



# Security Council

Distr.: General  
24 November 2024

Original: English

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

### Forty-first report of the Secretary-General

#### I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013) and paragraph 8 of Security Council resolution 2732 (2024), covers developments pertaining to missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since my previous report, dated 7 May 2024 (S/2024/368).

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

2. On 23 May, the United Nations Assistance Mission for Iraq (UNAMI) attended the fifty-seventh meeting of the Tripartite Commission, which was held in Riyadh. At that meeting, the Tripartite Commission renewed the mandate of the Technical Subcommittee for six months. However, in the light of the reservations expressed by Iraq regarding the imminent expiration of the Mission's mandate, which was to be renewed by 31 May, the official observer status of UNAMI at the meetings of the Technical Subcommittee of the Tripartite Commission was renewed until 31 May only. On 9 July, at the fifty-eighth meeting of the Tripartite Commission, which was held online on ad hoc basis, the Mission's observer status was extended until the next meeting of Tripartite Commission, which is scheduled for 12 December. During the reporting period, UNAMI attended, in its observer capacity, the 130th and 131st meetings of the Technical Subcommittee, which were held, respectively, in Riyadh on 20 and 21 May and in Baghdad on 29 and 30 July. UNAMI also attended, remotely from Baghdad, the 132nd meeting of the Technical Subcommittee, which was held in Kuwait City on 7 and 8 October. At those meetings, the members of the Tripartite Commission provided updates on their efforts to identify and explore potential burial sites. Those efforts continued to rely on voluntary witness testimony, analysis of satellite and aerial imagery, and field missions.

3. During the reporting period, the International Committee of the Red Cross (ICRC) and Iraq continued their efforts to conduct joint analyses of available commercial satellite imagery and aerial imagery, including new images provided by the United States of America for the identification of four potential burial sites in



Iraq, including in Samawah (Tall al-Shaykhiyah and Faydat Azayir), Karbala' and Khamisiyah. At the 130th meeting of the Technical Subcommittee, Kuwait requested the support of the United States in analysing the new aerial imagery. At the 131st meeting of the Technical Subcommittee, ICRC confirmed that it had sent a formal request for assistance to the United States and was exploring alternative options, including the possibility of contracting external experts, to analyse the aerial imagery. At the 132nd meeting of the Technical Subcommittee, ICRC presented its analysis of the aerial images, focusing on the four priority sites, and indicated that additional aerial images and a field visit to Iraq were needed.

4. ICRC and Iraq continued to conduct joint analyses of available aerial imagery of four sites in Kuwait on the basis of coordinates provided by the United States and the United Kingdom of Great Britain and Northern Ireland. At the 130th meeting of the Technical Subcommittee, ICRC confirmed that the United States had provided 40 new aerial images of those sites. ICRC continued to discuss with the United States the feasibility of conducting additional searches of the archives of the United States on the basis of the provided coordinates. The United States continued to follow up on the call for witnesses among its veterans' associations. In addition, ICRC initiated a process to expand the call for witnesses internationally through its Central Tracing Agency.

5. Regarding the potential burial sites in Samawah (Tall al-Shaykhiyah), located in the Governorate of Muthanna, Iraq reported that administrative measures had been taken to transfer an officer to the Governorate to facilitate the cooperation of a witness. Iraq also reported that, based on information received from a main witness about three Kuwaiti women who had been executed and buried in Samawah, the Ministry of Defence of Iraq conducted a site visit on 31 July and exhumed three bone fragments. On 28 August, the Ministry of Defence conducted another visit to the same location, in the presence of ICRC representatives and two witnesses. A total of 15 additional bone fragments were found and sent, along with the other 3 fragments, to the Medico-Legal Directorate of Iraq for DNA analysis. The results showed that the recovered remains were human, but the poor condition of six samples made it impossible to extract DNA. Iraq stated that it intended to transfer, through ICRC, those fragments and their corresponding results to Kuwait for further testing, once the Prime Minister had given his approval. ICRC and Kuwait expressed concerns about the delays in sharing the results of the testing that had been done on those fragments, as such delays are not consistent with the standard operating procedure for various stages of fieldwork activity that had been adopted by all members of the tripartite mechanism at the 129th meeting of the Technical Subcommittee. In addition, Kuwait stressed the importance of receiving information promptly pursuant to the standard operating procedure, adding that DNA results should have been obtained by now in this case. At the 132nd meeting of the Technical Subcommittee, it was agreed that Iraq, with the support of ICRC, would revisit the two other Samawah sites, previously exhumed in 2019, to confirm that they had been fully excavated. At that same meeting, Iraq reported that it was considering offering a reward to the main witness who had provided information on the excavated sites in Samawah, to encourage the witness to provide details on two new potential burial sites and enable Iraq to conduct a field visit to these locations, with ICRC and the main witness. It had been agreed at the 131st meeting of the Technical Subcommittee that a field visit to these new potential burial sites would be conducted. However, that visit had not taken place owing to a lack of cooperation by the main witness. Iraq confirmed that it was continuing its efforts to meet with the former Governor of Muthanna concerning information he possesses about a potential burial site, based on testimony that had been collected from him since 2019.

6. Iraq continued its efforts to locate potential witnesses for the Karbala' site among former security officers who might have information about potential detention and execution sites. Iraq stated that most of the individuals involved were deceased and one identified witness had been uncooperative.

7. With regard to the Khamisiyah site, at the 132nd meeting of the Technical Subcommittee, Iraq reported that its interministerial security committee had drawn up a list of former security officers who might have information on burial sites. Iraq added that, however, those officers were no longer at the addresses provided and some were being sought by law enforcement. ICRC and Kuwait requested Iraq to share the list with the Technical Subcommittee, in order to record and preserve that information. Iraq stated that it would respond to the request within 20 days.

8. Iraq stated that the witness, an Iraqi national who had been engaging with the Technical Subcommittee since 2005, had provided new information. Acting on that information, Iraqi officials, accompanied by the witness, conducted an aerial survey on 21 July in order to identify new areas of interest in Khamisiyah. New images were taken and coordinates were recorded and shared with ICRC for further analysis, with view to comparing them against information previously collected and determining whether a new area had been identified at that site. At the 132nd meeting of the Technical Subcommittee, Iraq reported that, on 14 and 15 September, its Ministry of Defence had conducted an exploratory visit, after which excavation work had been carried out from 24 to 26 September in areas B and C of the Khamisiyah site. Iraq reported that 62 trenches had been excavated and that water had surfaced at a depth of 2 m to 3 m. At the 131st meeting of the Technical Subcommittee, Kuwait had proposed that the satellite images be cross-checked against the aerial images, in order to identify areas that were covered by water in 1990 and 1991 and exclude them from the excavation process. It was agreed that, henceforth, Iraq, with the assistance of ICRC, would identify such areas and inform the main witness, who would then consult with his sources to correct the information that he had previously provided and seek further details.

9. At the 130th meeting of the Technical Subcommittee, Iraq reported that the findings from excavation work done at the Mahawil site in area 1, where no human remains or evidence thereof were found, had been shared with the witness. The witness indicated that the recent excavation work had been conducted at a depth that was greater than the depth to which he had excavated when performing burials in the past. It was agreed that the relevant agenda item would be closed until new information became available.

10. With regard to the Muradiyah site in Diyala Governorate, Iraq stated that, owing to the unavailability of Iraqi air force drones, the Ministry of Defence was pursuing the possibility of concluding a memorandum of cooperation with the University of Baghdad, in order to benefit from its equipment and experience in using ground-penetrating radar to gather more information on the site. ICRC will use a consultant to assess the capabilities and needs of the Ministry of Defence in the use of ground-penetrating radar in the light of the training that UNAMI had provided in 2022.

11. No further information emerged during the reporting period with respect to the case of a missing Saudi Arabian national alleged to have been held in Nasiriyah prison in Iraq. Saudi Arabia decided to decline a proposal by Iraq to facilitate a visit by a witness to Nasiriyah prison. At the 130th meeting of the Technical Subcommittee, it was agreed that the agenda item relating to this individual would be closed until new information became available.

12. The United Kingdom of Great Britain and Northern Ireland reported that the investigation by the Metropolitan Police Service of London into the case of an Iraqi national who allegedly had ordered the execution of 35 Kuwaitis in 1990 had been

closed owing to a lack of credible evidence. The victims are reportedly buried in the Jahra' area in Kuwait. ICRC will continue with its efforts to contact a potential witness who might have information about this case, although he recently changed his original statement and now denies possessing relevant information. Kuwait emphasized the importance of thoroughly discussing this matter with the potential witness, because he was actively involved in the work of the Technical Subcommittee in the Jahra' area.

13. In the light of the technical recommendations made by ICRC to Iraq on how to proceed with regard to cemetery at the Salman Pak site and the emphasis placed by Kuwait on the need to use all available information, the participants at the 131st meeting of the Technical Subcommittee agreed that further information was needed before proceeding with the mapping of the cemetery, as doing so would require significant financial and human resources. ICRC will analyse the information that has already been received and provide further feedback. In addition, Iraq will continue to seek more credible information about the site from local authorities and witnesses.

14. Iraq reported that its Ministry of Defence had conducted, in the presence of ICRC and a witness, excavation work at a presumed burial site in Tuwithah, Baghdad Governorate, from 26 to 29 May. No human remains or evidence thereof were found. The Technical Subcommittee members agreed to remove the relevant item from the agenda until new information became available.

15. During the reporting period, new information was provided to Iraq about a potential burial site in Anbar. At the 132nd meeting of Technical Subcommittee, Iraq reported that a potential witness claimed to have information regarding a burial site of missing Kuwaitis and had presented, in May 2024, bone samples and documents allegedly dating back to before 2003. Upon investigation, the documents were found to be forged. In addition, Iraq sent the bone samples to its Medico-Legal Directorate for testing and the results indicated that they were not human remains. Kuwait reiterated the importance of informing the Technical Subcommittee of the discovery and testing of samples in a timely manner, in accordance with the standard operating procedure. In addition, Kuwait informed the Technical Subcommittee that the same witness, along with another witness, had contacted Kuwait, offering cooperation in repatriating remains in exchange for a financial reward. At the 132nd meeting of the Technical Subcommittee, Kuwait questioned whether the witness who had presented, in May 2024, the bone samples and documents allegedly dating back to before 2003 had acted in good faith, and whether other individuals, including persons acting in an official capacity, had been involved. Kuwait further questioned how the witness had obtained the bone sample results before the convening of the Technical Subcommittee meetings. Kuwait referred both witnesses to ICRC. It was agreed that Iraq would broaden the investigation into this matter, in order to determine whether others were involved and pursue any leads regarding potential burial sites, and present the findings at the next meeting of the Technical Subcommittee.

16. Iraq continued to issue calls for witnesses during the reporting period. On 10 July and 10 September, the Ministry of Defence issued calls for witnesses through its official website and media networks using a text agreed upon with Kuwait. In an effort to encourage additional witnesses to come forward, Iraq reiterated its commitment to provide financial rewards and immunity from prosecution to any person who provides information on burial sites that could potentially contain the remains of missing persons.

17. In line with the road map for implementing the recommendations stemming from the review project to accelerate progress on the missing persons file, ICRC provided an update at the 132nd meeting of the Technical Subcommittee on the deployment of the Resolve Platform, a web-based solution developed by ICRC that

will consolidate all information on alleged burial sites and make it available digitally to the members of the Technical Subcommittee. At the 131st meeting of the Technical Subcommittee, ICRC delivered a presentation about a pilot project involving the use of the Resolve Platform at the Samawah (Tall al-Shaykhiyah) site.

18. As part of its capacity-building and transfer-of knowledge efforts, ICRC conducted a preliminary investigation workshop on the search for missing persons for technical teams from Iraq and Kuwait from 5 to 9 May in Kuwait City. The investigation training session for members of the Technical Subcommittee and others that was to be conducted in July in Cyprus by the Committee on Missing Persons in Cyprus and co-funded by UNAMI and ICRC was postponed to the end of November.

19. On 13 October, the Special Representative of the Secretary-General for Iraq and Head of UNAMI met with the Prime Minister of Iraq, Mohammed Shia' Al Sudani, with whom he discussed, inter alia, the outstanding issue of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives. The Special Representative invited the Government of Iraq to redouble its efforts to make progress with regard to this file.

20. On 14 October, the Special Representative met with the Deputy Prime Minister and Minister for Foreign Affairs of Iraq, Fuad Hussein, and discussed at length the Mission's mandate, drawing attention to the file of missing Kuwaiti and third-country nationals or their remains and missing Kuwaiti property, including the national archives. The Special Representative said that UNAMI, in accordance with its mandate, remained committed to supporting Iraq and Kuwait in making progress on this file.

21. On 14 and 21 October, the Special Representative met with the Ambassador of Kuwait to Iraq to discuss a range of issues, including the matter of missing Kuwaiti and third-country nationals or their remains and missing Kuwaiti property, including the national archives.

22. The Deputy Special Representative for Political Affairs and Electoral Assistance of UNAMI participated in the 130th, 131st and 132nd meetings of the Technical Subcommittee. He also participated in the fifty-seventh and the fifty-eighth meetings of the Tripartite Commission. At the 131st meeting of the Technical Subcommittee, the Deputy Special Representative provided an update on the Mission's mandate and reiterated its commitment to continuing to work with the Tripartite Mechanism in its observer role. He also recalled Security Council resolution [2732 \(2024\)](#), by which the Council authorized a final extension of the Mission's mandate until 31 December 2025 and in which it requested the Secretary-General to make recommendations by 31 May 2025 and present them to the Council for an appropriate follow-on mechanism to support continued progress on this file should the issue not be resolved upon termination of the Mission's mandate.

23. On 11 August, the Deputy Special Representative met with the Ambassador of Kuwait to Iraq and reviewed the progress made in the search for missing Kuwaitis and third-country nationals or their remains and missing Kuwaiti property, including the national archives.

24. On 30 September, the Deputy Special Representative met with the new Director of the Human Rights Directorate in the Legal Department of the Ministry of Defence of Iraq. They discussed the progress made with regard to this file, including recent field visits conducted in Iraq.

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

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

### **IV. Observations**

26. I welcome the continued efforts of the Tripartite Commission, under the leadership of ICRC, to search for, identify and return the remains of missing Kuwaiti and third-country nationals. The sustained commitment of the Tripartite Commission is essential to achieving results with regard to this important file. I thank the members of the Tripartite Commission for the aerial imagery that they have provided and encourage them to promptly share further aerial imagery to assist in the search for potential burial sites.

27. I call upon the Government of Iraq to continue its efforts to identify the remaining missing Kuwaitis and third country nationals. The Government's initiatives to pursue and collect witness testimony, including by broadcasting calls for witnesses, and other measures that encourage witnesses to come forward with information are essential to those efforts. I welcome the increase in the number of field missions for the purpose of carrying out excavations and other activities to identify potential burial sites. I urge Iraq to intensify its efforts, in particular with regard to the presumed burial sites in Samawah and Khamisiyah, where a large number of missing persons are believed to be buried.

28. I also reiterate my call upon the Government of Iraq to redouble its efforts to locate and return the remaining missing Kuwaiti property, including the national archives.

29. I thank ICRC for its leadership and assistance to the members of the Tripartite Commission, including its essential role in developing a new web-based data management platform for the Tripartite Commission and its capacity-building and transfer-of-knowledge efforts through the provision of technical training.

30. As UNAMI plans for the completion of its mandate on 31 December 2025, I encourage all stakeholders, in particular Iraq and Kuwait, to use the remainder of the mandate constructively and redouble efforts to accelerate progress on this important humanitarian file. I look forward to the engagement of Iraq and Kuwait with UNAMI in response to the request that the Security Council made in its resolution [2732 \(2024\)](#) for recommendations by 31 May 2025 for an appropriate follow-on mechanism to support continued progress on this file should the issue not be resolved upon termination of the Mission's mandate.

31. The Special Representative of the Secretary-General for Iraq and Head of UNAMI, the Deputy Special Representative of the Secretary-General for Political Affairs and Electoral Assistance and UNAMI staff remain fully committed to continuing to support the efforts of the Governments of Iraq and Kuwait, the Tripartite Commission and other partners in advancing the work of this important mandate.

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