



# Security Council

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## Twenty-second 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 25 January 2019 ([S/2019/78](#)).

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

2. On 19 February, the Ministry of Defence of Iraq organized a field trip to a potential burial site of Kuwaiti nationals at Khamisiyah, in Dhi Qar Governorate, in the presence of a witness brought by the Ministry, as agreed at the 106th meeting of the Technical Subcommittee of the tripartite mechanism, held on 11 December 2018. The Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, the International Committee of the Red Cross (ICRC), representatives of the United Nations Assistance Mission for Iraq (UNAMI) and a United Nations expert from the Service for Geospatial, Information and Telecommunications Technologies at the Global Service Centre in Brindisi, Italy, participated in the field trip. The key objectives of the field trip were to ascertain facts on the ground in the presence of the witness and to assess the feasibility of using ground-penetrating radar to search for human remains at the Khamisiyah site. During the field trip, the representatives exchanged information with the witness. They were also approached by local civilians claiming to have information about possible burial sites. The United Nations expert on ground-penetrating radar made an assessment of the area of interest and collected soil samples for laboratory analysis, in order to ascertain whether such radar might indeed be suitable for locating potential burial sites.

3. On 19 February, the Security Council adopted a statement by the President of the Council on the situation between Iraq and Kuwait ([S/PRST/2019/1](#)), in which the Council welcomed the strong bilateral relations between Iraq and Kuwait and commended the Kuwaiti Government's continued support for Iraq in its efforts to achieve stability. The Council also welcomed the ongoing cooperation between Iraq and Kuwait in the search for missing Kuwaiti and third-country nationals and expressed its strong support for the efforts undertaken by the Governments of Iraq and Kuwait through the tripartite mechanism and its Chair, ICRC, with respect to the



file. The Council noted with regret that 369 cases of missing Kuwaiti and third-country nationals remained unresolved and that no human remains had been exhumed since 2004. It encouraged the Iraqi Government to continue its search for missing Kuwaiti property, in particular the missing Kuwaiti national archives. Following the adoption of the statement, the Permanent Representative of Kuwait to the United Nations, Mansour al-Otaibi, said that the statement sent an important message to bereaved Kuwaiti families, Iraqis and the international community regarding the importance that the Council attaches to the need for progress on the issue.

4. On 21 February, UNAMI, in its observer capacity, and the United Nations expert attended the 107th meeting of the Technical Subcommittee of the tripartite mechanism, held in Baghdad. An update was provided on information gathered through excavation work, witness testimonies and an analysis of maps and satellite imagery. The Ministry of Defence of Iraq reported on excavation and exploration works carried out at the potential burial site of Karbala', following the provision by ICRC of excavation equipment and external forensic expertise. Some bone fragments found during the excavation works had been sent to the Iraqi Medico-Legal Directorate for DNA analysis and genetic profiling, to determine whether they belonged to human remains previously retrieved. The members of the Tripartite Commission agreed to continue exploration work at the Karbala' site.

5. At the 107th meeting, the members of the subcommittee also had the opportunity to interview a witness who had information on the Samawah site. The members of the tripartite mechanism agreed to keep communication channels open with the witness. The Kuwaiti delegation informed the Technical Subcommittee that it was in the process of investigating new information regarding the Samawah site and that it would share that information with the members of the tripartite mechanism once it had been verified. It was agreed that exploration and investigation work at the Samawah site should continue.

6. During the reporting period, the Ministry of Defence of Iraq continued its investigation, through the tripartite mechanism, of the naval base site in Kuwait and of the Radwaniyah, Barjisiyah and Salman Pak sites in Iraq. The Ministry continued to follow up on earlier leads, contacting relevant government bodies to cross-check and verify information. While no new developments had been registered, the sites in question would remain open as the Ministry continued to search for more information.

7. The Office of the Spokesperson of the Ministry of Defence of Iraq continued to issue calls for witnesses, through official newspapers and on all available satellite television stations, on a regular basis, most recently on 13 February, inviting those with information on missing Kuwaiti persons and missing Kuwaiti property to come forward.

8. The delegations of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America provided the Technical Subcommittee of the tripartite mechanism with an update on information they had shared with ICRC pertaining to maps, imagery or the analysis of imagery from the 1990–1991 period. Thus far, no information regarding potential burial sites has surfaced from the review of the French diplomatic archives. An archival review process by ICRC is ongoing, while the handover of satellite imagery from the United States to ICRC is still pending. The United Kingdom is currently investigating the archives of the Royal Army Chaplains' Department to identify whether any other relevant records could be made accessible to ICRC researchers.

9. The United Nations expert gave a presentation to the Technical Subcommittee on the methodology and potential use of ground-penetrating radar and complementary electrical resistivity tomography to confirm or refute the existence of clandestine burials, initially in a smaller segment of the Khamisiyah site. The expert's final report

and a project proposal on the use of that integrated approach will be circulated to the members of the tripartite mechanism.

10. My Special Representative for Iraq carried out her first official visit to Kuwait on 3 February, where she met separately with the Prime Minister of Kuwait, Sheikh Jaber Al-Mubarak Al-Hamad Al Sabah, and the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Khalid Al Hamad Al Sabah. At both meetings, the Kuwaiti representatives emphasized the importance of the file for the families of the missing persons and reiterated their wish to see the Iraqi Government make greater efforts to identify and return the remaining Kuwaiti missing property, including the national archives. My Special Representative acknowledged the disappointment of Kuwait at the lack of tangible results and underlined her intention to continue to spare no effort regarding this important humanitarian file.

11. Also on 3 February, my Special Representative met with members of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, who called for greater efforts to identify witnesses as part of the search for burial sites and emphasized the need for appropriate excavation equipment capable of reaching deeper into the soil and for greater advocacy with the members of the Tripartite Commission in order to acquire aerial and satellite imagery that would help pinpoint potential burial locations. My Special Representative reiterated the commitment of UNAMI to the file, including its support to the members of the Tripartite Commission.

12. On 19 February, my Special Representative met the Minister for Foreign Affairs of Iraq, Mohamed Ali Alhakim, with whom she discussed the issue of missing Kuwaiti persons and property, including the national archives. The Minister emphasized his Government's commitment to helping to locate the remains of missing Kuwaiti persons, as well as missing Kuwaiti property. My Special Representative underlined the continued support of UNAMI to the Government of Iraq and encouraged the Minister and the Government to continue their active engagement on the file.

13. On 18 March, my Deputy Special Representative for Political Affairs and Electoral Assistance of the United Nations Assistance Mission for Iraq met the Undersecretary of the Ministry of Foreign Affairs of Iraq, Hazem al-Youssifi, to brief him on the recent efforts of UNAMI on the file of Kuwaiti missing persons and property, including the national archives. The Undersecretary underlined the close relations between the two neighbouring countries and reiterated the determination of Iraq to resolve all outstanding issues. He encouraged the members of the Tripartite Commission to step up their efforts to assist with the process, through the provision of appropriate satellite imagery and specialized drilling equipment to facilitate excavation works.

14. On 20 March, my Deputy Special Representative met Brigadier General Hazem Qassem Majid, the head of the technical committee in charge of the file on missing Kuwaiti persons in the Ministry of Defence of Iraq, to brief him on the report of the United Nations expert regarding the potential use of ground-penetrating radar at the Khamisiyah site. She agreed with the Brigadier General that contextual information, such as corroborated eyewitness accounts or an analysis of historic satellite imagery, would be required to narrow down the search area. The Brigadier General reported on some encouraging discoveries made during excavations conducted by the Ministry of Defence of Iraq at the Samawah site on 6 March, which are currently being examined and identified by experts.

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

15. During my Special Representative's visit to Kuwait on 3 February, the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait emphasized the importance of the return of missing Kuwaiti property, particularly the national archives, which constitute an important part of the history of the State of Kuwait. My Deputy Special Representative further discussed the issue of missing Kuwaiti property on 18 March during her meeting with the Undersecretary of the Ministry of Foreign Affairs of Iraq, who announced that the Ministry had formed a committee to identify and collect outstanding Kuwaiti property and archives. He explained that the national archives were most probably dispersed across the governorates of Iraq, making it challenging to locate and retrieve them. Once a substantive number of items had been collected, the Ministry would proceed with their handover at the earliest possible opportunity. My Deputy Special Representative underlined the readiness of UNAMI to assist Iraq in that effort.

### **IV. Observations**

16. I am encouraged by the dedication and hard work of the Governments of Iraq and Kuwait and the other members of the tripartite mechanism, as well as its Chair, ICRC, whose efforts have remained focused on addressing the issue of missing Kuwaiti and third-country nationals. I would like to pay particular tribute to the leadership of ICRC for providing valuable guidance, ideas and recommendations in this process.

17. Despite a number of challenges, the Ministry of Defence of Iraq has demonstrated commendable perseverance in moving the file forward, reinvigorating fieldwork, exploring new sources of information, looking for further witnesses and accepting the recommendations of and acting on the proposals of the members of the tripartite mechanism. I regret that 369 cases of missing Kuwaiti and third-country nationals remain unresolved and that no human remains have been exhumed since 2004. I call upon the Government of Iraq to continue investing its energy in the file until tangible results are achieved.

18. I express my gratitude to the Government of Kuwait for its patience, understanding and continuous support for the efforts of the Government of Iraq over the years.

19. The dedication of the members of the tripartite mechanism and their contributions to the mechanism have been vital in maintaining the necessary determination to move the process forward. I strongly urge the members of the tripartite mechanism in possession of relevant aerial and satellite imagery to accelerate the handover process to ICRC, as such imagery will be integral to identifying the location of remaining burial sites.

20. As regards the outstanding missing Kuwaiti property, I welcome the efforts of the Government of Iraq to achieve concrete results by forming a team and expanding the search nationwide for missing Kuwaiti items, including the national archives.

21. My Special Representative, Jeanine Hennis-Plasschaert, and my Deputy Special Representative for Political Affairs and Electoral Assistance, Alice Walpole, remain committed to making progress on the file by promoting, supporting and facilitating the efforts of the Government of Iraq.