

**NEVER
FORGOTTEN**
LEBANON'S MISSING PEOPLE

**AMNESTY
INTERNATIONAL**



Thousands of people who disappeared during the bitter civil war that wracked Lebanon from 1975-90 and its aftermath are still missing. Some were detained by different parties to the conflict, others may have been killed in the fighting or caught up in the massacres that punctuated the war and dumped in mass graves where their bodies lay unidentified. Others simply vanished. Their relatives suffer unrelenting pain and anguish as a result; they remain determined to find out what happened.

The civil war in Lebanon was a series of interconnected conflicts involving many different parties, Lebanese and others. It had nationalistic, ideological and sectarian dimensions, some of which initially coalesced around opposition to or support for the Palestinian refugee population, and to an extent pitted Lebanon's different faith communities against one another. It involved direct armed intervention by Lebanon's more dominant neighbours, Israel and Syria, often in alliance with different Lebanese factions. These last included the Lebanese Forces, which derived from an initial coalition of Christian groups that included the Kataeb (Phalange) and the Ahrar (National Liberal Party); the Shi'a Muslim Amal Movement and Hizbullah; the Druze-based Progressive Socialist Party (PSP); the Sunni Muslim-based Murabitun; and several secular cross-community parties. Palestinian armed groups, including the Palestine Liberation Organization (PLO), were also powerful. Another militia, which became known as the South Lebanon Army, worked with Israel in south Lebanon.

The civil war witnessed invasions and occupation by the Israeli armed forces, who finally withdrew in 2000; a long Syrian military presence which continued until 2005; and shifting internal and external alliances. It resulted in mass displacements of people and transfers of individuals between groups and across borders. Thousands of people were unlawfully killed and thousands were victims of enforced disappearances, abductions and other abuses. The Lebanese state's failure to undertake any truth, justice and reconciliation process, combined with the similar failure of the governments of other states that were involved, means that the fate of many thousands of people remains unknown and the perpetrators have gone unidentified and unpunished.

The families of the missing have lived with the suffering caused by their loss and uncertainty for decades, some for more than 30 years. They do not know if their loved ones are alive or dead. They can neither organize a dignified burial nor properly grieve. They struggle to survive



because of the legal, financial and administrative problems that result from the unresolved fate of their missing relative. Many live with the nagging hope that one day there will be a knock at the door or a phone call and their loved one will re-appear or they will at least get some news of him or her.

Amnesty International spoke to many relatives of the missing during a research visit to Lebanon in October 2010, some of whose experiences are told here. It hopes that this document will help them in their continuing quest for the truth and for justice.

LIFE WITHOUT A MISSING HUSBAND

Wadad Halawani, founder of the Committee of the Families of the Kidnapped and Missing in Lebanon, told Amnesty International about her life after her husband, 'Adnan Musbah Halawani, was taken away from their home in Beirut in September 1982, apparently by agents of Lebanese Military Intelligence. She was left to raise alone her two young children, aged six and three. She described the "elimination of the warmth" from her home following his disappearance, and how she "lost her balance". She said she did not know "how to protect the children from the rockets" and was "lost for answers to their endless questions" about their father for which she had no replies.

Based on her own experience and through knowing many families of missing husbands, Wadad Halawani outlined the problems faced by such families at three levels, in addition to those connected to the family's grief – personal and social; legal and administrative; and economic.

On the personal and social level, she says that a woman whose husband is missing is neither a married woman nor single, divorced or a widow, and for all that time she will have faced serious problems and obstacles linked to the low status of women.

On the legal and administrative level, she says that such a woman cannot spend her husband's money nor dispose of his property, such as selling his car, as she does not have power of attorney allowing her to do so. She also cannot get a passport for herself, nor for her children if they are under 18 as the guardian required is the father or, in his absence, the grandfather or, in his absence, an uncle – even though the mother is raising the children.

On the economic level, Wadad Halawani says that most of the missing people are from poor families, so the loss of the breadwinner has had a devastating impact. In many cases, the families have been unable to cover basic daily needs, including food, clothing, housing, medical care and the costs of education.



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Above: Wadad Halawani with pictures of some of the people who have been missing since the 1975-90 civil war.

Cover: Amineh 'Abd al-Husri with a picture of her son Ahmed Zuhr al-Sharqawi, who has been missing since 1986 (see page 5).

DEFINITIONS AND OBLIGATIONS

The missing are people who are unaccounted for as a result of armed conflict or internal violence. They include those missing after being detained by parties to the conflict; people killed whose bodies have not been found and identified; and others whose families lost all contact with them and whose fate and whereabouts remain unknown.

An enforced disappearance is defined in the International Convention for the Protection of All Persons from Enforced Disappearance, which Lebanon has signed but not yet ratified, 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." When the state or its affiliates, including armed militias, have not played any such role, then the individual is generally considered as missing as a result of abduction, not the victim of enforced disappearance.

Enforced disappearances, when committed as part of a widespread or systematic attack directed against a civilian population, are crimes against humanity, considered among the most egregious of all crimes.



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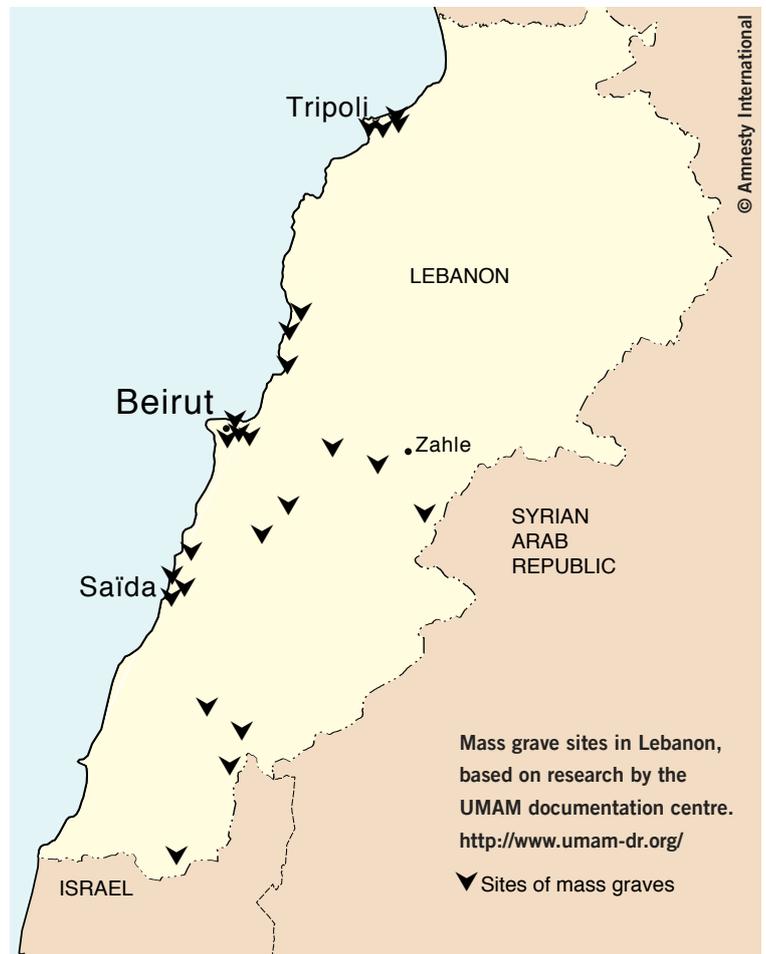
"How can it be that someone who was trying to defend the land of his country is now ignored by his government?" So says Sonia 'Eid, whose son Jihad George 'Eid, a soldier in the Lebanese Army, was just 20 years old when he went missing on 13 October 1990. He was said to have been injured and captured at al-Hadath in Mount Lebanon following clashes with Syrian military forces, and then transferred to Syria. Nineteen other Lebanese soldiers and two priests are considered missing from that day.

Sonia 'Eid has a big file on her son that makes her sure "that he is alive there". However, Syria has not acknowledged his detention. In 1995 Lebanese Military Intelligence officers visited her and told her that her son was detained in Syria, but the following day Lebanese officials denied both the visit and the information that had been provided. She said, with absolute certainty, "I am sure that he will return".



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Marie Mansourati points to her son Dani, a Lebanese national who disappeared in Damascus, Syria, on 9 or 10 May 1992. Three people in plain clothes stopped Dani and his brother Pierre as they were driving, and took Dani away in their car. Unconfirmed reports suggest that he was taken to the Air Force Intelligence headquarters in Damascus. Some reports claimed that he died under torture in early 1994; others suggested that he was executed. In July 1994, the Syrian government informed the UN Special Rapporteur on extrajudicial, summary or arbitrary executions that Dani Mansourati had been tried and convicted of espionage and sentenced to death. Marie and her family have never had any clarification from the Syrian government regarding his fate and whereabouts.



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Mass grave sites in Lebanon, based on research by the UMAM documentation centre. <http://www.umam-dr.org/>

▼ Sites of mass graves

RIGHTS OF THE FAMILIES

"[Under international law] the right to the truth implies knowing the full and complete truth about events that transpired... In cases of enforced disappearance and missing persons, the right also implies the right to know the fate and whereabouts of the victim."

UN High Commissioner for Human Rights, March 2010

Under international human rights standards:

■ families have the right, in relation to situations of armed conflict, to know the fate of their relatives;

■ each party to an armed conflict must take all feasible measures to try and account for people reported missing as a result of the conflict, and release all relevant information concerning their fate or whereabouts;

■ states must open prompt, thorough, independent and impartial investigations into violations of international humanitarian and human rights law reported during and

after the conflict and, when there is sufficient evidence, prosecute the alleged perpetrators;

■ the families of missing people must be recognized as victims of armed conflict; and their rights to information, to accountability and to acknowledgement of abuses committed must be upheld;

■ failure to inform people of the fate or whereabouts of relatives who went missing because of armed conflict is a violation of the right to family life; the systematic or persistent failure to so inform families is cruel and inhuman treatment;

■ victims and their families are entitled to seek and obtain information on the causes leading to abuses committed during armed conflicts.

'WE ALL WANT OUR SONS BACK'

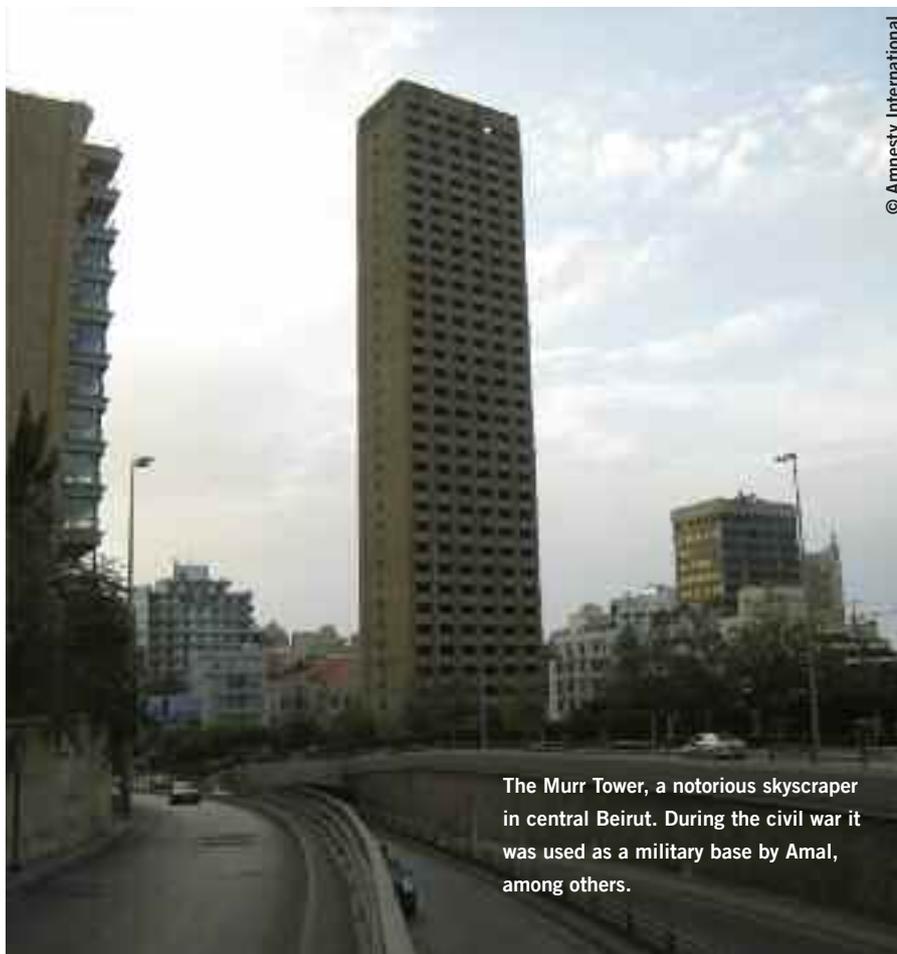
Amineh 'Abd al-Husri, better known as Im Ahmed (Mother of Ahmed), continues to campaign vigorously to find out the truth about her missing son, despite her 78 years.

"My son, Ahmed Zuhdi al-Sharqawi, was born in 1964 and had no interest in politics. He was training in electrical and construction work, and when there was no work he would sell cigarettes on the streets. He wouldn't even watch the news, but would prefer to read a book in English.

"Then one night, at 1am on 18 December 1986, there was a knock on our door, near Ramlet al-Baida [in West Beirut]. It was men from Amal and they took Ahmed away to the Murr Tower.

"We found out that Ahmed was handed over to the Syrians and was transferred to a military investigation branch in Damascus. I have the papers to prove it. We went everywhere in Syria, and in Lebanon, asking for him.

"I want my son back. We all want our sons back – even if it is in a coffin. Maybe he is dead, I don't know. But if I have his body I would like to bury him next to his father."



The Murr Tower, a notorious skyscraper in central Beirut. During the civil war it was used as a military base by Amal, among others.

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COVERING UP OR UNCOVERING THE TRUTH?

The Lebanese authorities have done little to establish the fate and whereabouts of the missing people and nothing to bring perpetrators to justice, despite the scale and gravity of the issue and the tenacious lobbying of families.

A 1991 police report was said to have recorded 17,415 cases of "disappearances", but few other details were made public and the figure is disputed. Subsequent commissions were set up by the authorities in 2000 and 2001 but again were flawed. As a result, there is still no agreed total of the number of people missing or disappeared, let alone a list of their names.

The 2000 commission lacked independence as it was solely made up of members of the security forces. It received cases over six months and declared in a two-page report that there were 2,046 "missing" cases and that none of the individuals was alive. It advised the families to declare their missing relatives as dead,

an option made possible by Law 434 of May 1995. Although such a declaration would assist families to process their legal affairs, no evidence for the deaths was provided. Consequently, most families did not declare their loved ones as dead.

The membership of the 2001 commission appeared to be more independent, but it was only mandated to investigate cases where there was evidence that the individuals might still be alive. It worked for 18 months, looked into around 900 cases but failed to issue a report.

In 2005 an official joint Lebanese-Syrian committee was established primarily to look into the cases of Lebanese people reported to be missing in Syria. It has met at least 30 times, but very little of its work has been made public and there is considerable scepticism about its effectiveness.

While these initiatives brought little benefit to the families of the missing, the people responsible for the killings and disappearances have continued to enjoy



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Above: Amineh 'Abd al-Husri holds a card with the picture of her son Ahmed Zuhdi al-Sharqawi. The card says: "Until when!! Lebanese detainees in Syrian prisons". Many families have evidence that their loved ones may have been transferred to Syria; for others, detention there may be the last hope that they are still alive.



"On 12 August 1976", said Kassem al-Aina, holding up a picture commemorating that fateful date, "my sister Zahra and her son, Rateb Kareem al-Aina, were among many people forced to cross Beirut following the massacre and expulsions at Tel al-Za'ter. The city was at war. While walking towards Sabra, where we are now, they were stopped at a checkpoint of the Ahrar near the museum. Rateb and others were picked out, for being young Palestinians. He was 17. They were taken away and he was never seen again. At this time the Lebanese Forces were close to Syria and my sister went to Damascus to ask after him. But there was no news. It is more difficult if you do not know if the person is killed. It is worse than if they were dead. I have little hope."

Tragedy hit his family again six years later:

"In December 1982, I lost my sister and her daughter. Noha, my sister, was in her late forties. Her daughter Kifah was 14. They lived in Na'ame [south of Beirut] and supported the Palestinian resistance. Her husband was in Saudi Arabia. One day the Kataeb came and took them from the house. That's what the neighbours told us. Nothing more is known of them. We asked of them via contacts, friends of friends, but discovered nothing."



impunity for their crimes. Indeed, Amnesty Law 84/91 of 1991 declared a general amnesty for all political crimes, including abductions, committed by armed groups during the civil war, while remaining silent about the victims and their families.

The Israeli and Syrian authorities have also failed to investigate satisfactorily any abductions or killings for which their forces were allegedly responsible. Similarly, with the significant exception of the case of the assassination of former Lebanese Prime Minister Rafic Hariri in 2005 and related attacks, the international community has shown no interest in opening inquiries at an international level.

The NGO SOLIDE and relatives of people who went missing during the civil war set up this campaign camp in April 2005 in downtown Beirut. Supporters maintain a constant presence at the camp to ensure that their long search for truth and justice cannot be forgotten.



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CARRYING ON THE CAMPAIGN



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Nadia Adib stands before a poster showing her late sister Audette Salem, a leading campaigner among the families of the missing, and, to the top right, Audette's missing children. Tragically, Audette Salem was killed when she was run over by a car on 16 May 2009, near the tent in downtown Beirut.

For years, Audette had been raising the cases of her son Richard, aged 23, and daughter Marie-Christine, aged 19, who were abducted by members of the Druze-based PSP when travelling through the capital on 17 September 1985 with Audette's brother-in-law George Salem. Through her family's contacts they were told that the PSP had exchanged Audette's children with others held by Hizbullah.

Many years later, a man released from prison in Syria visited the tent and said that he was certain he had been with Richard in the Palestine Branch of Military Intelligence in the Syrian capital Damascus.

Nadia Adib continues to campaign to find out what happened to her missing relatives and others who have disappeared.

GLIMMERS OF HOPE

It has been the families of the missing and others in Lebanon that have been keeping alive the flame of memory and persisting with campaigns to uncover the truth. A demonstration in November 1982 by hundreds of relatives of missing individuals gave birth to the Committee of the Families of the Kidnapped and Missing in Lebanon. This gave the issue a national profile during the civil war and after.

Subsequently, other related NGOs emerged, including the Follow-up Committee for the Support of the Lebanese Detainees in the Israeli Prisons, Support of Lebanese in Detention and Exile (SOLIDE) and Support

for Lebanese Detained Arbitrarily (SOLIDA). In April 2005 a campaign camp with a tent, posters and literature was established in downtown Beirut by SOLIDE and relatives who refuse to allow the missing to be forgotten. Since then, relatives have maintained a continuous presence at the camp.

After years of campaigning by families of the missing, the Lebanese government has said it is committed to resolving the issue of the disappeared. In his inaugural speech in May 2008, President Michel Sleiman said the authorities would persevere in attempts to "reveal the fate of the missing persons". In December 2009, the cabinet of the



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“People told me they saw my younger brother Bassam put onto one of the trucks by the Kuwaiti Embassy. He was 18, a student. They were blindfolded and being beaten. They were driven off. We don't know where they were taken or what happened to them. Once, about 20 years ago, we saw in the newspaper a picture of someone who looked like him. We went up to Tripoli to find him, but it wasn't him. We still hope. We keep his things. I keep thinking there will be a knock on the door and he will enter.”

Taghrid Samhoury, whose brother went missing during the September 1982 Sabra and Chatila massacre.

HE NEVER CAME BACK



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“The last time I saw my son was on 10 April 1976. He left the house just to buy cigarettes from a shop nearby – and he never came back. He was 15, a student at school. We looked and asked and put his name everywhere and paid money to people to help. I think in my heart that he is okay. But only God knows.”

Halima Jamal, who lives in Tripoli, speaking to Amnesty International while holding a picture of her then teenage son Rashid Ladawi.



national unity government, which collapsed in January 2011, declared that it would “seriously follow up on the issue of the Lebanese missing and detainees in Syria”. It also said it would work “on cases of enforced disappearances in and outside of Lebanon to discover their fate to cleanse people from the memories of the war and enhance national reconciliation and respect the families’ right to know [and] will consider the establishment of a national body dealing with the question of victims of enforced disappearances in all its aspects”. At the time of writing in late March 2011, a new government had yet to be formed.

Lebanon’s parliamentary Human Rights Committee, in co-ordination with the UN

Development Programme and Lebanese civil society, has been drafting a National Human Rights Action Plan. The draft calls for Lebanon to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and for the related establishment of a national truth and reconciliation committee. A law on the missing is being drafted.

Such initiatives are welcome, but so far have not been translated into meaningful action.

Families are pursuing the truth through legal channels too. They have sought to prosecute abductors in two separate cases. This has posed particular challenges because of the

A TRAGEDY IN FIVE PICTURES

“My case is a long one”, said 'Afifeh Mahmoud 'Abdullah, almost apologetically with a soft smile. Standing at the campaign's tent in Beirut, she carefully removed five photocopied pictures from a large envelope. She held out three – of her brothers Jamil and Hassan, and her sister Lamia. “I wasn't with them the day they disappeared in 1976, as I was out working.”

The family lived in the Palestinian refugee camp of Tel al-Za'ter, which was destroyed and whose residents were massacred by fighters of the Phalange and the Ahrar on 12 August 1976. “I couldn't go back to try to find them there as the roads were blocked and if they stopped me they would kill me”, she said.

'Afifeh Mahmoud 'Abdullah showed the fourth picture. “My cousin Ahmed Mohammed 'Abdullah, who was 14, also disappeared then. He didn't really like school and was learning construction skills. Later we moved to Damour [a village south of Beirut], then to near the BAU [Beirut Arab University].”

She held out the fifth picture showing a mother and daughter. “In 1982 the Israelis invaded. I was not at home and when one of my sisters and I were able to return there, we found the house burned and my mother, Terfi Mousa Huseyn, and sister Jamila, who was 13, were gone.” She still does not know the whereabouts of her mother, two sisters, two brothers and cousin.

'Afifeh Mahmoud 'Abdullah put the pictures back in the envelope and walked away from the tent, knowing she would return another day.



Site of a mass grave for hundreds of the victims of the September 1982 massacre of Palestinians and others at Sabra and Chatila, Beirut, by the Phalange militia with support from the Israeli armed forces. The insert shows the picture on the far left behind the gravestone, which was taken shortly after the massacre as relatives searched among the bodies for their missing loved ones.

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difficulty of mounting cases effectively so many years after the crimes were committed, and because of the nature of the crimes, which were mostly committed in murky circumstances and usually did not leave evidence, most notably the body of the victim.

Some success came with two judicial interpretations, one final and one provisional, which found that enforced disappearances – as provided by international law – should be exempted from the 1991 Amnesty Law as they are “continuous crimes”.

Families represented by two local NGOs also filed a lawsuit to locate and protect

three mass graves cited in the summary findings of the 2000 commission. In October 2009, a judge ordered the Council of Ministers to hand over to the court the commission's full, unpublished report and findings. Two short documents have been provided to the court and on to the families, and the case and discussions are ongoing. It is hoped that the incoming government will prioritize the issue of the missing and take significant steps to discover the fate and whereabouts of the thousands of people still unaccounted for.

Among cases of missing people with a confirmed international element is that of Imam Musa al-Sadr, an Iranian-born Lebanese cleric, who disappeared with two companions after he went to Libya in 1978 to meet the Libyan leader Colonel Mu'ammar al-Gaddafi. He was a prominent advocate of Lebanon's Shi'a population and founder of Amal.

Also, four Iranians – two diplomats, a driver for the embassy and a journalist – have been missing since they were abducted in 1982 in north Lebanon, apparently by the Lebanese Forces. Conflicting reports suggest that they were killed there or possibly transferred to Israel.

Israeli and Lebanese individuals are still missing despite the exchange of human remains and prisoners between Hizbullah and Israel in 2008. Among them are Dalal Mughrabi, a teenage Palestinian-Lebanese woman, and Yahya Skaff, a Lebanese man, who were involved in a 1978 raid into Israel; and Ron Arad, an Israeli airman whose plane came down during a bombing raid over Lebanon in 1986 and who was said to have been held by Amal and possibly fell into Iranian hands.

The Lebanese authorities have shown greater resolve to account for the disappearance of Imam Musa al-Sadr and companions than for others. For example, arrest warrants have been issued for Mu'ammar al-Gaddafi and other individuals suspected of involvement in their disappearance and diplomatic protests against Libya have been made.



Rampant post-war construction continues without measures being in place for identifying any discovered human remains, including at this site close to the Chatila refugee camp in Beirut.

DNA ANALYSIS

In recent years, the ability to identify human remains has been revolutionized by the development of DNA analysis, demonstrated on a large scale in Argentina and the former Yugoslavia. Notwithstanding important legal, ethical, financial and other related issues, the fact is that there now is the possibility of identifying human remains and thereby letting relatives know the fate of their missing loved ones. What has been lacking in Lebanon is the political will to make this happen in relation to the thousands of missing people.

Still, the use of DNA analysis in Lebanon is progressing. It has been used to identify 13 of the 24 bodies of Lebanese Army



MISSING SINCE A MASSACRE



Wadha al-Sabiq spoke to Amnesty International about the disappearance of two of her sons during the massacre at Sabra and Chatila on 16-18 September 1982.

“Around 7pm on Friday 17 September we were told that we all had to go with our ID cards up to the Israelis who were positioned by the Kuwaiti Embassy. The [Lebanese] Forces were with them. They sent my sons, Muhammed al-Qadi, who was 19, a labourer, and 'Ali al-Qadi, a schoolboy of 15, to the Medina Riyadia [a sports stadium about 1km away] which had become the joint headquarters of the Israelis and the [Lebanese] Forces. I myself and some other women managed to get away.

“[While the massacre continued] we spent the night in a damaged building near the Kola interchange. In the morning we went to the Medina Riyadia and asked for our sons, but they told us to go away. Then there was no news of them – just the massacre. The Red Cross and the Civil Defence showed us so many corpses. We walked among them, but we couldn't see my sons. It was horrible. No one knows what happened to them. I hope to God they are still alive. But I don't know if they are alive or dead. I still think of them.”

personnel found at the Ministry of Defence compound at al-Yarze in 2005, and to identify the remains of almost 200 Lebanese and other Arab nationals handed over along with five prisoners by Israel in an exchange in 2008 with Hizbullah for the remains of two Israeli soldiers. It is also being used to identify remains from the 2007 clashes between the Lebanese Army and the Fatah al-Islam armed group in Nahr al-Bared, a Palestinian refugee camp in the north.

Moreover, in an important development, the head of Lebanon's Internal Security Forces agreed that a DNA sample could be taken from the body of Audette Salem, a leading campaigner among the families of the missing, after she died in 2009 (see page 7)

so that one day her missing children might be buried alongside her.

Tellingly, however, when British forensic experts identified in November 2009 the remains of British journalist Alec Collett who had apparently been abducted in 1985 and killed by the Palestinian Abu Nidal armed group, other human remains found at the same site were placed back in the ground as there was no policy to have them identified.



“For truth and justice...” banner concerning the assassinated former Prime Minister Rafic Hariri, in central Beirut. The killing is being investigated by the Special Tribunal for Lebanon, a hybrid court with Lebanese and international judges, while the fate of thousands of others has been ignored for decades.

ACT NOW

Please write to the Lebanese government, calling on them to:

- Take steps promptly to establish an independent national commission, comprising among others independent experts and representatives of civil society, including relatives of missing individuals, which should:
 - be mandated to investigate the fates and whereabouts of all missing people and empowered to require full co-operation and transparency from all state institutions and all individuals without exception;
 - be tasked with locating and ensuring protection for mass graves and for

exhumations, which should be carried out in line with international standards, so as to identify any human remains and match them with relatives;

- oversee the establishment of a consolidated national DNA database, to be funded by the Lebanese parliament, to facilitate the process which should be carried out in line with international standards;
- be mandated to consider how best to address the issues of justice and reconciliation, taking into account the requirements of the right of victims and their families to truth, justice and reparations.

- Ratify the Rome Statute of the International Criminal Court and

the International Convention for the Protection of All Persons from Enforced Disappearance so as to help prevent similar abuses in the future.

WRITE TO:

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**AMNESTY
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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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