

## **FACILITATOR NOTES**

*There is no 'right answer' to these questions. The points provided below are only prompts to help the facilitator foster conversation*

1. Do you think it is valid to use the argument of 'diminished responsibility' for convicted war criminals to have their sentences reduced or cases quashed?
  - Discuss what diminished responsibility is.
  - Consider other examples of diminished responsibility.
2. Does the argument of 'diminished responsibility' lead us down a path whereby extremists and radicals are not legally accountable for their actions? Would 'diminished responsibility' excuse past dictators and those who worked for them for the crimes they committed?
  - Consider Nazi Germany and Adolf Hitler.
  - Consider the conflict in Ukraine and the possible war crimes being committed. Who holds responsibility for the actions?
3. Does the military have a responsibility to stand down soldiers who are showing diminished responsibility before they commit war crimes? Should Blackman have been stood down prior to this occurring?
  - Ask for examples of where the audience has been personally affected. Has their own mental health affected their decision making? Or have they seen someone else effected by it?
4. Do we as a military require too much of our people? Do you think it is possible to undergo the immense stress and trauma that Blackman did and still make ethical decisions?
  - Centre the discussion around the fact that we are all human and are all affected in some way by stress and trauma.
  - Focus on the things that soldiers can be ordered to do, rather than on placing blame on individuals.
5. How can we develop instinctive obedience while avoiding impulsive behaviour such as that displayed by Blackman in this incident?
  - Encourage discussion about how we train people, the fact that much of our training workforce are adolescents, and the impact that 'hard training' can have on people in a peace time career weighed up against the impact that not training hard enough can have on someone who experiences warfare and/or trauma.
6. How much of an impact does training and in-barracks decision making have on creating an ethical decision making culture?
  - Do we need to build a solid ethical foundation in training and barracks? Or are people able to 'switch on' for war?
7. How should we support our people to reduce instances like this, and ensure they can adjust back into society after deployments and traumatic events? How can we support our people to re-integrate back into society when they leave the military?

- Encourage discussion and generation of ideas, both strategic and ideas that can be implemented at the unit level.
8. The article introduces a thought that it is difficult to find a ‘jury of peers’ in a case such as this. It implies that although a military jury would understand the perils of the battlefield, they may in fact have bias very different to a civilian jury when it comes to what is acceptable. Do you think that cases like this should be heard by a military or civilian court?
    - Encourage discussion and debate between the two schools of thought.
  9. Isolation and stress were cited as contributing factors to cause Blackman’s adjustment disorder. Does our doctrine and tactics (how we conduct warfare) need to take into consideration longevity and sustainability of our people? Or should we be willing to lose people to mental health injuries.
    - Warfare is a tough environment and some psychological and physical injuries are going to occur. Where is the line for accepted injuries?
    - Do we need to ‘preserve the force’ to ensure we don’t lose too many people to mental health injuries?
    - What is our moral obligation to our people to return them to society in a functioning state post service?
  10. How do we increase ‘combat fitness’ to reduce the impact that these stressors have on our people?
    - Encourage discussion and debate.
  11. The article suggests that Blackman was ill prepared to take over command of the Troop when his Troop Commander was killed. Succession planning is part of the realities of war. But what can we do to ensure each rank is adequately prepared to successfully command at the next rank?
    - Discuss training and how to generate leadership and command capability in more junior ranks.
    - Discuss the pros and cons of additional training burden for ‘just in case’ scenarios.
    - Discuss mentoring and professional education that can occur in barracks and in the field.
  12. How much of an impact do you think the masculine group culture of the Troop had on this incident occurring? How can we avoid this in the Australian Army while maintaining our warfighting characteristics?
    - Separate individual action and group think and discuss how much impact each had on this incident.
    - How do we maintain high standards in a group setting in an environment where everyone is relying on their survival instincts to stay alive?
  13. How do we stop incidents like this occurring again in the future?
    - Encourage discussion.
  14. Do you consider Blackman’s actions dishonourable?
    - Encourage discussion and debate.