

# Stop the War on Whistleblowers!

Whistleblowers Richard Boyle & David McBride are going to be on trial for doing the right thing: calling out abuses of power of the Australian government. Contrary to that, the EU is pushing for better whistleblower protections. Will they succeed?



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In Australia - like we've seen multiple times in the USA - there are two very brave whistleblowers, Richard Boyle and David McBride, going to be on trial later this year. Their fault: calling out wrongdoings of the government. Similar to famous whistleblowers like Edward Snowden and Julian Assange, they informed the public on abuses of power - crucial for any democracy. While Boyle & McBride are being prosecuted in Australia, the EU pushes for better whistleblower protection. The



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# The trial against Boyle & McBride

The Guardian reports that two Australian whistleblowers, Richard Boyle and David McBride, are currently being prosecuted and expected to be on trial later this year for blowing the whistle on abuses of the power of the Australian government.

## Background on the cases

Richard Boyle, a public servant at the tax office, noticed unethical and overly aggressive debt recovery practices by the government against small business owners. While his whistleblowing did lead to independent inquiries that resulted in changes to the Australian Taxation Office's debt recovery practices and, consequently, largely fixing the reported issues, Boyle will still be facing trial for informing the public on these wrongdoings.

David McBride, a defence lawyer who served in Afghanistan during the war. Observing serious misconduct within the Australian forces, McBride first blew the whistle internally. As this did not result in any change, he took this further to the police, and finally - as a last resort - to the public. Again, due to McBride blowing the whistle, an investigation was started that found evidence of innocent Afghan civilians being unlawfully killed by Australian armed forces. The investigations are still ongoing. Regardless, McBride is also facing trial for making this public.

McBride was charged with disclosing classified information, and faces a sentence of 50 years in prison



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## Author



Hanna makes Tutanota come to life. Her credo: Every one of us has the right to express any idea freely, or to keep it secret. Encryption is a great tool to achieve the latter.

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government accountable for its actions in Afghanistan.

**Both Richard Boyle and David McBride's cases have sparked public debates about the rights of whistleblowers, whistleblower protection and the importance of government accountability.**

## Australia vs the EU

While Richard Boyle and David McBride are facing long prison sentences for blowing the whistle in Australia, the EU has adopted the Whistleblower Protection Directive - a law to protect whistleblowers.

This is a remarkable difference in both legal systems, one that can be explained also by recent scandals of abuses of power.

In the EU, there were two major incidents in recent years that demonstrate the importance of whistleblowers to a democracy and also to the economy.

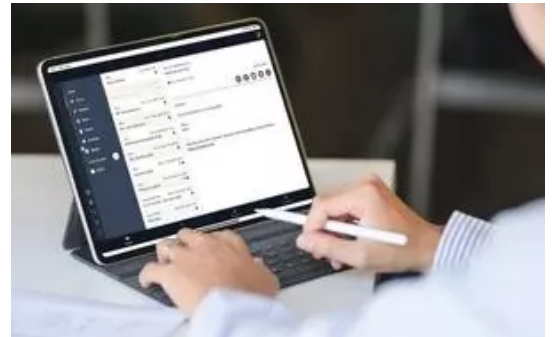
### Economic example: Wirecard

The Wirecard scandal, which led to the insolvency of Wirecard in 2020 and the loss of billions of euros to investors and private share holders, was caused by corrupt business practices and fraudulent financial reporting. At the time of insolvency, Wirecard was part of the DAX index, so to say the Dow Jones of Germany.

This was a huge scandal in Germany and beyond, one that might have been preventable with a proper whistleblowing system in place.



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## Political example: Bribery of Kaili

Eva Kaili was a member of the European Parliament (MEP) and one of fourteen vice presidents of the European Parliament from January 2022. In December 2022 MEP Kaili was arrested and charged with corruption, namely for accepting bribes by Qatar.

*You can find more information on [Kaili and the "Qatargate"](#) on Wikipedia.*

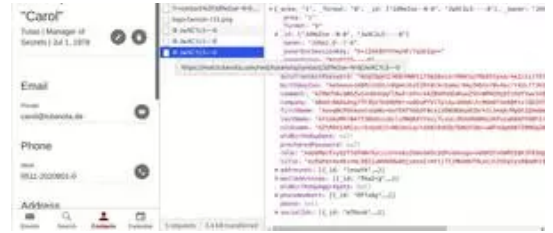
Both cases - among others - led to the recognition that stronger whistleblower protections are needed so that abuses of power and criminal activities can become known earlier.

**Thus, the EU's Whistleblower Protection Directive reflects a recognition of the important role that whistleblowers can play in uncovering wrongdoing and promoting transparency and accountability.**

The directive provides a range of protections for whistleblowers, including confidentiality, immunity from retaliation, and legal support. This reflects a view that whistleblowers should not face adverse consequences for speaking out in the public interest.

In contrast, the prosecution of Richard Boyle and David McBride in Australia suggests a more restrictive approach to whistleblowers and a higher premium on protecting state secrets.

**This is consistent with Australia's broader legal framework, which includes one of the worst surveillance bills worldwide.**



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The EU Whistleblower Protection Directive even makes it mandatory for companies to offer an anonymous communication channel to potential whistleblowers. This reflects the understanding that whistleblowers often face significant personal and professional risks if their identity is known - which is repeatedly being demonstrated by the prosecution of whistleblowers such as Boyle and McBride, but also famous cases like Julian Assange and Edward Snowden.



The risk of becoming a target of law enforcements as a whistleblower seems to be increasing the more powerful the organization is that they blow the whistle on. Thus, anonymity is the last resort for potential whistleblowers to stay safe.

In the case of Richard Boyle and David McBride, they both faced retaliation and prosecution for their actions as whistleblowers. By allowing whistleblowers to remain anonymous, the new EU Directive is providing a critical safeguard against retaliation and ensuring that whistleblowers can come forward with information without fear of retribution.

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forward in the first place - as the fear of retaliations or even a prosecution due to the publishing the information decreases.

## Stop the war on whistleblowers


For Australia, the same should be true: It can not be in the public interest to jail people for telling the truth.

Human Rights organizations as well as HUMAN Rights lawyers call on the Australian government to stop this war on whistleblowers.

**Take action now and [sign a petition](#) to stop the war on whistleblowers!**

If you are a business, you can also do your part by hosting a [whistleblower system](#) on your website.

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