



Security Council

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Sixteenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains. The report provides an account of developments since my last report, of 21 April 2004 (S/2004/301).¹

II. Background

2. On 21 April 2004, my fifteenth report (S/2004/301) was presented to the Security Council. The Council members expressed their full support for the activities of the High-level Coordinator, Ambassador Yuli Vorontsov. Several members noted that Iraq would continue to have responsibilities pursuant to paragraph 14 of resolution 1284 (1999) once it reasserted its sovereignty.

3. During the reporting period, the Organization of the Islamic Conference (OIC) and Iraq's neighbours maintained under review issues pertaining to the repatriation or return of all Kuwaiti and third-country nationals or their remains. In a resolution on political issues, adopted at its thirty-first session (Istanbul, 14-16 June 2004), the Islamic Conference of Foreign Ministers reiterated condemnation of the collective assassinations of Iraqi, Kuwaiti and other nationals, revealed by the discovery of mass graves, as a crime against humanity. OIC requested that those responsible for such crimes be put on trial.

4. The Sixth Conference of the Ministers for Foreign Affairs of States Neighbouring Iraq, held in Cairo on 21 July, strongly condemned, in its final communiqué, the killing of Kuwaiti and Iranian prisoners of war and third-country nationals by the previous Iraqi regime. The Ministers also condemned the concealment of those crimes for more than a decade by the previous Iraqi regime,

¹ At the request of the Secretary-General, the Security Council on 26 May 2004 agreed to postpone until December 2004 the submission of the report pursuant to paragraph 14 of resolution 1284 (1999) on the return of all Kuwaiti property, including archives, seized by Iraq. The report was originally due in mid-June 2004.

which they considered a violation of international humanitarian law. They called for the perpetrators of those crimes against humanity to be brought to justice.

III. Recent activities

5. On 16 April 2004, Ambassador Vorontsov had consultations in Washington, D.C., on issues pertaining to his mandate with the Deputy Assistant Secretary of State for the Near East Bureau, the Office of War Crimes Issues, and other officials. The Coordinator's interlocutors assured him of United States support and cooperation, including after the restoration of Iraq's sovereignty. Ambassador Vorontsov was informed about the intention to set up a unit at the United States Embassy in Iraq which would continue to search for prisoners of war and missing persons from the 1990/91 Gulf war, including Captain Michael Speicher as well as Kuwaiti and third-country nationals, and assist in their identification and repatriation. The unit would also liaise with the Coordinator.

6. In letters dated 16 April, 28 April, 10 May, 2 June and 19 July, the Permanent Representative of Kuwait to the United Nations advised Ambassador Vorontsov that the total number of identified remains had risen, respectively, to 101, 111, 122, 135 and, most recently, 167. The names corresponding to the latter figure are listed in the annex to the present report, where it is noted that some remains were those of citizens of Egypt, the Islamic Republic of Iran, Lebanon and Saudi Arabia.

7. From 26 to 28 July 2004, Ambassador Vorontsov travelled to Kuwait, where he was received by the Minister for Foreign Affairs, Sheikh Mohammad al-Sabah al-Salem al-Sabah, and other officials. The Minister expressed the appreciation of Kuwait for the Coordinator's efforts and valued the continued attention of the Security Council to the humanitarian issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains. He also stressed the importance of the work carried out by the Tripartite Commission and its Technical Subcommittee. The Coordinator assured the Minister that he would continue to make every effort to assist in bringing to a close the issue of missing Kuwaiti and third-country nationals.

8. The Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs informed the Coordinator that the work on the repatriation and identification of the remains of Kuwaiti and third-country nationals had continued. At the beginning of July, a Kuwaiti technical team had travelled to a grave site in Iraq and carried back about 50 mortal remains. With this new development, the total number of sets of human remains that Kuwait had in its possession had reached 340, of which 167 had been identified as at 19 July 2004. The corresponding files had been formally closed. The members of the Kuwaiti National Committee expressed gratitude to the multinational force in Iraq, especially United States, United Kingdom, Polish and Italian contingents, for providing security to Kuwaiti teams, including during exhumation operations at the grave sites, and other assistance.

9. Also in Kuwait, the Coordinator met with the Chairman of the War Crimes Investigation Office of the Ministry of Justice and the Kuwaiti representative to the Iraqi Special Tribunal. According to these interlocutors, Kuwait was preparing cases of war crimes and crimes against humanity allegedly committed during Iraq's invasion of Kuwait in 1990. The cases involving Kuwaiti prisoners and detainees included accusations of arbitrary arrests and detention, torture, summary executions,

extrajudicial killings, and the provision of misleading information. The cases would be presented to the Iraqi Special Tribunal.

10. When the Coordinator met representatives of the Association of the Families of Kuwaiti Prisoners and Detainees in Kuwait, he gained the impression that the relatives of the Kuwaiti missing persons had reconciled themselves to the idea that the chances of finding a missing person alive had become very slim. Nevertheless, they wanted the work of disclosing the fate of those missing to continue so that the families could find relief and move on with their lives.

11. On 28 June, Ambassador Vorontsov was received by the Vice-President of Iraq, Ibrahim al-Jaafari, who was on a visit to Kuwait at that time. This was the first contact between the High-level Coordinator and a senior Iraqi official since the restoration of Iraq's sovereignty on 28 June.

12. Ambassador Vorontsov briefly outlined his mandate and activities, and provided an update in regard to the search for and return of Kuwaiti prisoners of war. He pointed out that Iraq continued to have international obligations with regard to the repatriation or return of Kuwaiti and third-country detainees or their remains, and emphasized the importance of this humanitarian task. He called on the new Iraqi authorities to establish a special group which would follow up on the issue of the search and repatriation of Kuwaiti and third-country nationals or their remains. The Coordinator also suggested that the Interim Government of Iraq appeal to Iraqis who might have been witnesses or have information about missing Kuwaitis or their burial sites to come forward and provide that information.

13. The Vice-President stressed that the Interim Government was aware of its responsibilities and willing to assist in this humanitarian matter, which was of concern to Kuwait and the international community. The new Iraq shared the pain of the families of the Kuwaiti prisoners, as thousands of its own citizens lay in mass graves, killed by the former regime. Iraq hoped that some persons on the list of Kuwaiti and third-country nationals would still be found alive. Iraq would seek to help to search for the Kuwaiti missing, by locating grave sites that might contain mortal remains and ensuring the transfer of the latter to Kuwait.

14. The Vice-President of Iraq assured the Coordinator of the full cooperation of the Interim Government and invited him to visit Iraq, where he was promised assistance and security arrangements.

IV. Observations

15. Since the submission of my fifteenth report in mid-April 2004, the number of resolved cases has increased from 92 to 167, which reflects ongoing progress. Given that the number of mortal remains already brought to Kuwait is around 340, their positive identification will mean that in the near future about one half of the Kuwaiti and third-country prisoners and detainees will have found their final resting place.

16. This movement forward brings certainty to the relatives of those prisoners of war whose remains have been found. Nevertheless, the sad truth is that so far not a single person from the initial list of 605 Kuwaiti and third-country nationals has been found alive. I reiterate my strong condemnation of the execution of Kuwaiti and third-country nationals by the previous Iraqi regime in violation of human rights and international humanitarian law.

17. A steady process of closing files is an achievement, and tribute must certainly be paid to the Government of Kuwait for its patient and tactful handling of a very sensitive issue. The procedures followed by the Coordinator ensured that the Security Council has been properly informed of the developments. The Tripartite Commission and its Technical Subcommittee remain the most appropriate mechanisms to deal with the issue of people unaccounted for. The Coordinator will maintain close contacts with those organs.

18. I would like to reiterate my strong condemnation of the killing of Kuwaiti and third-country nationals by the previous Iraqi regime. The perpetrators of the crimes committed by the previous regime in Iraq should be prosecuted.

19. I welcome the establishment of contact between the High-level Coordinator and the Interim Government of Iraq. I have taken note of the determination of the Interim Government to cooperate with Ambassador Vorontsov and fully assist in resolving the humanitarian matters he is entrusted to deal with by Security Council resolution 1284 (1999). I am hopeful that the new Iraqi authorities will continue to increase their role in this area, which would facilitate and expedite the process of the search for and the return of all Kuwaiti and third-country nationals or their remains.

Annex**Names of Kuwaitis and third-country nationals whose remains have been identified**

1. Saad Meshal Aswad Salamah al-Enezi
2. Ahmed Abdullah Abdulrasul al-Ghallaf
3. Saleh Ali Said al-Hayani
4. Enam Said Ahmad Said Ismail al-Edan
5. Abdullatif Hussein al-Waheb
6. Naser Hussein Omaran al-Enezi
7. Mahmoud Sayed Reda Sayed Hasan
8. Faihan Mohammad Laili al-Mutairi
9. Nasser Sherif Fahed al-Khaldi
10. Daad Omar al-Hariri (Lebanese)
11. Jassem Hamid Abdallah al-Samak
12. Safah Ibjad Aloush al-Mutairi
13. Lafi Faihan Mohammad Laili al-Mutairi
14. Abdul Rahman Saad Marzook al-Otaibi
15. Mohammed Gazai Saad Ali al-Mutairi
16. Farhan Harbi Saket al-Dhafiri
17. Obaid Falah Husaini al-Mutairi
18. Hamad Mohammad Ghuneim al-Ajami
19. Taleb Amin Jassem Saleh
20. Fahed Sulayman Aswad al-Enezi
21. Fahed Akil Rakan al-Zufayri (Saudi citizen residing in Kuwait)
22. Misfir Mhana Misfir al-Sharifa al-Hayani
23. Nasser Ayed Duhayran al-Oteibi
24. Mohammad Nasser Sharid al-Ajami
25. Assal Turki Kusayman al-Ajami
26. Abdallah Sulayman Abdallah al-Amir
27. Abdulaziz Yussef Abdulaziz Alyamani
28. Amer Deydan Ali al-Ajami
29. Sobhi Khalil Nousouhi Haydar (Lebanese)
30. Raja Hamud Saleh al-Sahli
31. Khaled Saleh al-Tuwaygeri

32. Adel Fahed Hamad al-Hamad
33. Fahed Khalifa Jadlan al-Mutayri
34. Salem Obeid Abdallah al-Mutayri
35. Shojah Madi Omar al-Ajami
36. Habib Saleh al-Zaqah
37. Ali Abdallah Ali al-Duwaysan
38. Maayuf Jaber Sahud al-Harbi
39. Yaccoub Yussef Bader al-Ustaz
40. Mansour Tulayhan Samar al-Mutayri
41. Hamad Humaydi Ghazi al-Otaibi
42. Mohsen Mohammad Mohsen al-Ajami
43. Rajeh Zeyab Bedah Nahar al-Mutayri
44. Mansour Faleh Nasser al-Thaqeb
45. Ahmad Mahmoud al-Hattab (Egyptian)
46. Jaber Helal Shedid al-Shemary
47. Falah Jaser Saad Guniman al-Mutayri
48. Jatly Mohammad Mejaed al-Mutayri
49. Husain Salem Faza al-Shamry
50. Khalifa Trak Suliman al-Shamry
51. Adel Faleh Satam al-Fadly
52. Adnan Mohamad Bahbahani
53. Tareq Falah Alaeban al-Shaemry
54. Hamoud Nafel Saeid al-Harshany
55. Nabil Ali Ramadan Bushehray
56. Mutlaq Ali Salman al-Adwani
57. Waleed Saad Mubarak al-Asaf
58. Abdulah Fares Ayed al-Shamry
59. Bader Nahar Mefrij al-Mutayri
60. Matar Saket Mater al-Mayai al-Anezi
61. Waleed Ayoub Ismail Bander
62. Helal Saleh Malis al-Mutayri
63. Abdulaziz Abdultalif Abdulaziz al-Kharaz
64. Mubarak Saleh Herzan Malis al-Mutayri
65. Hamoud Ebrahim Harfan al-Sahly

66. Saad Murshid Jasir al-Barazi
67. Raeid Abdulla Khalil Burashid
68. Saleh Hamoud Mansour Hamoud
69. Abdulmehdi Mehdi Ali Tahir
70. Hussam Mohammad Abdulmohsen al-Oseimi
71. Abdalla al-Oweyhan
72. Hussein Mohammad Jomah
73. Hassan Abdulmohsen al-Ali
74. Mohammad Makboul al-Otaibi
75. Ali Hassan Awad al-Azmi
76. Hamoud Nassir Baanoun el-Enezi
77. Khalaf Akil Ali al-Dhafiri
78. Saad Bashir Mubarak al-Rashidi
79. Mohammad Rashid Nabi al-Duwaila
80. Nawaf Abdulla Farraj al-Mutairi
81. Saleh Mathal Jasser al-Mutairi
82. Mohammad Ahmad Shaher al-Sharifi
83. Abdulla Deydan Kazar al-Dhafiri
84. Maged Jaber Fyhan el-Enezi
85. Tarek Mohammad el-Qahtany
86. Meshal Jazza el-Enezi
87. Fawzy Ali Ebrahim al-Mulla
88. Saleh Naser al-Khenah
89. Esam Yaccoub Saadallah
90. Meshal Yussef Ali Reda
91. Hany Ahmed al-Musilikh
92. Ahmed Ali al-Kandary (Iranian)
93. Abdulaziz Ali Mohammad Al-Khanini
94. Fauzi Ebrahim Abdullatif Al-Abed Al-Jalil
95. Mohammad Naeif Muthri Al-Shamry
96. Jamal Mubarak Muwanas Al-Muwanas
97. Salah Jassem Mandani Qassem Ghullam
98. Abdullah Shafi Hafiz Al-Shagban Al-Ajami
99. Qadir Abdulrahman Jassem Mustafa

100. Ismail Ebrahim Mohammad A. Al-Kandary
101. Yacoub Hussein Ali Akbar
102. Mohammad Ali Saleh Al-Zaqah
103. Ahmad Abdulla Mustafa Hadi
104. Waleed Feiruz Yaqout Al-Manea
105. Mohammad Ahmad Mohammad Al-Rashed
106. Saoud Abdulaziz Furaih Al-Kouh
107. Khaled Abdulaziz Furaih Al-Kouh
108. Ali Mohammad Ali Salem
109. Adnan Feiruz Yacout Al-Manea
110. Fahed Ali Kamikh Al-Dehani
111. Hani Feiruz Yacout Al-Manea
112. Mohammad Mutlaq Rumeih Al-Bathali
113. Hamad Muajeb Saad Al-Ajmi
114. Mutlaq Abdallah Mutlaq Al-Hajr Al-Mutairi
115. Zakaria Abdulqader Mohammad Al-Qaderi
116. Ahmad Saleh Aboud Al-Enezi
117. Ajmi Awajah Rashid Al-Rashidi
118. Shaker Abdallah Mohammad Al-Jedi
119. Nabil Mohammad Hassan Al-Sharaf
120. Hamoud Marzook Thamer Al-Fadly
121. Khaled Hussein Aoun Al-Atiyah
122. Maysam Rawdan Adnan Jodah Al-Shamry
123. Mohammad Hamoud Ayed Al-Aqail
124. Mohammad Jassem Khalf Al-Thanian
125. Mohammad Marzook Mohammad Al-Marzook
126. Mutlaq Abdul Rahman Motlaq Al-Khaldi
127. Housain Mohammad Hosain Adab
128. Talal Hadi Al-Otaibi
129. Khaled Nasser Fahd Al-Ajami
130. Abdul Razzaq Abdullah Mubarak Al-Fawzan
131. Ali Husain Naser Allah Boshahryary (Iranian)
132. Saoud Manea Mohammad Tahous
133. Khaled Ahmed Mohammad Al-Rashed

134. Hamoud Muhareb Ali Al-Shamry
135. Abdullah Fahm Moatesh Al-Mutairi
136. Srour Falah Srour Al-Rashaidi
137. Abdallah Wali Hizam Al-Shamry (non-Kuwaiti)
138. Nasser Fahed Mohammad Al-Ajami
139. Fahed Wali Hizam Al-Shamry (non-Kuwaiti)
140. Mohammad Faleh Abboud Al-Enezi
141. Faisal Ghali Ashwi Al-Dhafiri
142. Nasser Ali Nasser Al-Ajami
143. Nawaf Hamad Hussein Al-Ajami
144. Khaled Nasser Khaled Al-Subaii
145. Alnouri Khalaf Kuwayan Al-Dhafiri (Saudi)
146. Mansour Awad Mansour Al-Ajami
147. Fahed Alhailam Musmar Al-Dhafiri
148. Jamal Abbas Ghaloum Hussein
149. Abdulkarim Ali Khaled Mohammad
150. Mousa Ebrahim Suleiman Al-Khalifi
151. Abdulaziz Ebrahim S. Al-Badyawi (Saudi)
152. Abdulrazaq Dakhil Abdulrazaq Al-Tawalah
153. Hamad Mubarak Salem Al-Hajri
154. Khaled Ahmad Mubarak Al-Sharhan
155. Mohammad Serhan Aswad El-Enezi
156. Fahed Bashir Mubarak Al-Rashidi
157. Ahmad Abdulla Ahmad Al-Kandari
158. Dhafer Abdulhadi Dhafer Al-Rashidi
159. Hamdan Hamoud Ghazi Al-Otaibi
160. Mansour Faleh Nasser Al-Ajmi
161. Salah Ali Murshid Al-Rashidi
162. Meshal Obeid Hamdan Al-Otaibi
163. Hamoud Mohwis Saoud Al-Saidi
164. Mohammad Nasser Hazzah Al-Otaibi
165. Abdullah Salem Salem Gheith
166. Fahed Mohammad Abdulla Al-Khalidi
167. Faisal Zaidan Suleiman Al-Ajeel