



# LAW

Legal  
Action  
Worldwide

## Ba'adon

The Legal, Medical, And Psychological Needs  
Of The Families Of The Disappeared







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Legal Action Worldwide is an independent, non-profit organisation comprised of human rights lawyers and jurists working in fragile and conflict affected areas in the Middle East, Africa and South Asia. LAW has a particular focus on gender equality and gender-based violence; the rule of law and accountability; transformative justice; and natural resource exploitation – working to bring justice to those who need it most.

This report is part of the “Dealing with the Past – DWP” project, funded by UN Women and implemented by Legal Action Worldwide. It focuses on female survivors and victims of gendered based violence from the Lebanese Civil Wars until the present. LAW provides psychosocial support, legal assistance and avenues for storytelling to empower and enable women survivors and relatives of the disappeared to express their experiences and to address their legal and psychosocial needs.

Photo Credit: Lea Skayem – April 2021

LAW has obtained consent of all persons photographed in this report.







**This report is dedicated to the families of kidnapped and forcibly disappeared during the Lebanese Civil Wars. LAW is grateful to those who confided in us about their experiences and the struggles they faced.**



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## EXECUTIVE SUMMARY

Enforced disappearances have been a hallmark of the 1975-1990 Lebanese Civil Wars. Nearly 17,000 people remain missing due to the conflict, many of these are known or are suspected to be victims of enforced disappearance. Women and girls were, and continue to be, particularly affected.

This report is part of a broader UN project entitled “Dealing with the Past” and is part of a series of reports prepared by LAW on the Lebanese Civil Wars. The report sets out the gendered impact on, and needs of, women and girls resulting from the disappearance of their family members. The report discussed the legal, medical, and psychological impact of enforced disappearances on surviving family members and examines barriers to accessing justice in Lebanon. It also contains a series of recommendations for the Lebanese government and civil society organisations to address enforced disappearances and fulfil the needs of survivors.

In order to prepare this report, LAW undertook desk-based research and reviewed 24 reports by the UN, INGOs, national NGOs, academic literature, and media reporting. Five focus group discussions were undertaken with 39 women and nine men, and information was collected through quantitative surveys of 150 individuals living in Beirut, Mount Lebanon, North Lebanon, South Lebanon, and Bekaa during the Lebanese Civil Wars, and 26 in-depth interviews with families of the missing and disappeared. 24 experts, including academics, journalists, lawyers, and psychologists, were also interviewed. LAW followed a strict methodology which is set out in Section III of this report.

LAW provided 170 women with psychological support, 287 women with legal information, 94 women with legal assistance, and 13 women with legal representation.

LAW faced a number of challenges while conducting this research, including COVID-19 lockdowns and difficulties collecting evidence due to the passage of time. Furthermore, many families reported that they were tired of talking about their needs because over the prior 30 years, multiple stakeholders had reached out to them but had offered no significant support.

### Key findings:

1. Legal needs: LAW found that families of disappeared persons, particularly women and girls, face multiple hurdles in obtaining civil documentation and in matters related to custody, guardianship and inheritance due to the patriarchal personal laws in Lebanon. The lack of a unique legal status for disappeared persons represents a significant challenge for families of the disappeared; families are forced to declare the missing or disappeared persons ‘dead’ to move past legal hurdles. Moreover, families have almost no way to discover the fate and whereabouts of a missing or disappeared family member because the formal bodies established to investigate the whereabouts of missing and disappeared persons, are not functioning. Generally, families felt that there are no laws in Lebanon to address their legal needs, or that the laws are not implemented. To quote a survivor, *“In Lebanon, no law is implemented. [...] But ever since the war, laws are merely pen to paper. [...] Who will implement the laws?”*<sup>i</sup>
2. Medical needs: LAW found that family members have varied, and, frequently, multiple, medical needs. Some family members suffered permanent disabilities as a result of the conflict. Some families also reported that they are suffering from lack of medication due to the ongoing economic crisis in Lebanon. As a survivor said, *“We need access to medical care – The dispensary in Karantina is too expensive. We also need medication as some of us are on constant treatments.”*<sup>ii</sup> Some survivors stated that they continue to take medication to recover from the Lebanese Civil Wars. The current health crisis in Lebanon has escalated the medical needs, as many survivors can no longer afford to access medical services.

3. Psychological needs: LAW found that survivors and victims continue to suffer from fear and insecurity, post-traumatic stress disorder (PTSD), anxiety, depression, insomnia, phobias and aggression. Interviewees expressed feeling survivors' guilt, hyper maturity, anger and insecurity. As one survivor reported, *"I learned for two years in university and dropped out. Even if I wanted to laugh, I would feel guilty because my family was sad. I then enrolled in another university but couldn't continue."*<sup>iii</sup>

### **Recommendations**

In light of these findings regarding the deep and continuing impact of enforced disappearances on families of the missing and disappeared, LAW recommends the following:

1. Recognise disappeared persons as such before the law by creating a unique civil status category for them, acknowledging their absence, and facilitating the resolution of legal issues for families and relatives without asking them to declare a loved one, whose fate remains unknown, "dead".
2. Activate the National Commission for the Missing and Forcibly Disappeared to fulfil its mandate which includes the respect and fulfilment of the right to know the truth through gathering and sharing information about the fate of the missing, exhuming mass graves, and DNA testing.
3. Include all areas and communities in Lebanon where families of the missing and disappeared reside, in DNA testing to ensure a comprehensive database for the identification of any human remains found in the future.
4. Provide medical financial assistance for aging families of the missing and disappeared to mitigate rising cost of medications, especially for chronic conditions.
5. Establish an inter-sectoral coalition of civil society actors and NGOs, possibly with the support of UN agencies and government bodies, dedicated to addressing the needs of the families of the disappeared including legal, medical, psychological and financial needs.
6. Organise support groups for relatives and survivors, e.g., returned survivors of kidnapping, to promote psychosocial wellbeing for those who are reluctant to seek therapy or who do not have the financial resources to access licensed therapists.
7. Create social awareness on the truth of the Lebanese Civil Wars by encouraging more survivors and ex-fighters to share their stories. This can be implemented in collaboration with the Ministry of Education and Higher Education and the Ministry of Social Affairs, which can help organise group talks and awareness sessions for children of a certain age, promoting intergenerational transfers of knowledge and awareness about the Lebanese Civil Wars.
8. Enhance collective healing by truth telling and memorialization of the Lebanese Civil Wars through a survivor-centred approach and community-based activities.



## I. Acronyms

CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CAT/UNCAT	Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ICRC	International Committee of the Red Cross
IHRL	International Human Rights Law
PTSD	Post-traumatic stress disorder
UDHR	Universal Declaration of Human Rights







## II. Background

Between 1975 and 1990, the Lebanese Civil Wars caused irreparable damage to the people of Lebanon. An estimated 120,000 people were killed<sup>iv</sup>, around a million people (a third of the population<sup>v</sup>) were displaced, and approximately 17,415 people disappeared.<sup>vi</sup> Although the Lebanese Civil Wars ended with the 'Taif Agreement', also known as the National Reconciliation Accord, the consequences of the wars are still felt, and scarcely any action taken, has been taken to advance restorative and/or transitional justice.<sup>vii</sup>

Despite the impact of the Lebanese Civil Wars, little has been done to explore the crimes of enforced disappearance or the impacts on, and needs of, the families of the missing and forcibly disappeared. The legal, medical, and psychosocial impact of disappearance on the families of those that have forcibly disappeared has been overlooked in Lebanon, despite wide acceptance that kidnapping, and disappearance was a hallmark of the Lebanese Civil Wars. Families continue to live in emotional agony due to the unknown fate and whereabouts of their loved ones, and from their unaddressed needs. Accordingly, this report is an effort of recognise the consequences of enforced disappearances committed in the context of the conflict and to identify the legal, medical, and psychological needs of the families of the missing and forcibly disappeared.

This report focuses on the legal, medical, and psychological needs of the families of the missing and forcibly disappeared and of victims of gender crimes during the Lebanese Civil Wars. The report first provides a factual overview of the Lebanese Civil Wars to outline the context in which enforced disappearances were committed (section III). It then lays out the relevant international and domestic legal framework (section IV). In section V, it presents key statistics relating to the needs of families. It then more fully assesses the needs of the families of the missing and forcibly disappeared and victims of gender crimes (section VI) and discusses the relationship between these needs and survivors' experiences accessing justice. The report concludes with a summary of its findings and a series of recommendations to address the needs of the families and victims.





### III. Methodology

#### a. Collection of data

The information gathered for this report has been obtained by LAW's national and international legal teams over a 10-month period in coordination with the Committee of the Families of the Kidnapped and Disappeared in Lebanon and Justice without Frontiers. LAW is grateful to the Committee of the Families of the Kidnapped and Disappeared in Lebanon for assisting with the identification and introduction to the families of the disappeared, and to Justice without Frontiers for support in research and interviews in the preparation of this report.

#### b. In numbers

The information in this report was gathered through:

1. **Desk review of 24 documents of literature on the subject**, including reports by the UN, INGOs, and national NGOs, academic literature and media reporting.
2. **Review of the current applicable laws** in Lebanon including the Constitution, domestic legislation, international human rights law, international criminal law, and international humanitarian law, including customary international law.
3. **Five focus group discussions** with 39 women (31 Lebanese, 8 Palestinian) and 9 men (all Lebanese), including Lebanese Christians, Lebanese Muslims, and Palestinian Muslims.
4. **150 quantitative surveys** with 148 women and 2 men. 81% were Lebanese, 18% were Palestinian, and 1% were Syrian. During the Lebanese Civil Wars, 43% of these participants were children under the age of 9, 32% were adolescents aged between 10 and 19, and 25% were adults over the age of 20. During the Lebanese Civil Wars, 42% of the participants lived in Beirut, 23% lived in Mount Lebanon, and 35% lived in North Lebanon, South Lebanon, and Bekaa.
5. **26 in-depth interviews with relatives of the missing and disappeared:** 16 women (9 Lebanese, 7 Palestinian) and 11 men (9 Lebanese, 2 Palestinian). One interview involved two participants.
6. **24 interviews with experts including academics, journalists, lawyers and psychologists:** 16 women (15 Lebanese, 1 Palestinian) and 8 men (all Lebanese).

#### c. Principles and ethics of research

In undertaking this research, the principles below were followed:

1. **Do No Harm** – The Do No Harm rule was applied throughout the research. All effort was made to ensure that no participant or prospective participant was exposed to further harm as a result of the research undertaken. All steps were taken to avoid or minimise any adverse effects of the intervention, including the risk of exposing people to increased danger or abuse of their rights;
2. **Openness and transparency** – The purpose of the interviews and how the information gathered would be used, was made clear to all interviewees;
3. **Reliability and independence** – Every effort was made to verify all information collected and to confirm the validity of all inferences made and all conclusions reached on the basis of that evidence through the use of a variety of sources;



4. **Voluntary participation and informed consent** – All interviewees and participants in this research were informed about its purpose and how it would be used before they gave consent to participate. No interviewee was paid for their involvement in this research. All interviewees consented to having their accounts included in the report;
5. **Broad participation** – The report sought to interview as wide a range of relevant stakeholders and beneficiaries as possible, in addition to the legal aid providers;
6. **Confidentiality and anonymity** – Survivors interviewed as part of this research were not named in the report and their right to privacy, dignity and confidentiality has been respected.



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## IV. Context: The Lebanese Civil Wars

The long and politically complex Lebanese Civil Wars is a tragic chapter of Lebanese history. Prior to the outbreak of the conflict, Lebanon repeatedly witnessed episodes of political violence which contributed to the gradual weakening of the State structure and to the fracturing of society along political and sectarian lines, and which polarized views around the Palestinian armed struggle.<sup>viii</sup>

Upon the independence of Lebanon from France in 1943, Bechara Al-Khoury, a Christian Maronite and Riad Al-Solh, a Sunni, agreed to form a unified government which ensured equal representation of Christians and Muslims in the new Lebanese State.<sup>ix</sup> This decision heightened sectarian tensions over the following decades, as representatives of the proportionally declining Christian population sought to preserve their political and socio-economic power in the context of an expanding Muslim population, ultimately leading to the outbreak of the Lebanese Civil Wars.<sup>x</sup> Other factors which contributed to the conflict included the arrival of a large Palestinian refugee population in Lebanon, the Palestinian armed resistance against Israel, and the Israeli invasions of Lebanon.<sup>xi</sup>

Although contested, it is generally agreed that the Lebanese Civil Wars began on 13 April 1975, after an attempted assassination of the Phalangist leader, Pierre Gemayel. The attack killed three civilians and Pierre Gemayel's bodyguard.<sup>xii</sup> The incident provoked a backlash from Phalangist gunmen, who attacked a bus transporting Palestinians in Ain al-Remmaneh, a suburb of Beirut. Consequently, Lebanon witnessed 15 consecutive years of multiple wars between multiple state and non-state armed actors.

In 1989, the Lebanese Parliament approved the *Ta'if* Accord (also known as the National Reconciliation Accord), a constitutional reform designed to end the war and to resolve the causes of the conflict. The *Ta'if* Accord primarily aimed to address the sectarian division of power, the issue of the presence of Palestinian refugees, the presence of Syrian military forces on Lebanese territory, and Hezbollah being the only remaining armed militia.<sup>xiii</sup> The agreement was successful, and the conflict ended in 1990. While Lebanon was attempting to transition from war to stability, key political actors passed the General Amnesty Law of 1991. As will be explained in this report, this law contributed to the culture of impunity in Lebanon.

Significant areas of Lebanon remained under Israeli occupation until 2000,<sup>xiv</sup> and Syria politically dominated the country until 2005<sup>xv</sup>. Moreover, until present day, Lebanon has been far from stable and suffers from the aftermath of the Lebanese Civil Wars, especially militia members and commanders holding key public and official positions. Lebanon has been subject to instability, repeated cycles of violence, fragmented social and political scene, and weak State institutions due to the failure to address the past, and to seek transitional and restorative justice tools.<sup>xvi</sup> The topic of the Lebanese Civil Wars remains a taboo and sensitive due to the constant fear of recurrence and fueling sectarian strife. Political and social division and precariousness continue to be fostered.

During the wars, Lebanon witnessed a multitude of cross-sectarian clashes, assassinations, enforced disappearances, and massacres along with external and foreign interferences, on top of the presence of Israeli and Syrian military forces in the country at different points.<sup>xvii</sup> The wars affected the entirety of the Lebanese territory and population. Reportedly, 150,000 people were killed, more than 800,000 people were uprooted, and around 17,000 were forcibly disappeared.<sup>xviii</sup>

Enforced disappearance constitutes a continuous crime until the fate and whereabouts of the disappeared are revealed. With the disappeared person being the direct victim of enforced disappearance, family members of the disappeared persons are also victims. Yet, Lebanon has not taken any significant efforts to either uncover the truth about the 17,000 disappeared persons being disappeared, or to assist the families with additional needs resulting from the disappearances.





## V. Legal Framework

### Introduction

Enforced disappearance is prohibited under international and domestic human rights and criminal law and constitutes a human rights violation. It is defined and further addressed under multiple international, regional, and domestic laws. Families of the missing and forcibly disappeared are entitled to legal protection and guarantees, especially in regard to outstanding matters stemming from enforced disappearances. It is widely acknowledged that women and girls suffer disproportionate impacts of enforced disappearance,<sup>xix</sup> but do not get the deserved protection under existing legal frameworks.

This section examines the different domestic and international legal frameworks applicable to the families of missing and forcibly disappeared persons during the Lebanese Civil Wars.

### 1. Domestic Legal Framework

#### a. Lebanese Constitution

The Preamble of the Lebanese Constitution states that the Universal Declaration for Human Rights (UDHR) and the United Nations Covenants, both the International Covenant for Civil and Political Rights (ICCPR) and the International Covenant for Economic, Social, and Cultural Rights (ICESCR), are an integral part of it, thus making the entirety of their provisions applicable and constituting a part of the Lebanese Constitution. Hence, the provisions under the UDHR, ICCPR, and ICESCR are the same under domestic law without exception.

Article 7 states that “*all Lebanese shall be equal before the law*” with the equal enjoyment of civil and political rights.<sup>xx</sup> Article 8 states that “*individual liberty is guaranteed and protected by law*” and that arbitrary arrest and detention of persons is prohibited without valid legal grounds.<sup>xxi</sup> Therefore, the Lebanese Constitution prohibits enforced disappearances.

It also provides other legal guarantees and protections that have different effects on the families of the missing and forcibly disappeared, such as the freedom of religion and belief, right to education, and right to ownership.

#### b. Lebanese Criminal Code

The Lebanese Criminal Code covers a variety of protections and offences related to enforced disappearance. The right to life and physical integrity is protected under a multitude of provisions establishing felonies and misdemeanor against human life and dignity as well as other interrelated rights.<sup>xxii</sup> The Code establishes liability for harmful acts resulting from negligence, recklessness, or failure to comply with laws and regulations.<sup>xxiii</sup> The Lebanese Criminal Code criminalizes kidnapping in different forms.<sup>xxiv</sup> In reference to freedom of liberty being enshrined in the Lebanese Constitution, the arbitrary deprivation of liberty is criminalized under the Lebanese Criminal Code.<sup>xxv</sup> Additionally, the Code criminalizes acts that occur as a result of enforced disappearance, such as acts breaching the sanctity of one’s home and displacement.<sup>xxvi</sup>

Ergo, enforced disappearance, nonetheless kidnap, are condemned under the Lebanese Criminal Code and would result in criminal sentencing and punishment, with a possible maximum sentence of life imprisonment with hard labour.<sup>xxvii</sup>

c. Lebanese Personal Status Laws

Families of missing and forcibly disappeared persons frequently face barriers in relation to guardianship, child custody, inheritance, marriage, and adoption, which are governed by personal status laws. Under Article 9 of the Lebanese Constitution, all personal status matters are governed by the laws of each person's religious sect and respective religious courts.<sup>xxviii</sup> Lebanon has 15 separate personal status laws governing the different Lebanese religious communities. Children are granted the religion of their fathers upon birth, unless a child's religious sect is changed according to governing rules and procedures.

Personal status laws also provide the minimum years required for declaring a person dead. For example, in the Sunni and Shiite sects, families may declare a person dead after the passing of minimum four Hijri years after disappearance, ten years for Druze and four years for Christians.

d. Law 84/1991 – General Amnesty Law

In 1991, the Lebanese Parliament issued the General Amnesty Law granting pardons to all the crimes committed during the wars, and to disarm, demobilize militias and reintegrate them into the regular national forces. Law 84/1991 grants general amnesty for the crimes committed before the 28<sup>th</sup> of March 1991. The crimes include abduction, hostage-taking, and offences punishable under article 569 of the Lebanese Criminal Code. These crimes are political in nature criminalized under the Lebanese Criminal Code, Military Criminal Code, and the Law on Munitions and Explosives with the respective amendments.<sup>xxix</sup> There are two exceptions to the General Amnesty Law, which are:

1. Crimes committed against political and religious leaders.
2. Crimes against external State security, crimes sent to court before the law's entry into force, fraud, bankruptcy, forgery of foreign or domestic currency and its sale, forgery of official documents, and crimes relating to theft of antiquities.

The United Nations Office of the High Commissioner for Human Rights noted:

*“United Nations officials including peace negotiators and field office staff, must never encourage or condone amnesties that prevent prosecution of those responsible for serious crimes under international law, such as war crimes, genocide and crimes against humanity, or gross violations of human rights, such as extrajudicial, summary or arbitrary executions; torture and similar cruel, inhuman or degrading treatment; slavery; and enforced disappearance, including gender-specific instances of these offences, or that impair victims' right to a remedy, including reparation, or victims' or societies' right to the truth.”<sup>xxx</sup>*

The Human Rights Committee, in its concluding observations on the report presented by the Government of Lebanon in July 1996, criticized Law 84/91 by stating:

*“The Committee notes with concern the amnesty granted to civilian and military personnel for human rights violations they may have committed against civilians during the Lebanese Civil Wars. Such a sweeping amnesty may prevent the appropriate investigation and punishment of the perpetrators of past human rights violations, undermine efforts to establish respect for human rights, and constitute an impediment to efforts undertaken to consolidate democracy.”<sup>xxxi</sup>*



e. **Law of 1995 – Declaring the Disappeared Dead**

In 1995, the Lebanese Government issued a law which allows the families of the missing and forcibly disappeared to declare their disappeared dead. The law aims to facilitate legal procedures and related matters for the families' lives, among which are inheritance, property related matters, and marriage. However, this law was not welcomed by the families due to critics surrounding the law's failure to provide an investigation into the fate of their disappearance and missing.<sup>xxxii</sup>

f. **Law 105/2018 for the Missing and Forcibly Disappeared**

In November 2018, the Lebanese Parliament ratified Law 105/2018 for the Missing and Forcibly Disappeared which sets up an independent and non-discriminatory *National Commission for the Missing and Forcibly Disappeared* with a humanitarian mandate to investigate the fate and whereabouts of persons who went missing or forcibly disappeared in Lebanon. The long-awaited ratification constituted a major step towards fulfilling the right to know and resolving the issue of the missing and forcibly disappeared from its social, legal, and economic dimensions.<sup>xxxiii</sup>

The Law provides definitions for a missing and forcibly disappeared person. It provides the right to know, to be informed, and to compensation.<sup>xxxiv</sup> The right to compensation, under Article 5, entitles providing victims and their families with adequate moral and material compensation. Article 4 ensures the non-discriminatory treatment between the family members of missing or forcibly disappeared and their rights regardless of the identity of the missing or forcibly disappeared person; meaning that, families must not be discriminated on gender, racial, religious, or other grounds. The Law has provisions related to administrative, legal, and judicial procedures and measures imposed on the State, to the burial sites and remains, tracing requests, data collection, centralization, and protection, and to punitive and criminal provisions aiming to fight impunity through criminalization, accountability, and due punishment.

The Law entails provisions for the establishment and functioning of the *National Commission for the Missing and Forcibly Disappeared in Lebanon*. In June 2020, the government appointed the members of the Commission as set out under Law 105/2018, who were sworn into office in July 2020.<sup>xxxv</sup> The Commission has an active role to play with regards to many aspects, especially the right to compensation, to the investigation and disclosure of the fate and whereabouts of the missing and forcibly disappeared, to informing their families of the latest progress attained and challenges faced, including tracing and handing over human remains to their respective families, and to sharing and collecting data and information.<sup>xxxvi</sup> However, during the first half of July 2021, a coordinated resignation was planned by four of the Commission's members without justification leading to the loss of the quorum.<sup>xxxvii</sup> This incident occurred after the Commission continuously suffered from the government's delay in allocating its required appropriation of a budget and resources for it to commence and embark with its duties.<sup>xxxviii</sup>

Law 105/2018 aims to end the suffering and anguish of the concerned families and loved ones as well as the community, as a whole, as per principles of restorative and transitional justice. It also holds persons accountable for obstructing the law, prevents recurrence, and helps adopt strict measures against the crimes of kidnapping and enforced disappearance under potential amendments to the criminal code. Consequently, Law 105/2018 is a step proving the State's expression of intent to potentially ratify or accede to the Convention on Enforced Disappearance.



**g. Other domestic provisions or actions**

In 2014, the State Council (Majles Shura al-Dawla) issued a high-profile decision recognizing the right of the families of the missing and forcibly disappeared to know the truth.<sup>xxxix</sup> Through this decision, the families were able to obtain access to the confidential archives regarding investigation files and the full report of the Official Commission of Inquiry to Investigate the Fate of All Abductees and Missing Persons in Lebanon.<sup>xl</sup>

Lebanon has an obligation to adhere to the abovementioned domestic, regional and international laws prohibiting enforced disappearances, upholding the rights of the direct and indirect victims of enforced disappearances and responding to their needs.

**2. International Legal Framework**

The legal definition of enforced disappearance is derived from International Human Rights Law (IHRL) principles related to: the right to equality and non-discrimination; the right to life, physical integrity, physical and mental health; right to freedom from violence and torture, and other due process rights such as freedom from arbitrary detention. Under IHRL, states have the obligation to respect, protect, and fulfil human rights under international human rights treaties they have ratified. The obligations are of an immediate nature which cannot be delayed, ignored, or violated under any circumstances, including states of emergency or during armed conflicts.<sup>xli</sup> States must uphold their obligations to prevent, investigate, and punish human rights violations by both state and non-state actors.<sup>xlii</sup>

**a. International Instruments on Enforced Disappearance**

In 1992, the United Nations General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance which “*characterizes all acts of enforced disappearance of persons as very serious offences and sets forth standards designed to punish and prevent their commission*”.<sup>xliii</sup> The UN Working Group on Enforced or Involuntary Disappearances noted in its 1997 report to the UN Commission on Human Rights that the Lebanese government has a “*commitment under articles 13 and 14 of the Declaration on the Protection of All Persons from Enforced Disappearance to investigate thoroughly all cases of enforced disappearance and to bring the perpetrators to justice*”<sup>xliv</sup>

In 2006, building on the 1992 Declaration, the United Nations General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance, which came into effect in 2010. Article 2 defines enforced disappearances as “*the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.*”<sup>xlv</sup>

The Convention prohibits enforced disappearances under all circumstances, without any exceptions or derogations and qualifies its practice as a crime against humanity whenever the required thresholds are met.<sup>xlvi</sup> Additionally, the Convention imposes on states the responsibility to take appropriate investigative, legislative, prosecutive, and judicial measures with regards to acts of enforced disappearance.<sup>xlvii</sup> It also contains provisions related to individual criminal liability, the rights of the accused, the rights of victims, the establishment of the Committee of Enforced Disappearances, and other provisions related to criminal justice and criminal law. More importantly, the Convention gives the families of the disappeared “*the right to know the truth regarding the*

*circumstance of the enforced disappearance, the progress and results of the investigation, and the fate of the disappeared person”, “the right to obtain reparation and prompt, fair and adequate compensation”, and the right to obtain reparations covering the material and moral damages inflicted ranging from restitution and rehabilitation to satisfaction and guarantees of non-repetition.*<sup>xlvi</sup>

Lebanon signed the Convention on 6 February 2007 but has not yet ratified or acceded to it. By signing the Convention, Lebanon has expressed its intent to comply with the convention.

The UN Working Group on Enforced or Involuntary Disappearances (WGEID) issued general comment on designing institutions to deal with the impossibility of ascertaining a person’s death. The Working Group noted domestic legal systems which issued “presumption of death”, or a “declaration of absence”.<sup>xlix</sup> Such a declaration not only recognises the legal personality of disappeared persons, but also respects the rights of their next-of-kin and others. Further, in 1998, the WGEID issued a general comment noting domestic legal systems (including Argentina, Ethiopia, Turkey, Uruguay) that allowed creation of a legal status of “absence through enforced disappearance” making provisions for compensation for victims of enforced disappearance or death caused by the action of the armed forces, security forces, or paramilitary groups prior to the return of democracy.<sup>1</sup>

#### **b. Right to equality and non-discrimination**

The right to equality and non-discrimination on the basis of gender is an essential right protected under human rights and the rule of law. Under this right, states are obligated to provide two forms of protection according to international and regional instruments: guaranteeing the applicability of treaties while adhering to the principles of equality and non-discrimination and guaranteeing equality and non-discrimination of all persons before laws and their application.<sup>li</sup> The right to equality and non-discrimination is protected under Article 2 of the Universal Declaration of Human Rights (UDHR) and Articles 2 and 3 of both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Article 26 ICCPR also recognizes the equal and non-discriminatory protection and representation of all persons before the law which prohibits any discrimination by law or by public authorities. As stated by article 4 ICCPR, gender non-discrimination is an essential obligation of a state and its authorities, under international law, where a state cannot derogate from this principle even under public emergencies that allow certain derogations. Lebanon has been a State Party to the UDHR, ICCPR and ICESCR prior to the Lebanese Civil Wars.

IHRL stresses on the importance of the principle of equality and non-discrimination of all persons before the law by obligating states to *respect, protect, and fulfill* those principles. States are obligated to ‘respect’ the principles by refraining from committing any gender-based crimes as well as enacting and enforcing laws and policies which ensure those principles.<sup>lii</sup> To ‘protect’ the principles, states are obligated to exercise due diligence in preventing, investigation, punishing, and redressing gender-based crimes caused by non-state actors.<sup>liii</sup> In order to ‘fulfil’ the principles, states are obligated to ensure an environment where gender-based crimes are prevented and where victims have access to legal and social services.<sup>liv</sup>

The Convention on the Elimination of Discrimination against Women (CEDAW) is indispensable when discussing discrimination and women’s rights as it aims to eliminate all forms of discrimination against women. However, Lebanon acceded to CEDAW in 1997 post-Lebanese Civil Wars, yet, since enforced disappearance is a continuous crime, CEDAW is applicable in this regard. CEDAW obligates states to take all appropriate measures to prevent, investigate, prosecute, punish, and provide remedies to victims of gender-based crimes such as legislative measures, legal protection, and any other appropriate measures.<sup>lv</sup>

Article 3 of CEDAW ensures non-discrimination and equality “in all fields, in particular in the political, social, economic, and cultural fields (...) to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of

equality with men”. However, Lebanon made reservations to CEDAW related to the right of a mother to grant her child her nationality (article 9(2)), on personal status rights related to the rights and responsibilities of marriage and its dissolution, parental rights over children guardianship, adoption, and others, and personal rights between spouses which only adhere to religious laws (article 16(1)(c)(d)(f)(g)). Consequently, women cannot pass nationality to their children or adopt in the absence of husbands. These reservations impede the full enjoyment of rights of the families of the disappeared and the victims of gender-based crimes.

### **c. Right to Life, Liberty, and Security**

The right to life, liberty, and security of all persons which is an inherent and enshrined right protected under Article 3 of UDHR, Article 6 and 9(1) ICCPR, and Article 5 of the Arab Charter on Human Rights.<sup>lvi</sup> The right to life, the “supreme right”, is a fundamental one which must not be derogated, as stated under Article 4 of the ICCPR, and must not be interpreted narrowly.<sup>lvii</sup> The right to life entails the protection of individuals from acts or omissions that are intended or may be expected to cause their unnatural or premature death and the enjoyment of one’s life with dignity.<sup>lviii</sup> The arbitrary deprivation of life is a gross violation to the right to life, such as imposing a death penalty or life sentences not complying to the legal provisions and related rights.<sup>lix</sup> With the right to life not being absolute, permissible grounds have allowed for the non-arbitrary deprivation of life, such as situations of self-defense which comply with the governing legal provisions and institutional safeguards.<sup>lx</sup>

As mentioned in article 6(1), the right to life must be “*protected by law*”. States are obligated to respect and ensure the right to life through legislative and other measures and to provide effective remedies and reparation to all victims of violations in order to deliver their duty to protect the right to life.<sup>lxi</sup> States are also obligated to ensure the right to life by exercising due diligence to protect the lives of individuals against the deprivations caused by non-state actors or entities whose conduct is not attributed to the State, especially conducts posing specific threats or pre-existing patterns of violence.<sup>lxii</sup> This obligation is extended to foreseeable threats and life-threatening situations that can result in the loss of life. It shall be noted that even if a threat or situation does not lead to the loss of life, the State is still bound by its obligation to respect and ensure this right.<sup>lxiii</sup>

The right to life overlaps with the right to liberty and security of persons mentioned under Article 9(1) of ICCPR. Extreme and aggravated forms of arbitrary detention are considered to be life-threatening, particularly enforced disappearances, considering the violations to personal liberty and security in addition to the right to life.<sup>lxiv</sup> Therefore, the failure to ensure the right to liberty and security in instances of enforced disappearance violates the right to life.<sup>lxv</sup> Furthermore, enforced disappearance poses a great threat to life, because the deprivation of liberty or the concealment of the fate of the disappeared person removes him/her from the protection of the law and places his/her life under serious and constant risk for which the State is accountable.<sup>lxvi</sup> As a result, under the obligation to prevent, protect, and fulfill the right to life, liberty, and security, states are bound to take measures to prevent, protect, investigate, and prosecute enforced disappearance as well as remediate families of the disappeared.<sup>lxvii</sup>

### **d. Right to Recognition as Person Before the Law**

Article 16 of the ICCPR states that everyone is entitled to the “*recognition, everywhere, as a person before the law*” without any permissible derogation.<sup>1</sup> Enforced disappearance is a paradigmatic violation of the right to be recognized as a person before the law since the disappeared person to be “*outside the protection of the law*”.<sup>lxviii</sup> The disappeared person is denied all rights protected under the law including the denial of a person’s existence, human rights and freedoms. Further, the denial of civil documentation and rights such as *de facto* domicile or the legal limbo regarding personal property pose obstacles to the next of kin and to the disposition and enjoyment

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<sup>1</sup> ICCPR arts. 4 and 16.

of property.<sup>lxxix</sup> The disappeared person's family and next of kin are prevented from exercising their rights related to inheritance, marital status, guardianship, management of property, due to legal uncertainty around a person's disappearance.<sup>lxxx</sup> Thus, states are bound by their obligation under the right to recognize all persons before the law to recognize the legal personality of disappeared persons and respect the rights of their families and next of kin.<sup>lxxxi</sup>

e. Right to Effective Remedy

Under Article 8 of the UDHR, Article 2(3) of the ICCPR, and Article 9 of the Arab Charter on Human Rights, every person whose rights and freedoms have been violated is entitled to effective remedy by the competent legal body as a method of obtaining redress for the infringement. The types of remedy are different and decided on a case-by-case basis according to the different needs and damages inflicted on victims of enforced disappearances, although in some instances similar remedies could be required for a collective. In order to decide the appropriate remedies, the victim's needs must be carefully and closely assessed to ensure the effectiveness of allocated remedies. Remedies could be classified under three respective groups: access to justice; reparations; and the right to know the truth. Each group will be discussed as follows:

- Access to Justice

Access to justice is a procedural component of remedies. Under the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Principles and Guidelines), states are obligated to respect, ensure, and implement international human rights law and international humanitarian laws through appropriate and necessary legislative, administrative, investigative, remedial, and other measures.<sup>lxxii</sup> States have the primary responsibility to prevent human rights violations from occurring and not only to promote and protect human rights.<sup>lxxiii</sup> The prevention of violations includes the duty of states to enhance the rule of law and accountability and to ensure an independent and functioning judiciary.<sup>lxxiv</sup> Nonetheless and as part of prevention duties, states are bound to prevent recurrence of violations through identifying and addressing caused of human rights violations through investigation, prosecution, and ensuring victims' rights to know the truth and effective remedy in accordance with international law.<sup>lxxv</sup>

- Reparations

Reparations are the material component of remedies and entail the following:

*Restitution* – Restitution shall, “whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred”.<sup>lxxvi</sup> It includes the “*restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property*”.<sup>lxxvii</sup>

*Compensation* – Compensation is the financial substitute for economically assessable damages resulting from gross and serious human rights violations.<sup>lxxviii</sup> It includes compensation for physical or mental harm, lost opportunities, material damages and loss of earnings, moral damage, and costs required for legal or expert assistance, medicine, and medical services, and psychological and social services.

*Rehabilitation* – Based on the UN Principles and Guidelines, rehabilitation “*should include medical and psychological care as well as legal and social services*”.<sup>lxxix</sup>

*Satisfaction* – Satisfaction shall restore human dignity through diverse means.<sup>lxxx</sup>

*Guarantees of non-repetition* – Guarantees of non-repetition aims at legal reform and suggests policy changes to increase the rule of law for the purpose of avoiding recurrence.<sup>lxxxi</sup>

- Right to know the truth

The right to know the truth, also called the right to the truth, is a recent component of remedies and a debated concept under international law. The right to the truth relating to enforced disappearance or missing persons is recognized under article 32 of Additional Protocol to the Geneva Conventions as- the right of families to know the fate of a disappeared person and by numerous international and regional bodies.<sup>lxxxii</sup>

The right to the truth is both a collective and individual right where each victim has the right to know the truth about violations affecting them, and the affected society must, as a whole, know the truth in order to prevent recurrence.<sup>lxxxiii</sup>

*On an individual basis*, the right relates to the right of any victim to know the truth about the circumstances of the enforced disappearance and the fate and whereabouts of a disappeared loved one. This right entails a truth-seeking process to address the occurred enforced disappearance.<sup>lxxxiv</sup> In addition, the right to know extends to the right to know about the progress and results of an investigation and the identity of the perpetrator(s).<sup>lxxxv</sup> It shall be noted that this right is inalienable and not subject to any limitations or derogations.<sup>lxxxvi</sup>

*On a collective basis*, the State has a correlative duty to preserve the collective memory and to acknowledge the history of its oppression as part of its heritage, according to appropriate measures through a variety of measures, like preserving evidence of violations of human rights.<sup>lxxxvii</sup> Meanwhile, states are recommended to “*adopt measures to promote truth, reparations for victims and reconciliation in their societies, as a means of implementing the right to the truth and the right to integral reparation for victims of enforced disappearance.*”<sup>lxxxviii</sup> Such measures are crucial to clarify the fate and whereabouts of the disappeared persons, to promote accountability and to ensure non-repetition of enforced disappearances.

**f. Social and Economic Rights**

Families of disappeared persons face prolonged effects due to the direct and indirect implications accompanying enforced disappearance affecting their everyday life. In addition to the barriers in exercising civil and political rights mentioned above, women and girls have higher unattended needs in relation to economic and social rights, some of which are:

*Right to Health* – Article 12 of the ICESCR and Article 25 of the UDHR recognize the right to health and well-being to be entitled to everyone, both physical and mental health, and to the highest attainable standard. International instruments acknowledge the importance of mental health, which includes psychosocial support, as equivalent to the importance of physical health.

*Right to an Adequate Standard of Living* – Article 11 of the ICESCR and Article 25 of the UDHR recognize everyone’s right to an adequate standard of living which includes adequate food, clothing, and housing as well as the continuous improvement of living conditions. Accordingly, states are obligated to take all appropriate steps to ensure the realization of this right.

*Right to Social Security* – Article 9 of the ICESCR and Article 25 of the UDHR recognize everyone’s right to social security which includes social services, the right to security in the event of unemployment, sickness, disability, and other lack of livelihood.

*Right to Protection and Assistance to the Family* – Article 10 of the ICESCR and Article 25 of the UDHR state that a family is entitled to the widest possible protection and assistance, in particular towards its establishment and care of dependable persons. This right covers various aspects related to marriage and children where special

protection and assistance must be accorded towards motherhood and childhood along with proving social security and other social services without any discrimination or exploitation.

*Right to Education* – Article 13 of the ICESCR, Article 26 of the UDHR, and Article 34 of the Arab Charter on Human Rights recognize everyone’s right to education on the basis of the right being essential for the full development of the human personality and the sense of its dignity and for strengthening the respect for human rights and fundamental freedoms.

*Right to work* – Article 6 of the ICESCR, Article 23 of the UDHR, and Article 30 of the Arab Charter on Human Rights recognize everyone’s right to work in order to gain a living based on a person’s free will and autonomy to pursue the work he/she sees fit.

**g. International Humanitarian Law**

International humanitarian law (IHL) treaties do not customarily refer to the term “enforced disappearance”, although enforced disappearance violates or threatens to violate customary IHL norms, among which are the arbitrary deprivation of liberty, the prohibition of torture and other cruel or inhuman treatment, the prohibition of murder, and the respect for family life.<sup>lxxxix</sup> IHL imposes the obligation on states to take necessary steps to prevent and counter enforced disappearances occurring in international and non-international armed conflicts. In view of this qualification, the International Conference of the Red Cross in 1981 considered enforced disappearance to “*imply violations of fundamental human rights such as the right to life, freedom and personal safety, the right not to be subjected to torture or cruel, inhuman or degrading treatment, the right not to be arbitrarily arrested or detained, and the right to a just and public trial*”.<sup>xc</sup>

**h. Other Applicable Rights and Instruments**

Other rights or legal instruments could be applicable with regards to the topic at hand depending on the specific circumstances of a situation of enforced disappearance. The conditions and circumstances of disappearance may give rise to certain rights to be triggered related to due process, detention, and imprisonment, to the conduct and authorities of law enforcement officials. An example related to the potential inclusion of other civil and political rights is the right to be free from torture and any other inhuman or degrading treatment protected under Article 5 of the UDHR, Article 7 of the ICCPR, Article 13 of the Arab Charter on Human Rights, and the entirety of the United Nations Convention against Torture and Other Inhuman or Degrading Treatment or Punishment (UNCAT). Provisions related to enforced disappearance are non-exhaustive.





## VI. Key Statistics

LAW interviewed 150 family members of missing and forcibly disappeared persons during the Lebanese Civil Wars. Among them:

- 87% still feel the overall impact of the Lebanese Civil Wars.
- 67% do not know about the legal rights of forcibly disappeared persons.
- 66% did not ask for legal help regarding enforced disappearance because they do not trust the legal system.
- 98% prefer to resort to legal means to get their rights over other methods.
- 36% had legal or administrative procedures impacted by a family member's disappearance.
- 18% were subjected to isolation, blackmail, or extortion by their community or parties involved in the disappearance.
- 60% reported that a woman in their immediate family became the main breadwinner at home after the Lebanese Civil Wars.
- 73% faced mental health issues during the Lebanese Civil Wars.
- 49% reported that they faced mental health issues that arose after the Lebanese Civil Wars.
- 61% did not seek professional psychological or psychiatric support.
- 39% still have feelings of revenge towards specific perpetrators.
- 66% have hope that the fate of a disappeared person will be known.
- 79% do not support the 1991 Amnesty Law.
- 99% believe that Lebanon should ratify the International Convention for the Protection of All Persons from Enforced Disappearance.





## VII. Assessment of the Legal, Medical, and Psychosocial Needs

Enforced disappearance has been recognised as a hallmark of the Lebanese Civil Wars. Despite so, the legal, medical, and psychological impact of enforced disappearance on families, and their resulting needs, have been consistently overlooked. While the vast majority of forcibly disappeared persons are males, it is the female family members that disproportionately suffer related impacts.

150 surveys of Lebanese, Palestinian, and Syrian individuals, 26 in-depth interviews and five focus group discussions indicate that the lack of support for the legal, medical and psychological needs has exacerbated their impact. Of the 150 survey respondents, 99% are women. 81% are Lebanese, 18% are Palestinian, and 1% are Syrian. At the time of the Lebanese Civil Wars, 43% were children aged under 9 years, 32% were adolescents between aged 10 and 19 years, and 25% were adults, aged over 20 years.

When considering their needs during the Lebanese Civil Wars, 94% of those surveyed said that they needed protection, 56% said they needed financial support, 44% said they needed shelter, 29% said they needed psychotherapy, 19% said they needed medical support, and 4% said they needed legal support. Comparatively, respondents cited their current needs as follows: 63% said they face financial challenges, 59% said that they face psychological challenges, and 37% said that they face legal challenges.

The following section examines the legal, medical, and psychosocial needs of the families of the missing and forcibly disappeared as identified through this research and investigation.

### 1. Legal Needs and Access to Justice

As seen above, just 4% of survey participants said they needed legal support during the Lebanese Civil Wars. Prioritisation of legal support during the Lebanese Civil Wars was evidently low and could be for a number of reasons. Indeed, only 17% of respondents asked for legal help relating to the disappearance of their family member. 66% did not ask for legal help because they do not trust the legal system, 41% were not aware of the presence of laws and rights related to enforced disappearance, and 14% could not afford to pay a lawyer. Notably, none said that they did not ask for legal support because they did not need it. By comparison, 37% of participants said they currently face legal challenges. This is a significant increase in the prioritization of legal needs, many of which, as evidenced through this research and investigation, stem directly from violations and abuses committed during the Lebanese Civil Wars.

Many of families' legal needs date back to the incidence of disappearance and have persisted and multiplied until the present day. Families, particularly women, have been trapped in the past, in the moment where their husbands, sons, fathers, and brothers disappeared, and continue to survive in a state of legal limbo.<sup>xcii</sup> The disappearance of a person precipitates a range of legal needs and obstacles, from the disappeared or missing person's legal status, to matters related to personal status and property matters. Official action was taken by the government in attempt to address legal needs, including with the establishment of the law on declaring disappeared individuals deceased, but these measures have proven to be inadequate in meeting the expectations and needs of the families.

It should be noted that Lebanese laws, in particular personal status laws, exist within a deeply patriarchal society, causing both legal and cultural barriers for wives, mothers, sisters and daughters.<sup>xciii</sup> For instance, legal and administrative procedures are difficult to complete, such as accessing bank accounts, applying for children's identity documents, claiming inheritance, and transferring property titles.<sup>xciii</sup> The effects were even more severe for families where the missing person was the primary breadwinner, causing additional financial hardships for

remaining family members. Furthermore, women faced, and continue to face, obstacles posed by their husband's families, particularly where men are familial heads.<sup>xciv</sup>

### The Right to Know the Truth

*"The priority is the right to know."*<sup>xcv</sup>

- Lawyer and Expert in International Law and Human Rights who also worked with the Ministry of Justice on enforced disappearance

The right to know the truth is an essential right entitled to everyone and serves as means of reparation and as a tool of transitional and restorative justice. Families of the missing and forcibly disappeared have been continuously seeking the truth around the enforced disappearance of their loved ones, including their fate and whereabouts and the persons and/or parties responsible for their disappearance. Families have been relentlessly seeking the truth about disappeared persons decades after of the incident. As communicated by interviewees,

*"Of course, the family of the disappeared should know the fate of their loved one."*<sup>xcvi</sup>

*"There should be exchange of names. The leftists and rightists, for instance, should give out names of the disappeared, and the opposing party tells what they know about these names."*<sup>xcvii</sup>

As part of this right, the families are also calling for the exhumation of mass graves and cross checking exhumed remains with the DNA that families have already provided and have been under the Internal Security Forces' possession.<sup>xcviii</sup> Another interviewee stated,

*"The International Committee of the Red Cross took our DNAs, but we did not file any lawsuit. No organisation has offered us any legal aid or help to file such a lawsuit."*<sup>xcix</sup>

### Legal Status of the Disappeared and Missing Persons'

The UN Working Group on Enforced or Involuntary Disappearances recommended, in its General Comment, that disappeared persons have the right to be recognised as persons before the law.<sup>c</sup> Lebanon has not created a legal category for disappeared and missing persons, although the recognition of all persons before the law is a fundamental human right. Given that every person is entitled to the recognition before the law, a disappeared person is entitled to assume legal status through correct legal qualifications. In other words, disappeared persons must have a legal status of "disappeared" as a reflection of the truth without the need to be declared dead in order to be recognised before the law.

Far from recognising a legal category of "disappeared", Lebanon passed a law in 1995 permitting a declaration of death for the disappeared. Families of missing and disappeared persons are unable to exercise any rights attached to the disappeared person without having declared them dead, giving rise to administrative and legal difficulties.<sup>ci</sup> Families struggle to access bank accounts that were in the name of the disappeared, to obtain identity documents for children, to claim a husband's salary, and to transfer property from the disappeared to another family member.<sup>cii</sup> 31% of women respondents in the survey reported that they faced challenges in ownership matters due to disappearance, while 8% of women respondents reported that the disappearance of their relative impacted their banking procedures.

Women in particular face these problems as they were not previously responsible for handling administrative and legal procedures due to cultural norms and were suddenly burdened with being sole decision makers.<sup>ciii</sup>



## Needs under Personal Status Laws

Generally, personal status laws in Lebanon do not provide men and women equal protections and guarantees since laws often favour men. Female relatives of the missing and disappeared have battled for years against the oppressive and discriminatory nature of the personal status laws that do not protect women's rights as mothers, daughters, wives, or sisters. As a result, women and girls have endured legal hardships around the custody of children and guardianship, forced adoption, and inheritance due to the effects of personal status laws for decades.

A mother had given her testimony in relation to guardianship:

*"[...] The first thing I thought is to do a passport for my children. It turned out that I couldn't do a passport for them without their father. I told those concerned that their father was kidnapped. They told me to bring their grandfather. Their grandfather had (physical) health problems and couldn't walk properly. I went to him and told him what had happened. I told him that for every official document, I need to take him to sign. He said that he couldn't do it. I went to the court (for Muslims) to have my father-in-law give me guardianship of my children. The judge told my father-in-law (who isn't educated) "why do you want to give her guardianship? She will take the kids and get married." My father-in-law told him "Although we love our grandchildren, their mother is the one who takes care of them and all their issues". There are cases where mothers (wives of the disappeared) were deprived of their children; their parents-in-law would take their children and tell them to go to their parents' house."*<sup>cv</sup>

An expert had given his testimony as well in relation to forced adoption when he was asked "They say children were kidnapped and sent for adoption, is this true?"

*"Yes, I know a lady that met her daughter in UAE, she was a survivor of Tal El Zaatar's incident."*<sup>cv</sup>

Another expert added:

*"During the Tal El Zaatar siege, I was working with the Palestinian Liberation Organization (PLO). Many of the parents who were killed in Tal El Zaatar were getting food for their children. A committee was created to take care of these children. There aren't official statistics on the exact number of children, but we welcomed around 180 children of Palestinian nationalities and from Muslim and Christian families. This committee was created by Palestinian-Lebanese individuals. An institution was created and sponsored by PLO. It is like an orphanage for these children. Each child had a "mother" assigned to him/her from Tal El Zaatar who experienced the war and was trained to take care of children."*<sup>cvi</sup>

Over three decades later, families of the missing and disappeared are still in need of legal services when it comes to matters of inheritance and official papers.<sup>cvii</sup>

## *Aggravating factors*

### Mistrust of the Justice System

*"The judicial system is not trustworthy at all."*<sup>cviii</sup>

- Wadad Halawani, President of the Committee of the Families of the Kidnapped and Missing in Lebanon

Historically, Lebanon's justice system has been unreliable and uncredible with respect to delivering justice and accountability. People have lost faith in legal and judicial means to seek redress, reparations, and justice. LAW's research and investigation reveal that most participants believed that filing a complaint before relevant

authorities, during and after the wars, would not reveal the fate of their loved ones. During LAW's focus group discussions, a woman whose father had disappeared said that they:

*"filed a lawsuit against the government but did not get any results until this moment"*.<sup>cix</sup>

During LAW's in-depth interviews, when asked about considering filing a case before the judiciary, a woman whose husband had disappeared replied that she:

*"relied on nepotism, because in Lebanon it is stronger than the justice system"*.<sup>cx</sup>

Another interviewee said that when they filed a case to sue perpetrators before the relevant authority, the case file was returned to them;

*"the current president promised to look into the case of the disappeared, but nothing happened"*.<sup>cx</sup>

Mistrust of the judicial system today sits within the wider mistrust of the State itself, something which arguably predating the Civil Wars, but intensified between 1975 and 1990, and has been further driven by the decline of the country and the situation of Lebanese society.

### Implementing Existing Laws

As set out in section 3 on Legal Framework above, Lebanese laws provide some protections and guarantees, as together with those provided under international law. Families of the missing and disappeared, especially from Palestinian nationality, lack awareness of local and international laws relating to missing and forcibly disappeared persons. This lack of awareness on applicable national and international law highlights the need to raise awareness around their presence.

Families aware of existing laws approached concerned authorities to implement present laws calling for accountability and justice. On the implementation of existing applicable laws, one interviewee said:

*"There should be pressure on the legal level, like implementing the law. We need to give the families of the disappeared a space."*<sup>cxii</sup>

Another male interviewee said,

*"In Lebanon, no law is implemented. [...] But ever since the war, laws are merely pen to paper. [...] Who will implement the laws?"*<sup>cxiii</sup>

Yet another woman who participated in one of the focus groups discussions said,

*"We are looking forward to enforcing the law of the enforced disappearance in Lebanon."*<sup>cxiv</sup>

Two interviewees voiced the loss of hope in Lebanon's implementation of laws,

*"There are laws in Lebanon, but nothing is implemented."*<sup>cxv</sup>

*"There are laws for all cases, but they are not being implemented. There is no justice in Lebanon."*<sup>cxvi</sup>

In addition, the function of the National Commission for the Missing and Forcibly Disappeared has been stagnant since the government has not taken active steps to activate the Commission's role or to allocate a budget for the commencement of its work. The Commission is also waiting for the appointment of new members after

four members resigned.<sup>cxvii</sup> The appointment of new members, the activation of the Committee's role, and the allocation of a budget falls under implementing Law 105/2018 which explicitly entails the mentioned steps. The establishment of the Commission and the initiation of its duties has been long awaited since the issuance of Law 105/2018 and even before so. Hence, families and civil society have been demanding Lebanese authorities to implement Law 105/2018 in order to meet the families' needs of which also includes the exhumation of mass graves and DNA testing.

### Access to Justice

Access to justice is a basic right entitled to all individuals. In Lebanon, confessionalism, sectarianism, and partisanship hinder this right and serve the interests of those in power. Missing and disappeared persons, and their families, have fallen prey to the unequal and discriminatory application of the law. Families have sought justice and accountability for many years, referring their complaints to different authorities. 63% of respondents reported the disappearance incident to officials with no response. While the remaining respondents who did not report the disappearance clarified the reasons as the following, 19% said that there are no laws that protect victims in the situation of enforced disappearance, and 18% said that they do not trust the State.

*"There is nothing more to say. We are hopeless. What are our rights? We don't have rights. I hope they will be held accountable. [...] My only hope was that the new generation who commit crimes would get imprisoned and not be elected to the parliament."*<sup>cxviii</sup>

During the past three decades, families of the missing and disappeared have demanded accountability and an end to impunity. Some have not given up on justice, while others have as 40% of respondents still consider filing a complaint against the perpetrator, 52% do not and 8% had no answer.

*"I think legal accountability will somehow make a victim feel better. Accountability doesn't bring back what's lost, but it makes those that were harmed feel a bit better knowing that the world isn't in chaos, and accountability is present."*<sup>cxix</sup>

### The General Amnesty Law of 1991

*"With the amnesty came forgetting. Along with the amnesty came amnesia. People just wanted to forget what happened and move on and then came the Taif Agreement."*<sup>cxx</sup>

- Lawyer and Expert in International Law and Human Rights who also worked with the Ministry of Justice on enforced disappearance

The infamous 1991 General Amnesty Law precluded the possibility of justice by providing those responsible for violations protections from facing criminal charges. Victims of enforced disappearance and their families are not specifically recognised in provisions of the Amnesty Law. However, the Amnesty Law does not exempt legal proceedings and recourse for crimes which were repeated after the enactment of the law or deemed to be continuing. Therefore, where enforced disappearance is recognised as a continuing crime, one not covered by the Amnesty Law.

*"Crimes that were committed before the amnesty law in 1991 were exempt. If a person commits a crime after 1991, his/her entire judicial file is taken into consideration, including what was committed before 1991. This is how Samir Geagea was arrested. There were exceptions for "ongoing" crimes. Kidnap crimes where the kidnapped person returned or died is considered as an ongoing crime."*

*Judge Joseph Ghamroun was working on a case in which the mother knew the kidnapper's identity after he had admitted to the kidnapping during the war. In 2002, this kidnapper committed a crime, and his old judicial file, dating back to the war, was taken into consideration. The judge proved that the kidnapped person did not return.*"<sup>cxix</sup>

- Wadad Halawani, President of the Committee of the Families of the Kidnapped and Missing in Lebanon

The Amnesty Law has been widely criticised by interested parties, including families, activists and experts, for granting impunity.

*"We, as lawyers, are completely against the amnesty law. The act of kidnapping someone that has disappeared is an unacceptable crime worldwide. Amnesty is definitely something that we are against. The amnesty law should be reversed, like what happened in the Philippines, so that there can be national reconciliation with the topic."*<sup>cxxii</sup>

- Lawyer and Expert in International Law and Human Rights who also worked with the Ministry of Justice on enforced disappearance

Some families of the missing and disappeared maintain hope for justice and for uncovering the fate and whereabouts of their loved ones, while others have lost hope. In both cases, families have unaddressed needs that remain pending, most of which are directly related to the enforced disappearance of their loved one. Their unaddressed needs remain an obstacle, especially in light of the ongoing Lebanese crises. Judicial decisions to uphold the rights of the victims and to hold perpetrators accountable would open the door for families to seek justice and compensation, and in doing so, healing.

## **2. Medical Needs**

Current medical needs that arose during interviews were connected to Lebanon's current economic and healthcare crisis, which has exacerbated those that stem from the Lebanese Civil Wars. Overall, information on the medical needs of the families of the missing and disappeared was scarce in comparison to the information about their psychological needs.

### **DNA samples**

Not all families of missing and disappeared persons were approached by government or an organisation to provide DNA samples which would assist in the identification of human remains as belonging to missing or disappeared individuals. Only 54% of survey respondents or someone from their families had been approached and had provided a DNA sample. Of those, 93% of the survey participants provided DNA samples to the International Committee of the Red Cross (ICRC). However, in a focus group discussion with families from Karantina, participants said they have not provided DNA samples:

*"Never. Neither did the ICRC nor any other organisation take our DNA samples. We are not aware of such procedures."*<sup>cxxiii</sup>

*"They did not take our DNA samples; the ICRC should be involved."*<sup>cxxiv</sup>

*"The ICRC did not visit us for any information or DNA tests."*<sup>cxxv</sup>

### Physical illness and domestic violence as a result of psychological distress

Some of those interviewed connected the psychological stress of having a disappeared or missing family member to physical health consequences and to behaviours causing physical injury, such as domestic violence.

One focus group participant explained that the psychological distress of losing three family members caused physical illness to one of her female relatives:

*“My relative’s father was kidnapped, as well as her brother and uncle in Dekwaneh on 12 August 1976. She suffered a lot, and it was very painful. Her mother is the one who became the breadwinner. She was ill all her life; the psychological impact caused her physical disease. I’m grateful that she is still alive. I don’t know how she is still alive.”<sup>cxxvi</sup>*

A 55-year-old Lebanese woman who was interviewed suggested that the mental and psychological distress of losing his son was an indirect cause of her father’s domestic violence against his wife, her mother:

*“The year my brother disappeared; my father underwent an operation for his prostate. He started peeing his pants and could no longer have sex. He became suspicious of my mother. He started beating her up. [...] The situation of my brother really affected them. [...] Their lives became miserable. When she was 50-60 years old, she couldn’t handle being beaten with a stick anymore. My dad became mentally ill [...] and started abusing my mom because he was always angry.”<sup>cxxvii</sup>*

Therefore, the psychological impact of disappearances had sometimes physical manifestations, either as physical disease or behaviours that could lead to physical injury, requiring medical treatment.

### *Aggravating factors*

#### Current Health Crisis

Other perspectives reflected the intersection of older medical needs with Lebanon’s current healthcare crisis and shortage or inaccessibility of medication.

Participants in a focus group in Karantina, who were also affected by the Beirut port explosion, said:

*“The dispensary in Karantina [Ministry of Public Health’s Drug Distribution Centre] is too expensive. We also need medication as some of us are on constant treatment. [...] [We need] financial support as some of us have injuries from the [Civil Wars] and we have lost everything in the Beirut port explosion.”<sup>cxxviii</sup>*

A 72-year-old Lebanese woman who was interviewed referred to the current shortage of medicines:

*“I couldn’t find my cholesterol medicine in pharmacies.”<sup>cxxix</sup>*

On that account, free medical care should be provided to all the families of the missing and disappeared. The need for medical assistance is especially critical for families in Karantina and other areas that have been affected by the Beirut port explosion.

### 3. Psychological Needs

The psychological needs of women relatives of missing or forcibly disappeared individuals, evident from this research and investigation, were manifold. This includes support for psychosocial challenges arising from the



Lebanese Civil Wars itself, from the socio-economic consequences of the wars, and from the effect of having a missing or disappeared family member in the post-war period. The findings can be separated into three categories: mental health during the Civil Wars, mental health after the Civil Wars, and the socio-economic consequences of the Civil Wars.

### Mental health during the Lebanese Civil Wars

Psychological challenges during the wars took many forms, of which includes fear and insecurity, post-traumatic stress disorder (PTSD), anxiety, depression, and insomnia.

The majority of survey respondents reported experiencing multiple mental health symptoms; 64% reported having suffered from fear and insecurity, 57% from post-traumatic stress disorder (PTSD), 50% from anxiety, 44% from depression, and 32% from insomnia, while 5% suffered from other symptoms such as phobias and aggression.

27% of respondents reported that they did not experience any mental health challenges due to the Lebanese Civil Wars or the disappearances.

18% of survey respondents said that they had been subjected to social isolation, blackmail, or extortion, either by their community or the parties involved in the disappearance. These experiences further aggravated the emotional, psychological and financial impacts on the families. While this affected only a minority of surveyed relatives, these individuals endured a profound effect on their mental health and well-being.

*“We were subject to extortion. We even wanted to give [the kidnappers] our house to get my brother back – they gave us a lot of false hope.”<sup>cxxx</sup>*

*“[Extortion] is the most common things that happened to us. The money that we paid for impostors can build castles. But it was all fake.”<sup>cxxxi</sup>*

### Mental health after the Lebanese Civil Wars

While the presumption might be made that the end of the armed conflict during the Lebanese Civil Wars brought with it mental health relief for most individuals, this is unfortunately not borne out by the data. In fact, less than half of surveyed individuals reported improved mental health conditions after the end of the Lebanese Civil Wars.

Of 150 surveyed individuals, 49% said that they had mental health issues arise after the Lebanese Civil Wars, while another 5% said that their mental health challenges remained the same after the wars ended. By contrast, only 32% said that they experienced an improvement in their mental health after the Lebanese Civil Wars, and only 10% succeeded in resolving their mental health issues.

For those who experienced new mental health issues after the Lebanese Civil Wars; 45% of the issues arising after the wars were related to fear and insecurity, 35% suffered from anxiety, 27% from depression, 25% from PTSD and 22% from insomnia while the remaining 4% were individuals who reported having phobias created as an aftermath of the Lebanese Civil Wars.

For relatives of the missing and disappeared during the Lebanese Civil Wars, feelings of anger and a sense of injustice may have contributed adversely to their mental health. For instance, 39% of respondents reported that they still have feelings of revenge towards specific perpetrators of crimes during the Lebanese Civil Wars.

Illustrating the lingering psychological impact of disappearance, one interviewee said:

*“My grandmother, also the mother of my disappeared uncle, really changed after he disappeared. I hear from my family that she was a different woman. She used to get work done at home. She was happy, but when my uncle disappeared, her medical and psychological issues arose. She barely talks now, and they say it is due to the shock she had undergone all along those years.”<sup>xxxxii</sup>*

Unresolved trauma may also be fuelled by many relatives’ remaining hope that the fate of their missing person *will* be known after all these years, which was the case for 66% of survey respondents.

Another factor that may have contributed to despair and distress among survivors of the Lebanese Civil Wars and the families of missing or disappeared persons was the Amnesty Law of 1991, which enshrined impunity for crimes and violations perpetrated. The majority of survey participants (79%) said that they do not support the Amnesty Law.

### **Socio-economic consequences of the Lebanese Civil Wars**

Psychosocial challenges were aggravated by evolving socio-economic realities during the wars. The most notable transformation involved women becoming main breadwinners of their family, following the death or disappearance of a male relative. Survey results indicate that this was indeed a reality across many Lebanese households; 60% of respondents reported that a woman in their immediate family became the main breadwinner of the family after the Lebanese Civil Wars. This came with its own set of challenges, including financial, legal, and psychological challenges. 63% of these female-headed households faced financial challenges, and 58% faced psychological challenges.

A female interviewee whose father and brother went missing described her situation:

*“My father was kidnapped and most probably killed, my brother as well. [...] My sister and I became the breadwinners of our family. My brother once ate from the garbage because we were in a very tough financial situation. The war had the most negative impact on us. From a psycho-social perspective, I suffer from insomnia because of the war. I go to sleep at 9:30 in the morning every day and wake up 11:30 – I sleep for two hours only.”<sup>xxxxiii</sup>*

A number of interviewees cited the impact of disappearance on their access to education, particularly due to their parents or their own traumatisation. As reflected by the surveys, 37% reached primary school level as their highest level of education.

One interviewee, a Palestinian woman whose brother disappeared during the Lebanese Civil Wars, said:

*“I studied for two years in university and dropped out. Even if I wanted to laugh, I would feel guilty because my family was sad. I then enrolled in another university but couldn’t continue. Mostly, I was deprived from education.”<sup>xxxxiv</sup>*

The same participant described how her role as a caretaker for her parents stood in the way of focusing on self-development and marriage:

*“While girls would fix themselves and be empowered, we only cared about my brother. [...] I had the big responsibility of taking care of my parents, I didn’t have time to take care of myself. I became their mother... [...] The happiest moments of my life were seeing them happy. When*

*men would propose, my parents would cry. My brother's disappearance affected me getting married because I couldn't leave my parents on their own. I didn't have time to think about myself, always thinking about my family.*"<sup>xxxxv</sup>

### *Aggravating factors*

#### **Incomplete mourning and guilt**

For families of missing and disappeared persons, psychosocial health is affected by the inability to complete or accomplish the natural mourning process, in addition to possible feelings of guilt for their loved one's disappearance. In the words of a Lebanese therapist specialized in dramatherapy who was interviewed for the research, *"psychologically, grief is suspended for the families."*<sup>xxxvii</sup>

A Lebanese psychiatrist who worked with a patient whose husband went missing during the Lebanese Civil Wars says:

*"The absence of a body, the proof for this person's death, makes mourning impossible. Mourning stages from denial and anger to acceptance are not applicable in such cases where families keep hoping for the safe return of the disappeared person... [...] The feeling of guilt could be very strong for these families. They feel that they are somehow responsible for the disappearance of the person, that they should have loved him more. These people live in trauma all the time. In the psyche of these families, the missing person is still alive, they internalize him, identify themselves with him."*<sup>xxxviii</sup>

Incomplete mourning and possible feelings of guilt must therefore be considered when providing specialised psychosocial support to families of missing or disappeared persons.

#### **Access to mental health support**

A minority of respondents, 15% of 150, sought professional psychological or psychiatric support to help cope with mental health challenges during the Lebanese Civil Wars. The vast majority (61%) did not seek professional mental health support during this period. In comparison, after the wars ended, the percentage of those who sought professional psychological or psychiatric help rose to 17%. While the latter is a small increase, both are strikingly low, indicating that outreach by relatives of missing and disappeared persons for mental health support was extremely low during both the wars and post-wars periods. In focus group discussions, participants said that the families of the missing and disappeared were seldom offered referrals for psychosocial support to help them deal with past traumas due to the wars.

Instead of receiving professional support, some respondents relied on informal, community-based support. A Palestinian woman whose brother disappeared said:

*"When I met with people in Beqaa and heard stories like the woman whose mother and siblings were taken away from the hospital, I would feel better. When we would talk with each other, I felt I was letting things out."*<sup>xxxviii</sup>

Sometimes, persons who were kidnapped or disappeared were able to return. In these instances, providing the survivor with mental health support was also important. One interview participant recommended group therapy for survivors of kidnapping:

*“I recommend for future projects to organise collective or group therapy for individuals who came back [from kidnapping or disappearance], because it is so hard for them to undergo individual sessions because they do not want to recall alone what they went through...”<sup>xxxix</sup>*

Based on these accounts, families of missing and disappeared persons as well as survivors of kidnapping or disappearance could benefit greatly from specialised mental health support, group therapy, and informal support groups for psychosocial wellbeing, especially considering the low rates of professional mental health support provided during the Lebanese Civil Wars and in the post-wars period.







## VIII. Conclusion and Recommendations

This report is part of a two-part investigation into gendered crimes committed during the Lebanese Civil Wars. As detailed here, enforced disappearances were perpetrated on a large scale during this time, with over 17,000 persons missing and disappeared. While most of the missing and disappeared were men, women and girls were also among them. Moreover, the disappearances of men and boys had a gendered impact on women and girls who were left behind and who faced and continue to face legal, financial, emotional, physical and psychological consequences.

For decades, the families of the missing and disappeared have resiliently fought to know the truth about their loved ones who went missing during the Lebanese Civil Wars. Multiple barriers however, including legal, administrative and bureaucratic, have impeded their right to know the fate and whereabouts of their loved ones. Where laws were put in place to address the issue of missing and disappeared persons, they have been inadequate, and the Commission for the Missing and Forcibly Disappeared has remained ineffective till this day. This results in a situation where families and victims have no means of accessing effective and timely justice means within the Lebanese justice system.

In addition to legal challenges, families of the missing and disappeared have unaddressed and critical medical needs. Significantly, this is caused by the deep psychological trauma they continue to endure due to the inability to grieve the absence of their loved one, the inability to know the fate of their loved one, and the inability to cope with the financial and legal consequences of the disappearance. In this situation, families feel powerless.

The suffering of victims of the Lebanese Civil Wars has only escalated since the 4 August 2020 Beirut Port Explosion and ongoing crises. The families of the missing and disappeared deserve to know the fate and whereabouts of their loved ones. The Lebanese justice system must hold the perpetrators of disappearances and other crimes accountable. The families deserve compensation for the injustices they have suffered due to the Lebanese Civil Wars. Without fulfilling these basic needs and without dealing with the horrors of the Lebanese Civil Wars, the justice system in Lebanon, and by extension, the State, will not recover trust from the Lebanese population.

### Recommendations:

1. Recognise disappeared persons as such before the law by creating a unique civil status category for them, acknowledging their absence, and facilitating the resolution of legal issues for families and relatives without asking them to declare a loved one, whose fate remains unknown, “dead”.
2. Activate the National Commission for the Missing and Forcibly Disappeared to fulfil its mandate which includes the respect and fulfilment of the right to know the truth through gathering and sharing information about the fate of the missing, exhuming mass graves, and DNA testing.
3. Include all areas and communities in Lebanon where families of the missing and disappeared reside, in DNA testing to ensure a comprehensive database for the identification of any human remains found in the future.
4. Provide medical financial assistance for aging families of the missing and disappeared to mitigate rising cost of medications, especially for chronic conditions.
5. Establish an inter-sectoral coalition of civil society actors and NGOs, possibly with the support of UN agencies and government bodies, dedicated to addressing the needs of the families of the disappeared including legal, medical, psychological and financial needs.
6. Organise support groups for relatives and survivors, e.g., returned survivors of kidnapping, to promote psychosocial wellbeing for those who are reluctant to seek therapy or who do not have the financial resources to access licensed therapists.

7. Create social awareness on the truth of the Lebanese Civil Wars by encouraging more survivors and ex-fighters to share their stories. This can be implemented in collaboration with the Ministry of Education and Higher Education and the Ministry of Social Affairs, which can help organise group talks and awareness sessions for children of a certain age, promoting intergenerational transfers of knowledge and awareness about the Lebanese Civil Wars.
8. Enhance collective healing by truth telling and memorialization of the Lebanese Civil Wars through a survivor-centred approach and community-based activities.

## ENDNOTES

<sup>i</sup> I-011

<sup>ii</sup> F-002

<sup>iii</sup> I-004

<sup>iv</sup> United Nations Human Rights Council, Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled “Human Rights Council”: Report of the Commission of Inquiry on Lebanon pursuant to Human Rights Council resolution S-2/1, UN Doc. A/HRC/3/2, 23 November 2006, para. 29; Martha Wenger, Primer: Lebanon’s 15-Year War, 1975-1990, 162 Middle East Report (January/February 1990); “Decades on, families of Lebanon’s war missing see hope”, Arab News, 14 April 2019, <https://www.arabnews.com/node/1482156/middle-east>; “Lebanon – Party of God”, PBS News, May 2003, <https://www.pbs.org/frontlineworld/stories/lebanon/facts.html>.

<sup>v</sup> Norwegian Refugee Council, *Profile of Internal Displacement: Lebanon*, p. 4 (12 June 2001), [https://www.ecoi.net/en/file/local/1412428/dh1350\\_016851eb.pdf](https://www.ecoi.net/en/file/local/1412428/dh1350_016851eb.pdf).

<sup>vi</sup> International Center for Transitional Justice, *Living with the Shadows of the Past: The Impact of Disappearance on Wives of the Missing in Lebanon*, p. 5 (March 2015), <https://www.ictj.org/sites/default/files/ICTJ-Lebanon-Gender-Disappearance-2015.pdf>.

<sup>vii</sup> The Taif Agreement was negotiated in Ta’if, Saudi Arabia during September 1989 and approved by the Lebanese Parliament on the 4th of November 1989. The Taif Agreement (un.int)

<sup>viii</sup> ITCJ English final 3 9 2013.indd (ictj.org), p. 1.

<sup>ix</sup> Farid el-Khazen, *The Communal Pact of National Identities: The Making and Politics of the 1943 National Pact* (Centre for Lebanese Studies, Oxford, 1991) pg. 18; Fawwaz Traboulsi, *A History of Modern Lebanon* (Pluto Press, 2007) pg. 106-109.

<sup>x</sup> Fawwaz Traboulsi, *A History of Modern Lebanon* (Pluto Press, 2007) pg. 181; International Center for Transitional Justice, *Lebanon’s Legacy of Political Violence: A Mapping of Serious Violations of International Human Rights and Humanitarian Law in Lebanon*, pg. 6-7.

<sup>xi</sup> Fawwaz Traboulsi, *A History of Modern Lebanon* (Pluto Press, 2007) pg. 114; Amnesty International, *Exiled and suffering: Palestinian refugees in Lebanon*, pg. 12 (October 2007), <https://www.amnesty.org/download/Documents/68000/mde180102007en.pdf>; and United Nations Relief and Works Agency for Palestine Refugees in the Near East, *The Cairo Agreement*, <https://www.unrwa.org/content/cairo-agreement>

<sup>xii</sup> Ibid, p. 8.

<sup>xiii</sup> The historiography and the memory of the Lebanese Lebanese Civil War | Sciences Po Violence de masse et Résistance - Réseau de recherche

<sup>xiv</sup> Goldenberg, Suzanne. “Chaos and Humiliation as Israel Pulls out of Lebanon.” *The Guardian*, 9 Mar. 2017, [www.theguardian.com/world/2000/may/24/israelandthepalestinians.lebanon](http://www.theguardian.com/world/2000/may/24/israelandthepalestinians.lebanon) Wilkinson, Tracy. “Israel Leaves South Lebanon After 22 Years.” *Los Angeles Times*, 24 May 2000, [www.latimes.com/archives/la-xpm-2000-may-24-mn-33497-story.html](http://www.latimes.com/archives/la-xpm-2000-may-24-mn-33497-story.html)

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<sup>xvii</sup> Minorities at Risk Project, *Chronology for Maronite Christians in Lebanon*, 2004, available at: <https://www.refworld.org/docid/469f38b3c.html> [accessed 29 November 2021]

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xxvi *Ibid*, articles 571 and 572.

xxvii The sentences are determined by relevant provisions of the Lebanese Criminal Code. Article 569 of this Code states that for the crime of deprivation of liberty, a perpetrator could be sentenced to a maximum sentence of life imprisonment with hard labour should the acts satisfy the set qualifications.

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xliv U.N. Commission on Human Rights, 53<sup>rd</sup> Session, [Report of the Working Group on Enforced or Involuntary Disappearance](#), 13 December 1996, 13 December 1996, E/CN.4/1997/34, p. 42.

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lxx Ibid, para. 5.

lxxi Ibid, para. 6.

lxxii UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Principles and Guidelines), paras. 3 and 12.

lxxiii A/HRC/RES/24/16, para. 2

lxxiv *Ibid*, para. 3 (c) and (k).

lxxv A/HRC/30/20, para 10.

lxxvi Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law , para. 19, <https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx>

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lxxviii Ibid. para. 20.

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lxxx Ibid, para. 22.

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lxxxii Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977

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lxxxv A/HRC/16/48, p. 14.

lxxxvi Ibid.

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<sup>xc</sup> 24th International Conference of the Red Cross, Res. II (ibid., § 2433).

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<sup>xcii</sup> [Lebanon: Laws Discriminate Against Women | Human Rights Watch \(hrw.org\)](https://www.hrw.org/report/2015/05/14/lebanon-laws-discriminate-against-women)

<sup>xciii</sup> [A Step Closer to Uncovering the Fate of Loved Ones: Lebanon Forms a Commission for the Missing and Forcibly Disappeared | International Center for Transitional Justice \(ictj.org\);](https://www.ictj.org/sites/default/files/ICTJ-Lebanon-Commission-for-the-Missing-and-Forcibly-Disappeared-2015.pdf)

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<sup>xcv</sup> I-019.

<sup>xcvi</sup> I-011.

<sup>xcvii</sup> I-014.

<sup>xcviii</sup> F-002; F-003; F-004.

<sup>xcix</sup> F-003.

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<sup>ci</sup> Ibid.

<sup>cii</sup> Ibid.

<sup>ciii</sup> Ibid, p. 16.

<sup>civ</sup> I-003.

<sup>cv</sup> I-039

<sup>cvi</sup> I-038

<sup>cvi</sup> Ibid.

<sup>cvi</sup> Ibid.

<sup>cix</sup> F-004.

<sup>cx</sup> I-005.

<sup>cx</sup> I-002.

<sup>cxii</sup> I-033.

<sup>cxiii</sup> I-011.

<sup>cxiv</sup> F-004.

<sup>cxv</sup> I-021.

<sup>cxvi</sup> I-012.

<sup>cxvii</sup> Admin. July 2021, إستقالة أربعة أعضاء من الهيئة الوطنية للمفقودين والمخفيين قسراً "مجلة محكمة، 5" [www.mahkama.net/%D8%A5%D8%B3%D8%AA%D9%82%D8%A7%D9%84%D8%A9-%D8%A3%D8%B1%D8%A8%D8%B9%D8%A9-%D8%A3%D8%B9%D8%B6%D8%A7%D8%A1-%D9%85%D9%86-%D8%A7%D9%84%D9%87%D9%8A%D8%A6%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9.](http://www.mahkama.net/%D8%A5%D8%B3%D8%AA%D9%82%D8%A7%D9%84%D8%A9-%D8%A3%D8%B1%D8%A8%D8%B9%D8%A9-%D8%A3%D8%B9%D8%B6%D8%A7%D8%A1-%D9%85%D9%86-%D8%A7%D9%84%D9%87%D9%8A%D8%A6%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9.)

“220 Ø’Ø®ØµÙŠØ© Ù`Ù‡ÙŠØ|Ø©: Ø§Ø³Ù,Ø§Ù,Ø© 4 Ù...Ù‡ Ø£Ø¹Ø¶Ø§Ø; Ø§Ù,Ù‡ÙŠØ|Ø© Ø§Ù,Ù`Ø·Ù‡ÙŠØ© Ù,Ù,Ù...Ù• Ù,Ù`Ø·ÙŠÙ‡ Ø®ÙŠØ§Ù‡Ø©.” *MTV Lebanon*, 8 July 2021, [www.mtv.com.lb/News/%D9%85%D9%80%D9%80%D8%AD%D9%80%D9%80%D9%84%D9%80%D9%80%D9%8A%D9%80%D9%80%D8%A7%D8%AA/1195346/220-%D8%B4%D8%AE%D8%B5%D9%8A%D8%A9-%D9%88%D9%87%D9%8A%D8%A6%D8%A9--%D8%A7%D8%B3%D8%AA%D9%82%D8%A7%D9%84%D8%A9-4-%D9%85%D9%86-%D8%A3%D8%B9%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D9%87%D9%8A%D8%A6%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9-%D9%84%D9%84%D9%85%D9%81%D9%82%D9%88%D8%AF%D9%8A%D9%86-%D8%AE%D9%8A%D8%A7%D9%86%D8%A9](http://www.mtv.com.lb/News/%D9%85%D9%80%D9%80%D8%AD%D9%80%D9%80%D9%84%D9%80%D9%80%D9%8A%D9%80%D9%80%D8%A7%D8%AA/1195346/220-%D8%B4%D8%AE%D8%B5%D9%8A%D8%A9-%D9%88%D9%87%D9%8A%D8%A6%D8%A9--%D8%A7%D8%B3%D8%AA%D9%82%D8%A7%D9%84%D8%A9-4-%D9%85%D9%86-%D8%A3%D8%B9%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D9%87%D9%8A%D8%A6%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9-%D9%84%D9%84%D9%85%D9%81%D9%82%D9%88%D8%AF%D9%8A%D9%86-%D8%AE%D9%8A%D8%A7%D9%86%D8%A9)

شخصية وهيئات انسانية وحقوقية: استقالة 4 من أعضاء الهيئة الوطنية للمفقودين والمخفيين قسراً محاولة لتعطيلها وخيانة للضحايا وذويهم. “موقع جنوب 220” July 2021, <http://southlb.com/2021/07/08/550042/>

<sup>cxviii</sup> I-014.

<sup>cxix</sup> I-017.

<sup>cxx</sup> I-019.

<sup>cxxi</sup> I-003.

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cxxii I-019.  
cxxiii F-002.  
cxxiv F-002.  
cxxv F-005  
cxxvi F-003.  
cxxvii I-021.  
cxxviii F-002.  
cxxix I-014.  
cxxx Survey Report.  
cxxxi Survey Report.  
cxxxii Survey Report.  
cxxxiii Survey Report.  
cxxxiv I-004.  
cxxxv I-004.  
cxxxvi I-033.  
cxxxvii I-013.  
cxxxviii I-004.  
cxxxix Survey Report.



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