



# Security Council

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

### Thirty-third 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 8 November 2021 (S/2021/930).

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

2. On 18 November 2021, the Ministry of Foreign Affairs of Kuwait announced the identification of the remains of an additional 19 missing Kuwaiti and third-country nationals, 18 of whom were recovered from the burial site in Samawah, Muthanna Governorate, in January 2020. This announcement followed the conclusive identification of 40 individuals exhumed from another burial site in Samawah in March 2019 and transferred from Iraq to Kuwait in August 2019 for DNA identification.

3. The United Nations Assistance Mission for Iraq (UNAMI), in its observer capacity, attended the 118th meeting of the Technical Subcommittee and the fifty-second meeting of the Tripartite Commission, held in Amman on 30 November and 2 December 2021, respectively.

4. During the meeting of the Technical Subcommittee, the representative of Kuwait announced the conclusion of the identification process of all human remains recovered from the Samawah site in March 2019 and January 2020 and transferred from Iraq to Kuwait in August 2019 and September 2020, respectively. Regarding the 2019 cases, the representative of Kuwait stated that after the reassembly of human remains, a total of 45 DNA profiles were extracted, 4 of which did not match the lists of missing persons from Kuwait and Saudi Arabia. One case among the 19 newly identified missing persons announced on 18 November belonged to the 2019 cases.

5. Regarding the human remains received in 2020 from Iraq, the representative of Kuwait stated that, from the 21 caskets delivered, a total of 20 DNA profiles were extracted, 18 of which were positively matched to the list of missing persons of



Kuwait, while 2 were not. Of the total 59 identified cases from the 2019 and 2020 sets of remains, 57 matched the list of missing persons of Kuwait and 2 corresponded to the list of Saudi Arabia. The representative of Kuwait expressed his country's readiness to hand over to Iraq the set of six human remains that did not match the DNA database of Kuwait. The handover would take place after coordination with Iraq and the International Committee of the Red Cross (ICRC). The Permanent Representative of Kuwait to the United Nations conveyed these developments in identical letters dated 9 December 2021 addressed to the President of the Security Council and to me (see [S/2021/1031](#)).

6. The representative of Kuwait further noted that based on analysis of available information, two more sites located in Samawah remained promising in terms of further exploration. One site is believed to contain 151 human remains, 89 of which were recovered by the Tripartite Commission in the past, while the other site is believed to contain 100 human remains, 59 of which were recovered in 2019 and 2020 and subsequently identified by Kuwait. The representative of Kuwait therefore proposed the inclusion of Samawah in future requests for satellite imagery. He also recalled the discussion during previous meetings of the Technical Subcommittee regarding information that the Governor of Muthanna claimed to have on a potential burial site in Samawah, and stressed the need to follow up on this information as a priority. The representative of Iraq noted that the Ministry of Defence would continue its hitherto unsuccessful attempts to reach the Governor of Muthanna. The representative of Iraq further stated that attempts to reach out to other possible witnesses with information on potential burial sites in Samawah continued.

7. With regard to points of interest at the Karbala' sites, the representative of ICRC reported that a request to review available pre-commercial satellite imagery was submitted to a member of the Technical Subcommittee in November 2021, pursuant to the arrangement reached between ICRC and the member of the Technical Subcommittee. However, no outcome of the review was yet available. Both the Iraqi and Kuwaiti representatives welcomed these steps as a means of moving forward on the Karbala' sites.

8. Regarding the Khamisiyah site, the ICRC representative reported that a request to review available satellite imagery in relation to this site was also submitted to a Technical Subcommittee member in November 2021. The outcome of the review was still pending. The representative of Kuwait noted that Khamisiyah was another "promising" site that possibly contained some 180 human remains, and stressed the need to refocus exploration efforts to this site. He also emphasized the importance of re-establishing contact with the main witness while awaiting the results of satellite imagery for the site. The representative of Iraq agreed to follow up on various leads regarding the site, including contacting the main witness.

9. The Ministry of Defence of Iraq continued to follow up with the authorities in the Salman Pak site (the cemetery) on the process of rehabilitating graves. The representative of Kuwait noted that information received since 2003 regarding possible locations of burial sites should also be re-examined and followed up on by Iraq. The members of the Technical Subcommittee stated that they would further reflect on how to proceed with this site based on all available information, given the difficulties in using aerial and satellite imagery as a result of changes in the landscape. The representative of Kuwait reminded the Technical Subcommittee that information received in the past could help to link all leads together.

10. As a result of travel restrictions related to the coronavirus disease (COVID-19) pandemic, which prevented the holding of in-person meetings, and COVID-19 vaccination requirements imposed by Kuwait, the travel of a witness with possible information on the naval base burial site in Kuwait was delayed. This subject was

discussed at the 116th and 117th meetings of the Technical Subcommittee in June and September 2021, respectively. The representative of Kuwait noted that the COVID-19 travel restrictions and a list of approved vaccines were under continuous review in Kuwait and therefore the travel of the witness might be possible soon. The representative of Iraq expressed hope that the witness could travel to Kuwait at the time of the next meeting of the Subcommittee held in Kuwait.

11. Following his previous update to the Technical Subcommittee, the representative of Iraq stated that on 1 November, the Ministry of Defence of Iraq met with a witness who claimed to have information on the Mahawil site in Babil Governorate. On 17 November, an exploratory mission to the area in Mahawil was conducted with ICRC in the presence of the witness. Given the drastic changes to the landscape, the exact location could not be identified. The representative of Iraq stated that the Ministry of Defence would continue to follow up with additional witnesses and its Housing and Military Works Directorate. The representative of Kuwait thanked Iraq for its efforts and requested a written report of the findings.

12. Outreach efforts regarding the identification of further witnesses were also discussed during the meeting of the Technical Subcommittee. The representative of Iraq stated that on 24 November, the Ministry of Defence broadcast a call for witnesses in accordance with the format presented during the 117th meeting of the Subcommittee. Following the 24 November broadcast, the Ministry of Defence received a call from a potential witness for which follow-up would take place. The representative of Iraq reported that, on instruction from its Ministry of Foreign Affairs, its diplomatic and consular representations broadcast a global call for witnesses on their official websites, on social media and in the public areas of the consulates. The call for witnesses was also broadcast on the official website of the Ministry of Foreign Affairs of Iraq. The representative of Iraq shared a new format for the call for witnesses that included the ability to contact the Kuwaiti and Iraqi representations abroad. The call would be broadcast every two months with the aim of collecting information on missing Iraqis and Kuwaitis, and on the Kuwaiti national archives, in accordance with the proposal of Kuwait at the 117th meeting of the Technical Subcommittee. The representative of Kuwait expressed appreciation for the efforts of Iraq and proposed that the new call include the ability to contact ICRC delegations abroad, and that the call for witnesses not be limited to Iraqi citizens only, but instead include anyone who might have information on Iraqi and Kuwaiti missing persons in Iraq and Kuwait. ICRC did not object to including its delegations around the world in the new broadcast.

13. During the meeting of the Technical Subcommittee, the representative of Kuwait referred to the ICRC review project adopted in 2018, and presented historical information about the search processes. He stressed the importance of reviewing and updating the results and recommendations of the review project by establishing a follow-up procedure for all the information provided during meetings of the Technical Subcommittee. He also proposed preparing an overview of the historical sequence of each site since 2003. The members of the Technical Subcommittee agreed with these proposals.

14. On 2 December, during its fifty-second session, the Tripartite Commission renewed the mandate of the Technical Subcommittee and the official observer role of UNAMI. The representative of Kuwait also presented a series of proposals related to the search processes for mass graves, the need for diversity in experience as well as practical and scientific skills of the personnel involved in the searches, and the need to establish a procedure for pursuing information and outlining achievement outputs for every activity or task. He also proposed that the Technical Subcommittee summarize previously discussed ideas and adopted decisions with the intent of creating a consolidated plan to revive those that could improve the procedural and

practical measures of the Subcommittee. The Tripartite Commission tasked the Technical Subcommittee with studying the proposals.

15. On 14 October, the Deputy Special Representative for Political Affairs and Electoral Assistance of UNAMI met with the Ambassador of Kuwait to Iraq, Salem al-Zamanan. Discussions covered the Kuwaiti missing persons and property file, with both sides emphasizing continuous commitment to this humanitarian file.

16. On 9 November, the Deputy Special Representative for Political Affairs and Electoral Assistance travelled to Kuwait and met separately with Ambassador Majid Al-Dhafiri, the Deputy Minister for Foreign Affairs; Abdulaziz Saud Al-Jarallah, Assistant Minister for International Organizations; and Rabe'a al-Adsani, Ambassador Extraordinary and Plenipotentiary for Kuwaiti Prisoners and Missing Persons. Discussions focused on developments related to Kuwaiti missing persons and property. The Deputy Special Representative also visited the General Department of Criminal Evidence at the Ministry of the Interior of Kuwait, where she was impressed by the diligent efforts and meticulous nature of the identification work carried out by the department teams.

17. On 13 December, the Special Representative of the Secretary-General for Iraq held a meeting with the Minister for Foreign Affairs of Iraq, Fuad Hussein, during which, among other topics, she discussed the issue of Kuwaiti missing persons and property. She emphasized the humanitarian nature of this issue, noting that strong, continuing commitment to making concrete progress on this issue could bring Iraq closer to concluding outstanding obligations and further strengthen relations between Iraq and Kuwait.

18. Between 7 and 18 November, after considerable COVID-19-related delays, UNAMI successfully completed the training of 20 Iraqi staff from the Ministry of Defence in Baghdad on the use of ground penetrating radar. The training was carried out in partnership with geospatial expert trainers from the United Nations Logistics Base at Brindisi, Italy.

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

19. On 3 November, UNAMI received a note verbale from the Embassy of Kuwait in Iraq stating that media materials belonging to the Ministry of Information of Kuwait had been handed over to the Embassy. In the margins of the meeting of the Technical Subcommittee on 30 November, a representative of the Ministry of Foreign Affairs of Iraq informed UNAMI that additional books, microfilm and other property materials had recently been located throughout the various Government and university departments in Iraq. The representative stated that the Ministry of Foreign Affairs would collect all the materials, including those given to the Embassy of Kuwait, and a formal handover of the property to Kuwait could be arranged in early 2022.

### **IV. Observations**

20. The completion of the formal identification of the human remains found in Samawah in 2019 and 2020 represents an important step forward and demonstrates the constructive collaboration between the Iraqi and Kuwaiti technical teams as well as their unwavering dedication at a time when the COVID-19 pandemic continued to present a significant challenge worldwide. The ongoing support, guidance and encouragement by the members of the Tripartite Commission under the chairpersonship of ICRC has created new momentum that should be further leveraged. I encourage the Governments of Iraq and Kuwait to build upon the

advances made over the past two years and utilize to the fullest all available technical means and information from witnesses.

21. The continued efforts by the Ministry of Defence of Iraq to contact new witnesses for information is of the utmost importance, in particular the recent initiative of the Ministry of Foreign Affairs of Iraq to issue calls for witnesses through its consular and diplomatic channels. I very much hope that these efforts will soon bear fruit by helping to identify locations of potential new burial sites. I welcome the ICRC arrangement with a member of the Tripartite Commission for the provision of aerial and satellite imagery of Iraq and Kuwait, which is integral to the resolution of this important humanitarian file. It is my hope that the technology and expertise derived from the successful completion of the training of Iraqi Ministry of Defence staff on the use of ground penetrating radar will further support efforts to locate potential new burial sites.

22. The discovery of Kuwaiti media materials and other property is a positive development, and I look forward to their official handover to Kuwait in the near future. I emphasize the need for the Government of Iraq to also invest further efforts in the search for the missing Kuwaiti national archives, given their significance to Kuwait.

23. Building on the recent advancements made, UNAMI remains fully committed to supporting the efforts of the Governments of Iraq and Kuwait, the Tripartite Commission and other partners in making further progress in the implementation of this important mandate.

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