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

Thirty-first 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 22 April 2021 (S/2021/395).

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

2. Further progress was made in the identification of missing Kuwaiti and third-country nationals during the reporting period. On 11 July, the Ministry of Foreign Affairs of Kuwait announced the conclusion of DNA testing on the remains of a further 10 individuals that had been transferred from Iraq to Kuwait in August 2019. The remains were conclusively identified as belonging to 10 individuals from the Kuwaiti list of persons missing since 1991. The Ministry released the names of the 10 missing persons, confirming that it had informed the victims' families. The Permanent Representative of Kuwait to the United Nations conveyed those developments in identical letters dated 14 July (S/2021/654). In those letters, Kuwait thanked the Government of Iraq, the members of the Tripartite Commission and its Technical Subcommittee, the International Committee of the Red Cross (ICRC) and the United Nations Assistance Mission for Iraq (UNAMI) for contributing to the efforts to determine the fate of the 10 individuals.

3. UNAMI, in its observer capacity, attended the 116th meeting of the Technical Subcommittee and the fifty-first session of the Tripartite Commission, held in Kuwait and Baghdad on 20 and 22 June, respectively. Owing to the continued coronavirus disease (COVID-19) restrictions, the sessions were held in a hybrid format, with both in-person and online participation.

4. During the meeting of the Technical Subcommittee, its members congratulated the representative of Kuwait, Rabea al-Adsani, on his appointment as Ambassador Extraordinary and Plenipotentiary for Kuwaiti Prisoners and Missing Persons and welcomed the new head of the delegation of Saudi Arabia, Haifa Hassan al-Gaith.



5. The representative of Iraq updated the Technical Subcommittee on the efforts by the Ministry of Defence, in coordination with the Iraqi National Intelligence Service, to locate two potential witnesses with information on the Shaykhiyah site in Samawah, Muthanna Governorate. He also provided information on the Ministry's efforts to obtain more information regarding another potential site in Samawah. Information in that regard had previously been provided by the Governor of Muthanna, as indicated during the 113th meeting of the Technical Subcommittee, held in September 2020. The Ministry had submitted a request to the General Secretariat of the Council of Ministers seeking information from the Governor of Samawah. The Kuwaiti representative reiterated the importance of Samawah as a promising site, as initially indicated during the forty-second meeting of the Technical Subcommittee, held in 2003.

6. Regarding points of interest at the Karbala' sites, ICRC reported that discussions were under way with a Technical Subcommittee member regarding the possible establishment of a formal data-sharing mechanism to streamline and expedite requests for satellite imagery analysis. The Iraqi representative underscored that such analysis would assist in identifying further potential locations for excavation. The Kuwaiti representative emphasized, as well as that analysis, the importance and efficacy of following up with potential new witnesses, recalling that three of the four Karbala' sites had been located thanks to witness testimony.

7. Regarding the Salman Pak site (the cemetery), the Iraqi representative said that, on 13 June, the Ministry of Defence had conducted a field mission in cooperation with the local authorities to follow up on the rehabilitation project for several destroyed graves, in an effort to identify unnamed tombs and better focus the search for missing persons in the area. The local administration and families had rehabilitated and marked many of the graves, while religious authorities, in their sermons, were continuing to urge families who had not already done so to finalize the process. The Kuwaiti representative expressed appreciation for those efforts and recalled that Salman Pak contained the individual graves of 11 Kuwaitis who had been executed after a military court decision. The rehabilitation and marking of the graves would help to narrow down the area of interest, which could further help the search for the missing persons.

8. Following his previous update to the Technical Subcommittee, in which he had defined the Khamisiyah site as significant in terms of further exploration, the Iraqi representative said that an exploratory mission had been dispatched to the area on 16 and 17 June based on information collected from a witness during the previous joint field visit, in 2019. The mission had been carried out to assess any soil changes at the site and determine machinery needs for excavation works. Its findings would be shared with the Technical Subcommittee after the finalization of the report.

9. Following up on information shared during the 114th meeting of the Technical Subcommittee, held in January, concerning the naval base in Kuwait, the Kuwaiti representative said that an exploratory mission had been conducted in the area based on a witness sketch of the site. The sketch did not contain additional information. The size of the area meant that it would be difficult to identify or locate specific excavation points in the search for one set of human remains. It was therefore important to arrange a visit to Kuwait for the witness, facilitated by Iraq and ICRC. The Iraqi representative noted that the visit had been authorized and could be conducted during the next Subcommittee meeting or at any other agreed time.

10. The Iraqi representative informed the Technical Subcommittee that the Ministry of Defence was continuing to follow up on information regarding the Mahawil site in Babil Governorate. He reiterated the Ministry's commitment to broadcasting calls for witnesses through the media on a quarterly basis and explained that, in coordination

with the Ministry's media department, a new format for a call for witnesses would be finalized soon and shared with the Kuwaiti representative for comments.

11. On 22 June, during its fifty-first session, the Tripartite Commission renewed the mandate of the Technical Subcommittee and the official observer role of UNAMI. The Commission confirmed the formal closure of nine case files of persons missing since 1991, corresponding to human remains identified based on conclusive DNA tests conducted by Kuwait. The closed files pertained to eight individuals from the official Kuwaiti list of prisoners of war and missing persons and one national of Saudi Arabia from that country's official missing persons list. In addition, the Commission announced the formal closure of the case file of one Iraqi soldier. Since November 2020, the Commission has closed 30 cases of persons missing since 1991. Of those, 28 were matched to the official Kuwaiti list of missing persons, 1 was matched to the list maintained by Saudi Arabia and 1 to the list maintained by Iraq.

12. During the session, the Iraqi representative reaffirmed his Government's efforts to solve all cases of Kuwaiti and Iraqi missing persons using new technologies such as satellite imagery, in cooperation with all Tripartite Commission members. He called upon Kuwait to accelerate the process of identifying the remains found in Samawah in 2019 and 2020. The Kuwaiti representative gave assurances that the forensic laboratories in Kuwait were doing their utmost to conclude the sorting and identification of the remains. He reaffirmed the eagerness and commitment of Kuwait with regard to finalizing the analyses as soon as possible.

13. On 10 May, my Deputy Special Representative for Political Affairs and Electoral Assistance met the Head of the Human Rights Directorate in the Ministry of Defence of Iraq, Thaer Saad Abdullah. He confirmed his Directorate's commitment to the missing persons file, noted that it was following up on a daily basis with security and intelligence agencies to assess the credibility of witnesses and affirmed its commitment to carrying out field visits to potential burial sites once restrictions were lifted. My Deputy Special Representative reiterated that the Iraq-Kuwait file was a priority for UNAMI and stressed the Mission's steadfast commitment to making tangible progress in that regard.

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

14. During the reporting period, there were no significant developments regarding the return of Kuwaiti property, including the national archives.

IV. Observations

15. In view of the continuing challenging circumstances caused by the COVID-19 pandemic, I commend the Governments of Iraq and Kuwait for making notable advances throughout the past year in the search for missing Kuwaiti and third-country nationals. The identification of the remains of a further 10 individuals from the Kuwaiti list of persons missing since 1991 is another important step towards bringing closure to the families of the missing persons. After 30 years, they can now carry out appropriate burial rituals for their loved ones. I extend my deepest condolences to the families of the missing persons. I commend the General Department of Criminal Evidence in Kuwait for meticulously carrying out this complex identification operation after so many years and encourage continued commitment and perseverance.

16. Thanks to the persistence and cooperation of all members of the tripartite mechanism, under the able leadership of ICRC, it is a significant achievement that,

since November 2020, 30 case files of persons missing since 1991 have been formally closed and attests to the fact that determined and tireless work has given rise to significant results.

17. The renewed efforts of the Ministry of Defence of Iraq to contact new witnesses for information and leads on potential burial sites are of the utmost importance and clearly signal the determination of all parties to continue their search unabated until all missing persons have been accounted for. I very much hope for an improvement in the epidemiological situation and the easing of COVID-19-related restrictions to allow for the resumption of field missions and the exploration of potential burial sites.

18. Building on previous successful efforts, I strongly encourage the Ministry of Foreign Affairs of Iraq to renew the search for the remaining missing Kuwaiti property, in particular the national archives.

19. My Special Representative for Iraq, my Deputy Special Representative for Political Affairs and Electoral Assistance and the UNAMI staff remain steadfast and fully committed to promoting and facilitating efforts in support of this important mandate.
