

STUDY GUIDE

By Louise Sutherland

BURN

a short film



Legal Aid
NEW SOUTH WALES

community
prophets


New South Wales Government

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BURN (34 MINS) / THE FILM BURN WAS CREATED AS PART OF A MAJOR CRIME PREVENTION INITIATIVE OF LEGAL AID NSW, CREATED AND PRODUCED BY FILMMAKERS FROM COMMUNITY PROPHETS. DIRECTOR DAVID VADIVELLO PRODUCER ANNA KAPLAN PROJECT MANAGER FOR LEGAL AID NSW LOUISE SUTHERLAND STARRING ALI HAIDAR, SENE AUJELUA, TIM CAMPBELL, DANIEL FUSI, SARAH NASSEREDDIN, JOSEPH GATT, COREY CARR, HASSAN SHOLO, HUSSEIN REDA, AMANDA ANTOUN, ANDRE BITAR AND REBECCA SUTHERTON

INTRODUCTION

Burn follows the events that unfold when what begins as a typical evening for a group of teenage boys in Sydney takes a turn for the worse. Cruising aimlessly around the suburbs in a car they have borrowed from a cousin, the boys find themselves involved in a series of random incidents. When one of the boys spots an opportunity to get some quick cash, things suddenly spiral out of control.

Following a gritty depiction of how quickly a crime scene can escalate, and how groups of young people can unwittingly pull each other in, the journey ends when the two lead characters, 19 year old Kassem (Kass) and 16 year old Tee, find themselves in police custody charged with murder.

Burn sends a powerful and chilling message about how easy it is to get into serious trouble if you find yourself in the wrong place, at the wrong time, with the wrong people. It shows how group dynamics contribute as a major situational risk factor in juvenile crime. It also shows how passive decision making, and failure to identify the alarm bells, can lead young people into a situation where an 'exit' is very difficult to achieve.

CURRICULUM LINKS

Burn was made primarily to educate young people about how the criminal law ascribes responsibility in a group offence situation. The core objective is to reduce the risk of offending, and prevent crime, through legal education. The film also provides a vehicle for discussion about the various risk factors associated with juvenile crime. As such, the film has a high level of relevance for any crime prevention or community legal education initiatives.

Burn will also have relevance to students of Personal Development, Health and Physical Education, Legal Studies, Drama, Media Studies, English and Society and Culture.

The film carries an M (Mature Audience) rating and is recommended for young people 15 years and over. It includes coarse language and some low level depictions of violence and drug use. The themes and issues explored in the story are relevant and appropriate not just for teenagers but also for young adults up to 21 years of age.



EXPLORING THE THEMES AND CHARACTERS

The best way to understand the themes and issues raised in the film *Burn* is to examine the characters' actions, choices and motives in detail, and then consider the alternatives. Most of these discussion points could be completed either as oral or written tasks with a whole class, in small groups or as individual work.

- > What are the key messages in *Burn*? Discuss what you think the film's key themes are.
- > Do you believe the film is realistic? Can you imagine these events happening in real life?
- > Can *you* relate to the world occupied by the characters of *Burn*? Is it familiar to you? Do you think *you* could ever end up in the situation of either Kassem or Tee?
- > Are you surprised by the fact that Tee is charged with murder? Do you think it's fair? What about for Kassem?

HYPOTHETICAL

- > What would you have done in that situation if you were Tee?
- > Would you have stayed in the car?
- > Would you have agreed to keep watch?
- > Would you have handed over your hoodie?
- > Would you have run back to the car and driven the boys from the scene?
- > Would you have done something different? If so, how?

KASSEM

- > What is Kassem's relationship with Leila? Do you think it was slack of him to ask to borrow her car?
- > Why did Kassem leave Dan outside the house? What does this say about his view of Dan? What does it say about his view of Leila and Sonny?
- > Why was Kassem so reluctant to take Tee out with the boys?
- > When Dan asks Kassem to pull over and then park in the back alley, Kass doesn't even ask him why. Do you think this is unusual? Why doesn't he ask?
- > Do you think Kass was looking out for Tee? Why didn't he intervene when Dan asked Tee for his hoodie? Why did Kass ask Tee to "keep watch"? Do you think he knew that this was legally roping him in?
- > Kass often ignores his intuition. Standing in the laneway, he argues with Nella about the knife, but then jumps in to assist anyway. Why does he do this? What does this say about his character?

TEE

- > In the opening scenes, what do we find out about Tee? How would you describe his character?
- > What is Tee's relationship with Sonny?
- > Why is Tee so desperate to go out with the boys? It's obvious that Kassem doesn't want to take him, but Tee almost begs to go along. Why?
- > Do you think Tee had any idea why Dan asked for his jacket?
- > When Tee is asked to stay in the car and keep watch, what options does he have? Draw two columns. In the first column, write a list of the choices Tee could have made at this stage. In the second column, write why you believe he *didn't* exercise any of these options.
- > Why does Tee run to the laneway to alert the boys? What is his primary motive?
- > In his interview, Tee says he was "waiting" for the police to call him in. What do you think he means by this?
- > Do you think Tee feels guilty or believes he has done something wrong? Write a list of words that describe how Tee would have been feeling when he was arrested.
- > How will Tee's life change from this point on? What do you think his future holds?

KASSEM

TEE

DAN

LEILA



DAN

- > What sort of person is Dan? How would you describe his character?
- > What do you think is going through Dan's head as he watches the lady getting out of the taxi outside Leila and Sonny's house?
- > Do you think that Dan is a character who would intentionally hurt someone?
- > Inside the service station Dan totally loses it over a packet of cigarettes. Make a list of all the hypothetical things that could have gone wrong in this scene.
- > Where does Dan fit in the group? What is his role? What is his relationship with Kass? Is he a leader or a follower? Could Kass have reined him in at any stage?
- > Do you believe there is anything that can be done to stop a person like Dan committing crime? What might make him stop offending?

LEILA

- > What is Leila's opinion of Kass? Why does she agree to lend him her car?
- > When the police knock at the door and start asking Leila questions about who was driving her vehicle, what do you think is going through her mind?
- > How do you think this crime will affect Leila's life?
- > What do you think Sonny will think about the position Kass has put Leila in?
- > Did you realise that if you loan someone your car and it ends up involved in a crime or accident, you have a duty in NSW to name not only the driver but also the passengers in the vehicle at the time. What do you think about this?

EXPLORING THE LEGAL CONCEPTS

The following activities are designed to educate young people about their rights and responsibilities under criminal law as well as demonstrate how the law deals with group offences.



KASSEM'S INTERVIEW

After being taken into custody, Kassem chooses to do a police interview.

- > Did you know that you have a right to silence, and therefore it is always your choice whether or not you do an interview?
- > Why do you think Kassem chose to do an interview? Do you think he understood that he *didn't* have to?
- > What are the basic rights of a person in custody?
- > Do you think Kassem makes his situation better or worse by doing a police interview?

NOTE

Facilitator note: This activity should be run by a lawyer or legal studies teacher - ensure that right to silence, right to legal advice, right to support person for vulnerable persons, and the basic concept of custodian time limits are explained.

GOING FOR A DRIVE WITH THE BOYS

Burn depicts what is a typical night out for many teenage boys - cruising the streets in a car with no real destination in mind.

- > Why do you think these boys are driving around? Why do young males spend so much time in their cars?
- > What are the dangers of driving whilst intoxicated with drugs and alcohol?



"JUST A ROLL"

It's a common misconception among young people that 'rolling' is not a serious crime.

- > Did you know that rolling someone is a robbery offence?
- > Did you know that if you are present and assisting in any way, even just backing up the main offenders, you can be charged as a principal?
- > Do you think this is fair? Why or why not?
- > Does your view change if the offence was more clearly planned? What if the boys had discussed doing an armed robbery before the incident in the laneway took place? How would that change things?

ROLES AND GROUP RESPONSIBILITY

Consider the *role* each of the four boys - Kassem, Tee, Nella and Dan - played in the crime.

- > Divide a sheet of paper into four columns and list the ways each of the boys participated in the crime.
- > Once you have completed your list, consider whether the crime could have been committed *without* any of those forms of assistance.
- > Circle the individual acts which you think were *necessary* for the boys to have committed the robbery.
- > Looking back at the lists, does this change your perception of whether the law is fair or unfair? Should each of the boys be held responsible for the victim's death?

THE POLICE CASE

How do the police catch Kass and Tee? What evidence do they have against the boys?

- > Start at the point when the police receive the call from the witnesses who report the crime and trace their investigation from there.
- > Make a list of each critical piece of evidence they find along the way.
- > Do you think Dan and Nella will get caught? If so, how?

ACTIVITIES

Each of the following in-depth activities have a practical element aimed at exploring a particular issue highlighted in the film. Most work best as group activities, either with a whole class or in small groups.

TIMELINE

Objective: The core goal of this activity is to dissect the points where Kassem ignored his intuition or made a mistake. It should highlight areas where poor or passive decision making contributed to his ultimate involvement in the crime. A detailed outline of this activity can be downloaded at www.burn-movie.com.au.

Place yourself in the position of Kassem. Unlike Tee, it is very clear at several stages that Kassem has a fair idea of what is going on.

- > Think about how Kassem ended up in this situation. Do you believe there was a 'plan'? Do you think he ever specifically intended to be involved in this crime?
- > Draw a timeline for the film, starting with the point that Kassem and the boys arrive at Leila's house, and finishing with Kass and Tee's arrest.
- > Firstly, mark the events just prior to, or leading up to, the crime.
- > Do you think Kass knew that Dan was going to roll someone? If not, when did he become aware? What were the clues?
- > Now mark on the timeline the critical stages just before the offence where Kass should have had some 'alarm bells'.
- > Where were the 'choice points' where Kass could have done something to change his own fate. What were the bad decisions, or mistakes, that got him into trouble?
- > What were his alternatives? What could he have done? How could he have gotten out of this situation?
- > What would you do if you were in his position?

Looking at your timeline, consider the issues in relation to Tee. Did he know what was happening? Should he have known? What could he have done to get out?

NOTE

Facilitator note: This makes a good small group activity using posters or large sheets of paper. For whole classes or larger groups, the timeline can be drawn on a whiteboard.

GUILTY OR NOT GUILTY?

Objective: The focus of this activity is to get some sense of the relevant laws and principles, and practise applying them to a set of facts. The secondary objective is for students to think about the level of criminal culpability in the character's actions, and explore general concepts of guilt and innocence.

Imagine you are a criminal defence lawyer representing Kassem. Kassem has told you that he wants to plead Not Guilty to all charges. He says he had no idea what was happening at the time and that he did not know the boys were going to commit a crime.

- > Download and read the legal factsheets on **Joint Criminal Enterprise** and **Common Purpose** from www.burn-movie.com.au.

Consider how the rules and principles described would apply to the scenario depicted in the film.

Do you believe Kassem is Guilty or Not Guilty of Murder? What about Armed Robbery?

NOTE

Facilitator note: The law of complicity is very complex and the core objective of this activity is not for students to get a particular 'correct' answer. On the set of facts shown in the film, Kassem is most likely guilty of both Murder and Armed Robbery. However, in court the prosecution may not be able to prove certain facts shown in the film (for example, whether Kassem knew there was a knife) and charges may ultimately be reduced or dismissed.

The focus of this activity is to get practice applying the legal principles to a set of facts. The secondary objective is for students to think about level of criminal culpability in the character's actions, and explore general concepts of guilt and innocence.



ACTIVITIES CONTINUED



SENTENCING ACTIVITY

Objective: This activity gives students an opportunity to think about the legal process in relation to criminal hearings – what factors are taken into account and why. They should also gain an understanding of how criminal penalties are determined and applied.

Imagine Tee's court case has finished. After almost two years awaiting the completion of his trial, Tee has been found guilty as an Accessory After the Fact to an Armed Robbery with Wounding.

The jury was not satisfied that Tee knew, prior to or during the offence, the exact nature of the crime that was being committed. For that reason he was acquitted of both counts as a principal offender. However he has been found guilty, in the alternative, as an accessory to an armed robbery offence. He is now facing sentence. The highest penalty which can be imposed is 25 years imprisonment.

DEFENCE

Place yourself in the role of Tee's lawyer. Your job is to represent Tee's interests and get the best possible outcome in his case. Make some brief notes about what you would say in your submissions to the court, and what sentence you believe Tee should be given and why. You may want to address:

- > Role in the offence.
- > Reasons for the commission of offence.
- > Age, character, background.
- > Criminal record (or lack thereof).

PROSECUTION

Imagine you are a Crown Prosecutor. Your job is to represent the police and argue the case *against* Tee. You may want to address:

- > The seriousness of the offence.
- > His role, and the level of criminality.
- > The victim impact.
- > The impact of this sort of crime on the community.

NOTE

Facilitator note: This activity should be run by splitting a group into two and allocating one group to prepare the defence and the other to prepare the prosecution. The activity can also be run in relation to Kassem. Split the group into four and run two separate sentencing proceedings (one for each of the boys).

The key issues to address can be written on a white board and there is no necessity for handouts. However, it makes it a more useful exercise (time permitting) if students are given a copy of the mock police Court Attendance Notice and Factsheet for Tee and Kass. This can be downloaded from www.burn-movie.com.au. The activity can also be enhanced by giving students a list of available criminal penalties.

HYPOTHETICAL

Objective: The purpose of this activity is to explore the situational risk factors associated with this sort of crime. One of the key themes of Burn is that once you are in that laneway, sitting in someone else's car under direction to "keep watch", your choices become far more limited. This activity should demonstrate what you would do if you had more time to think, and an easier 'out'.

Imagine the following hypothetical scenario. What do you think the two main characters, Tee and Kassem, would have done:

- > After the incident at the service station, the boys go back to the car. They are standing in the car park trying to work out what to do. Dan suggests that they go and look for someone to rob. He shows them a knife which is in his back pocket.

STOP!

At the completion of any Burn workshop all of the young participants should understand the following issues:

- > 'Rolling' someone is a robbery offence, and robbery offences are extremely serious.
- > In the scenario depicted in Burn, each of the boys would be charged with Armed Robbery and Murder upon the death of the victim, despite the fact that they each played very different roles. They were each present and appeared to have knowledge of what was going on *and* a willingness to assist.
- > Despite the fact that the legal predicament of Tee and Kassem may be *perceived* to be unfair, each of the boys made choices, consciously or subconsciously, along the way which contributed to the position they ended up in.
- > Being out in groups with people like Dan, or people who carry weapons, is a major risk. This risk is enhanced if you are intoxicated with alcohol or other drugs.
- > Kassem and Tee *did not* have to do a police interview, they chose to waive their Right to Silence - and Kassem makes his legal situation significantly worse by choosing to be interviewed. You should always get legal advice before deciding to do a police interview.



CONTACTS

For further information about the Burn project, or to request a Legal Aid lawyer to attend your school or agency to present a Burn workshop, contact the Children's Legal Service, Legal Aid NSW tel: (02) 8688 3815.

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BURN WEBSITE

For additional educational and legal resources for the burn project visit www.burn-movie.com.au.

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www.burn-movie.com.au