



Scenario: Witness to War Crimes

Group Size: 4-15

This scenario contains references to violence and witnessing war crimes which may be emotionally activating for some people. If you need support, services are available through the [CAF Member Assistance Program \(CFMAP\)](#) and the [Employee Assistance Program \(EAP\)](#).

During a surveillance mission within a war zone, Corporal (Cpl) Fournier and his section happened to observe another section, within his platoon, whose members were deliberately and excessively destroying property of religious significance to the local population. They were all laughing and cursing as they vandalized the religious building and smashed its statues. The adversaries and the residents had already fled the area. This was not militarily justified.

Cpl Fournier went on with his day but when night fell on their camp, he could not forget what he saw.

“There was no need for such random destruction and disrespect,” he thought. “That religious building and relics inside it likely meant a lot to the local residents and it looked like they had historical and cultural significance.”

Cpl Fournier faces a tough choice. As a bystander to this unnecessary destruction, should he report the unlawful conduct, possibly undermining trust within their platoon and putting their colleagues’ careers at risk? Or should he stay silent, while bearing the weight of this knowledge and risk sharing the blame when the destruction is discovered?

Categories

Principles:	Respect the Dignity of all Persons, Serve Canada Before Self, Obey and Support Lawful Authority
Values:	Integrity, Loyalty, Courage, Excellence
Cultural Themes:	Service, Identity, Leadership, Teamwork
Misconduct Types:	General Misconduct
GBA Plus Themes:	Not Specific
Audience:	Canadian Armed Forces

Facilitator's Guide

Learning Objectives:

- Discuss the ethical principle of Respect the dignity of all persons, Serve Canada Before Self and Obey and Support Lawful Authority in relation to this scenario.
- Discuss the ethical values of integrity, loyalty, excellence, and courage in relation to this scenario.
- Discuss the Law of Armed Conflict (LOAC) in relation to the repeal of the Duty to Report.
- Discuss the Code of Conduct for CAF Personnel, that lays out the basic Law of Armed Conflict (LOAC) rules that apply to CAF members deployed on operations other than domestic. The Rules that apply to this scenario are Rules 9 and 11.

Facilitation Questions:

1. What is the ethical dilemma in this scenario?
 - Open group discussion.
 - The ethical dilemma in this scenario is whether Corporal Fournier should report the misconduct of his fellow soldiers, risking the trust and careers within his team, or remain silent and complicit in the destruction of culturally and religiously significant civilian property.
2. What considerations are at play with respect to the DND and CAF code of values and ethics?
 - Open group discussion.
 - Obey and Support Lawful Authority: Canada's obligations under Law of Armed Conflict (LOAC), also known as International Humanitarian Law, is enshrined in international treaties such as the Geneva Conventions. The LOAC is designed to limit the effects of armed conflict for humanitarian reasons.
 - Examples of LOAC violations include willful killing, torture, and taking hostages.
 - LOAC violations also include the "extensive destruction of property, not justified by military necessity, and carried out unlawfully and wantonly" during an international armed conflict. The LOAC also prohibits "any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples" during a non-international armed conflict. It is also prohibited to "destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war." (Ref.: DND Joint Doctrine Manual- Law of Armed Conflict)
 - If Cpl Fournier and all CAF members violate these prohibitions, then they risk arrest and prosecution (including for war crimes).
 - Integrity: CAF members must always act with integrity and in a manner that will bear the closest public scrutiny.
 - Loyalty: Cpl Fournier must consider their responsibility to uphold the Laws of Armed Conflict in relation to the loyalty they feel towards their CAF colleagues.
 - Courage: Cpl Fournier would need to be courageous to report and/or speak out against the unacceptable actions of the other section within their platoon.
 - Excellence: In order to uphold standards of excellence in the CAF, Cpl Fournier would need to report and / or speak out against the war crimes.
3. What possible courses of action could Cpl Fournier take in this scenario? Which is the best option? Why?
 - Option 1: Cpl Fournier could report the incident as they believe that the actions of the other section members go against the Law of Armed Conflict.
 - Option 2: Cpl Fournier could wait and report the incident when they safely are back in Canada.
 - Option 3: Ignore the incident. Cpl Fournier does not want to cause trouble for other members of the platoon.
4. In this scenario where CAF members' actions are against the Law of Armed Conflict, does a CAF member have a duty to report?
 - Open group discussion.
 - It's crucial for service members to understand their ethical and legal obligations, including reporting any violations of the Law of Armed Conflict that they witness, in accordance with Rule 11 of the Code of Conduct for CF Members.
 - Note: In 2024, there was a repeal to the "Duty to Report". However, CAF commanders are still obligated to report alleged violations of the Law of Armed Conflict to the appropriate authorities.