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

Twenty-eighth 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 28 July 2020 (S/2020/753).

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

2. On 16 September, Iraq handed over to Kuwait the human remains exhumed from the Shaykhiyah site in the Iraqi Samawah desert in late January 2020. The handover, delayed for almost six months owing to coronavirus disease (COVID-19) movement restrictions, was conducted at the United Nations forward support base near Baghdad International Airport, under the auspices of the International Committee of the Red Cross (ICRC) and in the presence of representatives of the United Nations Assistance Mission for Iraq (UNAMI), the Ministry of Defence of Iraq and the Embassy of Kuwait in Iraq. UNAMI facilitated the handover by making available its air assets.

3. The repatriation of the human remains was completed with the arrival of 21 caskets at Kuwait International Airport, where Iraqi, Kuwaiti and ICRC representatives signed the documentation in accordance with international procedures on the handover of human remains. The Kuwaiti General Department of Criminal Evidence will perform DNA tests on the remains to determine whether the results match information contained in the database of missing Kuwaiti and third-country nationals.

4. Before the transfer of the human remains, my Deputy Special Representative for Political Affairs and Electoral Assistance engaged with relevant interlocutors on UNAMI support for the repatriation. On 18 August, she met the Secretary-General of the Office of the Legal Counsel in the Ministry of Defence, who is responsible for the Kuwaiti missing persons file, and representatives of ICRC to discuss the modalities for the handover. She reiterated the readiness of UNAMI to assist by providing its air assets upon the agreement of Iraq and Kuwait.



5. On 2 September, my Deputy Special Representative held a call with the Head of the National Committee for Missing Persons and Prisoners of War Affairs, within the Ministry of Foreign Affairs of Kuwait, Rabea al-Adsani, to discuss the modalities and logistical preparations for the transfer. Mr. al-Adsani reported that the identification process for the human remains exhumed in Samawah in August 2019 was continuing in Kuwaiti forensic laboratories. He underscored the complexity of the process, which required the extraction of DNA from the commingled human remains in order to reassemble and identify the remains before the results could be announced. He emphasized the desire of Kuwait to finalize the identification of the remains and to share details with the grieving families concerned and the Tripartite Commission members.

6. After several months of delays owing to travel restrictions relating to the COVID-19 pandemic, the Technical Subcommittee of the Tripartite Commission held its 113th meeting, in Kuwait on 17 September. The Iraqi representative provided an update on efforts regarding the identification of potential burial sites in Samawah, Khamisiyah, Karbala' and Salman Pak in Iraq, which are believed to contain the remains of missing Kuwaiti persons. Owing to COVID-19-related restrictions, no excavation activities were conducted in Iraq during the reporting period.

7. The Kuwaiti representative explained that COVID-19-related restrictions in his country had slowed down the work of the Kuwaiti forensic experts pertaining to the reassembly and analysis of the commingled human remains recovered from Samawah and transferred to Kuwait in 2019. He expressed the hope that some results would be announced at the next meeting. He provided new information regarding possible witnesses in relation to three potential burial sites, one in Samawah and a new location in Mahawil in Iraq and the naval base in Kuwait. The Iraqi representative undertook to follow up with those witnesses.

8. Although no new information had emerged from the analysis of aerial images of the Khamisiyah site, the Technical Subcommittee decided that the Iraqi technical team should continue its exploration and excavation activities in the area. It also agreed that the Ministry of Defence of Iraq would continue exploration work at the sites in Karbala' and Salman Pak. In the absence of any information regarding the Radwaniyah site in Iraq, the Technical Subcommittee agreed to suspend its work there until new information became available.

9. The Ministry of Defence of Iraq continues to broadcast calls for witnesses through the media every three months, most recently on 16 September.

10. On the basis of new coordinates received from the United States of America regarding sites in Kuwait believed to contain the remains of missing Iraqi soldiers, and following satellite imagery analysis by ICRC, excavations were carried out by the Kuwaiti technical team between 22 March and 9 April. No human remains or evidence thereof were found.

11. Meanwhile, on 5 August, my Deputy Special Representative for Political Affairs met, in Baghdad, the Ambassador of Iraq to Kuwait, Al-Manhal al-Safi, with whom she discussed the Kuwaiti missing persons and property file, among other issues. Mr. al-Safi reiterated his Government's commitment to making progress on the file and confirmed that it would remain under the purview of the Ministry of Defence of Iraq.

12. On 31 August, my Deputy Special Representative for Political Affairs met the Undersecretary of the Ministry of Foreign Affairs of Iraq, Abdulkareem Hashem, with whom she discussed the Kuwaiti missing persons and property file. She explained the complexity of the ongoing identification process for the human remains in the forensic laboratories in Kuwait, acknowledging the professionalism with which the remains were processed during her visit to such a laboratory earlier in 2020. The planned training of

staff of the Ministry of Defence of Iraq on the use of ground-penetrating radar in the search for human remains, to be conducted by UNAMI, was delayed throughout the reporting period owing to the COVID-19 pandemic. UNAMI is considering alternative means to deliver the training activities in the coming months.

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

13. During the reporting period, there were no significant developments with regard to the return of Kuwaiti property, including the national archives. The transfer of previously located Kuwaiti property, including microfilms and scientific books, remained postponed owing to COVID-19-related movement restrictions.

14. During her meeting on 5 August with the Ambassador of Iraq to Kuwait, my Deputy Special Representative noted that the return of the Kuwaiti national archives remained a high priority for the Government of Kuwait, given their symbolic and historical importance. Mr. al-Safi underlined his country's commitment to locating Kuwaiti property, including the archives. My Deputy Special Representative also discussed the issue of the archives, including the importance of locating and repatriating the missing items, during her meeting with the Undersecretary of the Ministry of Foreign Affairs of Iraq on 31 August. She particularly urged the Ministry to reflect further on ways in which it might support and expedite a systematic search for the archives. The Undersecretary reiterated the commitment of Iraq to making progress on that important file.

IV. Observations

15. The constraints imposed by the COVID-19 pandemic notwithstanding, the Governments of Iraq and Kuwait made progress on this important file during the reporting period. Thanks to constructive cooperation and collaboration between the technical teams of Iraq and Kuwait, who overcame logistical difficulties, including COVID-19-related challenges, the repatriation to Kuwait of human remains found in Samawah earlier in 2020 was completed. That is an achievement that demonstrates that the commitment of all sides can indeed yield results even in the face of challenges. I sincerely hope that the diligent efforts of the Kuwaiti forensic team to complete the identification of those remains will bring some relief to the families of the missing, who have been waiting so long for news of their loved ones. In that regard, the ongoing guiding role of ICRC, supporting and coordinating activities on the file during these difficult times, is commendable.

16. The members of the Tripartite Commission continue to demonstrate exemplary commitment and cooperation on the file, which is particularly noteworthy amid the COVID-19-related challenges. It is my sincere hope that the cooperation will yield further positive advancements in the months to come.

17. I encourage the Government of Iraq to build on its previous successful efforts to locate and return Kuwaiti property by taking early steps for the repatriation of previously identified Kuwaiti books and by accelerating the search for further missing Kuwaiti items, in particular the national archives.

18. Building on the recent progress made, UNAMI remains strongly committed to supporting the Governments of Iraq and Kuwait, the Tripartite Commission and other partners in making further progress in the implementation of this important mandate.