Investigating the Use of Force in Contemporary Conflict: Researching Military Operations with Audio, Video and Transcript Data

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3. Investigating the Use of Force in Contemporary Conflict: Researching Military Operations with Audio, Video and Transcript Data

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Using public domain video and/or audio-recordings, transcripts, internal reports and inquiries as data, the authors investigate specific and often highly controversial incidents in which Western militaries employ the use of force. Analysing the interactional organisation of such incidents as they unfold "ethnographically" (incorporating fieldnotes, interviews, biographical accounts and other relevant resources), their collaborative research examines the assessment of threats, the identification of combatants and the distinction between lawful and unlawful military action as interrelated and co-established features of that work. Of interest to social researchers but also military personnel, lawyers and campaigners, among others, this case study outline how they methodically investigate the use of force with reference to a particular case, the Uruzgan incident, using available interactional data and related resources while remaining alive to their very real limits.

Introduction

When it comes to investigations of real-world incidents and events, the tendency to hold to pre-established views on what must have been involved without first understanding the contexts and practices any given investigation might take up represents a significant initial misstep. Take critical incidents of various kinds – consequential errors, breakdowns, accidents and so on – within the complex worksites and workplace practices entailed in contemporary surgical procedures, supply chains or military operations. Making sense of what happens within complex settings of this kind requires that the researcher get as close as possible to the real-time activities and actions which constitute the domains involved. A key part of investigative work in such domains is, therefore, gaining an understanding of the structure of social practices so as to understand the specific ways in which critical incidents unfold from within them. Attention to incidents in these terms is one of the hallmarks of the sociological traditions of Ethnomethodology and Conversation Analysis (EMCA), the approach we adopt in our work. For the purposes of the current paper, in order to outline our ethnomethodological approach to investigative research we focus on military air-war practices as a window into how war is conducted as real-time work. Given the extreme levels of secrecy regarding the operational details of military activities across the world, a considerable part of the challenge faced by investigators in describing this work resides in a scarcity of available data. This is particularly limiting as EMCA's investigations often rest on ethnographic/observational research methods, as well as audio/video-recordings of interactions. Maurice Nevile's (2004, 2005a, 2005b, 2006) excellent study analysing civil aviation flights from pre-take off all the way to landing at the destinations is a useful comparison in terms of access.

There are ways in, however. Over the last 20 years a number of high-profile military controversies have led to a wide variety of different data sources being leaked to the public to expose the "mistakes" of military actors, and on rare occasions governments have themselves elected to release information concerning their own activities. One thing both the "leaks" and more controlled releases demonstrate is that modern militaries produce huge amounts of information about each and every airborne mission they undertake, with documentation including video recordings from cockpits and audio-recording of communications between personnel in the air

and troops on the ground. However, from an investigative perspective, often of equal analytic significance to these records is the documentation which surrounds such critical and often highly controversial incidents: internal investigations or formal legal proceedings provide vital information regarding the contextual details of the incidents as well as the ways in which militaries respond to them. While we have access to more of these cases and the substantial records which accompany them, however, the number remains small and they are challenging to work through. In terms of our work to date, we have collaborated on analyses of the following cases, records of which are all available in the public domain:

Feature of incident	190th Fighter Squadron/Blues and Royals Fratricide	Baghdad Airstrike, aka "Collateral Murder"	Kunduz Airstrike	Uruzgan Incident
Year	2003	2007	2009	2010
When/how made public	2007 Leak to The Sun newspaper.	2010 WikiLeaks	2009 First report about civilian deaths by the Washington Post.	2011 FOIA requests by the Los Angeles Times and American Civil Liberties Union.
Location	Ad Dayr, Iraq	Baghdad, Iraq	Kunduz, Afghanistan	Uruzgan, Afghanistan
Forces involved	US Air Force 2x US A10s; Convoy of 4 British armoured reconnaissance vehicles.	US Air Force, US Army. 2x US Apache helicopter, US ground forces in area.	International Security Assistance Force (ISAF) inc. German Ground Command and 2x US F15Es.	US Air Force, US Army.
Casualties	Death of a British soldier, 4 injured, 2 vehicles destroyed.	11 civilian casualties (inc. 2 Reuters journalists), 2 children seriously injured.	Estimates suggest anywhere between 30 and 179 civilian deaths.	15-23 civilian deaths. Serious injury to women and children.
Data available	Leaked video; coroner's inquest report; UK and US military inquiry's; newspaper stories (inc. verbatim transcripts).	Leaked video (full and edited versions); WikiLeaks micro-website (inc. videos still images and transcript); US military inquiry; news media.	US military transcript; video (without sound). Reports from the German parliamentary inquiry inc. transcripts of testimony; Judicial	Transcripts of talk from Predator crew cockpit & Kiowa helicopter cockpit. Interviews with individuals involved. Various other documents

			decisions; news media.	associated with the incident.
Publications	(Mair et al. 2012; Mair et al. 2013; Elsey et al. 2016; Mair et al. 2018)	(Mair et al. 2016; Elsey et al. 2018)	(Kolanoski 2015, 2017, 2018, 2019)	(Holder et al. 2018; Holder 2020)

Table 1 – Summary of military incidents analysed by research team.

These collaborations have resulted in a collection of studies of single instances of "violence as work" (Elsey et al. 2018) which provide descriptive accounts of what that work looks like and how it can be made sense of. As outlined in Table 1 above, what clearly unites these separate incidents are the tragic consequences of the missions. The loss of "innocent" lives (e.g., friendly troops, women, children, journalists) at the hands of destructive (Western) military forces shocks the public's confidence in so-called "surgical" and sophisticated weaponry and the "intelligence" that is meant to inform these airstrikes (McHoul 2007). In investigating the details of military operations, then, we are equally concerned with investigating "mistakes at work" in these specific professional contexts.

The cases outlined above constitute a unified collection of cases in many respects, each providing insights into:

- Targeting and the use of force in airborne military operations.
- Cases of target misidentification, i.e., resulting in either friendly fire or civilian harm.
- Controversial practices which resulted in public controversy.
- Multi-party interactions amongst military personnel in different roles and locations.

These emerge from:

- Unprecedentedly detailed accounts of military practices and procedures.
- Well-contextualised insights into the military machinery set up for purposes of self-investigation.

Rather than taking a stance from the outset, our ("indifferent" or "unmotivated" in ethnomethodological parlance) reconstructions of the incidents allow us to address the matter of misidentification in relevant new ways. We argue that the distinction between lawful and unlawful targeting, for instance, can be found in the practical details of the targeting process, the crucial aspect being *how* (as opposed to simply *if*) certainty in terms of target identification, alongside military readiness, of which certainty is just a part, is specifically achieved – something that can be clearly detailed only by attention to the details of the individual cases we have access to when handled in a non-judgemental way. Proceeding sequentially, step-by-step, our aim has been to investigate the use of force as a senseful, professional, practical enterprise. With a growing corpus of studied cases, we have become more and more able to determine general structural features, to decide between regular and irregular activities, and differentiate between different types of mistakes. Our investigative practices are not, however, specialised. Rather we try to explicate what took place during these incidents by drawing on ordinary competencies in our work so members

of wider publics can find they are in a position to assess them too based on the work we do. This is one way in which the use of force can, therefore, be rendered more accountable, both politically but also epistemically.

Transcription Matters

As an approach to investigations, the ethnomethodological emphasis on sequences and the real-time temporal order of practical activities ensures that the investigator focuses on the unfolding action rather than starting from the "mistake" and reading backwards – a problematic variant of "final frame" analysis (cf. Noble and Alpert 2020). A major methodological strength of ethnomethodology and conversation analysis in undertaking such analyses is the development of detailed transcripts that pay attention to the sequential aspects of talk (e.g., pauses, overlapping speech) and the production of talk (e.g., speed, volume, sound stretches, etc.) (Jefferson 2004). A foundational feature of conversation analysis in particular is an orientation to the turn-taking system that helps speakers structure and orient their talk to one another in any context (Sacks et al. 1978). When talking of sequences of action and interaction in particular cases, then, a major resource in identifying them lies in the in situ linking of turns at talk within them. In addition to identifying turns at talk, a critical task in transcription is identifying who is making any given utterance (as far as possible) not just that it has been made. From there it becomes possible to identify who is talking to who (when making any particular utterance) and also who can hear who – both particularly crucial issues when it comes to making sense of courses of action as they are being undertaken and matters of command in military settings. In two of the four incidents we studied we could work with the original audio material and we were able to apply these ways of working through transcription as part of the investigative process to existing transcripts (produced by the military for inquiry purposes or journalists covering the cases). As we discuss more fully elsewhere, this opened up a range of analytical avenues over-looked by others (Elsey et al. 2016).

Yet, in the other cases, as in the Uruzgan incident presented below, the lack of audio or video recordings of the incidents posed a potential barrier to reconstructing the incident. In the Kunduz case, for instance, where no audio track was available just a silent video, our investigations were reliant on the redacted transcript produced by the US military for the purposes of the incident inquiry. This prevents researchers from "correcting" any mis-hearings and any utterances wrongly attributed. However, using a combination of research into the organisational division-of-labour involved in employing aircraft in combat situations, the communication channels available in the various worksites, and sense-making practices rooted in turn-taking (e.g., question-answer, instruction-receipt and command-execution of command) it has been possible to strongly reconstruct sequences of interaction as they took place between different parties at critical moments in the trajectories of these incidents.

Case Study – "Uruzgan Incident"

As an example of what our ethnomethodological approach to investigations can yield, following Schegloff (1987) we want to outline a "single instance" analysis here which draws on our prior ethnomethodological and conversation analytical studies to explore and make sense of what is now known as the "Uruzgan incident." This case represents the *only* publicly available example of the work of a militarised drone crew during a real-time operation and therefore warrants fine-grained analysis.

The Uruzgan incident took place on the 21st of February 2010. It began as a US Special Forces mission to investigate a suspected improvised explosive device (IED) factory in an area notorious for insurgent activity. Upon the arrival of the Special Forces team in the area, they discovered the

suspected site of the IED factory to be deserted and intercepted communications revealed that Taliban insurgents nearby were plotting an attack on the team. At the same time, three vehicles were spotted driving a few kilometres from the village by a US Air Force AC-130 Gunship. Upon being informed of the vehicle's presence, the Special Forces team's ground force commander (GFC) announced his intention to destroy the vehicles, but the attack was delayed as the gunship failed to establish concrete evidence that vehicles constituted a hostile force. Subsequently, an MQ-1 Predator drone crew were called to the scene to train a more powerful lens on the vehicles, though by this time the vehicles had begun to travel away from the US Special Forces team.

For four hours, the Predator crew watched the vehicles travel west, seeking to "positively identify" (PID) the weapons that they were certain the passengers must be carrying. By morning, three rifles had been identified, all of the passengers had been confirmed to be "military aged males" ("MAMs"), and the vehicles' movements had been identified as a tactical manoeuvre seeking to flank the Special Forces team. At 08:46am all three vehicles were engaged and destroyed by a Kiowa helicopter team that had been awaiting summons for the airstrike by the Special Forces Commander at a nearby airbase.

At the time of the strike the vehicles were 21km away from the Special Forces team. The passengers of the vehicles were not Taliban insurgents. They were civilians travelling to a nearby town under cover of darkness to seek safety from the Taliban who were in the area and their proximity to the Special Forces team was wholly incidental. When the vehicles were destroyed, the passengers immediately surrendered and following the identification of women and children at the scene a possible civilian casualty incident was declared. In the months that followed, two separate investigations (Department of the Air Force 2010) would subsequently be conducted into the incident, one of which was directed specifically towards the conduct of the drone operators.

Though each of these investigations was critical of much of what they found, it was concluded that no one involved in the incident had violated the Law of Armed Conflict (LOAC). The LOAC (known alternately as International Humanitarian Law) is the body of law which regulates the conduct of hostilities during periods of armed conflict. It is constituted primarily by treaties, such as the 1949 Geneva Conventions and their subsequent Additional Protocols or the 2007 Anti-Personnel Mine Ban Convention, and by "custom," which is described as "the general practice of states which is accepted and observed as law" (Meron 1989, 3). Notably, there is little reference to the LOAC in the documents surrounding the Uruzgan incident. Instead, reference is more commonly made to the rules of engagement (ROEs), which are directives established by militaries themselves in order to ensure LOAC compliance whilst attending to a broader set of context-specific political and military imperatives (Corn 2016). The following short excerpt documents the moments leading up to the attack of the three vehicles being surveilled and opens up a window into what was involved.

No.	Speaker	Talk
01	JAG25	Did you contact [the MQ-1 Predator crew] and do you
02		concur that those vehicles are the same as the ones they
03		have been observing over the last couple of hours
04	BAMBAM41	Affirm just spoke to [the MQ-1 Predator crew] and confirm
05		that these are the same vehicles.
06	JAG25	Good copy just one last thing I want to make sure that we
07		do in fact have weapons PID and we have not lost contact
08		with the vehicles as well.

09	BAMBAM41	[the MQ-1 Predator crew] confirms that they had PID'd at
10		a minimum 3 weapons, 21 MAMs and they have not lost
11		PID they are continuing to observe these vehicles as well.
12	JAG25	Roger good copy and GFC intent is to destroy those
13		vehicles.
14	BAMBAM41	Understand that GFC intent is to destroy the vehicles based
15		on imminent threat to ground forces, PID of weapons and
16		[CLASSIFIED] with tactical maneuver BREAK
17		Understand we are clear to engage.
18	JAG25	Roger you are cleared to engage 1 by Hilux, 2 by SUV, 21
19		MAMs and PID weapons.
20	BAMBAM41	We will be turning in to engage we will be calling back with
21		a [battle damage assessment].

In this short passage the talk of two individuals is presented, namely that of BAMBAM41, who is responsible for flying one of the Kiowa helicopters and is responsible for its communications, and JAG25, who is the forward deployed co-ordinator of all aerial assets in the area on behalf of the Ground Force Commander in the chain of command. JAG25 is located on the ground as part of the Special Forces team and BAMBAM41 is on route to the location of the three vehicles in preparation for the imminent strike. This short exchange between the two immediately precedes the attack and constitutes the final clearance for the use of force which is provided by the GFC and communicated by the JTAC. That clearance is given at line 18, and what occurs before constitutes a perspicuous insight into the work of military personnel seeking certainty that they are about to engage the right people in a legitimate fashion.

Though the exchange is brief, it is loaded with legal and procedural consequence. First, the Kiowa and the JTAC need to confirm that the vehicles the Kiowa's "have eyes on" are the vehicles the Predator crew have been surveilling. This may seem innocuous, but the number of accidents which emerge from multiple parties talking about distinct objects as though they were the same object are surprisingly common. Indeed, it was a mistake of precisely this kind which caused the fratricidal or "friendly fire" incident in Iraq in 2003 we previously studied (and see the discussion in the next section for further detail). As it happens, in this case the Kiowa team had already confirmed this with the Predator crew, and the information needed only to be passed to the JTAC and the GFC. With this confirmation out of the way, the pair turn to the legal status of the strike. For the matter at hand, this is a conversation that could be effectively reduced to confirmation of three basic facts by the GFC, neatly summarised after-the-fact by the JTAC in an interview conducted as part of the investigations into the incident: "The three things that must exist is MAMs, tactical maneuvering, and PID of weapons. If you have those three things the engagement is within the ROE then we engage" (US Central Command 2010, 1493).

With this piece of information it is clear that lines 06-18 constitute a mutual orientation to these three requirements for a legitimate strike by both BAMBAM41 and JAG25. In the first instance, at lines 06-08 JAG25 seeks confirmation that there has definitely been PID of weapons, which BAMBAM41 confirms and further offers the information that the Predator crew has identified 21 confirmed MAMs onboard the vehicles. JAG25 then confirms that the GFC's intent is to destroy the vehicles (line 12), which BAMBAM acknowledges at line 14 and further seeks to establish whether that statement constitutes an explicit clearance to engage (line 17). As part of this request for clarity, BAMBAM41 once again provides the grounds upon which the strike would be legitimate, referring to the tactical manoeuvring, the PID of weapons and, this time, the intercepted communications which informed the Special Forces team of the suspected attack in the first place (line 16). The reference to "imminent threat" at line 15 is a more directly legalistic reference to the

legitimate use of force as self-defence. JAG25 responds to this request in the affirmative, stating plainly that the Kiowa's are "cleared to engage" (line 18) and repeats for a final time that the justification for the strike resides in the presence of MAMs and the PID of weapons (lines 18-19). The final confirmation that the Kiowa helicopter team are going to engage the vehicles occurs at line 20.

From this analysis it should be clear that both JAG25 and BAMBAM41 were explicitly oriented towards ensuring that they were engaging the right target, and that they were engaging that target in the right way, i.e., in compliance with the laws of war. Now, as we know, this strike would result in at least 15 civilian deaths and many injuries, so it cannot be said that they engaged the right target. In that light, what is truly consequential in the context of the whole incident is the way in which this interaction is set up so as to absolve both the JTAC and BAMBAM41 in the event that the vehicles proved to be the wrong target. In this sense, the talk captured in this transcript displays an overt and explicit expression of due diligence such that, in the event of an incident, the JTAC and BAMBAM41 can clearly establish that they correctly performed that tasks that they were given. In the case of the Kiowa helicopter team, that task was to carry out the GFC's intentions by eliminating a target, which had been identified for them by the Predator crew, and they did precisely that. In the investigations that followed the Uruzgan strike, the Kiowa helicopter team would be one of the few parties to the incident who would be almost entirely absolved of criticism. The same cannot be said of the Predator crew, the GFC, and JAG25, however, where specific aspects of their conduct in the build-up to the strike were criticised by US military investigators (e.g., Department of the Air Force 2010; US Central Command 2010, 21).

Nonetheless, and crucially, these criticisms do not amount to an accusation that the strike was not compliant with the LOAC. Determinations regarding the legality of the strike are of a different order to determinations of whether the strike was militarily successful, and one does not necessarily follow the other. In this regard, it is noteworthy that in cases where mistakes have occurred, and accusations can be made regarding inadequate conduct, the competent achievement of compliance comes to serve as a protective mechanism for those involved. Whatever else, the strike had been deemed compliant with the LOAC and, for that reason alone, those involved would be spared the most serious consequences of their actions. Significantly – legally, politically and in regard to research – this illustrates the power of the procedures by which military personnel ensure the compliance of their actions.

The Value of this Kind of Investigation: Detailing Military Practices / Dealing with Controversies

Inevitably, there is an expectation that there are certain kinds of "never events" that the military *should* be able to avoid during combat, principally the killing of innocent people (Hughes 1951; Omar et al. 2021). In all of our cases the mistake results from target misidentification in which the "diagnosis" or assessment of the scene and the people within it (as working together, carrying visible weapons, motivated to attack "friendly" troops on the ground) turned out to be wrong. "Never events" in the battlefield very quickly become legal and moral questions with the question shifting from "what went wrong?" to "who was to blame?" Our studies offer new insight into understanding "what went wrong" based on a thorough exploration of how things actually work. In consequence, our investigations often provide results that suggest rethinking the matter of blame as public and accountable matters.

Our cases show common "structural" features that emerge in the "overall organisation" of targeting: a target is settled on, clearance is sought and received (or given and taken), preparations are made, and the attack initiated. These are not simply phases of the action but internal aspects

of the use of force that military personnel are themselves oriented to, use and base their assessments of situations and conduct upon, both in the moment and after the fact. Given this, when we start to investigate these structures of action and interaction, we learn how the military achieves certainty about their targets and how the epistemic work proceeds as part of their activities. In each of our cases, at the *moment of attack* the military had achieved certainty and proceeds to engage legitimate targets – targets for which compliance with the legal regulations had been formally (accountably) achieved. From an ex-post perspective the engagements thereby appear "designed to absolve" the involved military personnel. In each of our studies we turned to the process of achieving readiness, to show just how the objects and individuals had been identified *beyond doubt* for practical military and military-legal purposes.

Beyond the collaborative achievement of legality in airstrikes as part of the work of arriving at targets properly at all, we also learn how military personnel look at a scene and how they treat it as a part of their respective projects. We learn that what they see is framed by the mission-accompanying rubrics but, just as importantly, the evolving and co-produced understandings built up through joint work with others. As we can see, individuals on the ground are read in connection to what happened before (in the soldier's view) and what will happen next, in terms of what the military understands about hostile intentions and in terms of their own intentions. When there is a strong wish to strike we may therefore speak of "purposed seeing" as the sense-making practices involved are tied to and elaborated in terms of a given military mission and the specific objectives it is resolved into.

We learn, further, about how military personnel work with preliminary targets – or possible targets – and turn possible targets into actual and definite targets. The data shows what can cause doubt within these processes – and what could therefore potentially stop a targeting process – and, in each of our cases, we learn how doubts are collaboratively suspended. This sometimes includes the silencing of critical voices.

This in turn casts light on the crucial connection between the "moment of detection" and the "moment of attack," a connection established through collaborative work. With the exception of the fratricide case, the incidents we studied were carried out in the context of an "imminent threat" – rightly or wrongly declared – and the individuals and objectives targeted were thus treated as "potential threats." In a situation of (supposed) "imminent threat," military personnel, at some point, have to make a decision to either engage or withdraw from what may eventually pose a threat for troops on the ground. The mission category "imminent threat" therefore suggests a particular type of relation between the moment of detection and the moment of attack, in which the process is not open and equally weighted, but in which there is a practical preference to engage (though the personnel involved may be more or less committed to such courses of action depending on the circumstances). A misuse of that mission category can therefore hardly be over-emphasised as a conditional factor.

In light of these investigative findings, it thus becomes possible to distinguish between *general* and *case-specific* features of targeting, a distinction which makes it possible to be more precise about the *types of mistakes* that were foundational in each of the incidents. While all of the incidents involved misidentification, the practical groundings of these misidentifications were distinct, and while we do not want to draw legal judgements ourselves, they expose questions of wrong-doing and fault in interesting and important ways. Our case studies, in other words, identify the relevance of different factors in the accomplishment of military readiness. Such studies make it possible to better specify what might be a conditional part of the mistake – what might be sloppy, faulty or illegal behaviour – and what constitutes and flows from normal military work.

There are incidents in which misidentification is part of normal military work. In the "Collateral Murder" case the soldiers mistook cameras for weapons in the midst of ongoing, armed conflict. Here, civilians (journalists) intentionally entered the scene (with the purpose to report) and were in the company of armed men. The military personnel involved had no (substantial) doubts about the combatant status of the men. The case-study indicates the abnormal risk for civilians in "normal" scenes of conflict.

In the case of the 190th Fighter Squadron / Blues and Royals fratricide, misidentification happened in the context of miscommunication: the personnel believed they were talking about the same target but, as our investigations revealed, the constitutive connection between "what they talked about" and "what they aimed at" had broken down as the parties pursued their collaborative work across disconnected radio channels. Our results thus highlight the extremely complex technological set-up and pressured collaborative environment in which lethal decisions are jointly established. The study illustrates the difficulties associated with continually maintaining successful communications even among specially trained and adjusted professionals.

In the Kunduz case, a misleading declaration of a Troops-in-Contact situation by the ground command initiated a targeting process in which the executing pilots were not involved in the Commander's actual plan and were thereby constrained in their capability to properly assess the legality of their activities. While legal authorities in Germany decided that the violation of procedural rules was irrelevant for the application of the international laws of armed conflict, our analysis allows that matter to be readdressed by carving out the practical relevance of the rule violations involved within the collaborative work of targeting. Within the actual course of target development, the wrongful declaration of a Troops-in-Contact situation was a *conditio sine qua non* for the misidentification to evolve and persist. The aircrew was hesitant and in doubt but had no resources to question the information they had been supplied with by the ground. When issued with a direct command to strike the target claimed to be a group of "all insurgents," they thus launched an attack that would kill more than 100 civilians including women and children.

Finally, our work on the Uruzgan incident shows a process where involved personnel worked collaboratively to dismiss legally relevant doubts about the target, working under the rubric of "purposeful seeing" connected to a pre-made decision to strike. The fate of the individuals in the vehicles was settled early, insofar as the drone was set to work on establishing legal grounds for an attack, the attack carried out by the Kiowas under the provision of the conditions outlined above. The situated accomplishment of legality is perhaps clearest in this case due to the length of the operation and the explicit direction given to the personnel involved.

Instances of wrongs done under conditions of war, particularly the killing of allies and innocents, provoke political, legal and moral condemnation of the military personnel involved. Take, for example, the UK Coroner's inquest finally conducted by Andrew Walker into the death of L/Cpl. Hull in March 2007 as a result of the 190th Fighter Squadron/Blues and Royals fratricide (Crown 2007). Unlike the separate US and UK military incident inquiries, Mr Walker concluded that L/Cpl. Hull's death was: (a) the result of not only systematic failures in military procedures, but also (b) an "unlawful killing" as it was an "entirely avoidable tragedy." In the inquest, the pilots were described as being "on a frolic of their own" during which they violated both the LOAC and their specific rules of engagement (ROE) as they had not received permission to engage (Pauline McCool, personal correspondence). To the Coroner, given the absence of a legal warrant for the attack, the pilots had acted criminally, not merely "mistakenly" or "inadvertently." These findings and the leaked cockpit video (including the two pilots' audio-feed) resulted in the controversy being widely covered in the UK media. The two US A-10 pilots were described as "cowboys" who "broke all the rules" who communicated in a "casual" and cavalier manner that shocked the public

and hurt the family of the deceased (Dunn 2007a, 2007b; Gillan 2007). It is a measure of the rightful public alarm such incidents cause that this case has recently been reinvestigated by a BBC 5 Live team with the result made available via the podcast, On the Ground (2020), an investigation we contributed to based on our examination of the details of the transcript and analysis of the subsequent military inquiries. However, despite the pronounced public interest in investigations of such cases which seek to make them accountable in their details, incidents whose occurrence we would suggest ought to be treated as "routine," expectable and structurally embedded rather than extraordinary and exogenous, two problems remain. On the one hand, publics across the world lack regular access to the records militaries generate of their own real-time, real-world practices, leaving them problematically hidden from view from a democratic perspective. On the other, when such information does come into the public domain, non-specialists frequently find they lack sufficient understandings of military practice to properly engage with and assess the materials. Insofar as our investigations show it is perfectly possible for civilian auditors after-the-fact, i.e., us among others, to arrive at clear accounts of what took place, who was involved and how far anyone's activities stood-alone or were tied into collaborations with others by interrogating real-time records, we feel those investigations also establish a strong case for demanding governments release information related to what their militaries do which enables such scrutiny. Incidents of wrongs done in war emerge from and are bound up with the ways in which war is practiced. If there is to be accountability then, in the political and epistemic senses outlined above, we need the information that will enable us to examine those practices for ourselves.

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