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Families of disappeared remain skeptical

By Jana El Hassan

BEIRUT: Families of people who disappeared during the Civil War and their advocates praised a Shura Council ruling granting them access to key documents but are skeptical that the state intends to cooperate.

"We believe the decision is a major achievement, but we cannot confirm if the state will abide by it," said Nizar Saghie, a lawyer and activist who represents the families of the disappeared. "It is difficult to get the authorities to implement the Shura Council decision; we cannot force the state to commit to the ruling."

"The most important thing is that we now have a legal document that proves the families have the right to know the fate of the missing," he said. "They can now even ask for compensation from the state for making them suffer by keeping information about their relatives from them."

On March 4, the council annulled a previous decision by the Cabinet's Secretariat denying the families full access to official documents, include confessions by former militants related to cases of Lebanese missing since the 1975-1990 Civil War.

The Shura Council decision cited international resolutions, such as the United Nations Human Rights Committee's recognition of "the right for families of victims of enforced disappearance ... not to be subjected to torture or ill-treatment given the psychological torture which relatives of missing people undergo."

The Cabinet's Secretariat would not comment on the decision.

The case against the Cabinet's Secretariat and the state was filed by the Committee for the Families of the Kidnapped and Disappeared in Lebanon and SOLIDE (Support of Lebanese in Detention and Exile) on Dec. 24, 2009.

The fate of some 17,000 people who disappeared during the war remains unknown. Hundreds of them are believed to be held in Syrian prisons.

In 1995, the government passed a law enabling families to declare anyone missing for more than four years dead, allowing inheritance and property rights to be settled. In 2000, it established a committee that issued a short report stating that all missing were presumed dead.

A year later, it formed a new commission to investigate the cases of Lebanese held in Syrian jails, and in 2005, the government backed a joint Syrian-Lebanese commission to look into prisoners in both countries.

In the meantime, activists say that mass graves from the war were discovered in Beirut and other areas. They have urged the state to investigate these graves and to conduct DNA tests to identify the bodies.

Wadad Halwani, the head of the families' committee, which was formed in 1982 to offer mutual support and to pressure the government to investigate the fates of citizens who disappeared, described the Shura Council decision as a new "weapon" that would help the families continue their battle.

"Our main weapon is our right to know the fate of our loved ones," Halwani said.

"The Shura resolution constitutes an additional weapon that we can use to prove the state is standing against us."

Halwani's husband went missing in September 1982, when their two sons were very young. Halwani said her husband, who was kidnapped by militants, was a social and political activist and a supporter of the Communist Party.

"He used to secure fuel for families in need and work on humanitarian assistance to civilians. He was never a fighter," Halwani

said.

Nearly 32 years later, Halwani believes her husband is likely dead but demands the right to find his remains and to confirm his fate.

"I have a 5-year-old grandchild now and he started asking me about his grandfather. How can I explain the issue to him? He is too young to understand," she said.

"If we had a grave, I would hold his hand and take him there and tell him his grandfather died and he can lay a rose on his tomb. ... We deserve to have a grave."

For her part, Lynn Maalouf, co-founder of Act for the Disappeared, described the decision as "historic."

"I hope this symbolically giant step would lead to the clarification of the fate of the missing people," she said.

"We hope legislative and executive measures would follow this judiciary step."

Saghiyeh said that if the state abided by the decision, the relatives would have more information about mass graves.

"This would help us in cases we file over the protection of these graves and allow us further steps once the technical capacities are available," he said.

Ghazi Aad of SOLIDE said that the decision was "binding" to the state and that "it will eventually have to implement it."

He reiterated the call for the formation of the Independent National Commission tasked with investigating the fate of the missing Lebanese citizens.

"We still need the right mechanism to pursue the case and this is why we are holding on to the demand of forming the national commission that follows up on the fate of the missing," he said.