jail and a fine of up to US$1 million. Duggan also faces related conspiracy charges, including conspiracy to launder money (maximum penalty 20 years).

Irrelevant charges

The flap over "Western" veterans allegedly training Chinese military pilots was kicked off by the British, a few days before Duggan's arrest. As the *Sydney Morning Herald* reported on 19 October, "The British government revealed overnight Australian time around 30 former British fighter pilots have been training Chinese pilots at a flight school in South Africa, and there are fears Australians may be involved in the program." The Australian Defence Department immediately launched an "urgent investigation", to be conducted by the AFP and Australian Security Intelligence Organisation, into whether Royal Australian Air Force (RAAF) pilots had similarly been "lured by China" into training its personnel. On 15 February, however, Marles told 2GB Radio in Sydney that he had received the (classified) ASIO/AFP review, as a result of which the government would "develop some additional legislation" to prevent former Australian Defence Force personnel from working for "foreign powers" as Duggan is alleged to have done.

In other words, obviously, it is *not* illegal for them to do so now—which means that the USA's extradition request is almost certainly without legal basis. Australia's 1988 extradition treaty with the United States is limited by the principle of dual criminality, meaning that the alleged offense for which extradition is sought must be a crime in both countries. Money laundering is indeed a crime in Australia, albeit less so than in many countries—our anti-money laundering and counter-terrorism financing (AML-CTF) laws are notorious for being among the most lax in the world. But in Duggan's case the "conspiracy to launder money" charge appears to be a mere technicality relating to his activities at TFASA—which, again, were legitimate business under Australian law at the time of the alleged "offense", and remain so today. Conspiracy to commit a non-crime obviously cannot be a crime itself. Duggan and his lawyers insist that he did not in fact breach the USA's ITAR regime anyway (nor any other law of any country). But for the purposes of extradition, it is irrelevant wheth-

er he did or not. As for the "fraudulent" acquisition of the T-2 Buckeye, the *Australian* reported 3 January that it was others associated with TFASA, not Duggan himself, who allegedly supplied "false information" to gain an export license for the aircraft. Even if they did, therefore, what the FBI calls "conspiracy" looks a hell of a lot more like guilt by association.

Even had Duggan done everything he is accused of, however, none of it would warrant the treatment meted out to him on the USA's behalf by Australia's so-called justice system. In a manner reminiscent of Britain's treatment of Australian publisher Julian Assange, also at the USA's behest (which Prime Minister Anthony Albanese claims to oppose, but which there is no evidence he has lifted a finger to stop), Duggan has been imprisoned in harsh maximum-security conditions usually reserved for convicted terrorists and unrepentant mass-murderers, in an attempt to break him down psychologically before his case even reaches court—a form of torture, as recognised in international human rights conventions to which Australia is signatory. He is in effect being punished for crimes of which he has not been, and just as likely never will be found guilty, more harshly than he would be were he actually convicted of them.

Making the crime fit the punishment

As reported by various media, Duggan is currently confined to a two-by-four metre cell in the Silverwater Correctional Complex in Sydney, awaiting transfer to the notorious Goulburn "supermax" prison in rural NSW. "Despite never having been convicted of a crime in any country, Duggan has been classified as an Extreme High Risk Restricted (EHRR) and Protection Non-Association (PRNA) prisoner", the *Guardian* reported 26 February. "Duggan's conditions of detention are 'extreme' and 'inhumane', a clinical psychologist has said". His wife Saffrine Duggan told the *Guardian*, "I was shocked when I saw Dan recently. He's trying to fight this injustice but he's a shadow of himself. He's extremely gaunt and lost a lot of weight. … They are trying to break him by slamming him in solitary confinement and maximum security, surrounded by convicted terrorists, murderers, paedophiles." In a letter to a friend, reported in the 12 February *SMH*, Duggan wrote that his conditions of detention had also severely "restricted access to my legal team and family [and left me] with hardly any reasonable way to defend myself".

The *SMH* article also reported that "In the letter, Duggan said both the AFP and Attorney-General Mark Dreyfus' office had confirmed that he was not considered to be a risk, sparking his lawyers to suggest there had been 'foreign interference' in the case." Duggan's lawyer Dennis Miralis told the *SMH* that it is unclear who decided to classify him an "extreme" security risk, which among other things has resulted in him being put in restraints every time the guards move him around the prison. Corrective Services NSW approved the EHRR and PRNA classifications, he said, but they would have been made on the recommendation of another agency. "Miralis said he was pursuing whether there had been 'any foreign interference in that designation, in a way that is not in accordance with the law', which suggests that he suspects that the request came from the US", the *SMH* reported. "He said his correspondence with Dreyfus' office suggested they did not hold any concerns that his client posed a security risk, and there was no evidence that the AFP made the recommendation. … 'We're still fighting to get access to the underlying documents that went into the designation. We've been told that secrecy provisions will not allow us to get access to that material.'"

Miralis has filed a complaint with the Inspector-General of Intelligence and Security (IGIS), the independent Commonwealth statutory officer responsible for reviewing the activities of Australia's intelligence agencies, regarding the presumed foreign political interference in the case, which various media reports have suggested is part of an initiative by the Five Eyes (the Anglo-American-dominated "intelligence-sharing" arrangement comprising the USA, UK, Canada, Australia and New Zealand) to crack down on politically frowned-upon collaborations between the "West" and China. The office of the IGIS has apparently commenced an investigation; however, as RMIT University lecturer and political commentator Binoy Kampmark has noted, this is scant cause for optimism. "The IGIS, as with many other Australian oversight bodies, is understaffed", he wrote, in an article published 8 November by *Green Left*. "Its 2020-21 annual report said it is unable to achieve 'well-developed and effective complaint and PID [Public Interest Disclosure] management processes'. As of 30 June [2022], the office has 33 working individuals, which is 22 short of what is recommended."

Duggan's family and lawyers have also lodged a complaint with the United Nations Human Rights Committee (UNHRC), arguing that "Australia's detention of Duggan violates the International Covenant on Civil and Political Rights (ICCPR) by: failing to protect Duggan from inhuman or degrading treatment or punishment; failing to segregate Duggan from convicted prisoners; violating Duggan's right to adequately prepare his defence; and violating of his right to confidential communication", the *Guardian* reported. According to Duggan's wife, he has also been denied proper medical care for a prostate condition; and the aforementioned clinical psychologist has deemed him at high risk of developing a major depressive disorder. As the *Guardian* notes, however, even if the UNHRC determines Australia is indeed violating Duggan's human rights, it can respond only by "requesting Australia take measures to 'avoid irreparable damage' to the alleged victim". Canberra can simply ignore it, as governments of both major parties have done repeatedly in the face of similar findings, such as on Australia's horrific treatment of refugees.

The sad fact, as the RMIT's Kampmark pointed out 2 March in the online journal *Oriental Review*, is that Canberra has a long and shameful history of throwing its citizens to the wolves to please the United States. Aside from the Gillard Labor, Abbott/Turnbull/Morrison Liberal and now Albanese Labor governments' refusal to protect Assange from wrongful prosecution, persecution and imprisonment by the USA and Britain, Kampmark cites the examples of the Australian citizens, most notably Mamdouh Habib and David Hicks, who "found themselves captured, rendered and left to decay in detention" during the so-called Global War on Terror. Habib was arrested in Pakistan in October 2001 and rendered to Egypt, where he was tortured by the CIA for a year with Canberra's full knowledge and complicity, and then held in subhuman conditions at Guantánamo Bay until he was released without charge in January 2005—to which the then-Australian Attorney-General and Foreign Minister objected! Hicks, meanwhile, "was sent to the purgatory of Guantánamo Bay in January 2002 after being captured in Afghanistan … [and] then became something of a judicial guinea pig, the victim of a military commission system initially deemed by the US Supreme Court to be unconstitutional, unfair and illegal." Unless Albanese and co. can be shamed by the Australian people into standing up at last for the rights of Australian citizens and the "rule of law" it so loves to preach at other countries about, the case of Daniel Duggan will surely end the same way.