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The Right to Know: The Fate of Lebanon's 'Disappeared People'

During the Lebanese Civil War from 1975- 1990 thousands of people were killed, displaced or forcibly disappeared through detention. The fate of about 17.000 people among them is still unknown until today. The relatives have been seeking the truth about their loved ones for years and request more commitment from Lebanese politicians on this issue.

The Lebanese Civil War was a complex interplay of internal conflicts, foreign invasions and occupation that cost the lives of approx. 100 000 people. Since in many of these cases, death has not been recorded and the body not been retrieved or properly buried, it is unclear whether the people still missing today have actually been killed in the war. While some might have been killed and buried in one of the mass graves, remaining neither found nor identified yet, others might have been captured and detained by one of the divers groups involved in the conflict¹. According to estimates from NGOs, 545

people are believed to still be detained in Syrian prisons.²

While this topic was excluded from public for decades in order to prevent the achieved stability after years of occupation and conflicts, for the families and friends the 'disappeared people' are not forgotten. Many of them seek to investigate the fate of their missing relatives and have build up their own information channels and frames of action. Since years, they are lobbying for government action to support solving the cases of the persons still missing. Yet, the official institutions have not undergone serious measures to reveal the violence and crimes committed during the war. Thus, the families are left alone with the uncertainty of the remains of their beloved.

Investigations from Official Side

Details on the remains of the missing people have barely been recorded.

¹ Amnesty International Report (2011): Never forgotten. Lebanon's Missing People. Retrieved on 25.01.2012 from: <http://www.amnesty.org/en/library/asset/MDE18/001/2011/en/4c0716c2-8825-41d6-b816-c678ef4eeb44/mde180012011en.pdf>

² The Daily Star (25.01.2011). Syrian National Council Promises better Relations with Lebanon. Retrieved on 25.01.2012 from <http://www.dailystar.com.lb/News/Local-News/2012/Jan-26/161155-syrian-national-council-promises-better-relations-with-lebanon.ashx#axzz1kGqyh3b6>

Amnesty International points in this context to a police report published in 1991 where the number of missing persons was estimated at 17.415 without any profound information on the context of their disappearance. Later on, special commissions were appointed to investigate the cases of the missed persons, but again no satisfying success was achieved. According to Amnesty International, this was due to their lack of independence, since these commissions all consisted of former security forces members who had themselves been involved in violent actions towards the population during the war. Hence, the only outcome of their investigations was a report where the number of missing persons was remarkably reduced, with the explanation that most of the disappeared had been found dead.³

The amnesty law passed in 1991 discharged all kinds of armed groups and perpetrators of political crimes during the Civil War from judicial investigation, and hence constrained further efforts to seek truth and justice through legal channels. At the same time, it strengthened the families concerned in their conviction that they had to search for an independent strategy to learn about the fate of their missing members. It was only in 2008, with the inauguration of Michel Sleiman as president, that the question of missing persons underwent a turning point. He acknowledged in his inaugural speech the urgent need for a transparent examination and debate in Lebanese public of this issue and

thereby laid the basis for increased efforts towards uncovering the truth.

A Draft Law initiated by NGO's

Government action towards retrieving the missing persons was still stagnating. Instead, local NGO's such as the International Center on Transitional Justice took the lead initiating concrete steps. The starting point was the invitation of Kathryn Bomberger, the executive director of the Sarajewo-based International Commission for Missing Persons to Beirut who elaborated on the experiences in Bosnia and Herzegovina concerning the retrieval of disappeared persons. The small country on the Balkans has also undergone a period of severe regional conflict and prolonged civil war in the course of which thousands of people disappeared. However, the topic has been tackled pro-actively there and through a process of the exhumation of mass graves, the identification of bodies through DNA tests and the assortment and decent burial of the remains, relatives have learned the truth about the fate of their loved ones and learned to accept it.

In cooperation with the Center for Transitional Justice and the European Commission, the Friedrich Ebert Stiftung launched a project enabling Lebanese stakeholders to learn from the Bosnian experience and to engage in a fruitful exchange with the International Commission for Missing Persons. In this context, a Lebanese delegation was invited to Bosnia and Herzegovina to get acquainted with the means and methods of identification. The project

³ Amnesty International Report (ibid.)

was launched in January 2010 and high-ranking state officials as well as representatives of NGO's, INGO's and UN agencies were brought together to decide on the participants of the trip which took place between March 31st and June 4th in 2010.

The result of the meeting with the ICMP in BiH can be summarized in three main points listed below:

- The Creation and Institutionalization of a legal framework to the right to know that precludes any politicization,
- The Integration of the families throughout the process
- The Shaping of memorials in sustainable manner, signaling the end of this process, but not the closing of the file
- The protection of mass graves in Lebanon, which are still closed and covered.

These lessons were accounted in the ongoing efforts since the visit in Bosnia and Herzegovina, and the work was continued with success: NGO's such as the Friedrich-Ebert-Stiftung, SOLIDE, the ICTJ, the Committee of the Families of the missing Persons in Lebanon together with the Swiss embassy and the European commission initiated a draft titled "Law of the Missing Persons and the Forcibly Disappeared". The crucial point is the acknowledgement of the right of the families to learn about the fate of their members. The draft consists of 31 articles laying down a strategy to track and identify missing persons and bring them or their remains

back to their families.⁴ Furthermore, the establishment of an institution assuming the role of an independent manager of the new responsibilities corresponding to the law is demanded to entrench the issue in public conscience.

The next step is the submission of the draft law to the Parliamentary Committee of Justice. Even if some might doubt the fast ratification, the families have achieved an important goal: the inclusion of governmental institutions into this issue as a further step toward a statutory basis of their endeavor.

⁴ Draft Law: Law of the Missing Persons and the Forcibly Disappeared, see also: <http://iloubnan.info/en/detail/14/71821>

Literature

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<http://ictj.org/our-work/regions-and-countries/lebanon>, last view: 23/01/2012.
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