



# Security Council

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

### Twenty-ninth 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 November 2020 (S/2020/1089).

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

2. On 22 November 2020, the Ministry of Foreign Affairs of Kuwait issued a statement announcing that, through DNA testing conducted in Kuwait and Iraq, human remains, recovered in Iraq, had been identified conclusively as belonging to seven Kuwaiti nationals missing since 1991. On 10 January 2021, the Ministry issued a subsequent statement announcing the conclusive DNA identification of further human remains, also recovered in Iraq, as belonging to 13 Kuwaiti and third-country nationals missing since 1991. The 20 sets of human remains had been exhumed from a grave site in Samawah, Muthanna Governorate, in March 2019 and transferred from Iraq to Kuwait in August 2019 for DNA identification. In both statements, the Ministry released the names of the missing persons, confirming that it had informed the victims' families. The Ministry expressed its appreciation to the Government of Iraq, the members of the Tripartite Commission and its Technical Subcommittee, the International Committee of the Red Cross (ICRC) and the United Nations Assistance Mission for Iraq (UNAMI) for their efforts, which had contributed to the identification of the remains of the 20 Kuwaiti and third-country nationals missing since 1991.

3. Meanwhile, Kuwaiti forensic experts and identification specialists continued to perform the complex identification process for the remaining human remains exhumed from grave sites in Samawah in March 2019 and January 2020, which were handed over by Iraq to Kuwait in August 2019 and September 2020, respectively. The process requires the reassembly of the commingled human remains, as well as subsequent DNA extraction and analysis. The DNA results will be matched against the Kuwait database of missing persons to conclude the identification process.



4. On 10 December, my Deputy Special Representative for Political Affairs and Electoral Assistance met the Ambassador of Kuwait to Iraq, Salem al-Zamanan, to review the file of missing Kuwaiti persons and Kuwaiti property. They welcomed the Security Council press statement of 24 November on ongoing cooperation between Iraq and Kuwait in the search for missing Kuwaiti and third-country nationals. The Ambassador noted that Kuwait is continuing the DNA identification process for the human remains found in Samawah.
5. The 114th meeting of the Technical Subcommittee and the fiftieth session of the Tripartite Commission were held in Kuwait and Baghdad on 12 and 14 January 2021, respectively, with some participants attending virtually and others in person. During the meeting of the Technical Subcommittee, the Kuwaiti representative thanked Iraq for the recent transfer of 20 sets of human remains found in Samawah in January 2020 and handed over to Kuwait on 16 September 2020. He expressed his appreciation to UNAMI for the use of its air assets to transfer the remains from Iraq to Kuwait. With regard to the remains found in March 2019 and transferred to Kuwait in August 2019, the Kuwaiti representative explained that, owing to their fragmented state, the identification process had taken longer than initially expected. He underlined that the successful identification of the remains of the 20 Kuwaiti and third-country nationals missing since 1991, announced by Kuwait on 22 November and 10 January, was the result of joint efforts, citing the Ministry of Defence of Iraq team's proactive exploration of the sites in Samawah.
6. The Iraqi representative, for his part, conveyed his condolences to the families of the 20 identified missing Kuwaiti persons. He provided an update on potential burial sites in Samawah, Khamisiyah, Karbala' and Salman Pak in Iraq. Owing to restrictions related to coronavirus disease (COVID-19), no new excavations were carried out during the reporting period. He stated that Iraq was ready to conduct another visit to the Karbala' K3 site once the health situation improved and proposed to focus first on narrowing down the search area, using additional information provided by the United States of America. He noted that the Ministry of Defence of Iraq, which had carried out a field survey at the Khamisiyah site, was planning to restore contact with a principal witness in a renewed effort to identify areas for potential excavation.
7. ICRC continues to work with the Tripartite Commission, including with regard to the analysis of satellite imagery from the 1990s in relation to the K3 and Khamisiyah sites.
8. With regard to potential burial sites in Kuwait, a potential witness came forward, claiming to have information on the Kuwait naval base site. Iraq and Kuwait began to examine the potential source of information during the reporting period.
9. The Tripartite Commission renewed the mandate of the Technical Subcommittee during its fiftieth session, reaffirming ongoing and full support for the file and the official observer role of UNAMI. The Commission confirmed the formal closure of the case files of 20 Kuwaiti and third-country nationals missing since 1991, corresponding to the human remains identified on the basis of conclusive DNA tests. During its meeting, the Commission adopted general guidelines for the transfer of human remains between Iraq and Kuwait, which had been drafted by ICRC in 2019. The guidelines include a section on public communication, which had been agreed upon by the Technical Subcommittee at its 114th meeting as a binding annex to the protocols for the transfer of human remains of 2003.
10. Planned UNAMI training for staff of the Ministry of Defence of Iraq on the use of ground-penetrating radar in the search for burial sites was again postponed owing to the COVID-19 pandemic and associated movement restrictions.

11. The Ministry of Defence of Iraq reiterated its commitment to broadcasting calls for witnesses through the media on a quarterly basis, inviting those with information on missing Kuwaiti persons and missing Kuwaiti property to come forward.

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

12. Owing to constraints imposed by the ongoing pandemic, there were no significant developments during the reporting period on the return of Kuwaiti property, including the national archives. The transfer of previously located Kuwaiti property items, including microfilm and scientific books, remained postponed owing to COVID-19-related restrictions on movement.

### **IV. Observations**

13. The identification of the human remains of 20 missing Kuwaiti and third-country nationals represents significant progress with regard to the important humanitarian file 16 years after the previous identification was made. I extend my deepest condolences to the families of the victims, who waited almost three decades for this conclusion. The historic breakthrough was made possible through long-standing cooperation between Iraq and Kuwait, with the strong support of the Tripartite Commission and ICRC. Despite the multiple challenges facing Iraq, the sustained investigative work conducted by that country's Ministry of Defence, which exemplifies the commitment of the Government of Iraq to the search for missing Kuwaiti and third-country nationals, is bearing fruit. It is my hope that the meticulous and persistent efforts of the Kuwaiti forensic teams will yield further positive identifications of human remains in order to bring some relief to the families of Kuwaiti persons still missing.

14. I commend the members of the Tripartite Commission and the Technical Subcommittee for their valuable contributions to moving the important humanitarian dossier forward. All partners must now capitalize on the momentum of recent successes and continue to make progress in the search for missing persons.

15. On the issue of missing Kuwaiti property, including that country's national archives, the efforts of Iraq in 2020 to locate such property were encouraging, and I renew my call for its swift handover to Kuwait as soon as conditions permit. I encourage the Government of Iraq to reinvigorate its search for the missing Kuwait national archives specifically, given their high historical importance, drawing on specialist expertise as appropriate.

16. My Special Representative for Iraq, my Deputy Special Representative and UNAMI staff remain committed to promoting further progress on the file, working closely with the Governments of Iraq and Kuwait, ICRC and other partners. I wish to express my sincere appreciation to Alice Walpole for her dedicated service since 2017 to the United Nations in Iraq, including her efforts to advance the important Iraq-Kuwait file successfully.