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

Thirty-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 29 April 2022 (S/2022/366).

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) was represented, in its observer capacity, at the 120th and 121st meetings of the Technical Subcommittee of the Tripartite Commission, held in Riyadh on 30 May 2022 and in Baghdad on 31 July 2022, respectively, and the fifty-third meeting of the Tripartite Commission, held in Riyadh on 1 June 2022. During the meetings, discussions were focused on efforts during the reporting period to identify and further explore potential burial sites of interest using witness testimony, satellite imagery and increased field missions to some of these sites.

3. The International Committee of the Red Cross (ICRC) continued to follow up on satellite imagery requests previously submitted to a Technical Subcommittee member for Tall al-Shaykhiyah and eight other sites of interest. With regard to satellite imagery for the Karbala' site, the Technical Subcommittee member reported that the Subcommittee was reviewing technical aspects of the imagery and was narrowing the time frame to help expedite the request. Regarding satellite imagery of the Khamisiyah site, the member confirmed receipt of a narrower time frame and the geographical location of the site, which would help to expedite the request.

4. With regard to sites in Kuwait, on the basis of coordinates provided by the United States of America and the United Kingdom of Great Britain and Northern Ireland, ICRC continued to explore, with the United States, the feasibility of researching the archives of the United States and preparing a call for war veteran witnesses. ICRC and a Technical Subcommittee member are actively following up on nine imagery requests submitted by ICRC since November 2021 relating to priority sites of interest in Iraq and Kuwait.



5. Meanwhile, efforts to locate witnesses who might have relevant information regarding potential burial sites continued. During the 120th and 121st meetings of the Technical Subcommittee, Iraq reported that the Ministry of Defence had held two meetings with the Governor of Muthanna in May and June 2022 to follow up on information regarding a possible fourth grave site in Samawah. On the basis of information provided by the Governor, staff of both the Ministry of Defence and Muthanna Governorate visited an area in Tall al-Shaykhiyah, close to sites previously excavated for the purpose of exhumations in February 2020. A potential grave site was identified during the visit. The Ministry of Defence subsequently requested that the Governor of Muthanna, through the Office of the Prime Minister, urge the primary witness to be present during future visits to the site. Iraq informed the Technical Subcommittee that the Governor had promised that he would be in touch with the witness and ensure his collaboration.

6. Iraq continued to follow up on available leads to locate a witness reported to be in Sweden or Jordan who could have relevant information on the Khamisiyah site. Iraqi efforts included liaising with the Embassies of Iraq in Sweden and Jordan, the Iraqi security forces and the Residency and Travel Directorate and following up with the official witness who had previous contact with the witness believed to be in Sweden or Jordan.

7. Regarding the Salman Pak site, Iraq made official requests to the Sunni Endowment Council and the Mayoralty of Baghdad for information about persons responsible for the management of the cemetery in the 1990s. Although the Council did not have relevant information, a response from the Mayoralty is still pending. In addition, the Ministry of Defence of Iraq followed up on a lead received from Kuwait concerning two potential witnesses who might have information regarding executions of Kuwaiti nationals at Salman Pak. Iraqi efforts to establish contact with the witness have so far been unsuccessful, but other measures will be taken in an effort to locate the person.

8. In addition, Iraq and Kuwait explored modalities for the travel to Kuwait of a witness with possible information on the naval base site in Kuwait. Both sides agreed that the witness could accompany the Iraqi delegation to Kuwait on the margins of the 122nd meeting of the Technical Subcommittee, scheduled for October 2022, with a visit to be conducted to the potential site on the day before the meeting.

9. With regard to the case of a missing Saudi national, listed on the official request lists of both Kuwait and Saudi Arabia, alleged to be alive in an Iraqi prison in Nasiriyah, the authorities of Saudi Arabia obtained several statements from the witness, who provided the original information pursuant to a Technical Subcommittee request. The witness claims to have been incarcerated in the same Iraqi prison as the missing Saudi national. Saudi Arabia has shared the detailed witness testimonies with the Technical Subcommittee to help with the search process. Kuwait, according to its representative, provided information to ICRC about the missing Saudi national. According to information obtained by Kuwait from the witness testimony, the Saudi national had been transferred from Nasiriyah prison to another location before the release of the witness in 2017. Technical Subcommittee members agreed to check the prison registry prior to 2017, in addition to exploring other options.

10. Calls for witnesses have been broadcast several times since March 2022 by the Ministries of Defence and Foreign Affairs of Iraq, as well as Iraqi diplomatic and consular representations globally and the Iraqi Media Network. The most recent call for witnesses was broadcast on 27 July 2022, and the new number for the ICRC community contact centre was included.

11. Iraq and Kuwait followed up with two witnesses who had come forward to say that they had information on potential burial sites in Mosul and Kuwait. The Ministry

of Defence of Iraq met with the witness claiming to have information on an alleged burial site in Mosul and sought the assistance of the War Media Office of Iraq, which may have further information relating to the alleged site. No concrete outcomes have transpired to date. With reference to the person who contacted the Embassy of Iraq in Kuwait claiming to have information on two burial sites in Kuwait, an exploratory mission was conducted by Kuwait to the natural reserve in question (Dholaa Al-Qurein). The exploratory mission concluded that no grave marks had been observed, noting that it was difficult to dig graves in the area. Kuwait, according to its representative, stands ready to follow up with the witness, who has to date remained anonymous, should he agree to reveal his identity.

12. Increased field missions to possible burial sites, aided by witness information, were conducted. The Ministry of Defence, in the presence of ICRC, conducted a survey mission in May 2022 at the Mahawil site in the two locations identified by the witness during a site assessment carried out in January 2022. The mission was followed by a visit to the same site by the Martyrs Foundation. ICRC provided all Technical Subcommittee members with reports on the three missions to the Mahawil site conducted in November 2021, January 2022 and May 2022. A fourth mission was conducted to the site with the participation of the witness in July 2022, and a report thereon will be shared with Technical Subcommittee members. Locations of interest were identified, and the Ministry of Defence is preparing for excavations in the area. ICRC noted with concern the presence of remnants of war at the site. The representative of Iraq said that the Ministry of Defence was coordinating with its Military Engineering Department on the decontamination of the area prior to excavating the site.

13. Regarding the discovery of a burial site in Najaf, which reportedly contained the remains of people killed during the 1991 uprisings, the Martyrs Foundation informed the Ministry of Defence of Iraq that 15 unidentified human remains had been exhumed from the area of Hawli, Najaf Governorate. The remains were discovered by a company conducting construction work and have since been transferred to the Medico-Legal Department. The Ministry of Defence requested that the Martyrs Foundation provide a report on the excavation in addition to a sample of the genetic profiles discovered. Once received, and following all necessary approvals, the information will be shared with Kuwait. In addition, Kuwait has requested that all information related to potential burial sites in Najaf be triangulated, including information related to Kuwaiti citizens who may have been killed in Salman Pak and buried in Najaf, as well as information related to a site that may contain the remains of missing Kuwaiti persons and third-country nationals, as well as persons from Saudi Arabia.

14. Regarding other potential sites recently added to the Technical Subcommittee agenda, Iraq has obtained the approvals necessary to conduct an “invasive” survey of the Anbar site, and preparations will soon begin for an excavation mission. In April and July 2022, ICRC and the Ministry of Defence conducted joint surveys to a site in Muradiya, Diyala Governorate; in addition, the Ministry followed up with the State Commission on Surveys of the Ministry of Water Resources to request topographical maps for the area.

15. In response to the discussion, at the 119th Technical Subcommittee meeting, on the status of open and closed cases pertaining to missing Kuwaitis and third-country nationals, ICRC reported that the updated lists of cases submitted by Kuwait had been shared again with Iraq, confirming 293 closed cases and 309 active cases.

16. Ahead of the 120th Technical Subcommittee meeting, its members held a consultation day on 29 May 2022, as proposed by the representative of Kuwait during the fifty-second Tripartite Commission meeting on 2 December 2021, to discuss the

review project recommendations, which had been adopted in 2018. On the basis of the results of the consultation day and the 120th Technical Subcommittee meeting, ICRC has begun internal discussions on the steps and resources needed to implement the recommendations of the review project and will proceed with drafting a road map. ICRC confirmed that the final draft of the review project implementation road map would be shared with all members prior to its adoption at the 123rd Technical Subcommittee meeting.

17. On 1 June 2022, during its fifty-third meeting, the Tripartite Commission renewed the mandate of the Technical Subcommittee and the official observer role of UNAMI. The representative of Kuwait commended the role of UNAMI as observer since it had joined the mechanism at the thirty-ninth Tripartite Commission meeting. The representative requested that all members maintain the momentum and expedite the follow-up of activities until the Tripartite Mechanism collectively adopted the road map being prepared by ICRC on the basis of the review project recommendations. The representative of Iraq both commended and noted the importance of the continued efforts at collaboration to achieve positive results.

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

18. On 4 July 2022, the Ministry of Foreign Affairs of Iraq handed over to Kuwait property located by the Government of Iraq. These included a sword, two historical copies of the Qur'an and 738 boxes containing items belonging to the Ministry of Information of Kuwait. The handover took place at the Ministry of Information and was attended by representatives of the Ministries of Foreign Affairs and Information of Kuwait, the Amiri Diwan, the Ministries of Foreign Affairs and of Higher Education and Scientific Research of Iraq, and the Embassy of Iraq in Kuwait.
