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

Twenty-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 6 August 2019 (S/2019/632).

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

2. The United Nations Assistance Mission for Iraq (UNAMI), in its capacity as observer, attended the 109th meeting of the Technical Subcommittee and the forty-eighth session of the Tripartite Commission, held on 29 and 31 July 2019, respectively, in Amman. On 25 September, UNAMI participated as an observer in the 110th meeting of the Subcommittee, held in Baghdad. At the meetings, participants received updates on the findings at the Samawah site, Muthanna Governorate, and on the explorations and excavations at potential burial sites located in Karbala' and Rahhaliyah, which were carried out by the Ministry of Defence of Iraq with support from the International Committee of the Red Cross (ICRC). It was indicated that excavation work at the Khamisiyah site had been postponed owing to religious festivities and would resume in the coming months. No new information emerged regarding other sites in Salman Pak, Radwaniyah and Barjisiyah in Iraq or the naval base in Kuwait. The Subcommittee agreed to continue exploration work and the search for new information on the sites.

3. On 8 August, an official handover from Iraq to Kuwait of all the human remains found at the Samawah site early in March was conducted at the Safwan border crossing between the countries, under the supervision of ICRC. The Kuwaiti delegation informed the Technical Subcommittee that the reassociation of the human remains and their subsequent DNA identification processes were continuing in Kuwait. Preliminary findings had indicated positive matches with some of the missing persons on their lists. The final results would be announced once the full identification process had been completed.



4. The Technical Subcommittee agreed that ICRC would draft a new protocol for future cross-border transfers of human remains, in consultation with Iraq and Kuwait. Once finalized, it would be submitted to the Subcommittee for review and subsequent adoption by the Tripartite Commission.
5. On 27 July, the Governor of Muthanna publicly announced that another mass grave, likely to contain Kuwaiti remains, had been found in the Samawah desert. During the 109th meeting of the Technical Subcommittee, the Iraqi delegation reported that government security forces had secured the site so that further excavation work could be carried out in due course. During the 110th meeting, the Iraqi delegation noted that the Governor was unsure whether the site contained Kuwaiti missing persons. The Subcommittee agreed that further exploratory work at the site, in particular a review of available satellite imagery, was therefore required. With guidance from ICRC, the members agreed to provide any additional satellite imagery and information on the site that might be in their possession. It was also agreed that a joint Iraqi, Kuwaiti and ICRC excavation mission to the site would be conducted in due time.
6. At the 110th meeting of the Technical Subcommittee, the Ministry of Defence of Iraq provided an update on excavation work conducted from 15 to 17 September at the Karbala' and Rahhaliyah sites, with support from ICRC. The Subcommittee agreed to continue the search for additional information on the Karbala' site. In the absence of indicators that further mass graves were likely to be located at the Rahhaliyah site, the Subcommittee decided to suspend investigations there.
7. On 6 August, my Special Representative and my Deputy Special Representative met the newly appointed Minister of Defence of Iraq, Najah al-Shammari, who expressed his determination to resolve the Kuwaiti missing persons file.
8. On 4 September, my Deputy Special Representative met the Permanent Representative of Kuwait to the United Nations, Mansour al-Otaibi, in New York. They discussed relations between Kuwait and Iraq, the latest developments on the Kuwaiti file and UNAMI activities in that regard.
9. In a meeting with the Minister for Foreign Affairs of Iraq, Mohamed Ali al-Hakim, on 16 September, my Special Representative discussed, among other things, the search for missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives. The Minister reiterated his Government's commitment and determination with regard to resolving outstanding issues between Iraq and Kuwait.
10. UNAMI, in cooperation with the specialized training department of the Service for Geospatial, Information and Telecommunications Technologies at the United Nations Global Services Centre in Brindisi, continued logistical preparations for a training course on the use of ground-penetrating radar for some 10 designated staff members from the Ministry of Defence of Iraq. The training is scheduled to be delivered in Iraq later in 2019 and will help in identifying clandestine burial sites.

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

11. On 28 August, the Government of Iraq handed over to the Government of Kuwait 42,000 of 162,000 books recently found to belong to the National Library and Kuwait University. The handover was held at the Diplomatic Institute in Kuwait City, where it was witnessed by the United Nations Resident Coordinator ad interim in Kuwait.

12. While meeting my Special Representative on 16 September, the Minister for Foreign Affairs of Iraq reported that a large number of Kuwaiti books, in addition to the 162,000 already identified, had been collected, with preparations continuing for their official handover to Kuwait.

13. On 26 September, UNAMI staff met officials from the Ministry of Foreign Affairs of Iraq to discuss the modalities for transferring the books. The officials said that the Ministry had comprehensively searched universities, other academic institutions and government and private institutions all over Iraq to collate the consignment. UNAMI reiterated its willingness to support the repatriation of the books.

14. On 27 October, the Ministry of Foreign Affairs of Iraq officially handed over to the Government of Kuwait an additional consignment of Kuwaiti property, comprising some 200,000 books belonging to the National Library and Kuwait University. The official handover was conducted in Kuwait City in the presence of the Deputy Assistant Foreign Minister for International Organizations of Kuwait, Abdulaziz al-Jarallah, the Undersecretary of the Ministry of Foreign Affairs of Iraq, Hazim al-Yusufi, and the United Nations Resident Coordinator in Kuwait.

IV. Observations

15. In recent months, the persistent efforts by the Governments of Iraq and Kuwait, ICRC and the Tripartite Commission have collectively yielded significant progress on this important humanitarian file. The progress was made possible thanks to the hard work of the Government of Iraq, in particular the Ministry of Defence and the Ministry of Foreign Affairs, the unwavering diplomatic and other efforts by the Government of Kuwait, the supportive and guiding role of ICRC and the important contributions of other Commission members in the form of, for example, maps, satellite imagery and diplomatic and military archives. I encourage all Commission members to continue their search for the remaining Kuwaiti missing persons with the same dedication and commitment. I sincerely hope that the ongoing diligent efforts of the Kuwaiti forensics team to complete the identification of the human remains recovered in Samawah in March will soon bring a degree of relief to some of the families.

16. The handover by the Government of Iraq, in late August and late October, of a large number of books from Kuwait University and the National Library represents another important step forward in the recovery and return of Kuwaiti property, including the national archives. The ongoing efforts by the Ministry of Foreign Affairs of Iraq to identify and collect Kuwaiti books from across Iraq are commendable, and I strongly encourage the Government to build on those successful efforts and to take all steps necessary to continue the search for further missing items, in particular the Kuwaiti national archives.

17. My Special Representative and my Deputy Special Representative will continue to do all that they can to promote further progress on this file, working closely with the Governments of Iraq and Kuwait, ICRC and other partners.