



Security Council

Distr.: General
28 April 2017

Original: English

Fourteenth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013), covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of the previous report of 25 January 2017 (S/2017/73).
2. On 17 January 2017, in carrying out his responsibilities under Security Council resolution 2107 (2013), my Deputy Special Representative for Iraq for Political Affairs met the Undersecretary for Legal Affairs and Multilateral Relations of the Ministry of Foreign Affairs of Iraq, Omar Barzanji, in Kuwait and received assurances of the unwavering commitment of Iraq to achieving results on the file on missing Kuwaiti and third-country nationals and missing Kuwaiti property and to continuing the close cooperation between the Ministries of Foreign Affairs and Defence towards that goal.
3. On 23 March, following the meeting of the international coalition to counter Islamic State in Iraq and the Levant, the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Khalid Al-Hamad Al-Sabah, reiterated the support of Kuwait to Iraq, in particular in providing humanitarian assistance.
4. On 30 March, I visited Iraq and held discussions with the Prime Minister, Haider Al Abadi, who, among other things, expressed his keen desire to solve outstanding issues with Kuwait.

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

5. The Ministry of Defence of Iraq continued to engage with other government institutions to gather more information on potential burial sites, including Khamisiyah, Radwaniyah and Salman Pak. The Ministry also continued to work with the Kurdistan Regional Government Ministry of Martyrs and Anfal Affairs with regard to a witness who might be in possession of information on a potential burial site in Sulaymaniyah governorate. A specialized team from the Ministry has been following up with a number of witnesses who came forward as a result of the



public campaign that was broadcast on satellite television stations on 17 December 2016.

6. On 16 January 2017, in Kuwait, representatives of the United Nations Assistance Mission for Iraq (UNAMI) attended the ninety-seventh session of the Technical Subcommittee of the tripartite mechanism in an observer capacity. All members recognized the renewed positive commitment and efforts made on the file, including with regard to the revitalization of the tripartite mechanism and the aim of achieving more tangible results. As part of the in-depth scientific review project agreed upon at the forty-first meeting of the Tripartite Commission, a researcher of the International Committee of the Red Cross (ICRC) and an independent forensic reviewer have collated and reviewed over 6,000 documents dating back to 1990. Once this work is completed, their recommendations are expected to be submitted to the members of the Commission.

7. On 17 January, in Kuwait, my Deputy Special Representative met the Chair of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Ibrahim al-Shaheen, and assured him of the dedication of UNAMI to supporting and facilitating all efforts on the important humanitarian file. Mr. al-Shaheen welcomed the commitment of the Ministry of Defence of Iraq and its good relations with the members of the tripartite mechanism, and suggested that the exchange of information and continuous dialogue among the members should be strengthened, in particular outside the regularly scheduled meetings. My Deputy Special Representative indicated that UNAMI had encouraged the Iraqi authorities to maintain open and continuous communication channels with the members of the tripartite mechanism.

8. On 18 January, in Kuwait, my Deputy Special Representative met the Deputy of the General Legal Adviser and Head of the technical committee in charge of the file on missing Kuwaiti persons and property at the Ministry of Defence of Iraq, Brigadier General Hazem Qassem Majid, who reiterated the commitment of the Ministry to continuing to undertake wide-ranging activities to achieve progress in this field. My Deputy Special Representative welcomed the work undertaken by the Ministry, in particular the public outreach campaigns that resulted in new witnesses coming forward and the collection of a substantial amount of information that could be relevant for future searches and excavations.

9. On 18 January, in Kuwait, a UNAMI delegation, headed by my Deputy Special Representative, attended the forty-third session of the Tripartite Commission in an observer capacity. The Iraqi delegation emphasized that, despite the challenging security situation in the country and ongoing military operations, Iraq remained fully committed to resolving issues pertaining to the file. The delegation further underlined the fact that, following the transfer of the file from the Ministry of Human Rights, which has been abolished, to the Ministry of Defence, greater progress had been made, in particular in encouraging potential witnesses to come forward. The Kuwaiti delegation expressed understanding of the significant challenges faced by the Iraqi authorities and appreciation for their continued efforts. All members highlighted their dedication to finding answers for the families of the missing persons. During the meeting, the observer status of UNAMI was renewed, with the Kuwaiti, Iraqi and ICRC delegations expressing gratitude for the efforts and support of UNAMI in relation to the humanitarian process.

10. From 2 to 7 February, the technical team of the Ministry of Defence of Iraq undertook excavation works on a potential burial site in Karbala' province, during the course of which 152 trenches were dug. No human remains were found. On 12 and 13 March, the technical team of the Ministry, joined by the ICRC team of

experts, conducted an exploratory mission in Karbala'. The report of the mission will be shared with the parties concerned in the next reporting period.

11. On 20 February, the technical committee in charge of the file on missing Kuwaiti persons and property held a meeting with the Department of Prisoners of War and Missing Persons of the Ministry of Defence. The meeting was chaired by Brigadier General Majid and attended by representatives of the Ministries of Defence and the Interior of Iraq, the ICRC delegation in Baghdad and UNAMI. During the meeting, a number of recommendations were considered, including to conduct field assessment missions to the Khamisiyah and Karbala' sites in the presence of the ICRC team of experts and to seek additional information on Salman Pak and other potential burial sites.

12. On 15 March, in Baghdad, my Deputy Special Representative met Brigadier General Majid, who outlined the activities undertaken by the Ministry during the reporting period, including the issuance of a humanitarian appeal on 10 March through social media and local newspapers, inviting all those with information pertaining to the missing Kuwaiti persons to come forward. A reward was offered for those who could provide credible information. Brigadier General Majid noted that the Ministry needed new excavation equipment to be able to conduct more effective fieldwork. Despite all the challenges, the Ministry remained steadfast in its efforts to achieve the desired results.

13. From 12 to 17 March, the technical team of the Ministry of Defence of Iraq undertook excavation works on the potential burial location in Khamisiyah, digging 157 trenches. No human remains were found. From 15 to 17 March, the ICRC team of experts and the technical team of the Ministry conducted an assessment mission to the site and a field survey of the area in order to establish a general history of the site and identify locations for future excavation works.

14. On 16 March, in Baghdad, my Deputy Special Representative met the Minister of Defence of Iraq, Arfan al-Hayali, and welcomed the renewed energy brought about by the Ministry's activities on the file on missing Kuwaiti persons and property and encouraged the Minister to maintain his resolve in that regard. Mr. al-Hayali underscored the commitment of the Government of Iraq to continuing to make the efforts necessary as part of this important humanitarian endeavour in accordance with its international obligations.

15. On 26 and 27 March, excavation works were carried out at the naval base site in Kuwait with the participation of representatives of Iraq, Kuwait and ICRC. A witness who claimed to have knowledge of the burial site accompanied the Iraqi delegation. No human remains were found.

16. On 27 March, in Kuwait, representatives of UNAMI attended the ninety-eighth session of the Technical Subcommittee of the tripartite mechanism in an observer capacity. During the meeting, the dedication, cooperation, continuous efforts and support of all members over the years, despite many remaining challenges, were highlighted. The Iraqi delegation reaffirmed its commitment to continuing to work on the file until the remains of all missing persons were returned to their families. The Kuwaiti delegation recognized the increase in the resources and activities employed by the Ministry of Defence of Iraq in following up on the file.

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

17. During the reporting period, no forward movement with regard to the return of Kuwaiti property was registered. On 17 January, in Kuwait, during the meeting with

the Undersecretary for Legal Affairs and Multilateral Relations of the Ministry of Foreign Affairs of Iraq, Mr. Barzanji, my Deputy Special Representative encouraged the Ministry to officially hand over the Kuwaiti books that had been itemized to date.

IV. Observations

18. The relationship and cooperation between Iraq and Kuwait have continued to strengthen. I commend both States for instilling confidence in their people, neighbouring countries and the wider international community by demonstrating that, with goodwill and collaboration, it is possible to emerge from a conflict and restore bilateral ties. The solidarity and support shown by Kuwait to Iraq is encouraging. The steadfastness of the Government of Iraq in bolstering relations and fostering mutual respect with Kuwait and the wider region is commendable.

19. Twenty-six years after the end of the first Gulf war, despite the increasing cooperation between the two countries, the file on missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, remains open. I welcome the determination shown by the Government of Iraq to honour its international obligations and urge it to continue to do so with more resolve and through intensified efforts.

20. I commend the Ministry of Defence of Iraq on its efforts to reinvigorate activities in support of the file on missing Kuwaiti persons and property, in particular its hard work aimed at finding new sources of information that can assist in locating potential burial sites. I encourage the Government of Iraq to ensure that adequate support, including institutional, financial and technical assistance, is made available in order to pursue activities in relation to this important humanitarian issue.

21. The strong and positive dynamics between the members of the tripartite mechanism, as well as the fruitful discussions and practical proposals that have emerged from the tripartite meetings aimed at supporting the efforts of the Government of Iraq in fulfilling its responsibilities with regard to the file, are commendable. ICRC continues to play a vital role in guiding this process. Although joint efforts have not led to the desired results in the past years, it is hoped that, by employing a multidimensional and innovative approach that encompasses the use of modern technology, public announcement campaigns, information-gathering and follow-up with witnesses, more sustainable progress can be achieved.

22. The Government of Iraq is encouraged to increase efforts aimed at and identify new ways of finding information on the issue of looted Kuwaiti patrimony, in particular the invaluable national archives.

23. I welcome the trust placed in UNAMI by the Governments of Iraq and Kuwait and the members of the tripartite mechanism and the role of UNAMI in this important humanitarian dossier. I reiterate the unwavering commitment of UNAMI, my Special Representative and my Deputy Special Representative to continuing to promote, support and facilitate the efforts of the Government of Iraq on the file on missing Kuwaiti persons and property.