



# Ministry of Defence

J9 FOI Secretariat  
Permanent Joint Headquarters  
Northwood Headquarters  
Sandy Lane  
Middlesex  
HA6 3HP  
United Kingdom

E-mail: PJHQ-J9-FOI-Group@mod.uk

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We refer to your email of 14 December 2016 which requested the following information:-

*"In a response to a previous request (your ref: FOI2016/06647, see attached) you explained that UK personnel were embedded in US forces between January 2003 and December 2004 "subject to their work not participating in activities which would not be acceptable were they serving in UK units."*

- 1. Were troops embedded in this manner provided with guidance of what activities would not be acceptable were they serving in UK units?*
- 2. What topics did such guidance cover?*
- 3. Was the guidance ever updated, and if so, when?*
- 4. At what stage was such guidance provided? Prior to deployment with US forces or after?*
- 5. Who provided the guidance? I do not want names (unless they are senior civil servants or ministers), but I do want job titles/descriptions and ranks.*
- 6. Were Ministers aware of the existence of this guidance and that it was being provided to embedded troops?*

Your correspondence has been treated as a request for information under the Freedom of Information Act 2000 (FOIA). A search has now been completed within the Ministry of Defence, and we can confirm that information in scope of your request is held. To answer each question in turn:

- 1. Were troops embedded in this manner provided with guidance of what activities would not be acceptable were they serving in UK units?*  
**Yes.**

- 2. What topics did such guidance cover? and*

3. *Was the guidance ever updated, and if so, when?*  
**A Chief of Defence Staff (CDS) Directive to Embedded Personnel on Operation TELIC was issued in late 2004; Additionally, Guidance on Rules of Engagement (ROE) (not solely for embedded personnel) was updated in 2004; These both clarified the legal position for embedded personnel and their responsibilities under UK law. It made clear that they would at all times remain bound by the UK's interpretation of international law, including the Law of Armed Conflict.**
  
4. *At what stage was such guidance provided? Prior to deployment with US forces or after?*  
**Guidance was provided during pre-deployment training, and updates (as described in response to question 3) were communicated during the deployment.**
  
5. *Who provided the guidance? I do not want names (unless they are senior civil servants or ministers), but I do want job titles/descriptions and ranks.*  
**(See response to question 3).  
Guidance on ROE, dated 2004, was issued by the Director of Targeting and Information Operations (DTIO). At the time this position was held by Air Cdre Ian Dugmore;  
The CDS Directive was issued under the signature of the Chief of Defence Staff (CDS). At the time this position was held by Gen Sir Michael Walker.**
  
6. *Were Ministers aware of the existence of this guidance and that it was being provided to embedded troops?*  
**Defence Ministers were made aware of the key points of the guidance provided, but not the detail.**

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact this office in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 1<sup>st</sup> Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely,

PJHQ J9 FOI Secretariat