



Security Council

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Thirty-first report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999) and covers the developments since 11 December 2010, following the issuance of the thirtieth report (S/2010/635) on 10 December 2010. It provides an update on the issue of missing Kuwaiti and third-country nationals and that of missing Kuwaiti property, including national archives.

2. The adoption of Security Council resolutions 1956 (2010), 1957 (2010) and 1958 (2010) in December 2010 lifted several major Chapter VII mandates on Iraq. This mainly left Iraq's obligations to Kuwait still outstanding, including with respect to the files of missing persons and property. The formation of the new Government of Iraq at the end of 2010 provided a hopeful opportunity for the resolution of the remaining problems between the two countries.

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

3. Throughout the reporting period, the High-level Coordinator, Ambassador Gennady Tarasov, focused his activities on the task of building confidence and cooperation between Kuwait and Iraq with a view to strengthening their practical engagement in the search for missing persons and property and encouraging them to achieve visible and significant progress towards the implementation of the objectives of paragraph 14 of Security Council resolution 1284 (1999).

4. The recent high-level Iraqi-Kuwaiti exchange of visits provided a positive environment for the Coordinator's contacts with the representatives of Iraq and Kuwait as well as with the other members of the Tripartite Commission and its Technical Subcommittee, which remains the primary body for dealing with the issue of persons unaccounted for from the 1990-1991 Gulf War. Given the prevailing spirit of commitment in the Tripartite Commission and the Technical Subcommittee, Ambassador Tarasov consistently called for further efforts in the search for missing Kuwaiti and third-country nationals in Iraq in order to achieve tangible progress on the ground. A priority at this stage was to assist and facilitate the setting up of an effective mechanism within the framework of the Technical Subcommittee to



conduct regular exploratory missions to sites on Iraqi territory where Kuwaiti and third-country victims may have been buried. Such a mechanism is necessary to fully probe the fate of the missing persons.

5. The Coordinator made three visits to the region (in February, April and May) that coincided with the meetings of the Technical Subcommittee and Tripartite Commission. On 9 February 2011, he was received by the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Mohammed Al-Sabah Al-Salem Al-Sabah, who indicated that the emerging spirit of cooperation between Iraq and Kuwait needed to be translated into practical and result-oriented steps towards the resolution of the outstanding issues, including the files of the missing persons and property. The Deputy Prime Minister stressed that Kuwait would like to work with Iraq to speed up its compliance with the relevant Security Council resolutions.

6. On 14 April 2011, the Coordinator met with the Under-Secretary of the Ministry of Foreign Affairs of Kuwait, Khaled Al Jarallah. The latter noted that the task of finding the mortal remains of the Kuwaiti victims should not be “mixed” with the developments in political relations between Iraq and Kuwait. He reaffirmed his support for the efforts of the Coordinator and the continuation of his work. This was echoed by the Acting Chairman of the Kuwaiti National Committee for Missing Persons and Prisoner of War Affairs. The Kuwaiti officials appreciated the role played by the United Nations and the Security Council in pursuing this humanitarian issue.

7. On 22 and 23 May 2011, Ambassador Tarasov travelled to Iraq and met with the Minister for Human Rights, Mohammed S. Al-Sudaney, and other officials. The Minister underscored the commitment of his Government to meet its obligations with regard to the issue of the Kuwaiti and third-country nationals, and briefed the Coordinator on the activities of his Ministry. He noted that the high-level consultative meeting of the members of the Tripartite Commission held on 18 May 2011 in Baghdad for the first time in many years demonstrated the determination of all participants to attain speedy progress. Kuwait had provided a grant of \$974,000 to help build Iraq’s capacity in mass-grave excavations and identification of missing persons. He reiterated that Iraq would cooperate with the efforts of the Coordinator to achieve the objectives of his mandate.

8. After the successful realization of the first joint exploratory mission within the framework of the Technical Subcommittee, which visited Nassiriyah, Southern Iraq, in December 2010, the Coordinator was informed that a similar mission was planned for a site near Khamisiyah suspected to contain the remains of missing Kuwaiti and third-country nationals. Following the clearing operation at the site recently undertaken by the Iraqi specialized team, the Technical Subcommittee, in its meeting on 8 June 2011, decided to carry out this new mission before the end of June 2011, making it the second such endeavour in six months. There seemed to be a broad consensus among all concerned that such missions, under the aegis of the International Committee of the Red Cross (ICRC) and with the strong support of the members of the Technical Subcommittee, might present a suitable format for further work on the ground. In the view of the Coordinator, shared by his interlocutors, it could become the focus of an effective functional mechanism that would set clear benchmarks for achieving progress in the search for missing persons, referred to in my comprehensive report (S/2009/190, para. 16).

9. While in Kuwait in May 2011, Ambassador Tarasov met with the families of missing persons to brief them on the current status of efforts to clarify the fate of their relatives and loved ones.

10. On 26 April 2011, the Permanent Representative of Kuwait to the United Nations forwarded a letter to the Coordinator from the Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoner of War Affairs, which summarizes the information on the Kuwaiti and third-country nationals whose remains were found in Iraq (see annex).

11. In a related development, a team of experts and forensic specialists from ICRC, Iraq, Kuwait, the United States of America and the United Kingdom of Great Britain and Northern Ireland carried out a joint field exhumation on 5 and 6 June 2011 along "Highway 80" in Kuwait. Thirty-two sets of remains, presumably of Iraqi military personnel, some of them with identification tags, were discovered. They will be handed over to the Iraqi authorities once the necessary procedures have been completed. Together with the return by Kuwait of the remains of 55 Iraqi soldiers in 2010, this illustrates the effectiveness of sustained professional efforts in finding missing people despite the passage of years.

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

12. I remain concerned that no progress has been made in the search for the Kuwaiti national archives, and that no credible information about their whereabouts has emerged.

13. On 23 November 2010, the Prime Minister of Iraq supported the suggestion of the Coordinator to set up an inter-ministerial committee, which would lead and coordinate efforts with regard to the missing Kuwaiti archives and other properties.

14. During his most recent visit to Baghdad, the Coordinator urged the Government of Iraq to set up such an official body at the earliest opportunity to exert credible efforts to find the archives, to which Kuwait attaches particular importance. This would further demonstrate Iraq's determination to resolve this matter of concern to Kuwait.

IV. Observations

15. I believe that the current efforts in the search for missing Kuwaiti and third-country nationals are gradually moving forward. I encourage the Government of Iraq to expeditiously take further practical steps towards fulfilling its obligations under paragraph 14 of Security Council resolution 1284 (1999). The assurances of the Government of Iraq in this regard are noted. I look forward to being able to report positively to the Security Council at the earliest opportunity on the concrete efforts made by the Government of Iraq in the implementation of this resolution. I value the continued constructive and proactive approach of the Government of Kuwait in this regard.

16. It appears that the emerging pattern of joint exploratory/excavation missions in the framework of the Technical Subcommittee is a promising approach for

expediting practical progress on the ground. I welcome and commend the role played by ICRC and the members of the Technical Subcommittee in this process. The continued support of the international community and the Security Council remains essential for successful realization of the mandated tasks.

17. I believe that the task of discovering the fate of missing Kuwaiti and third-country nationals is urgent and should not be influenced by political factors and considerations. For this reason, the humanitarian mandate must be insulated as much as possible from wider regional developments to ensure its effective implementation.

18. Now that the organizational and logistical aspects of the search for the missing persons appear to be in place, the goal of finding and identifying the victims and finally closing their cases is an imperative. Visible and tangible progress in this respect, together with other necessary steps on the part of Iraq to fulfil its obligations towards Kuwait under the relevant Security Council resolutions, should create a positive momentum and enable the Council to take up my report of 27 July 2009 pursuant to paragraph 5 of resolution 1859 (2008) (S/2009/385).

19. I support the High-level Coordinator's recommendation that an effective national mechanism be set up by the Government of Iraq to lead and coordinate efforts to clarify the fate of the Kuwaiti national archives and other properties and report the results to the United Nations.

20. I recommend that the Security Council extend the financing of the Coordinator's mandate until December 2011 in order to continue to build on the current momentum towards the implementation of paragraph 14 of resolution 1284 (1999).

Annex

Letter dated 26 April 2011 from the Permanent Representative of Kuwait to the United Nations addressed to the High-level Coordinator

I have the honour to enclose herewith a message from His Excellency Dr. Ibrahim Majed Al-Shaheen, Deputy Chairman of the Kuwaiti National Committee for Missing Persons and Prisoner of War Affairs addressed to you (see enclosure), along with an unofficial translation.

(Signed) Mansour **Alotaibi**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]

National Committee for Missing Persons and Prisoner of War Affairs

No.: 6/RL/2011

Date: 18 April 2011

Mr. Gennady Tarasov
High-level Coordinator

I have the honour to refer to the meeting with you that took place on 13 April 2011 at the headquarters of the National Committee for Missing Persons and Prisoner of War Affairs, at which you were advised of the outcome of the 69th meeting of the Technical Subcommittee of the Tripartite Commission.

I should like to update you on the retrieval of remains from Iraqi territory in 2003 and 2004. Those remains include all those that were exhumed in Iraqi territory by technical teams from the State of Kuwait in the presence of representatives of the Interim Government. No further remains have since been retrieved. In light of genetic testing and identification conducted by the competent Kuwaiti authorities, and taking into account that some remains were returned to the Iraqi side after Kuwait had prepared a genetic profile of each set, the search continues in Iraq for the burial sites of 350 prisoners. The findings may be summarized as follows:

- I. From the Karbala 1 and 2 burial sites, 51 sets of remains retrieved; 48 were identified and 3 were returned (see table 1).
- II. From the Amarah burial site, 37 sets of remains retrieved; 34 were identified and 3 were returned (see table 2).
- III. From the Karbala 4 burial site, 47 sets of remains retrieved; 34 were identified, 11 were returned and 2 were merged (see table 3).
- IV. From the Ramadi burial site, 32 sets of remains retrieved; 24 were identified, 2 were returned and 6 were merged (see table 4).
- V. From the Samawah, Habbaniyah and Ramadi burial sites, 142 sets of remains retrieved; 92 were identified, 19 were returned, 27 were merged and 4 were consumed in testing (see table 5).
- VI. From the Sakran and Najaf burial sites, 8 sets of remains retrieved; 5 were returned and 3 were consumed in testing (see table 6).

Accordingly, 317 sets of remains have been retrieved from Iraqi territory. The remains of 232 Kuwaiti prisoners of war found in Iraqi territory have been identified (four other prisoners have been identified at the Sabhan burial site in Kuwait).

Forty-three sets of remains have been returned to the Iraqi authorities with their genetic information, 35 sets of remains were merged, and 7 were consumed in testing, as indicated in table 7. Consequently, none of the remains that were retrieved from Iraqi territory are in the hands of the Kuwaiti authorities.

For information.

(Signed) Ibrahim Majed **Al-Shaheen**
Acting Chairman of the Committee

Table 1
Karbala 1 and 2 burial sites

<i>Burial site</i>	<i>Number</i>	<i>Matches</i>	<i>Turned over to Red Cross</i>	<i>Merged</i>	<i>Consumed in testing</i>
Karbala 1 + 2	15	48 sets of remains	3 sets of remains	—	—
30/9-6/10/2003	30001-30010 30201-30205	30001, 30002 30003, 30004 30005, 30006	30014, 30208, 30218		
9/2-15/2/2004	36 30011-30022 30206-30229	30007, 30008 30009, 30010 30011, 30012 30013, 30015 30016, 30017 30018, 30019 30020, 30021 30022 30201, 30202 30203, 30204 30205, 30206 30207, 30209 30210, 30211 30212, 30213 30214, 30215 30216, 30217 30219, 30220 30221, 30222 30223, 30224 30225, 30226 30227, 30228 30229			
Total	51 sets of remains	48 sets of remains	3 sets of remains	—	—

Table 2
Amarah burial site

<i>Burial site</i>	<i>Number</i>	<i>Matches</i>	<i>Turned over to Red Cross</i>	<i>Merged</i>	<i>Consumed in testing</i>
Amarah 23/3/2004	20 6100-6109 6110-6119	34 sets of remains 6100 6101, 6102 6103, 6104	3 sets of remains 6117, 6126, 6105	—	—
24/3/2004	17 6120-6128 6129-6136	6106, 6107 6108, 6109 6110, 6111 6112, 6113 6114, 6115 6116, 6118 6119, 6120 6121, 6122 6123, 6124 6125, 6127 6128, 6129 6130, 6131 6132, 6133 6134, 6135 6136			
Total	37 sets of remains	34 sets of remains	3 sets of remains	—	—

Table 3
Karbala 4 burial site

<i>Burial site</i>	<i>Number</i>	<i>Matches</i>	<i>Turned over to Red Cross</i>	<i>Merged</i>	<i>Consumed in testing</i>
Karbala 4 17-19/7/2004	12 sets of remains 30301-30312	34 sets of remains 30301, 30303 30304, 30305 30306, 30307	11 sets of remains 30322, 30324, 30327, 30329, 30331, 30333, 30334, 30339, 30343, 30346, 30347	2 sets of remains 30302 with 30306 30323 with 30322	—
	24 sets of remains 30313-30336	30308, 30309 30310, 30311 30312, 30313 30314, 30315 30316, 30317			
	11 sets of remains 30337-30347	30318, 30319 30320, 30321 30325, 30326 30328, 30330 30332, 30335 30336, 30337 30338, 30340 30341, 30342 30344, 30345			
Total	47 sets of remains	34 sets of remains	11 sets of remains	2 sets of remains	—

Table 4
Ramadi 4 burial site

<i>Burial site</i>	<i>Number</i>	<i>Matches</i>	<i>Turned over to Red Cross</i>	<i>Merged</i>	<i>Consumed in testing</i>
Ramadi	32 sets of remains	24 sets of remains	2 sets of remains	6 sets of remains	—
27-28-29/7/2004	7101-7132	7102, 7104 7105, 7106 7108, 7109 7111, 7112 7114, 7115 7116, 7117 7118, 7119 7120, 7121 7122, 7124 7125, 7127 7128, 7129 7130, 7131	7110-7126	7101 with 7109 7103 with 7004 7107 with 7004 7113 with 7002 7123 with 7122 7132 with 7131	
Total	32 sets of remains	24 sets of remains	2 sets of remains	6 sets of remains	—

Table 5
Samawah, Habbaniyah and Ramadi burial sites

<i>Burial site</i>	<i>Number</i>	<i>Matches</i>	<i>Turned over to Red Cross</i>	<i>Merged</i>	<i>Consumed in testing</i>
Habbaniyah	8 sets of remains 5001-5006 5011-5012	—	6 sets of remains 5002, 5003, 5004, 5006, 5011, 5012	—	2 sets of remains 5005, 5001
Samawah: 1st examination	8 sets of remains 3001-3008	6 sets of remains 3001, 3003, 3005, 3006, 3007, 3008,	1 set of remains 3004	1 set of remains 3001 with 3002	—
Samawah: 2nd examination	48 sets of remains 2001-2048	33 sets of remains 2002, 2003 2006, 2007 2008, 2009 2011, 2012 2013, 2014 2015, 2016 2017, 2018 2019, 2020 2022, 2023 2024, 2025 2028, 2029 2031, 2032 2035, 2036 2037, 2039 2040, 2041 2042, 2044 2046	6 sets of remains 2005, 2010, 2021, 2026, 2047, 2038	9 sets of remains 2001 with 2019 2027 with 2022 2030 with 2032 2004 with 2002 2033 with 2047 2034 with 2039 2043 with 2037 2045 with 2039 2048 with 2040	—
Samawah: 3rd examination	40 sets of remains 4001-4025 4029-4042 4046	22 sets of remains 4001, 4004 4006, 4008 4009, 4011 4012, 4016 4018, 4019 4020, 4021 4023, 4024	3 sets of remains 4005, 4014, 4039	13 sets of remains 4002 with 4040 4003 with 4046 4007 with 4008 4010 with 4011 4015 with 4008 4017 with 4011 4035 with 4030	2 sets of remains 4013 4022

<i>Burial site</i>	<i>Number</i>	<i>Matches</i>	<i>Turned over to Red Cross</i>	<i>Merged</i>	<i>Consumed in testing</i>
		4025, 4030 4031, 4032 4033, 4034 4040, 4046		4036 with 4032 4037 with 4021 4038 with 4016 4041 with 4001 4042 with 4032 4029 with 4004	
Samawah: 4th examination	32 sets of remains 8000-8031	28 sets of remains 8000, 8001 8002, 8003 8004, 8005 8006, 8007 8008, 8009 8010, 8011 8012, 8013 8014, 8015 8017, 8018 8020, 8021 8023, 8024 8025, 8026 8027, 8028 8029, 8030	2 sets of remains 8019, 8016	2 sets of remains 8022 with 8020 8031 with 8014	—
Ramadi	1 set of remains 6001	—	1 set of remains 6001	—	—
Ramadi (Abu Dhabi television)	5 sets of remains 7001-7005	3 sets of remains 7002, 7004, 7005	—	2 sets of remains 7001, 7003	—
Total	142 sets of remains	92 sets of remains	19 sets of remains	27 sets of remains	4 sets of remains

Table 6
Sakran and Najaf sites

<i>Burial site</i>	<i>Number</i>	<i>Matches</i>	<i>Turned over to Red Cross</i>	<i>Merged</i>	<i>Consumed in testing</i>
Sakran 22/6/2003	3 sets of remains 7011-7013	—	3 sets of remains 7011-7013	—	—
Najaf 15/2/2004	5 sets of remains 9001-9005	—	2 sets of remains 9001, 9004	—	3 sets of remains 9002, 9003, 9005
Total	8 sets of remains	—	5 sets of remains	—	3 sets of remains

Table 7

	<i>Burial site</i>	<i>Number</i>	<i>Matches</i>	<i>Turned over to the Red Cross</i>	<i>Merged</i>	<i>Consumed in testing</i>
1	Karbala 1 +2	51	48	3	—	—
2	Amarah	37	34	3	—	—
3	Karbala 4	47	34	11	2	—
4	Ramadi	32	24	2	6	—
5	Samawah, Habbaniyah and Ramadi	142	92	19	27	4
6	Sakran and Najaf	8		5	—	3
Total		317	232	43	35	7