



# Security Council

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## First report of the Secretary-General pursuant to paragraph 4 of resolution 2107 (2013)

### I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013) and covers developments pertaining to the search for missing Kuwaiti and third-country nationals and missing Kuwaiti property, including its national archives, since the issuance of my previous report, dated 17 June 2013 (S/2013/357), which was submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999). Acting upon the recommendation of the Council, I have designated my Deputy Special Representative for Political Affairs at the United Nations Assistance Mission for Iraq (UNAMI) to oversee these issues.

2. The period under review was marked by developments reflecting closer ties between Iraq and Kuwait. On 23 August, the Iraqi Council of Representatives ratified the agreement of 29 April 2012 between Iraq and Kuwait on the navigation and joint management of the Khor Abdallah waterway. On 6 October, the Ambassador in the Ministry of Foreign Affairs of Iraq with responsibility for Iraq-Kuwait issues, Mohammed Hamoud, met the Under-Secretary of the Ministry of Foreign Affairs of Kuwait, Khaled al-Jarallah, in Kuwait to discuss preparations for the third meeting of the Joint Ministerial Committee, scheduled to be held in December 2013 in Kuwait. To this end, another Iraqi delegation visited Kuwait from 26 to 31 October. Such contact was conducive to beginning to fulfil the mandate outlined in paragraph 4 of resolution 2107 (2013).

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

3. With a view to carrying out his responsibilities under resolution 2107 (2013), my Deputy Special Representative held meetings with relevant Iraqi interlocutors. Beginning in July 2013, he held several consultations with Mr. Hamoud in order to develop arrangements between UNAMI and the Government of Iraq for the implementation of the mandate. This was also the purpose of his meetings with the Deputy Minister of Human Rights and head of the Iraqi delegation to the Technical Subcommittee of the Tripartite Commission, Arkan Saleh, in addition to several senior officials in the Ministry of Foreign Affairs of Iraq. He also discussed issues



relating to the search for missing Kuwaiti nationals and property with the Chargé d'affaires of the Embassy of Kuwait in Iraq, Khaled al-Janai, and the head of the delegation of the International Committee of the Red Cross in Iraq, Beat Schweizer.

4. The Iraqi interlocutors stressed their Government's continued commitment to addressing the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including its national archives, under Chapter VI of the Charter of the United Nations. They noted the need for advice and support from UNAMI, welcoming its interest in participating in all relevant committees established by the Government of Iraq and in the joint meetings of the Iraqi and Kuwaiti committees on property.

5. From 6 to 8 October, my Deputy Special Representative visited Kuwait, where he met Mr. Al-Jarallah, the Director of the Coordination and Follow-up Department of the Ministry of Foreign Affairs, Khalid Mohammed al-Maqamis, and the Deputy Director of the International Organizations Department of the Ministry of Foreign Affairs, Nasser al-Hayen, in addition to members of the National Committee for Missing Persons and Prisoners of War Affairs. He also met the ambassadors of France, Saudi Arabia and the United Kingdom of Great Britain and Northern Ireland, the Deputy Chief of Mission of the Embassy of the United States of America and the representative of the regional delegation of the International Committee of the Red Cross for the States members of the Gulf Cooperation Council. He also spoke with Mr. Hamoud, who was visiting Kuwait at that time, and the Ambassador of Iraq to Kuwait, Muhammad Hussein Muhammad Bahr Aluloom.

6. While members of the National Committee for Missing Persons and Prisoners of War Affairs expressed concern about the possible politicization of the humanitarian issue of missing Kuwaiti nationals if UNAMI were to become an observer in the Tripartite Commission, all Kuwaiti interlocutors looked forward to working closely with UNAMI. Kuwaiti officials noted, however, that it was disappointing that no remains of Kuwaiti and third-country nationals had been found since 2004, when exhumed by Kuwaiti technical teams. Several Kuwaiti interlocutors wondered whether reward amounts could be increased so as to encourage informants and witnesses to provide leads on the location of mass grave sites, thereby overcoming the difficulty of acquiring high-quality information. They said that field surveys among the local population about events and activities that had taken place in their areas from 1990 to 1991 would be useful for obtaining information. Reference was also made to the provisions of the Kuwaiti action plan of 2009 (S/2010/300, annex I).

7. My Deputy Special Representative emphasized to all his interlocutors in Iraq and Kuwait that UNAMI considered it to be its humanitarian obligation to facilitate efforts relating to the dossier. He also stressed the interest of UNAMI in becoming an observer in the Tripartite Commission and its Technical Subcommittee. He commended the commitment and work of Iraq, while emphasizing the need for the continuing Iraqi efforts to bear fruit.

8. During the reporting period, the Tripartite Commission met on 19 June and the Technical Subcommittee on 18 June and 17 September in Kuwait. The Iraqi interministerial committee on missing Kuwaiti persons met on 20 August. The Ministry of Human Rights of Iraq interviewed several informants and witnesses. Iraq provided to Kuwait a list of some 30 former army officers supposedly living in third countries. Kuwait is studying the list.

9. A specialized team from the Ministry of Human Rights of Iraq carried out detection missions and excavations at the Khamisiyah site in Dhi Qar Governorate from 29 August to 1 September and from 24 September to 9 October. Several sites were revisited and screened on the basis of new information and in the presence of a witness. Some 450 trenches of different lengths and depths were dug, but no human remains were found in this, the sixth unsuccessful operation at the site. The site is, however, still considered promising as a result of the earlier finds by Kuwait.

10. Specialized teams from the Ministry of Human Rights of Iraq carried out field missions from 29 August to 1 September and from 24 September to 9 October at burial sites in Muthanna Governorate where human remains had been found in 2004. The coordinates of six grave sites have been identified. The Iraqi medico-legal institute completed the DNA profiling of bones found in June 2012 at the Al-Shtait site in Muthanna Governorate that may belong to missing Kuwaiti nationals. The results of the analysis were forwarded to the National Committee for Missing Persons and Prisoners of War Affairs on 16 September.

11. On 3 October, the Ministry of Foreign Affairs and the Ministry of Human Rights of Iraq, using the former's website and through notices placed in daily newspapers for three days, urged Iraqis to provide information on missing Kuwaiti nationals. To date, no feedback has been received.

12. Both Iraq and Kuwait expressed the hope that satellite imagery relating to 1991 and earlier could help to locate grave sites containing the remains of missing Kuwaiti nationals. Members of the National Committee for Missing Persons and Prisoners of War Affairs informed my Deputy Special Representative that, following a thorough search of its database and archives, the Government of the United States had determined that no satellite imagery data were available to assist the search, including in the Khamisiyah area. The Ministry of Foreign Affairs of Iraq confirmed that it was awaiting a reply from the Government of the Russian Federation regarding a request for satellite imagery of the burial sites dating back to 1990 and 1991.

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

13. It is of concern that no progress has been made with regard to the search for the Kuwaiti national archives and other property items, in addition to the fact that no reliable leads that could help to locate their whereabouts have surfaced.

14. In his meetings with Iraqi interlocutors, my Deputy Special Representative emphasized the importance of convening the interministerial committee on missing Kuwaiti property, including its national archives, which has not met for a prolonged period. He also urged both Iraqi and Kuwaiti officials to convene joint meetings of their committees on this issue. Iraqi interlocutors suggested that the second joint meeting of the committees should be held on the margins of the third meeting of the Joint Ministerial Committee, scheduled to be held in December 2013 in Kuwait. Kuwaiti interlocutors were of the opinion that the committees should meet together on a quarterly basis.

15. On 3 October, the Ministry of Foreign Affairs of Iraq used its website and local newspapers to call upon Iraqis who could be in possession of papers or

property belonging to Kuwait to turn them over to the committee coordinating Iraqi efforts in this regard. As a result of previous media announcements, the Ministry has received from an Iraqi citizen 27 cassettes belonging to Kuwait Radio.

#### **IV. Observations**

16. The issue of the missing Kuwaiti and third-country nationals and missing Kuwaiti property, including its national archives, is now 22 years old. I understand the disappointment and share the grief of the families of those still unaccounted for regarding the lack of tangible results. The exploratory missions and excavations carried out by Iraq are commendable and should continue. I urge Iraqi nationals both inside and outside Iraq who possess information on missing Kuwaiti and third-country nationals to come forward so that Iraqi efforts in locating burial sites can bring results.

17. I commend the steadfastness and practical contribution of the members of the Tripartite Commission and its Technical Subcommittee towards resolving the issue of missing Kuwaiti and third-country nationals. The leading role of the International Committee of the Red Cross in this endeavour is commendable.

18. On the issue of the Kuwaiti national archives and other property, I take note of the efforts of Iraq to bring tangible results, including by publishing announcements and notices. I urge the Iraqi committee coordinating this search to convene without further delay and meet frequently. I also encourage both the Iraqi and Kuwaiti committees to work closely and meet together regularly.

19. Mindful that the present report is the first pursuant to Security Council resolution [2107 \(2013\)](#), I should like to reiterate the determination of UNAMI to promote, support and facilitate the efforts of the Government of Iraq aimed at repatriating or returning all Kuwaiti and third-country nationals or their remains, in addition to returning Kuwaiti property, including its national archives. It is my hope that these efforts, carried out in close cooperation with and supported by all parties concerned, will soon bring positive results.

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