

LEBANON: Boost for relatives of civil war missing



Photo: Hugh Macleod/IRIN

The Syrian army intervened in Lebanon's civil war in 1976, a year after it started, and withdrew from Lebanon in April 2005

BEIRUT, 7 March 2012 (IRIN) - A new legal mechanism has been proposed to deal with the issue of thousands of people who went missing during Lebanon's 1975-1990 civil war, including locating mass graves, and identifying and returning remains to families, according to local activists.

"The proposal features information on compensating families and mentions sanctions against those who are thwarting the process, without necessarily having a harshly punitive tone," said Justine di Mayo, president of NGO Act for the Disappeared. "It is a platform on which to build, with a rather clear text that can be particularly helpful to politicians," she told the IRIN.

Lebanon is a signatory to the Universal Declaration of Human Rights and international treaties which recognize the victim's right to know the truth regarding the circumstances of an enforced disappearance. But observers say it has failed to meet its obligations to reveal the fate of those who disappeared, leaving families in a state of "frozen grief", whereas perpetrators benefited from a 1991 general amnesty.

Speaking at a recent seminar, the founder of the Committee of the Families of the Kidnapped and Disappeared in Lebanon (CFKDL), Wedad Halawi, explained the proposal drafted by lawyer and human rights advocate Nizar Saghieh at the request of CFKDL and NGO Lebanese in Detention and Exile. The International Center for Transitional Justice (ICTJ) provided financial, technical and logistical support.

"There is progress: the draft was submitted and the current justice minister [Shakib Qortbawi] has promised to work on it, so I think there is an opening," said Habib Nassar, director of ICTJ's Middle East and North Africa Program. "It's been part of the ministerial statement for three years, but now it needs to translate into concrete measures."

The proposed mechanism is based on examples from war-stricken countries like Bosnia-Herzegovina, Guatemala and Argentina. It outlines how to collect and manage information; locate mass graves; implement exhumation, matching and identification procedures; and return the remains of casualties to the families while ensuring their involvement along the way.

It also calls for the establishment of an Institute for Missing Persons and Forcibly Disappeared which would collect and document information while supervising the exhumation process. A national commission, comprised of civil society groups, would monitor the Institute.

"The problem of missing persons is an obstacle to peace-building and reconciliation," Andreas Kleiser from the [International Commission on the Missing Persons](#) said at the 24 February seminar in the capital, Beirut, where the proposals were presented.

Speaking in his capacity as an independent expert in the field, Jeremy Sarkin, chairman of the UN Working Group on Enforced or Involuntary Disappearances, said transitional justice - based on five main pillars including truth, reconciliation, institutional reform, reparations, and accountability - lagged in Lebanon.

Failed commissions

An estimated 17,000 people went missing in Lebanon during the civil war. An official commission formed in 2000 to investigate the matter, and another in 2001 to receive complaints from victims' families, bore no fruit.

After Syria's withdrawal from Lebanon in 2005, a number of mass graves were uncovered, including in Anjar in the Beka'a Valley, near the Syrian army's intelligence headquarters. A commission was formed to look into

disappearances in both Lebanese and Syrian territories but never filed a report.

However, during his inaugural speech in 2008, President Michel Sleiman called for a comprehensive investigation and the closing of the file, but four years later the issue is still in limbo.

According to Amnesty International, previous investigations by the authorities have not been independent, transparent or effective, leaving families of the missing in anguish and uncertainty.

In a 2011 [report](#) entitled Never Forgotten: Lebanon's Missing People, it said some of the missing disappeared after they were arrested or captured by parties to the conflict; others may have been killed during battles and massacres; while others vanished in unclear circumstances. It called for a programme to collect DNA from the families of the missing who wish it, and to ensure that DNA testing is done whenever human remains of those killed in the conflict are uncovered.

The civil war was a series of interconnected conflicts involving many different parties, including the Lebanese, Palestinians, Israelis and Syrians. It had nationalistic, ideological and sectarian dimensions, some of which initially coalesced around opposition to, or support for, the Palestinian refugee population. To some extent it also pitted Lebanon's different faith communities against one another.

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