



# Security Council

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

### Thirty-second 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 28 July 2021 (S/2021/689).

#### 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 observer capacity, attended the 117th meeting of the Technical Subcommittee, held in Kuwait and Baghdad on 16 September. Owing to continued coronavirus disease (COVID-19) restrictions, the session was held in a hybrid format, with both in-person and online participation.

3. The representative of Kuwait updated the Technical Subcommittee on the ongoing process of identifying human remains recovered from Samawah, Muthanna Governorate, and transferred to Kuwait in 2019. He attributed delays in the identification process to the poor condition of the remains, noting that they had been severely commingled, but expressed confidence that the process would soon be completed. He highlighted the progress that had been made by Kuwait, noting that the complex process of reassembling the commingled human remains and the subsequent DNA analysis had led to the identification of 40 individuals from the 44 sets of human remains in 48 caskets that had been delivered to Kuwait in 2019. In all, 38 of the 40 individuals were matched against the Kuwait DNA database of Kuwaiti and third-country missing persons, and the remaining 2 individuals were matched against the list of missing persons maintained by Saudi Arabia. The remains of the individual who was identified most recently were repatriated by Kuwait to Saudi Arabia under the auspices of the International Committee of the Red Cross (ICRC) in October 2021. The process for identifying the remaining four sets of human remains continues in Kuwait. When the process is concluded, Kuwait will hand over to Iraq any remains that were not matched against its missing persons database.

4. The representative of Iraq explained that the Iraqi Medico-Legal Directorate had tried to reassociate the remains recovered in Samawah in 2019 and had tried to conduct



DNA extraction before handing them over to Kuwait, but noted the challenge posed by the condition of the remains, which had been commingled owing to improper handling. As a way forward, he proposed exchanges of technical laboratory expertise between Kuwait and Iraq. The representative of Kuwait welcomed the proposal for bilateral cooperation at the technical level and extended an invitation to the Iraqi delegation to visit the laboratory in Kuwait on the margins of the next meeting of the Technical Subcommittee held in Kuwait, should the COVID-19 situation permit it.

5. Regarding the remains recovered in Samawah in January 2020 and transferred to Kuwait in September 2020, the representative of Kuwait confirmed that their reassembly had been finalized and that the identification process had begun. The representative of Kuwait expected that the process for identifying that set of remains would be more expeditious than for the first set, which had been recovered and transferred to Kuwait in 2019.

6. The representative of Iraq informed the Technical Subcommittee that the Ministry of Defence had made continued attempts to reach out to two potential witnesses with information on sites in Samawah. He added that the Ministry had been making efforts to obtain more information on another potential site in Samawah, which was previously referred to by the Governor of Muthanna and discussed by the members of the Technical Subcommittee during its 109th meeting, held on 29 July 2019. The representative of Kuwait emphasized that Samawah remained a promising site for further exploration.

7. Providing an update on points of interest at the Karbala' sites, the representative of ICRC reported that an existing arrangement with a member of the Technical Subcommittee regarding the provision of satellite and aerial imagery would be extended to Iraq and Kuwait, which would allow ICRC to include Karbala' in requests for such imagery. The representative underlined the ongoing commitment of ICRC to researching the national archives of the United Kingdom of Great Britain and Northern Ireland and to keeping the parties updated on progress made in that area.

8. Regarding the Khamisiyah site, the representative of Iraq stated that, following an exploratory mission conducted by the Ministry of Defence on 16 and 17 June, the excavation mission for the site remained postponed owing to COVID-19 restrictions. He expressed hope that the mission would be conducted before the end of 2021. ICRC noted through its representative that it would include the Khamisiyah site in the requests for satellite and aerial imagery.

9. The Ministry of Defence of Iraq continued to follow up with the authorities responsible for the Salman Pak site (the cemetery) on the process of rehabilitating graves.

10. Updates were provided on plans to facilitate a visit to Kuwait of a witness with possible information on the naval base in Kuwait, a subject discussed during the 116th meeting of the Technical Subcommittee, held in June 2021. The representative of Iraq noted that all official authorizations had been granted by the Government of Iraq to facilitate the visit of the witness to Kuwait, including the issuance of a passport. The representative of Kuwait reiterated the readiness of Kuwait to facilitate the visit, which could be planned on the margins of the next meeting of the Subcommittee held in Kuwait or before that, if possible, should the COVID-19 situation permit it.

11. The representatives of Iraq and Kuwait exchanged updates on efforts to contact a witness who claimed to have information regarding the Mahawil site in Babil Governorate. The representative of Iraq noted that the Ministry of Defence had continued to reach out to the witness, but had not yet scheduled a meeting. During the meeting of the Technical Sub-Committee, the representative of Kuwait managed to contact the witness and confirmed that individual's readiness to cooperate and to be recontacted by the Ministry of Defence of Iraq. The representative of Iraq affirmed

that the Ministry would soon make further attempts to establish contact with the witness. The representative of Kuwait stated that the Mahawil site was promising, as had been mentioned by the Iraqi delegation during previous meetings.

12. Outreach efforts regarding the identification of further witnesses were discussed during the meeting of the Technical Subcommittee. The representative of Iraq presented the Subcommittee with a video of a new call for witnesses and reiterated the commitment of the Ministry of Defence to continuing to broadcast calls for witnesses through the media on a quarterly basis, the most recent of which was issued in August 2021 and which contained contact details for the Human Rights Directorate of the Ministry, the ICRC delegation in Iraq and Kuwaiti diplomatic representation in Iraq. The representative of Kuwait reiterated that it was important for witnesses to be able to contact the offices of ICRC as well as Kuwaiti and Iraqi diplomatic representations outside Iraq. The representative of Iraq agreed to consider the Kuwaiti proposal with relevant Iraqi authorities.

13. On 24 August, my Special Representative for Iraq met in New York with the Permanent Representative of Kuwait, Mansour Ayyad Alotaibi, who praised UNAMI cooperation with ICRC and with the members of the Tripartite Commission. The Ambassador invited both my Special Representative and my Deputy Special Representative for Political Affairs and Electoral Assistance to visit Kuwait. The Special Representative accepted the invitation and noted that a visit would soon be planned.

14. On 13 September, my Deputy Special Representative met the Undersecretary of the Ministry of Foreign Affairs for Legal and Multilateral Affairs of Iraq, Qahtan Al-Janabi, with whom she discussed the Kuwaiti missing persons and property file. The Undersecretary reiterated his Government's commitment to cooperating with all sides and to the resolution of outstanding issues between Iraq and Kuwait.

15. On 20 September, UNAMI met the Directorate of Human Rights of the Ministry of Defence of Iraq and discussed preparations for the training of the Ministry's dedicated staff on the use of ground-penetrating radar. The training, which was postponed owing to COVID-19, is scheduled for November 2021. UNAMI is organizing the training in partnership with geospatial expert trainers at the United Nations Logistics Base at Brindisi, Italy.

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

16. During the meeting of my Deputy Special Representative with Mr. Al-Janabi, Mr. Al-Janabi noted that additional books, microfilm and other property had recently been located in various departments. He expressed confidence that another shipment containing additional Kuwaiti property could be sent to Kuwait by the end of 2021. Mr. Al-Janabi reiterated his Government's commitment to identifying any means that could facilitate the search for the missing Kuwaiti national archives.

### **IV. Observations**

17. With the COVID-19 pandemic continuing to pose a global challenge, it is encouraging to witness the commitment of and continuing collaboration between the members of the Tripartite Commission and the significant efforts of the Technical Subcommittee to make progress on the important file under the steadfast guidance and leadership of ICRC. The combined efforts of the Ministries of Defence, Foreign Affairs and Health of Iraq attest to that country's continuous commitment to playing its part in making progress in that regard.

18. Despite the complexities of the identification process owing to the commingling of the human remains, the General Department of Criminal Evidence in Kuwait is steadily bringing to light the identity of missing persons. The proposal between Kuwait and Iraq to exchange technical laboratory expertise is another sign of constructive relations between the two sides.

19. The continued efforts of the Ministry of Defence of Iraq to reach out to new witnesses with information and leads regarding potential burial sites have begun to bear fruit. I hope that new information will come to light soon that will help to point to the location of new possible burial sites. I encourage the Tripartite Commission members to do their utmost to provide any available aerial and satellite imagery that could contribute to that end.

20. I welcome the efforts of the Ministry of Foreign Affairs of Iraq to locate additional missing Kuwaiti property, and I hope that progress can be made with regard to the missing Kuwaiti national archives.

21. In the coming period, my Special Representative for Iraq, my Deputy Special Representative for Political Affairs and Electoral Assistance and the UNAMI staff will continue to spare no effort to advance progress on the very important humanitarian file.

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