



# Security Council

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## Twenty-first 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 my previous report, dated 31 October 2018 (S/2018/976).

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

2. During the reporting period, the Ministry of Defence of Iraq carried out excavation and exploration works at the Karbala' site. Although no human remains were found, there are indications that, with additional technical support and investigation efforts, this site may yield useful results. Exploration work also continued at the Samawah site after new information was received. In addition, as part of the ongoing efforts to identify exact burial locations, the Ministry continued its investigation of the naval base site in Kuwait and of the Khamisiyah, Radwaniyah, Barjisiyah and Salman Pak sites in Iraq. The Ministry identified new witnesses, followed up on earlier leads and contacted relevant government bodies to cross-check and verify information. While no new developments were registered, the sites in question will remain open as the Ministry continues to search for more information.

3. The Office of the Spokesperson of the Ministry of Defence of Iraq continues to issue calls for witnesses, through official newspapers and on all available satellite television stations, on a regular basis, most recently on 17 October 2018, inviting those with information on missing Kuwaiti persons and missing Kuwaiti property to come forward. In response, new witnesses have presented themselves. The Ministry is investigating the new leads in the hope that the information it receives will assist in locating burial sites.

4. On 31 October 2018, my Deputy Special Representative for Political Affairs and Electoral Assistance, Alice Walpole, met with the Ambassador of Kuwait to Iraq, Salem Ghassab Mohammed al-Zamanan, to discuss the most recent activities of the United Nations Assistance Mission for Iraq (UNAMI) in support of the implementation of Security Council resolution 2107 (2013). These included the development of a pilot project aimed at training and building the capacities of Iraqi and Kuwaiti technical teams in the use of ground-penetrating radar, as well as efforts



to facilitate the repatriation of Kuwaiti property still located in Iraq. Mr. al-Zamanan expressed appreciation for the Mission's efforts and emphasized the significance of progress on the file on missing Kuwaiti and third-country nationals and missing Kuwaiti property for the full normalization of relations between the two countries.

5. On 8 November, my Deputy Special Representative travelled to Kuwait, where she met with the Deputy Minister for Foreign Affairs of Kuwait, Khaled al-Jarallah, and the Assistant Minister for Foreign Affairs for international organizations, Naser A. M. al-Hain. The Deputy Minister for Foreign Affairs expressed appreciation for the efforts of UNAMI in support of the implementation of Security Council resolution [2107 \(2013\)](#), an important and sensitive matter for the Kuwaiti authorities and people. While the Deputy Minister for Foreign Affairs acknowledged the ongoing efforts of the Ministry of Defence of Iraq to advance the dossier, he expressed regret over the lack of significant progress. My Deputy Special Representative reaffirmed the Mission's commitment to continue to play an active role in this important humanitarian endeavour. She noted that UNAMI continues to brief newly appointed senior political figures and officials in the incoming Government of Iraq on this important subject, emphasizing its significance and calling on all relevant Iraqi officials to continue to engage on the file.

6. On 8 November, my Deputy Special Representative also met with members of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, who welcomed the constructive role of UNAMI in this humanitarian matter and called for continued engagement by the Government of Iraq at the highest levels. They underlined the need to obtain satellite and aerial imagery of relevant areas (or analysis thereof) from members of the tripartite mechanism in order to pinpoint burial locations. My Deputy Special Representative reaffirmed the Mission's commitment to maintaining its proactive role, underlining recent efforts to secure funding and other support for its ground-penetrating radar pilot project proposal, as well as the steps taken by UNAMI to gain access to the archives of the United Nations Iraq-Kuwait Observation Mission and the United Nations Special Commission established pursuant to Security Council resolution 687 (1991) to obtain potentially relevant information.

7. On 29 November, my Deputy Special Representative met with the Permanent Representative of Kuwait to the United Nations, Mansour Alotaibi, in New York. She provided him with an overview of the recent activities of UNAMI. They both reiterated their unwavering commitment to the file.

8. In the margins of the meeting of the Tripartite Commission that was held in Kuwait on 13 December, my Deputy Special Representative met with the Head of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Ibrahim al-Shaheen, and members of the Committee. She provided Mr. al-Shaheen with an update on the ground-penetrating radar pilot project proposed by UNAMI and underlined once again the Mission's commitment to and support for this important humanitarian matter.

9. On 22 November, my Special Representative for Iraq, Ján Kubiš, met with the Ambassador of Kuwait to Iraq to discuss, inter alia, the recent work of UNAMI on missing Kuwaiti persons and property and to assure the Ambassador that the new Special Representative, Jeanine Hennis-Plasschaert, would maintain the same high level of commitment to the dossier.

10. On 5 December, my Special Representative met with the Minister for Foreign Affairs of Iraq, Mohamed Ali Alhakim, in Baghdad. The Minister said that he fully recognized the importance of the file on missing Kuwaiti persons and property and underlined the Ministry's continuing efforts to identify further witnesses and to

resolve all outstanding issues with Kuwait. My Special Representative welcomed the renewed commitment of the Government of Iraq to the file.

11. On 6 December, my Special Representative travelled to Kuwait, where he met with the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Khalid Al Hamad Al Sabah. The Minister emphasized the importance of the file for Kuwait and the families of the missing persons and expressed optimism that the new Iraqi leadership would be able to start afresh and make new efforts that would lead to positive results. My Special Representative reaffirmed the commitment of UNAMI to the Tripartite Commission, in which the Mission holds observer status. He reiterated the Mission's readiness to roll out the proposed project to conduct surveys of mass grave sites using ground-penetrating radar, with the help of the Global Service Centre, in Brindisi, Italy, should it be deemed useful.

12. UNAMI, in its observer capacity, attended the 106th meeting of the Technical Subcommittee of the tripartite mechanism, on 11 December, and the forty-seventh session of the Tripartite Commission, on 13 December, in Kuwait. It was reported that fragments of human remains found at the Samawah site during excavations in August had undergone DNA analysis and genetic profiling by the Iraqi Medico-Legal Directorate. The Kuwaiti delegation indicated that one of the profiles had a positive match and specified that those additional fragments belonged to an individual whose partial remains had previously been retrieved from the site and identified. Nevertheless, current available information suggests that more exploration work at the site might lead to new findings. Accordingly, the Commission agreed to continue work on the site. The International Committee of the Red Cross (ICRC) is continuing to analyse satellite imagery of the Samawah site, dating back to the years 1990 and 1992, to evaluate whether the quality of the material permits any conclusions on the location of potential sites.

13. The delegations of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America provided the tripartite mechanism with an update on information-sharing with the ICRC on available maps and imagery or analysis of imagery from the 1990–1991 period. More specifically, France granted the ICRC delegation access to the diplomatic archives from the same period. ICRC experts have begun to review the material for information that might lead to the identification of potential burial locations. The United States has reported that new inputs were received from the United States Army Corps of Engineers, which will be shared with the mechanism after a review is completed.

14. UNAMI provided the tripartite mechanism with an update on its research efforts in the archives of the United Nations Iraq-Kuwait Observation Mission, expressing its regret that no relevant information had come to light on the Salman Pak site. The mechanism accordingly agreed to close that line of inquiry. UNAMI continues its efforts to gain access to materials of the United Nations Special Commission established pursuant to Security Council resolution 687 (1991). The members of the mechanism agreed to continue joint Iraq-Kuwait-ICRC excavation and exploration work at the Samawah and Karbala' sites. Having exhausted all available possibilities for the identification of reliable witnesses and information, the members agreed not to pursue the Dhi Qar and Sulaymaniyah sites for the time being.

15. The ICRC review project report and its subsequent recommendations were officially adopted by the mechanism at the 106th meeting of the Technical Subcommittee, on 11 December. The document will form the basis for an action plan that will guide future efforts of the mechanism. The priority remains an analysis of relevant satellite imagery to pinpoint more narrowly potential burial sites, as a prerequisite for further action on the ground.

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

16. On 7 November, my Deputy Special Representative met with the Undersecretary at the Ministry of Foreign Affairs of Iraq, Hazem al-Youssifi, who announced plans for the imminent repatriation of Kuwaiti property and reiterated the Ministry's commitment to swift action on the file. Mr. al-Youssifi affirmed the determination of Iraq to build excellent relations with Kuwait on the basis of the principles of good neighbourly relations and mutual cooperation and a commitment to the implementation of relevant Security Council resolutions. With regard to the missing Kuwaiti persons, Mr. al-Youssifi reiterated the call to France, the United Kingdom of Great Britain and Northern Ireland and the United States to assist Iraq with satellite imagery, as well as with adequate drilling equipment to facilitate excavations.

17. A consignment of Kuwaiti property, including a sword and a valuable painting, was handed over by the President of Iraq, Barham Salih, to the Amir of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, during the Iraqi President's first official visit to Kuwait, on 11 November. A second consignment of Kuwaiti property, comprising 2,368 books from the National Library of Kuwait and 1,458 tapes from the archives of the official radio station of Kuwait, was transferred on 13 November to the Ministry of Foreign Affairs of Kuwait, in the presence of the Assistant Minister for Foreign Affairs of Kuwait for international organizations, Mr. al-Hain, as well as representatives of the Ministry of Information of Kuwait and the National Library of Kuwait. The handover was conducted by Mr. al-Youssifi and observed by the Resident Coordinator in Kuwait, on behalf of UNAMI and the United Nations system.

### **IV. Observations**

18. I commend the sustained commitment of all members of the tripartite mechanism, under the able leadership of ICRC, to locate and recover missing Kuwaiti and third-country nationals. Despite years without progress, I hope that, with its current proactive approach and new developments, the mechanism will be enabled to propel this dossier forward and achieve the much-awaited results.

19. Since taking up its role on the file in April 2016, the Ministry of Defence of Iraq has proved to be a dedicated partner, showing persistence in its search for new witnesses and information, reinvigorating fieldwork in efforts to identify potential burial sites and carrying out exploration and excavation missions. Repeated calls for witnesses have finally begun to produce positive responses from the public, which has given rise to renewed hope for tangible results at the Karbala' and Samawah sites. I encourage the Government of Iraq to continue these efforts in the same constructive vein and to ensure that all appropriate institutional, financial, technical and other support is made available to facilitate future activities. I applaud the support, perseverance and understanding shown by Kuwait as this important dossier moves forward.

20. I thank the members of the tripartite mechanism for responding constructively to our calls to share important information, including from satellite imagery, Global Positioning System (GPS) coordinates, maps and diplomatic archives, which have crucially expanded the sources of information on potential burial sites. I encourage them to continue the same constructive approach. The able leadership of ICRC in the tripartite mechanism remains pivotal in refocusing research efforts and adopting appropriate exploration methods so as to maximize the chances of locating burial sites in Iraq and Kuwait.

21. The return of valuable Kuwaiti property after lengthy discussions is a significant step towards the full normalization of relations between the two countries. I encourage the Government of Iraq to continue its search for remaining missing property, in particular to reinvigorate its search for the missing Kuwaiti national archives.

22. I confirm the continuing commitment of my Special Representative for Iraq, my Deputy Special Representative and other UNAMI staff to play an active role in this important humanitarian endeavour. I would like to thank my former Special Representative, Ján Kubiš, for his efforts on the file during his tenure and to welcome my new Special Representative, Jeanine Hennis-Plasschaert.

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