

IN SEARCH OF ANSWERS

Marc Garlasco* and Annie Shiel, interviewing Abdullahi Hassan† and Bonyan Gamal‡**

The following article is an edited transcript of an episode of The Civilian Protection Podcast, a podcast produced by the Center for Civilians in Conflict (CIVIC) and PAX – two non-governmental organisations working to improve the lives of civilians caught in conflict. With the aim of putting affected civilians at the centre of the discussion about preventing, mitigating and responding to civilian harm in armed conflict, the podcast shares the voices of people affected by war, the dangers they face, the choices they make, and what can be done to better protect them. In the transcript of this episode, two experts from Somalia and Yemen – Abdullahi Hassan from Amnesty International and Bonyan Gamal from Mwatana for Human Rights – are interviewed about the challenges civilians face in reaching out to the state armed forces allegedly responsible for the civilian harm – in these particular cases, the United States military – to seek answers, recognition and amends.

I INTRODUCTION

The perspectives of civilians killed or harmed in conflict, often without acknowledgement, recourse or justice, and those of their families, are repeatedly missing from the stories we tell about war and the way we think about war's costs.

The following is an edited transcript of an August 2021 episode of *The Civilian Protection Podcast*,¹ a podcast produced by the Center for Civilians in Conflict (CIVIC) and PAX – two non-

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1 The original version of the podcast on which this transcript is based was written by Marc Garlasco and Annie Shiel with assistance from Monica Zuraw, Dan Mahanty, Erin Bell, Selma van Oostwaard and Clark Orr. The original podcast was published on 12 August 2021 and is available at <[podcasts.apple.com/cz/podcast/the-](https://podcasts.apple.com/cz/podcast/the-civilian-protection-podcast)

governmental organisations (NGOs) working to improve the lives of civilians caught in conflict. CIVIC is headquartered in Washington DC. It works with armed actors and communities affected by conflict to prevent, mitigate and respond to civilian harm, including advising international organisations, governments, militaries and armed non-state actors. When civilians are harmed, CIVIC advocates for the provision of amends and post-harm assistance.² PAX is the largest peace organisation in the Netherlands. It works in conflict areas worldwide, together with local partners, to protect civilians against acts of war, to end armed violence and to build inclusive peace.³

Both organisations work closely with civil society and authorities at local and international levels to put civilian perspectives first. Their podcast shares the voices of people affected by war, the dangers they face, the choices they make, and what can be done to better protect them – trying to put them at the centre of the discussion.

The following transcript of the podcast episode explores what happens after civilians have been harmed in war, and the challenges civilians face trying to get answers, recognition and amends. The podcast features two experts from Somalia and Yemen respectively: Abdullahi Hassan who is the Somalia Researcher at Amnesty International, which documents and investigates civilian harm incidents,⁴ and Bonyan Gamal, a lawyer, who is an Accountability and Redress Officer at Mwatana for Human Rights, a Yemeni human rights organisation based in Sana'a.⁵

II AN AIRSTRIKE IN JILIB, SOMALIA

Introduction from the podcast hosts, Annie Shiel and Marc Garlasco: On 2 February 2020, at around 8 pm, a family of five sat down to dinner in the city of Jilib, Somalia: Kusow Omar Abukar, a 50-year-old farmer; his daughters, Nurto, 18 years old, Fatuma, 12 years old and Adey, 7 years old; and their elderly grandmother, Khadija, around 70 years old. Suddenly, they heard a huge sound. Sand and smoke filled their eyes. Nurto, the eldest of the three daughters, was struck in the head by a heavy metal fragment and killed instantly. Fatuma, Adey and their grandmother Khadija were seriously injured. Their home was destroyed. It was a United States airstrike, part of the United States operations against the terrorist group al-Shabaab in Somalia.⁶

civilian-protection-podcast/id1573739643>. The production of the podcast was supported by the Dutch Ministry of Foreign Affairs' Department for Stabilisation and Humanitarian Aid. Full interviews and upcoming episodes can be found on the organisations' websites: <civiliansinconflict.org/podcast> and <protectionofcivilians.org>.

2 Center for Civilians in Conflict "Our Work" <civiliansinconflict.org>.

3 PAX "What we do" <paxforpeace.nl>.

4 See Amnesty International "Human Rights in Somalia" <www.amnesty.org>.

5 Mwatana for Human Rights "Home" <www.mwatana.org/en>.

6 See also Airwars "USSOM274-C: Airwars assessment" (2020) <airwars.org>.

Why did they target this house, the house of a farmer, his daughters, and his elderly mother? And where can this grieving family go for answers? For justice?

Abdullahi Hassan: Since 2018, the United States military has carried out over 200 airstrikes in Somalia. At Amnesty, we looked into nine cases of United States airstrikes in Somalia. And this February 2020 case was one of those.

Usually when the United States Africa Command (AFRICOM) carries out these airstrikes, they issue public statements or press releases. They said they carried out an attack in Jilib and they have killed one al-Shabaab terrorist. That is how we initially heard about this case. And then it came out in the morning – we had a report. We usually get media reports and also our contacts in Mogadishu telling us about cases involving civilian casualties when they occur in Mogadishu. And we were told it was possible that this attack involved civilians.

Annie Shiel: A Somali journalist was a close relative of the Abukar family. He tried to get answers from AFRICOM officials but said they would not answer his questions.

Abdullahi Hassan: I was able to get in touch with that journalist who connected us with the family, and that is how we interviewed members of the family. One of the people we interviewed is the father of the girl who was killed, who was also present during the attack. He said he did not know why his family was targeted. He said it was the United States military that targeted him because he said all the airstrikes that occurred in that area were carried out by United States drones, and the family understood that that airstrike was also carried out by the United States military. He was shocked that his family was targeted, his young girl was killed, his mother was seriously injured. He did not know what to do. He did not know who to complain to. That was one of the problems he faced. He said he did not know anyone who he could talk to. He said he really wanted to get justice. He wanted to know the truth. He wanted to understand why his family was targeted.

Annie Shiel: Abdullahi and his team collected all the evidence they could. They spoke with other family members, they collected photographs of the house and of the remnants of the missile, which they confirmed was from the United States. They took all this information and sent it to the United States military as proof that the airstrike did not in fact kill an al-Shabaab terrorist, but rather an 18-year-old civilian woman. Abdullahi and his team were not optimistic. He explained that in the past, getting the United States to admit to a civilian casualty incident was extremely challenging.

Abdullahi Hassan: In numerous other cases, when we investigated and sent similar cases to the United States military, they said all the individuals killed in that air strike were al-Shabaab members; that they were terrorists; that Amnesty International and other international organisations do not have some military intelligence that is in our possession, and that you guys might be getting it wrong. So, they usually go that route.

Annie Shiel: But this case was different. For the first time in Amnesty International's experience, AFRICOM came back and said they were still investigating. Shortly after, AFRICOM started putting

out quarterly civilian casualty reports. And in a quarterly report, the United States military confirmed that the airstrike on 2 February 2020 had indeed killed civilians.⁷

Marc Garlasco: So that was an unexpected victory, right? They got AFRICOM to admit that that airstrike was a mistake. That they killed Nurto, and that she was a civilian.

Annie Shiel: Well, yes and no. You are right that there was this big, first-of-its-kind admission. But then, nothing really happened. The father, Kusow, and his family first found out about the admission the way the rest of us did – on the news.

Marc Garlasco: The United States military never contacted them directly?

Annie Shiel: That's right. The Abukar family did not know this was coming, and they were also left wondering what the admission meant. What would happen next?

Abdullahi Hassan: The journalist, a relative of Kusow, contacted me, of course. He asked what was going to happen next. And I told him I do not know what is going to happen. I asked whether the United States military had contacted the family at all since this incident took place, including himself, someone who works for the Somali government and for the Minister of Information. But he said no; no one actually contacted him.

Annie Shiel: As the United States began to disclose more and more cases of civilian harm in Somalia, the same thing would happen. An admission, and then silence.

Abdullahi Hassan: They would just issue press releases in English, and then that is it. Families will again come back to us because they hear these admissions through the media, and they come back to us asking: "We were told the United States military has acknowledged our case. So what is going to happen next?" And we tell them: "We don't know what's going to happen next. We are still waiting for the United States military to decide."

The United States military issues another statement to say: "We are sorry that people killed were civilians." Then that is the end of the story. These people tell me they want a proper apology. They want to be communicated with. They want to be told: "We are sorry about the death of your loved one." Almost all of them prefer to be compensated. They prefer monetary compensation because it has significance in Somalia in terms of peace building and reconciliation within clans. It is an element that is encouraged within the country, but the United States military, I understand, are reluctant about doing it so far.

Marc Garlasco: And what exactly does that mean here – compensation? What would that look like?

7 United States Africa Command "U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd quarter, FY2020" (2020) <www.africom.mil>.

Annie Shiel: What Abdullahi is describing is, broadly, what we refer to as amends – the concept that those who cause civilian harm in war, even when unintentional or accidental – in this case, the United States military – should recognise and assist civilians they have harmed. Amends can take many forms, including public or private acknowledgement of harm, formal apologies, monetary payments, which the United States often refers to as *ex gratia* payments, and monetary and in-kind assistance to individuals or their communities – ideally based on what victims say they want and need.⁸ And although the practice of amends does not have a long history in the United States, in different forms and through different names it plays an important role in many different cultures around the world.

In the case of the Abukar family, amends could also mean getting the medical attention they still need as a direct result of the airstrike.

Abdullahi Hassan: They can take these people to hospitals. Fatuma – a young girl, I think she is around 14, 15 now – needs urgent medical attention, but her family members cannot afford that. The United States military can afford this hospital care.

III ACCOUNTING FOR AND RESPONDING TO CIVILIAN HARM INCIDENTS – UNITED STATES PRACTICE

Annie Shiel: Let's talk a little more about the United States' response to civilian harm incidents and amends. My organisation, CIVIC, was actually founded on this concept – that when the United States harms civilians in war, it has a responsibility to recognise and remedy that harm. And Marc, you actually knew our founder, Marla Ruzicka, very well.

Marc Garlasco: I did. Marla was a dear friend, a young peace activist who went to Afghanistan and Iraq to document civilian harm from United States wars.⁹ She went door to door collecting names, stories and requests, and then came back to the United States government with a clear and simple request: that when United States military actions harm civilians, they need to do something to help those it harmed. Marla really introduced the concept of amends to the United States government. She was a force for positive change, and she got the United States government to put aside a fund for war victims. Sadly, she then became a war victim herself when she and her Iraqi head of operations were killed in Baghdad in 2005. She changed the trajectory of my life and her loss cut deep. But she created a momentum that your organisation, CIVIC, continues to this day.

8 For an overview of comparative approaches to *ex gratia* payments for civilian harm, see Pete McKenzie "Doing Our Duty? The New Zealand Defence Force, DFO 35 and Ex Gratia Payments" (2024) 22 NZJPIL [forthcoming], especially at pt III.

9 See Savannah Soter "Remembering Marla Ruzicka: Fourteen Years Later, Her Bravery, Ambition, and Compassion Live On" (16 April 2019) Center for Civilians in Conflict <civiliansinconflict.org>.

Annie Shiel: Since then, it feels like a lot has changed, and also like a lot has not changed. On the one hand, the United States military has developed practices to track and investigate civilian harm that did not exist before Marla. They are required to submit an annual report to Congress on civilian casualties caused by United States operations, and United States amends policies have evolved over various years to today, where Congress now authorises USD 3,000,000 dollars a year for *ex gratia* payments to civilians harmed by United States and partnered operations anywhere in the world.¹⁰

However, despite many years of advocating for better practices, there are still some large and frustrating gaps. Take civilian harm reporting for example: year after year, the United States military continues to significantly undercount civilian casualties in its annual reporting. In other words, there is a persistent gap between the numbers the military reports and the numbers coming out of credible NGOs – and even the United Nations. And what is especially frustrating is that these external observers usually have significantly more rigorous methods for investigating these cases than the United States military – they are actually talking to witnesses, visiting the sites of attacks and collecting evidence.

Another huge disappointment is that, in spite of all of our founder Marla's efforts, and all of our work since then, the United States military is still very reluctant to make apologies for harm or make payments to victims. In fact, a recent report to Congress revealed that in 2020, not a single payment was made.¹¹

Marc Garlasco: Congress gives the military USD 3,000,000 a year for *ex gratia* payments, but there were zero payments, even though they admitted civilian casualties and have the money for it?

Annie Shiel: Exactly. We did the math, and using that USD 3,000,000, the Department of Defense (DoD) could offer *ex gratia* payments for *every single civilian* it confirms it killed or injured in 2020 alone and, at the highest payment amount currently authorised by the DoD, USD 15,000 per civilian claim, they would still have USD 2,505,000 left over.¹² It is beyond maddening.

IV DOCUMENTING CIVILIAN HARM IN YEMEN

Annie Shiel: These frustrations are what bring us to our second interviewee, someone who unfortunately understands these deficiencies all too well. Bonyan Gamal is a lawyer based in Sana'a, Yemen, where she works as an accountability and redress officer at Mwatana for Human Rights, a Yemeni human rights organisation that has spent years documenting civilian harm from United States drone strikes in Yemen. Their research process is dangerous and painstaking. It starts in the field,

10 Annie Shiel and Chris Woods "A Legacy of Unrecognized Harm: DoD's 2020 Civilian Casualties Report" (7 June 2021) Center for Civilians in Conflict <civiliansinconflict.org>.

11 Shiel and Woods, above n 10.

12 Shiel and Woods.

where their researchers learn about civilian harm incidents and conduct field visits, travelling to the site of an attack to collect as much information as they can.

Bonyan Gamal: Most of the time, we rely on field visits. The researcher visits the area and information is collected, usually through interviews with the victims, the eyewitnesses, the families and sometimes with medical workers.

Annie Shiel: From there, researchers at their central office take all the information and analyse it, making sure it meets the highest standards before publication. But getting the most accurate information about an incident comes with significant risk.

Bonyan Gamal: The danger can be either that the place is dangerous as it is a frontline, or people are attacked, whether it is through airstrikes or because it is an area of clashes, but then there are also the dangers of each party to the conflict having their own checkpoints and having their own issues with human rights defenders.

For some of the incidents, we cannot reach a specific area. Then we do our documentation through phone interviews and we get most of the documents through when the victims send them to us.

Annie Shiel: I asked Bonyan how Mwatana's investigations compared to those the United States military does. The answer was that there is no comparison, because the United States does not investigate these cases.

To your knowledge, has the United States ever done a similar investigation to what Mwatana does in Yemen about its own operations?

Bonyan Gamal: That was one of the biggest frustrations that we faced through the research for drones, namely, that in most of the cases, people tell us: "You are the first person who asks about this. You are the first person who is investigating about this. And we haven't heard from any organisation, we haven't heard from the government, Yemeni government, or we haven't heard from the US."

Annie Shiel: Just as Abdullahi described in Somalia, Bonyan explained how the families they work with are shocked, angry, frustrated, and have more questions than answers.

Bonyan Gamal: There was a case in Abyan where the researcher went to do an interview. And he went to where the strike happened. He was talking to a relative of a guy who died. And his relative said: "My cousin and his friend were sitting just right where you are. I don't know why the strike targeted him." He was saying that: "You could be the one who is targeted. I could be the one who's targeted right now, and we don't know why." That shows that the families do not understand why these airstrikes happen.

Annie Shiel: With that confusion comes fear, and trauma.

Bonyan Gamal: I remember there was a case in Ma'rib, I think, which really, really hit hard. A father was talking, and he said that his son wanted to go to the bathroom, but then returned to the

room and said: "No, I'm not going." And when they asked him why, he said: "You might be targeted by a drone and you might all die. And then what will I do? If you die, I want to die with you." And this just means that they don't feel safe anymore. They have this feeling that they could be targeted at any moment. And this affects people.

Annie Shiel: Mwatana spent four years researching civilian harm from United States drone strikes. Most of the cases were in dangerous, hard-to-access areas, and they wanted the research to be water-tight before they sent it to United States Central Command (CENTCOM), the United States military's command responsible for the Middle East.

Can you describe the process of bringing these cases to the United States government and to CENTCOM? What was your goal, and how did the United States government respond?

Bonyan Gamal: We first researched where to file a complaint. We didn't know. We tried to research it but couldn't. And then we had some help from our partners at Columbia Law School. Together with them, we were able to know where to file this letter or this complaint, and what is the correct format. And in that, I was always wondering, if we do not know where to go to file a document, then what would the victims or the families of the victims do? How would they be able to know?¹³

In December 2019, we sent the first letter to the DoD. And then we got one response. It was maybe one page. It basically said that our information was wrong. The first case which we sent was the case of a child who died and an adult who was injured. When they responded, they said that: "Your information is wrong and these people are from [Al-Qaeda in the Arabian Peninsula (AQAP)]." And it was also implied that AQAP recruits children.

Marc Garlasco: The DoD's response not only completely ignored Mwatana's research and evidence, it claimed that the *children* killed in these strikes were not civilians, but must have been, essentially, child soldiers for al-Qaeda?

Annie Shiel: That's right.

Bonyan Gamal: It was very frustrating to get that kind of response. Then we sent another letter with follow-up questions. We asked them about their process of saying that these people were not civilians, and how high up in the chain of command could the victims be to be targeted and a lot of other questions. They replied with also a short answer that generally said that a lot of the questions they would not be able to answer because of national security.

Annie Shiel: Mwatana and their partners at Columbia Law School Human Rights Institute sent another letter. This one was 150 pages, and it included all the information they had gathered in the past four years about these 12 incidents, which together included 38 civilian casualties. They detailed

¹³ See McKenzie, above n 8.

their methodology, they repeated their questions, and they included the requests of the families – requests for real investigations, for recognition and accountability, and for compensation.

Bonyan Gamal: The response basically said that the United States acknowledges [the death of] one civilian out of the 38 civilians that we enquired about. And we were honestly surprised that they acknowledged only one civilian since we sent them 12 cases.

We worked with very high standards. We tried to gather all of this information with pictures, with reports, with medical information and reports from these people's jobs and letters from their community saying what they did and how they worked and who they were. But it was frustrating to know that after all of that, that did not change the policy with which the United States deals with this. It was not enough to convince the United States administration of the severity of what is happening.

Annie Shiel: So you are saying that after four years of documentation, you submitted 12 cases at the highest standard that you use and you sent multiple letters and, after all of that, they admitted to one civilian death.

What was your first reaction when you got that final letter back from CENTCOM?

Bonyan Gamal: We have been doing this work for some time, and we are not surprised easily. We file a complaint or a litigation knowing the risk and knowing that it might not happen. But I was honestly surprised to receive the final response. And when I realised that they only admitted to the killing of the one civilian, I was also surprised. I mean, there were very clear cases of civilians, like very young children under the age of 10, women who were pregnant, old men and women who could not be in any way – looking at the United States' policies and laws and values and legal systems – attached to military groups. So just acknowledging only one person was shocking.

Annie Shiel: The letter also said that the United States military had decided not to offer an *ex gratia* payment to that one family.

Bonyan Gamal: We called the Saleh family – the family of the person who was acknowledged. It was a very hard thing to say that the United States acknowledged that your father is a civilian, but that is it. He asked me: "So okay, and then?" And then I couldn't say anything. They just acknowledged in their letter that he was a civilian. But they cannot do – they do not want to do – anything further than that.

Annie Shiel: And what about the other families? Did you speak with the families whose loss the United States did not acknowledge?

Bonyan Gamal: Some of the families follow up with us. They ask us: "What did you do?" And a lot of the families, I can say, have lost hope, and they are not surprised anymore.

Annie Shiel: You know, you described a feeling of hopelessness among the families, and it really does sound like in so many ways, such a hopeless outcome. My question for you is, given all of that work and the United States' response, what's next? What are your hopes for the future?

Bonyan Gamal: When the administration changed, when the Biden administration got into the picture, we were very hopeful. But then we realised that there is a lot of media saying that things will change and the support to Saudi Arabia and United Arab Emirates, for example, will end, and there will be investigation in the drones file of Yemen, but we realised until now that practically, and on the ground, not much has changed. I am still hopeful that the Biden administration [will] improve the situation. I think we, at Mwatana, also think that there is room for change, and the situation is not inevitable. It still can change, and we are hopeful.

V **CONCLUSION: PROSPECTS FOR CHANGE IN THE UNITED STATES CONTEXT?**

Marc Garlasco: Annie, you have also been working on this issue with the United States government. What actually is the prospect for change in the United States context?

Annie Shiel: I think Bonyan and Abdullahi's experiences are, unfortunately, pretty emblematic – getting the United States military to transparently acknowledge and respond to civilian harm is one of the most frustrating things that we work on, and a lot of that is because it would be so easy for them to get it right, or at least to do a lot better.

It is not a capacity issue: again, Congress gives the DoD USD 3,000,000 a year for *ex gratia* payments, and they did not use a single cent of it in 2020, despite the fact that there is a large number of cases where the DoD agrees the United States has caused civilian casualties, and where they have the information they need to contact survivors.

If it is not a capacity issue, that leaves us with the question of political will. And the United States military's record on *ex gratia* payments to date does not suggest a good faith commitment to making amends for harm; and more broadly, a commitment to really grappling with the harm United States operations have caused to civilians.

Marc Garlasco: Do you think the Biden administration will change that?

Annie Shiel: I do hope so. We do have in the United States a new civilian harm policy coming out likely at the end of 2021, which could include new policies on amends.¹⁴ We are also working to make clear that President Biden's stated commitment to ending the "forever wars" also has to include this kind of reckoning with the civilian toll of these wars. But again, I do think it is a political will issue – so change will have to come from the top down, or from Congress. This is definitely not out of the question – we have seen a lot of progress on civilian protection come from congressional action.

We have talked a lot about the United States today. Marc, from PAX's perspective working in the Netherlands, how do European nations see this issue of amends?

¹⁴ See Postscript below regarding the United States Civilian Harm Mitigation and Response Action Plan.

Marc Garlasco: Amends is a developing concept for Europeans, but it is hard to see it moving forward when their track record of even accepting they have caused civilian harm is so abysmal. The United Kingdom, for example, noted a single civilian death in over 1700 airstrikes against the Islamic State of Iraq and al-Sham (ISIS) in Syria and Iraq.¹⁵ France, miraculously, claims that they have never killed a single civilian in *all* of their operations – despite overwhelming reporting by NGOs to the contrary.¹⁶

In 2015, a Dutch airstrike killed over 70 civilians in Iraq. They only admitted to it four years later, after journalists published irrefutable evidence.¹⁷ PAX is now working with them to establish a civilian harm policy, so at least they are willing to consider it.¹⁸

So, that is the first challenge we encounter with European countries – you cannot amend for harm when you will not admit that it happened.

The process of civilians finding answers and getting amends is also especially challenging in a coalition setting which is the context in which so many European nations undertake operations. In the cases we talked about today, civilians and NGOs could figure out that it was a United States airstrike. But imagine these same situations in coalition settings, like the coalition fighting ISIS in Iraq and Syria. Imagine being a civilian trying to find answers about what happened to your family, but having no idea whose plane it was that dropped the bomb? Most journeys stop there, with no hope of answers or amends.

Annie Shiel: What about the North Atlantic Treaty Organization (NATO)? Does NATO have an amends policy?

Marc Garlasco: While we are pushing for a NATO-wide standard, it is hard because of the various legal issues of each member state. Sadly, it depends on who harmed you, and where. Member states do not want to be told what to do in such delicate circumstances, yet, at the same time, when things go wrong, they still try to argue that it was a NATO mission, therefore, the Alliance should pay the bill. What is so frustrating is that if the intention was truly to help civilians, it would make a lot more sense to opt for a system that is concerned primarily with establishing what harm is done and what is a fair amends, and much less with proving who exactly caused harm.

15 Action on Armed Violence "RAF claims 4,315 enemies killed and injured in Syria and Iraq, with just one civilian casualty" (7 March 2019) <aoav.org.uk>.

16 See for example France 24 "UN finds French strike in Mali in January killed 19 civilians; France refutes report" *France 24* (online ed, France, 30 March 2021).

17 "Dutch admit botched airstrike killed civilians" *DW News* (online ed, 4 November 2019).

18 See PAX "Hawija research" PAX Protection of Civilians <protectionofcivilians.org>.

But CIVIC and PAX are fighting for militaries to set these standards and there is some hope. For example, amends has made it into a NATO handbook in 2021 for the first time.¹⁹

Annie Shiel: What is clear is that stronger responses to civilian harm will not come without the continued work of people and organisations like Bonyan and Mwatana, and Abdullahi and Amnesty International. And that a true reckoning with civilian harm also has to be matched with a better commitment to protecting civilians in the first place.

POSTSCRIPT

Since this podcast episode aired, the United States Secretary of Defense published the Civilian Harm Mitigation and Response Action Plan.²⁰ The plan, which followed civil society calls for urgent reforms after over 20 years of repeated civilian harm,²¹ sets out an ambitious agenda for overhauling how the United States prevents and responds to civilian harm. Despite this forward-looking plan, the United States government has not committed to reinvestigating or ensuring condolence payments for the many past cases of harm that have gone unacknowledged and without remedy – including those in Somalia and Yemen described in the episode.

19 NATO *Protection of Civilians: Allied Command Operations Handbook* (2021) at 28–29.

20 United States Department of Defence "Civilian Harm Mitigation and Response Action Plan Fact Sheet" (press release, 25 August 2022).

21 Annie Shiel "CIVIC Welcomes Release of U.S. Civilian Harm Mitigation and Response Action Plan" (25 August 2022) Center for Civilians in Conflict <civiliansinconflict.org>.