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Implementation of paragraph 4 of Security Council resolution 2107 (2013)

Twenty-fifth report of the Secretary-General

I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013), covers developments pertaining to missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since my previous report, dated 7 November 2019 (S/2019/865).

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains

2. The United Nations Assistance Mission for Iraq (UNAMI), in its capacity as observer, attended the 111th meeting of the Technical Subcommittee and the forty-ninth session of the Tripartite Commission, held on 3 and 5 December 2019, respectively, in Kuwait. At the meetings, participants were informed that Kuwaiti forensic experts had continued their work on the identification of remains found in March 2019 at a site in Samawah, Muthanna Governorate, and transferred to the Kuwaiti authorities on 8 August 2019. This is a complex process, requiring further identification and reassembly of remains before DNA comparisons can be made to confirm the identity of individual missing persons.

3. In January 2020, a team led by the Ministry of Defence of Iraq, with the participation and support of the Iraqi Medico-Legal Directorate and the International Committee of the Red Cross (ICRC), began excavation work at another potential burial site in Samawah. The new site is located in the vicinity of the two sites from which human remains were recovered in March 2019. The excavation was carried out in line with the decision of the 110th meeting of the Technical Subcommittee, which had called for further exploratory work at the new site on the basis of earlier information provided to it by Kuwait. Analysis of contemporaneous satellite imagery and witness information was conducted by ICRC and provided preliminary indications that the new site could contain Kuwaiti remains. Following the excavation mission to the new site, the Tripartite Commission announced, in a statement issued on 30 January, the recovery of remains alleged to be of Kuwaiti citizens, including civilians and prisoners of war. Forensic DNA analysis will be carried out to provide concrete indications of the identity of these remains.



4. The team led by the Ministry of Defence of Iraq continued to follow up on sites of interest, in particular those in Khamisiyah, Radwaniyah, Karbala', Salman Pak, Barjisiyah and Ninawa in Iraq and the naval base in Kuwait. On 18 November, the Ministry issued a further public call for witnesses to come forward.

5. Following analysis of satellite imagery related to 18 potential burial areas in Iraq and Kuwait, ICRC listed, on the basis of coordinates previously provided by the United Kingdom of Great Britain and Northern Ireland and the United States of America, four areas of interest in Kuwait that could potentially contain the burial sites of Iraqi missing persons. The sites had previously been investigated by a Kuwaiti team under the auspices of the Technical Subcommittee. The Kuwaiti authorities will organize exploratory missions to the sites, which can subsequently be further explored.

6. During the 111th meeting of the Technical Subcommittee, the participants also discussed two guidance documents drafted by ICRC on the transfer of human remains and the protection of witnesses. The documents remained under review by the Government of Iraq, and it is envisaged that they will be further discussed and adopted at a forthcoming session of the Tripartite Commission.

7. At the forty-ninth session of the Tripartite Commission, all members reiterated their commitment to the missing Kuwaiti persons and third-country nationals file. It was announced that further efforts would be undertaken to locate and analyse satellite imagery and to explore the national archives for contemporaneous documents from international coalition forces, documents that might provide further information on potential burial sites.

8. UNAMI continued to make preparations for the training of dedicated staff of the Ministry of Defence of Iraq in the use of ground-penetrating radar, in cooperation with geospatial expert trainers from the United Nations Logistics Base at Brindisi, Italy. The training had been postponed because of the challenging political and security situation in Iraq, but it is envisaged that the first segment could be conducted in the first half of 2020.

9. On 15 January, my Deputy Special Representative for Political Affairs and Electoral Assistance met with the Ambassador of Kuwait to Iraq, Salem al-Zamanan, to discuss recent developments and activities related to the missing Kuwaiti persons and third-country nationals file. My Deputy Special Representative affirmed the unwavering commitment of UNAMI to the search for missing Kuwaiti persons and third-country nationals. On 19 January, she visited Kuwait, where she met with the Deputy Minister for Foreign Affairs, Khaled al-Jarallah, the Assistant Foreign Minister for International Organizations, Nasser al-Hain, and the Executive Director of the National Committee for Missing Persons and Prisoners of War, Rabi' al-Adsani. She also visited the Forensic Criminal Institute of the Ministry of the Interior of Kuwait, where the remains found at the site in Samawah in March 2019 are being reassembled and analysed.

III. Recent activities with regard to the return of Kuwaiti property

10. There were no new developments regarding the return of Kuwaiti property, including the national archives. In her meetings with the Deputy Minister for Foreign Affairs of Kuwait, Khaled al-Jarallah, and the Ambassador of Kuwait to Iraq, Salem al-Zamanan, my Deputy Special Representative underlined that UNAMI would continue to follow up with the Government of Iraq on the return of missing Kuwaiti property, including the national archives.

IV. Observations

11. The continued vigorous efforts by all parties concerned with regard to the file on missing Kuwaiti persons and third-country nationals is reaping results. The recovery of human remains from the second burial site discovered in Samawah, which, on the basis of initial observations, may hold the remains of Kuwaiti citizens, is encouraging. The Ministry of Defence of Iraq has, despite recent challenging developments in the country, demonstrated commendable perseverance and focus in relation to this important humanitarian file. I also welcome the efforts of ICRC to extract valuable information from contemporaneous satellite imagery, which has yielded important new leads for the identification of further potential burial sites. I hope that the DNA identification of these human remains will help bring relief to the families and relatives of those who went missing during the war.

12. I note with appreciation the meticulous identification process currently being undertaken by the Kuwaiti forensic experts, working to the highest standards of accuracy and reliability. I hope that these efforts will shortly result in the provision of long-awaited information that will help bring some form of relief and closure to the families and relatives of those who went missing.

13. Concerning outstanding issues relating to missing Kuwaiti property, I renew my call for the Government of Iraq to build on its successful efforts to identify and collect Kuwaiti books in 2019 by taking all necessary steps to continue the search for further missing Kuwaiti items, in particular the Kuwaiti national archives.

14. My Special Representative and Deputy Special Representative will continue to do all they can to promote further progress on this file, working closely with the Governments of Iraq and Kuwait, ICRC and other partners.
