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

Twenty-sixth 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 20 February 2020 (S/2020/133).

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

2. Owing to constraints related to the coronavirus disease (COVID-19) pandemic and the associated response, the Technical Subcommittee postponed until further notice its 113th meeting, which had been planned for 20 April 2020. The decision was made in consultation with the International Committee of the Red Cross, the Ministry of Foreign Affairs of Kuwait and the Ministry of Defence of Iraq.

3. The Tripartite Commission continued to follow up on decisions and action points from the 112th meeting of the Technical Subcommittee, held in Amman on 16 February 2020, which the United Nations Assistance Mission for Iraq (UNAMI) attended in its capacity as observer. During the meeting, the Technical Subcommittee received updates on activities and developments pertaining to the search for the remains of Kuwaiti and third-country nationals since its most recent meeting, on 3 December 2019. The Ministry of Defence of Iraq continued to follow up on sites of interest, in particular those in Samawah, Khamisiyah, Radwaniyah, Karbala' and Salman Pak, as well as the naval base in Kuwait. In addition, the Ministry of Defence of Iraq continued to issue quarterly public appeals for witnesses to come forward.

4. During the 112th meeting of the Technical Subcommittee, the Ministry of Defence of Iraq gave a detailed account of the events that had led to the exhumation of a third mass gravesite, which was located at the Samawah burial site and discovered thanks to coordinates previously provided by Kuwait and corroborated by witness testimony, on 31 January 2020. The gravesite was located at the Tall al-Shaykhiyah mass grave cluster in Samawah, within close proximity to two other gravesites that had been exhumed in March 2019 and contained remains suspected of belonging to Kuwaiti citizens or third-country nationals. Human remains recovered from the third gravesite were immediately transported to the Medico-Legal Directorate of the



Ministry of Health of Iraq, in Baghdad, for DNA profiling to determine whether they belonged to Iraqi nationals. If it is determined conclusively that the remains do not belong to Iraqi nationals, the Directorate will transfer them to Kuwait for identification. Meanwhile, forensic teams in Kuwait continued to perform DNA identification of the human remains exhumed in March 2019, which included the complex process of reassembling them.

5. The use of satellite imagery supported by witness testimony has proved crucial to locating all three burial sites at the Tall al-Shaykhiyah mass grave cluster. Subsequently, the Technical Subcommittee emphasized the need to utilize that type of analysis for two other sites of importance: Karbala' and Khamisiyah. The Technical Subcommittee agreed to reassess all available information on the two sites to determine exact points of interest.

6. Also during the 112th meeting of the Technical Subcommittee, Kuwait briefed the members on exploratory missions that it had carried out in early January to four areas inside Kuwait where satellite imagery analysis had indicated the existence of potential burial sites believed to contain the remains of missing Iraqi soldiers.

7. Owing to COVID-19, UNAMI postponed to the third quarter of 2020 its planned training of dedicated staff of the Ministry of Defence of Iraq on the use of ground penetrating radar. UNAMI, in partnership with geospatial expert trainers at the United Nations Logistics Base at Brindisi, Italy, continued to prepare to deliver the training at a more appropriate time.

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

8. The Ministry of Foreign Affairs of Iraq, which is tasked with the return of Kuwaiti property, including the national archives, informed UNAMI that it had located more Kuwaiti property, including microfilm and scientific books. The Ministry of Foreign Affairs had planned to hand over the property to Kuwait in April, but postponed the transfer because of restrictions on movement imposed in both countries to counter the pandemic.

IV. Observations

9. In these unprecedented and challenging times, planned activities related to this file have faced inevitable delays following significant advances made in recent months. Nonetheless, I wish to commend the continuing collaboration between members of the Tripartite Commission, in particular following the exhumation in January of additional human remains. In addition, I appreciate the significant efforts of the Technical Subcommittee. The Ministry of Defence of Iraq deserves recognition for its strong commitment to the exhumation process. The International Committee of the Red Cross is to be commended for its steadfast leadership and guidance, in particular against the backdrop of the pandemic outbreak.

10. The Kuwaiti authorities deserve praise for their patience and constructive contributions to this process, including by creating conditions conducive to additional exhumations inside Kuwait, which may yield the remains of Iraqi missing persons.

11. The United Nations Assistance Mission for Iraq remains fully committed to resolving the issue of missing Kuwaiti persons and property, including the Kuwaiti national archives, and will continue its activities and assistance in furtherance of those important objectives with its counterparts in the Tripartite Commission and the Governments of Iraq and Kuwait.