



Security Council

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

Thirty-fourth 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 February 2022 (S/2022/100).

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

2. The Security Council, on 28 February 2022, issued a press statement welcoming the ongoing cooperation between Iraq and Kuwait in the search for missing Kuwaiti and third-country nationals. In the statement, members of the Council welcomed the conclusion by Kuwait of the identification process of human remains that were recovered from Samawah, Iraq, and transferred to Kuwait in 2019 and 2020. They noted that 59 sets of remains had been identified as Kuwaiti and third-country nationals. The Council members also noted that Kuwait had returned to Iraq the six sets of remains that had not matched the missing persons database of Kuwait. They welcomed the sustained commitment of the Government of Iraq to returning all remaining Kuwaiti property and encouraged it to continue its search for the missing property, in particular to reinvigorate its search for the missing Kuwaiti national archives.

3. On 22 March, the United Nations Assistance Mission for Iraq (UNAMI), in its observer capacity, was represented at the 119th meeting of the Technical Subcommittee of the Tripartite Commission, held in Baghdad.

4. The representative of the International Committee of the Red Cross (ICRC) updated the Technical Subcommittee on two burial sites of interest in Samawah: Al-Shaykhiya and Faydat al-Azayir. ICRC had submitted two requests for satellite imagery analysis of the sites to a Technical Subcommittee member. The representative of Iraq noted that the Ministry of Defence of Iraq continued to follow up on leads related to two witnesses with possible information regarding another potential burial site in Samawah. He said that a long-awaited meeting between the Governor of



Muthanna, who had previously claimed to have information about the Samawah site, and the ministries of defence, health and foreign affairs was expected to be held soon.

5. Regarding the Khamisiyah site, the representative of ICRC said that there had been no update regarding its request, submitted to a Technical Subcommittee member in November 2021, for a review of available satellite imagery in relation to the site. The representative of Kuwait reiterated the importance of the Khamisiyah site, particularly an area previously defined in a UNAMI technical report on the use of ground-penetrating radar in Khamisiyah, which had been shared with the Technical Subcommittee in 2019. He proposed a search for historical aerial photographic footage of the Khamisiyah site that could help to further narrow down the areas where possible burials had taken place. The representative of Iraq agreed with the proposal, adding that he continued his efforts to secure the official approvals required for an excavation mission in a specific area of the Khamisiyah site that had been identified from the official witness information obtained in February 2019. He said that his team was also following leads to locate another witness (the so-called Sweden witness), who was believed to have relevant information about the Khamisiyah site.

6. The Ministry of Defence of Iraq had carried out an assessment mission in February to follow up with the authorities at the Salman Pak site (the cemetery) on the process of rehabilitating the graves. Although no new progress was noted on the rehabilitation of the graves, the representative of Iraq informed the Technical Subcommittee that Iraq continued its search for witnesses with relevant information regarding the burial of missing Kuwaitis at the Salman Pak site. The Government of Iraq had submitted an official letter to the Sunni Endowment Council requesting information about persons responsible for the management of the cemetery in the 1990s. A similar request had also been made to the local authorities during the assessment mission carried out by the Ministry of Defence of Iraq, including a request to expand calls for information to the local population. Concerning information about the Salman Pak site, which is related to missing persons who had not been collectively executed with others and buried in mass graves, the representative of Kuwait suggested further expanding the search for information to ministries that might have been involved in martial law decisions on executions, such as the Ministry of Justice. The objective would be to locate records about courts martial that had taken place in that area during the period of possible burials. The representative of Iraq agreed to explore the suggestion by the representative of Kuwait and to follow up with the Ministry of Justice.

7. Regarding the Karbala' site, the ICRC representative said that the request submitted to a Technical Subcommittee member for satellite imagery of the area was still pending. ICRC was awaiting the analysis of satellite imagery of the sites in Kuwait, based on United States of America and United Kingdom of Great Britain and Northern Ireland coordinates. ICRC agreed to prioritize the sites for which satellite imagery requests were made and to submit a list to the Technical Subcommittee members.

8. Regarding the travel of a witness with possible information on the naval base burial site in Kuwait, the representative of Iraq expressed the hope that the witness would meet the vaccination requirements soon and would thus be able to travel to Kuwait during the 122nd Technical Subcommittee meeting, expected to be held in September.

9. The representative of Iraq informed the Technical Subcommittee that, in January, a Ministry of Defence team had carried out a second exploratory mission to the Mahawil site in the presence of the witness and ICRC. An excavation mission was being planned.

10. The Technical Subcommittee discussed the exploration of information for a burial site, not previously explored, located in Najaf. According to the representative of Kuwait, the site was believed to contain the remains of missing Kuwaiti persons and third-country nationals, specifically from Saudi Arabia, who had been executed there. The representative of Iraq agreed to re-examine information related to the site, including the assertion that it was believed to contain the remains of missing Kuwaiti and third-country nationals.

11. The Technical Subcommittee also discussed the status and numbers of open and closed cases pertaining to missing Kuwaitis and third-country nationals. The representative of Kuwait highlighted a discrepancy between Kuwait and Iraq regarding the total remaining number of active official request forms submitted by Kuwait to ICRC. Kuwait stated that 309 cases remained open, while Iraq said that the number stood at 308. The Technical Subcommittee members asked ICRC to provide an updated list of closed identified cases as well as those still pending.

12. The representative of Iraq briefed the Technical Subcommittee on the outcome of his country's outreach efforts with regard to the identification of new witnesses. Calls for witnesses had been broadcast several times since December 2021 by the Ministry of Defence, Iraqi diplomatic and consular representations globally and the Iraqi Media Network. On 13 February, the Ministry had broadcast a call for witnesses on its official Facebook page, calling on any person with information on Iraqi and Kuwaiti missing persons to contact the Ministry of Defence, ICRC or the Embassy and consulates of Kuwait in Iraq.

13. In response to calls for witnesses, a new person had contacted ICRC, claiming to have information on alleged burial sites containing the remains of Kuwaiti citizens in Mosul. The Ministry of Defence of Iraq had contacted the witness, without any concrete outcome. The Ministry continued to follow up on the case. The representative of Iraq noted that another person had contacted the Embassy of Iraq in Kuwait, claiming to have information about two burial sites in Kuwait. The Technical Subcommittee concluded that only one of the sites was sufficiently credible for further review and was most likely already documented in its list of sites under review. The representative of Kuwait agreed to follow up directly with the new witness upon receipt of the information from Iraq.

14. The Technical Subcommittee discussed the proposal of the representative of Kuwait to update the review project recommendations, which had been adopted in 2018 by the Tripartite Commission with a view to reassessing and prioritizing all available information regarding the burial sites in Iraq. In March, ICRC shared with the Technical Subcommittee members preliminary reflections on the updates/actions needed to implement the recommendations of the review project. The representative of Kuwait underlined the importance of the recommendations pertaining to the centralization of documentation and standardization of operational procedures. As a next step, the Technical Subcommittee members agreed to provide to ICRC their comments, by May 2022, on the updates to the proposed recommendations. The representative of Kuwait also emphasized the important role of UNAMI in capacity-building through its training course on the use of ground-penetrating radar.

15. Following the successful completion of the ground-penetrating radar training course in November 2021, UNAMI is currently reviewing the possibility of organizing an advanced training course at the Global Service Centre in Brindisi, Italy, for six technical staff from the Ministry of Defence of Iraq. While the basic course objective was to provide training to Ministry personnel in basic principles and skills in the use of ground-penetrating radar equipment and survey methods, the advanced training course aims to provide hands-on and in-depth knowledge of ground-penetrating radar methodology, ultimately helping participants to develop team leader

surveyor skills. The advanced course is expected to enable participants to train other Ministry of Defence technical staff in the use of the ground-penetrating radar technology.

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

16. On the margins of the 119th meeting of the Technical Subcommittee, the Head of the international law section of the Legal Department of the Ministry of Foreign Affairs of Iraq informed UNAMI that the Ministry continued to collect additional books, microfilm and other property materials located throughout the different departments and universities in Iraq. Once all the material was collected, an official handover would be organized.

IV. Observations

17. I welcome the productive discussions among the members of the Technical Subcommittee aimed at making further progress with regard to the repatriation and return of all Kuwaiti and third-country nationals or their remains. Witness information and satellite imagery have been crucial elements in the identification of the human remains found in Samawah in 2019 and 2020. It is therefore important that the Iraqi and Kuwaiti technical teams continue to utilize, to the fullest extent possible, these two crucial sources of information, with ongoing support, guidance and encouragement from the Tripartite Commission members, chaired by ICRC.

18. Stepped-up efforts to identify new witnesses who could further aid the search for missing Kuwaitis and third-country nationals, through broadcasts made by the Ministry of Defence of Iraq, the Iraqi Media Network and consular and diplomatic channels worldwide, should be commended. New witnesses who have come forward during the reporting period illustrate that broadcasts with a wide geographical reach can be a helpful tool to solicit information. I encourage the Ministry of Defence to continue to invest in efforts to obtain new witness information and create conducive conditions for the process.

19. The provision of aerial and satellite imagery is integral to the identification of potential burial sites, and the provision of such information by the Tripartite Commission members is of utmost importance. It is my hope that such information will soon become available to the ICRC technical team, which will help to pave the way for the identification of new burial sites.

20. While the discovery of Kuwaiti media materials and other property is a positive development, I emphasize the need for the Government of Iraq to expedite its handover to Kuwait. I reiterate my call for further efforts by the Government of Iraq in the search for the missing Kuwaiti national archives.

21. 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. I wish to express my sincere appreciation to Ingibjörg Sólrún Gísladóttir, my outgoing Deputy Special Representative, for her dedicated service to the United Nations in Iraq.