

Relatives of missing propose draft law

By [Van Meguerditchian](#)



Local and international experts share their experience in the field of the missing and the disappeared.

BEIRUT: The families of some 17,000 people who went missing or were forcibly disappeared during the Civil War proposed Friday a draft law aimed at uncovering their relatives' fate.

The draft law, prepared by civil society activists, human rights experts, judges and lawyers in collaboration with several nongovernmental organizations urges the government to establish an independent administrative body to resolve the decades-old issue.

The International Center for Transitional Justice, Committee of the Families of the Kidnapped and Disappeared in Lebanon and the Support of Lebanese in Detention and Exile (SOLIDE) were among the groups that worked on the proposed draft.

According to figures recognized by the government, an estimated 17,415 people went missing during the 1975-1990 Civil War. However, only 2,300 of those have been registered as missing.

After countless demonstrations and sit-ins by the families of the missing – who include both Lebanese and non-Lebanese – activists agreed to present a comprehensive draft law as a starting point to hopefully ease the suffering of the victims’ families and work toward closing a sad chapter of the country’s past.

In a wide-ranging roundtable discussion at the Gefinor Hotel in Beirut, activists and legal experts discussed the draft law, which is comprised of 31 articles, the most notable of which calls for the establishment of an Institute for Missing Persons, including a Bureau and a Public National Commission.

The body would act autonomously and have financial independence from the government, according to several NGO officials at the conference .

The proposed draft law also calls for the appointment of a senior judge who would be named by the Higher Judicial Council, along with public servants and forensic experts.

The project, which is funded and coordinated by the European Union delegation in Beirut, would work to trace mass graves, through information provided by the state, witnesses and organizations. According to the draft law, all witness accounts would remain confidential.

Meanwhile, another draft law on the issue is currently being proposed by Baabda MP Hikmat Deeb and two similar proposals are also being discussed within the government. But NGOs and civil society activists routinely slam these proposals, saying such initiatives would fail, as did legislation drafted by previous governments.

“We’ve had enough of those proposals that tried to appease us and forget about the case ... all we want to know is the truth now, we want to know what happened to our loved ones: if they are dead, we want to know where their bodies are,” said Wadad Halwani, an official from the Committee of the Families and Disappeared in Lebanon.

Halwani’s husband has been missing since the Civil War.

The discussion also hosted a number of international experts with experience in forced disappearances in Bosnia and Guatemala.

Jeremy Sarkin, chairperson of the U.N. Working Group on Enforced or Involuntary Disappearances, said the case of missing people is an ongoing human rights violation. “The society and the individual need to know what happened to their relatives and for what particular motivation,” he said.

According to Sarkin, the issue of the missing 17,000 people cannot yet be part of Lebanon’s postwar general amnesty as the fate of those people remains unknown.

Following a nationwide reconciliation effort at the Taif Accords, the country passed a general amnesty law in March 1991.

“This is a continuous human rights violation ... but the crime is not complete, no crime is complete until it is finished,” said Sarkin.

Sarkin called for establishing a balance between finding the truth and achieving accountability. “Do we exchange truth for accountability? There should be a balance between both,” Sarkin added.

According to Sarkin, the truth might remain elusive if the perpetrators of kidnappings face, and therefore fear, prosecution.

“Perpetrators should be dealt with with carrots and sticks, some form of amnesty would ensure tracing the location of the missing people,” said Sarkin.

Echoing his words, Khaled Ghazy, legal adviser from the International Committee of the Red Cross, said it is possible to achieve a balance between accountability and truth through “amnesty for truth.”

Ghazy said that the interest of the relatives must come first. “This is a primary concern, because not letting the families know the truth is torture in itself and the government should give families the right to know the truth about their loved ones,” Ghazy added.

Metn MP Ghassan Moukhaiber, who took part in the roundtable discussion, said the issue of the missing should prompt a look back at the past. “It should be an open window to look back into the era of war ... this is why investigation should be ongoing,” said Moukhaiber, who has for years supported the campaign.

Moukhaiber also said that government security institutions have intelligence information that would help speed up the search for the truth.

“I call on the Internal Security Forces and intelligence personnel of the Lebanese Army to disclose all the information that they possess regarding the fate of the missing people,” he said.

Following the withdrawal of Syrian troops from Lebanon in 2005, five mass graves were uncovered at the Syrian Intelligence’s former headquarters in Bekaa’s Anjar, Metn’s Beit Mery and at the site of the Defense Ministry in Yarze.

Human rights groups have also said they have evidence of more than 643 Lebanese missing in Syria.