Foreign, Commonwealth
& Development Office

Information Rights Unit
WG.75
King Charles Street
London
SW1A 2AH

Email: information.rights@fcdo.gov.uk

www.gov.uk/fcdo

[redacted]

23rd October 2023

Dear [redacted],

FREEDOM OF INFORMATION ACT 2000 - REQUEST REF: FOI2023/12048

Thank you for your email of 15th June asking for information relating to Yemen under the Freedom of Information Act (FOIA) 2000. Your request is replicated in full at Annex A.

Please accept my sincere apologies for the delay there has been in providing a response to your FOI request. I can confirm that the Foreign, Commonwealth & Development Office (FCDO) does hold information relevant to your request. However, we estimate that the cost of processing your FOI request would exceed the FOI cost limit as your request as presently formulated, is widely framed and the information requested is not held centrally.

As you may be aware, the Foreign and Commonwealth Office (FCO) and the Department for International Development (DFID) merged in September 2020 to become the Foreign, Commonwealth & Development Office (FCDO). As the period of your request spans the period prior to the merger, in order to comply with your request in full we would need to search different systems to locate, retrieve and collate information held by DFID, FCO and FCDO. Additionally, we would need to ask a number of departments to carry out searches in order to locate, retrieve and extract relevant information.

Section 12 of the Freedom of Information Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For central government the appropriate limit is set at £600. This represents the estimated cost of one or more persons spending 3 ½ working days in determining whether the Department holds the information, and locating, retrieving and extracting it.

You may wish to refine your request to enable us to comply within the cost limit. For example you may wish to submit a more specific request and it may help to focus your request on one of the questions contained within your original request, and for information held on FCO/FCDO systems. You may also find the following link to the ICO guidance helpful as it provides advice on how to narrow or refocus an FOI request.

Please note that any new request will be given a separate reference number and we will then consider whether we can provide the information requested within the appropriate cost limit. This would of course be subject to the consideration of whether any of the other exemptions under the FOI Act apply.

If you would like a review of our decision, please write to Information Rights Unit, Foreign, Commonwealth & Development Office, Room WG.75, King Charles Street, London, SW1A 2AH. Email:information.rights@fcdo.gov.uk Please note you have 40 working days to do so from the date of this letter.

You can apply directly to the Information Commissioner. However, the Information Commissioner will not normally make a decision unless you have first exhausted the complaints procedure provided by the FCDO. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, or online at https://ico.org.uk/make-a-complaint/

Yours sincerely,

Information Rights Unit

For information about how the FCDO handles personal information please see our Personal Information Charter

FOI2023/12048 Annex A

“I write to request information held by FCDO in relation to the Great Hall incident of 8 October 2016, also known as the Great Hall Strike, in which two guided bombs were dropped on a funeral in Sanaa, Yemen.

Please provide copies of the following:

1 - The letter from Foreign Minister Boris Johnson to Trade Secretary Liam Fox dated 8 November 2016 and referenced in this Guardian article, https://www.theguardian.com/politics/2017/feb/10/boris-johnson-urged-uk-to-continue-saudi-arms-sales-after-funeral-bombing
2 - The IHL update received by Boris Johnson referred to in that letter; and any additional IHL Updates or ad hoc either before or after 8 November 2016 that mention the Great Hall Incident/Strike
In light of the publication of the High Court judgement on 6 June 2023 regarding the judicial review of UK arms export licensing policy towards Saudi Arabia (case number CO/3579/2020), please provide copies of the following:
3 - Emails received by MENAD on or after 8 October 2016 from the UK's diplomatic team covering political and military activity in Yemen relating to the Great Hall Incident/Strike - as referenced in paragraph 42
4 - The ECJU-FCDO overarching assessment of Saudi Arabia's record, attitude and capability in relation to compliance with the key principles of IHL after the Great Hall Incident/Strike, and subsequent recommendation submitted to the Foreign Secretary as to the advice he should give to the International Trade Secretary - as referenced in paragraph 43
5 - FCDO-held information about UK requests to Saudi Arabia for changes to targeting after the Great Hall incident and monitoring of Saudi post-Great Hall Incident/Strike - as referenced in paragraph 110
6 - The December 2019 "Decision Paper" referenced in the 6 June 2023 High Court judgement on the judicial review of UK arms export licensing policy towards Saudi Arabia and described in paragraph 53”