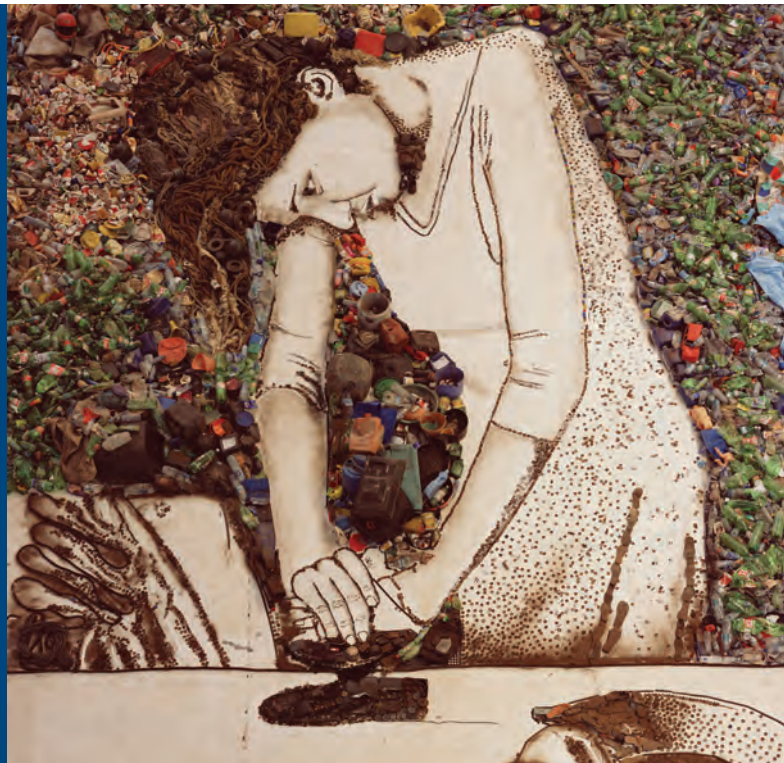


GENDER JUSTICE

# Living with the Shadows of the Past

## The Impact of Disappearance on Wives of the Missing in Lebanon

March 2015





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Christalla Yakinthou

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## **ACRONYMS**

CED	International Convention for the Protection of all Persons from Enforced Disappearance
ICRC	International Committee of the Red Cross
KAFA	Enough Violence and Exploitation
OHCHR	Office of the High Commissioner for Human Rights
SOLIDE	Support of Lebanese in Detention and Exile
UNDP-ACT	UN Development Programme: Action for Cooperation and Trust in Cyprus
UNRWA	United Nations Relief and Works Agency for Palestine Refugees

*There is no justice on earth, especially here in Lebanon. They say that in other countries they care about the wife, the kids, but here in Lebanon unfortunately, they step on her and . . . they destroy her more.*

Fatima Haidar

*I don't forgive them. Why should I forgive them and forget the past? Tell me why? Did they bring another father for my kids? . . . When people tell me to forget about the past, I ask, on what basis?*

Umm Ahmad Marji (Inaam Marji)





## Executive Summary

I knocked on everyone's door . . . whenever they told me there was hope, I used to run. To run. It has been 30 years. I knocked on many doors. And asked a lot . . . and they used to promise me, promise me, promise me . . . .

- *Samah A.*<sup>1</sup>

This report examines the impact on women of enforced disappearances that occurred during Lebanon's civil war (1975–1990), focusing in particular on the effects on the wives of the missing or disappeared.<sup>2</sup> The impact of enforced disappearance on women has been effectively hidden from the Lebanese public due to state policies of impunity and official forgetting. These crimes remain secret, and victims are denied their rights to truth and justice.

The report tells the stories of 23 wives of missing or disappeared persons interviewed for this study, who emphasized the social, psychological, legal, and financial effects of disappearance on their lives and the lives of their children. Their primary, and sometimes only, concern was to learn whether their husband was dead or alive, and if dead, to request a return of his body. Not one has yet received clear information from the government about her husband's fate.

These women, often trapped in the moment when their husband went missing, continue to exist in a state of social and legal limbo, living with the shadows of the past.

The wives of missing or disappeared persons in Lebanon endure practical, legal, and emotional hardship. Legal and administrative procedures such as accessing bank accounts, applying for children's identity documents, claiming inheritance, transferring property titles, and remarriage are extremely difficult. If the missing person was the primary wage earner, financial hardship pervades the family's daily life. Compounding these problems, families often experience isolation, intimidation, and extortion, sometimes at the hands of those responsible for committing the disappearance.

In seeking redress in a patriarchal environment, these women also have to negotiate a social and political context that is highly discriminatory toward them, contributing to the already-overwhelming challenge of finding answers and support from relevant authorities. As victims and survivors of grave human rights violations whose basic rights have not been met, these women relay in this report their most pressing demands and views on their government. In a context of tremendous loss, what they ask for is a basic remedy. Without serious attention

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<sup>1</sup> Names have been changed and surnames abbreviated for interviewees who requested anonymity or additional privacy.

<sup>2</sup> This report uses the terms *missing* and *disappeared* to refer to people who went missing during the conflict as a result of kidnapping or whose bodies have not been found.

from senior Lebanese officials, this issue will continue to stall, leaving families in limbo and breaching their right to justice and truth.

The women interviewed for this study offered a number of concrete recommendations for how the issue of enforced disappearance should be addressed by Lebanese policy makers and civil society. While some of the recommendations require parliamentary support, others can be passed by ministerial initiatives.

Many participants identified the need for political support and assistance from the international community in finding ways to meet their right to justice and truth. Without such assistance, it is unlikely there will be sufficient impetus for the Lebanese state to take action and provide appropriate remedies.

## **Recommendations**

### **To the Government**

1. Create a legal certification of absence due to enforced disappearance.
2. Protect the burial sites.
3. Respect the families' right to know the truth.
4. Grant the children of missing or disappeared non-Lebanese fathers the right to remain in the country without continuous residency permit renewals.

### **To leaders of the confessional communities:**

5. Initiate discussions within confessional communities to explore ways in which additional support and mitigating remedies could be provided to families by the relevant community.

### **To international and local stakeholders:**

6. Conduct research on the precise nature of the medical and psychological needs of families of the missing and disappeared and how these can best be met within existing circumstances.

## 1. Introduction

One memory I can't forget is of the day [my mother] found out my father was kidnapped . . . I remember how she looked, barefoot, screaming on the street. I can't forget it. It's stuck in my mind . . . we were young and we didn't understand what was happening, but when you see your mother like that you ask yourself, why is she acting that way, and then you discover the tragedy and, of course, you can't forget it.

*- Souaad Nehme Najim's daughter*

Enforced disappearance of civilians and combatants in Lebanon during the 1975–1990 war is a taboo topic in a society where the conflict and its legacy are not easily discussed. When the families of the missing and disappeared are given the opportunity to speak publicly about the issue, their narratives usually focus on the circumstances of the kidnapping, arrest, or enforced disappearance and the likely suffering endured by their loved ones. As a result, the public remains unaware of the ongoing, day-to-day struggle of the family members left behind.

This report aims to understand the impact of enforced disappearances on women in Lebanon, in particular on wives of men who went missing between 1975 and 1990. In public discussions on the issue to date, the impact of disappearance on these women has been invisible, further entrenching the longstanding lack of accountability and denial of the rights of families of the missing and disappeared, including their right to appropriate remedies from the state.

This report, rather than concentrate on the disappearances themselves, focuses on their effects on all aspects of the lives of women, both then and now. It relates the stories of 23 women interviewed for this study whose husbands were disappeared. In cases where children were interviewed with their mothers, the children shared stories about their mother's strength, courage, and dedication in the face of a great deal of struggle and sorrow. Through their stories, we perceive these women not as victims but as survivors of what may constitute a crime against humanity under international criminal law. Further, in understanding the impact of this crime on the interviewees as women, citizens, mothers, and wives we see the continuous trauma caused by enforced disappearance.

This report uses a small representative sample of the affected population—wives of the disappeared—to identify commonalities among victims and the need for remedies from the state.

In the more than two decades since the war's end, there has been no real societal support for addressing the issue of enforced disappearance, nor has there been serious support from

confessional groups or their leaders.<sup>3</sup> The few gains that have been made are the result of the mobilization of a small group of actors or the byproduct of exploitation by particular politicians seeking electoral office. Recently, ACT for the Disappeared, a nongovernmental organization that advocates on the issue, has launched a series of television advertisements as part of a broader public awareness campaign.<sup>4</sup>

Recent events have increased the urgency to resolve the issue of the missing and disappeared in Lebanon. The escalating armed conflict in Syria, and its spillover into Lebanon, have detracted attention from progress on addressing enforced disappearance, as efforts are made to hold together fragile Lebanese political coalitions. However, patterns of the past are repeating, with kidnappings occurring with increased frequency.<sup>5</sup> For a number of women interviewed for this study, the trauma of the past triggers warnings for Lebanon today.

It is hoped that this report will provide useful information to those working to address enforced disappearance in Lebanon through such efforts as documenting the stories of parents and children, developing material on the legal context of enforced disappearance in Lebanon, and exploring the transference of trauma in the denial of the right to truth. The recommendations seek to provide practical guidance for policymakers on how to advance the rights of these victims and address their needs.

## Methodology

The research for this study was designed by the author in close cooperation with the International Center for Transitional Justice and the Institute for Women's Studies in the Arab World. The two institutions worked with the author to design the qualitative questionnaire that was used to conduct in-depth interviews with 23 wives of the missing or disappeared. The women came from a range of sectarian, regional, and political backgrounds. Consultations were done with stakeholders who worked on the issue of the disappeared, explaining the purpose of the study and the target group the study aimed to reach. Initial outreach calls were made and interviews were held either in the woman's home or in a space of her choosing.

Each interview consisted of a range of questions regarding what was known about how the disappearance occurred, how the violation had affected her life, how it had impacted her family, her perceptions of the official responses, and what efforts she thought would provide a remedy.

If the interviewee was fluent in English, the author led the interview; however, if she was not, the field researcher led the interview and the author, who was present, asked supplementary questions, as needed.

Interviews were held in private, unless the woman chose to have some of her adult children present. In these instances, the children shared stories of their mother's experiences of living as a wife of the disappeared. After the interviews, all were transcribed and non-English transcriptions were translated. Each translation was double-checked for accuracy. Prior to each interview, interviewees were given the choice to be identified by name or pseudonym. Those who chose a pseudonym are represented by only a first name and abbreviated last name; real names appear as full names.

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<sup>3</sup> *Confession* is the term commonly used to refer to religious communities or sects in Lebanon.

<sup>4</sup> For a recent example of an ACT campaign, see [www.youtube.com/watch?v=Qobc\\_3Wziao](http://www.youtube.com/watch?v=Qobc_3Wziao)

<sup>5</sup> In May 2012, 11 Lebanese men were kidnapped on their return from a pilgrimage to Syria. They were released six months later, on October 21, 2013, after long negotiations. Prior to this, seven men were kidnapped in Beirut in two separate incidents on February and October 2011. Some were reported to be members of the Syrian opposition.

## 2. Who Are the Missing? Enforced Disappearance in Lebanon

### Definitions of the Missing and Disappeared

A missing person is

a person whose whereabouts are unknown to his/her relatives and/or who, on the basis of reliable information, has been reported missing in accordance with the national legislation in connection with an international or non-international armed conflict, a situation of internal violence or disturbances, natural catastrophes or any other situation that may require the intervention of a competent State authority.<sup>6</sup>

This definition can include people captured during conflict, combatants missing in action who were presumably killed, victims of mass killings, victims of abductions, and individuals whose bodies were not properly identified or who were buried without being identified.<sup>7</sup> The broader term of the “missing” includes victims of “enforced or involuntary disappearance.”

Enforced disappearance is defined by the 2006 International Convention for the Protection of all Persons from Enforced Disappearance 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.<sup>8</sup>

Article 24 of the 2006 convention clearly establishes the right to know the truth. It affirms “the right of any victim to know the truth about the circumstances of an enforced disappearance and the fate of the disappeared person, and the right to freedom to seek, receive and impart information to this end.”<sup>9</sup> This places the obligation on states to provide victims with the truth about their missing loved ones.<sup>10</sup> Indeed, the right of relatives to know the truth about the fate and whereabouts of a disappeared person is considered an “absolute right, not subject to any

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6 International Committee of the Red Cross, “Guiding Principles/Model Law on the Missing: Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence: measures to prevent persons from going missing and to protect the rights and interests of the missing and their families,” Art. 2(a).

7 A. Chapman et. al., “Thinking Historically About Missing Persons: A Guide for Teachers,” UNDP-ACT, 2011.

8 International Convention for the Protection of all Persons from Enforced Disappearance, 2006 [hereinafter *CED*], Art. 2. The Convention was opened for signature in February 2007, and entered into force on December 23, 2010. As of today, there are 44 state parties to the treaty. See <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=3&chapter=4&lang=en>

9 *CED*, Article 24.

10 Tullio Scovazzi and Gabriella Citroni, *The struggle against enforced disappearance and the 2007 United Nations Convention*, (Martinus Nijhoff Publishers: Leiden, 2007), 359.

limitation or derogation.”<sup>11</sup> This means that it is not dependent on the fulfillment of other rights, like the right to justice, and that there are no circumstances, including states of emergency, in which the state can evade its obligations in connection with the right to the truth.<sup>12</sup>

The families of the missing or disappeared are also considered victims of the crime of enforced disappearance.<sup>13</sup> Their right to truth and justice is recognized in connection with the rights to remedy, which includes, among other measures, effective investigation and disclosure of facts;<sup>14</sup> and reparation.<sup>15</sup>

Lebanon has signed but not ratified the 2006 convention.

Not all states have adopted and applied laws that enforce the right of families to know the truth. Often responses to the issue of enforced disappearance have been deeply inadequate.

I never imagined that we'd hear nothing about him. I was hoping that he'd come back, despite fearing that they might tell me he was dead or in Israel . . . Why won't they tell us whether they are dead or alive? This was always on my mind . . . and I still wonder if they're dead? Where are they buried? Are they alive? Were they sent to Israel? The politicians who did it are still alive, they are leaders. Ask them.

- *Aida Mubiddine Ghazayel*

## Disappearances in Lebanon

Every time we crossed the demarcation line, tension and fear loomed. We were never sure we would make it. Many times I told my son if anything happens to me, keep going. There is nothing you can do.

- *Loulou Al-Akl Khoury*

There is significant reluctance at both the public and political levels to address the legacy of the war in a meaningful way, in part because of post-war power-sharing arrangements, which ensured impunity for powerful actors, and the fear of destabilizing the superficial peace that presently exists in the country. Many people in Lebanon fear a return to the violence and chaos of the conflict.<sup>16</sup> This has created a hostile environment for the families of the missing and disappeared, who, by definition, have not been able to fit within a society that insists on forgetting.

## The War

The 1975–1990 war in Lebanon was a series of conflicts with competing ideological, religious, nationalistic, structural, and ethnic bases, involving a range of Lebanese and regional actors.<sup>17</sup> Increased tensions among Lebanese communities were accompanied by an internal power

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11 OHCHR, “Working Group on Enforced or Involuntary Disappearances: General Comment on the Right to the Truth in Relation to Enforced Disappearances,” 4, [www.ohchr.org/Documents/Issues/Disappearances/GC-right\\_to\\_the\\_truth.pdf](http://www.ohchr.org/Documents/Issues/Disappearances/GC-right_to_the_truth.pdf)

12 UN Commission on Human Rights, “Report of the Independent Expert to Update the Set of Principles to Combat Impunity,” principle 2., Doc. E/CN.4/2005/102/Add.1

13 CED, 2006, Art. 24.

14 CED, 2006, Art. 8(2), 10, 12, and 18.

15 Ibid., Art. 24(4–5):

The right to obtain reparation . . . covers material and moral damages and, where appropriate, other forms of reparation such as:

- (a) Restitution;
- (b) Rehabilitation;
- (c) Satisfaction, including restoration of dignity and reputation;
- (d) Guarantees of non-repetition.

16 *Badna Naaref*, a documentary film by Carol Mansour, 2012.

17 For a comprehensive history of the conflicts in Lebanon, see Fawwaz Traboulsi, *A History of Modern Lebanon* (Pluto Press: London 2007); Robert Fisk, *Pity the Nation: The Abduction of Lebanon* (Nation Books: New York 2002); and Samir Kassir, *La Guerre du Liban: De la Dissension Nationale au Conflit Régional, 1975–1982* (CERMOC : 1994).

struggle by political leaders. Internal violence intersected with armed intervention by Lebanon's two bordering countries, Israel and Syria, as well as interference from regional actors, such as Iran; Iraq; and Saudi Arabia; Palestinian armed groups in Lebanon like the Palestine Liberation Organization; and international actors, including France and the United States—resulting in a prolonged period of violence that shattered the country along confessional lines.<sup>18</sup>

The war itself was characterized by multiple invasions and occupations motivated by shifting internal and regional alliances and marked by widespread and indiscriminate killings, abductions, enforced disappearances, targeted and indiscriminate bombings, forced displacement, and assassinations.

It is estimated that as a result of the 15-year conflict, 144,240 people were killed, 197,506 injured, 13,455 permanently handicapped, and 17,415 missing or disappeared.<sup>19</sup> Displacement was also widespread. The country's infrastructure and services were destroyed, the economy collapsed, and trust in political institutions vanished.<sup>20</sup> Approximately 75 percent of Lebanese citizens report that they personally experienced the armed conflict.<sup>21</sup>

When the war officially ended with the signing of the Taif Agreement in September 1989,<sup>22</sup> former militia leaders became the “post-war oligarchy, absolving them[selves] of responsibility for their wartime crimes.”<sup>23</sup> With a 1991 amnesty law preventing prosecution of crimes committed during the war, a climate of impunity prevailed. The country still had to contend with continued tensions like post-war assassinations,<sup>24</sup> particularly after October 2004, and the threat of renewed violence, caused largely by the presence of Israeli forces on Lebanese territory until 2000 and Syrian forces until 2005.

### Disappearances During the War

Unlike in contexts such as Latin America, where enforced disappearance was a state-sponsored tactic specifically designed to destroy political opposition and subdue communities, all parties to the Lebanese conflict participated in kidnappings—some of which resulted in enforced disappearance. Thus, Lebanon's 1975–1990 war created cases of both missing and disappeared persons. This report uses the terms *missing* and *disappeared* to refer to people who went missing during the conflict as a result of a kidnapping or whose bodies have not been found after a massacre.

While several incomplete and contradictory lists of the missing exist, to date, there is no authoritative record of either the names of the missing or their ante mortem data. In 1992,

18 Lebanon hosts an estimated 447,000 Palestinian refugees, according to the records of the UN Relief and Works Agency for Palestine Refugees. See [www.unrwausa.org/page.aspx?pid=414](http://www.unrwausa.org/page.aspx?pid=414)

19 ICTJ, “A Mapping of Serious Human Rights and Humanitarian Law Violations in Lebanon (1975–2008),” 2013. This is the officially adopted number. It was cited in Human Rights Watch's 1993 Annual Report, [www.hrw.org/reports/1993/WR93/Mew-07.htm#P399\\_192580](http://www.hrw.org/reports/1993/WR93/Mew-07.htm#P399_192580). The number of missing people (17,415) is thought to come from a 1991 police report. The figure is disputed and is likely to include people who were reported as missing more than once as a result of their family's displacement, people who were kidnapped but later returned, and people whose remains were later found.

20 For more on the full impact of the war on Lebanese society, see “After the Civil War: Peace or the Illusion of Peace?,” *Middle East Journal*, vol. 63, no. 3, 2011; Charles Adwan, “Corruption in Reconstruction: The Cost of National Consensus in Post-War Lebanon,” Center for International Private Enterprise, December 1, 2004; Samir Khalaf, “Besieged and Silenced: The Muted Anguish of the Lebanese People,” Centre for Lebanese Studies, October 1989. ICTJ, “Failing to Deal with the Past: What Cost to Lebanon?,” January 2014.

21 International Committee of the Red Cross, “Lebanon: Opinion Survey and In-depth Research,” 2009, [www.icrc.org/eng/assets/files/2011/lebanon-opinion-survey-2009.pdf](http://www.icrc.org/eng/assets/files/2011/lebanon-opinion-survey-2009.pdf)

22 A complex peace accord that both ended the war and established a new power-sharing structure between the main confessional groups. With this agreement, the principle of “mutual coexistence” was established, redistributing the duties of the prime minister and president. It also provided for the disbanding of national and local militias. The end of violence is recorded as October 13, 1990, with a Syrian attack that saw a large number of Lebanese disappeared or executed on that day. However, violence continued sporadically. For more on the Taif Agreement, see P. Salem (translator), “The New Constitution of Lebanon and the Taif Agreement” (translation), *The Beirut Review*: 1 1991, 119–172; A. R. Norton, “Lebanon after Taif: Is the Civil War over?” *Middle East Journal* 1991, 457–473; J. Maila, *The Document of National Understanding* (Oxford: Centre for Lebanese Studies, 1992); and M. Hudson, “Lebanon After Taif: Another reform opportunity lost?,” *Arab Studies Quarterly* 1999, 27–40.

23 Michael Young, “The Lid on Memory,” *Index on Censorship*, 1/2000, 29, 26.

24 For details on assassinations, see [www.memoryatwork.org/](http://www.memoryatwork.org/)



the Lebanese government identified up to 17,415 people—Lebanese, Palestinians, and other nationals—who were disappeared during the war.

The majority of the missing were kidnapped by Lebanese or Palestinian militias and held on Lebanese territory. In addition, the Israeli army, or its affiliated groups operating in Lebanon, kidnapped people.<sup>25</sup> A number were also kidnapped or arrested by the Syrian army, or its Lebanese affiliates, and transferred to prisons in Syria, where they were detained without protection.

A highly contested issue has been the number of people who may still be alive and held in Syria. Both the Syrian regime and several Lebanese governments have denied the existence of Lebanese in Syrian detention; however, there is a possibility that hundreds of people may still be secretly detained in Syria,<sup>26</sup> as evidenced by the sporadic release of prisoners up to 20 years after their arrest or abduction,<sup>27</sup> recent statements from Lebanese government officials,<sup>28</sup> and testimonies of former detainees.<sup>29</sup>

A number of mass graves have been identified in Lebanon, but few bodies have been exhumed and, for the most part, they have not been identified.<sup>30</sup> A notable exception is the exhumation of 24 bodies from a mass grave at the Ministry of Defense in Yarze in November 2005, presumed to be victims of a 1990 Syrian assault. In this case, their remains were identified and returned to their families. In addition, graves have been accidentally found on building sites or archeological excavations. While the Lebanese state has the capacity to exhume and identify remains, it has not been transparent in disclosing the progress of any discoveries or clearly outlining a policy for what happens once remains are found.<sup>31</sup>

### Political and Social Structures

While in principle an individual's access to justice is based on equality of citizenship, in reality it is moderated by confession, which remains the primary means of negotiating identity in Lebanon. There is no overarching system of legal protections to which citizens can appeal, as explained below. This is especially relevant to areas of law affecting personal status, including marriage and inheritance.

The structure of both state institutions and confessions in Lebanon is also highly patriarchal,<sup>32</sup> leaving wives of the missing to negotiate a context in which legislation discriminates against them. Administrative decisions regarding bank accounts, property transfer and inheritance, and child custody usually require the authority of a woman's husband or another male family member. The limited presence of women in positions of legal or political power, together with the patriarchal confessional system, combine to amplify the vulnerability of women whose husbands are disappeared.

### The Lebanese Legal Context

Current laws in Lebanon identify a missing person as an "absentee." Matters regarding the missing generally fall under the jurisdiction of the codes of personal status, as outlined below.

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25 Centre Libanais des Droits Humains, "Liban: Disparitions Forcées Et Détentions Au Secret," 2008, 12.

26 Families have given nearly 630 files to Support of Lebanese in Detention and Exile (SOLIDE). These files are family records; they remain unverified.

27 For documentation on the release of Lebanese prisoners from secret detention in Syria since 1998, see [www.solidelb.org/what-we-do](http://www.solidelb.org/what-we-do)

28 Statement by Minister of Justice Ibrahim Najjar on August 2012, stating Lebanon asked Syria to reveal the fate of 745 citizens missing in Syria, <http://electronicintifada.net/content/families-disappeared-see-answers/7865>

29 See Paige Kollock, "Syrian Conflict Gives Hope for Families of Missing Lebanese," *Voice of America*, September 7, 2012, [www.voanews.com/content/syria-lebanon-civil-war-missing/1503754.html](http://www.voanews.com/content/syria-lebanon-civil-war-missing/1503754.html)

30 In 2000, a government commission appointed to investigate the fate of the missing and disappeared identified two mass graves; however, it is believed that many others exist throughout the country. See footnote 34.

31 ACT for the Disappeared, "The disappeared in Lebanon," [www.actforthevanished.com/what-you-need-to-know.php](http://www.actforthevanished.com/what-you-need-to-know.php)

32 Until Leila el-Solh and Wafa'a Dikah Hamze were appointed ministers in 2004 there were no female members of government. Until 1991 there were no female members of parliament, except Myrna Boustani (1963–1964), who was declared the winner of an uncontested by-election in 1963 to finish the term of her father Emile Boustani, who had died in a plane crash.



Each of Lebanon's 18 recognized religious communities has its own legislation regarding family law, with independent courts to adjudicate these issues. These govern many of the issues arising from enforced disappearance.

Regarding inheritance, Christians are generally subject to the Inheritance Law for Non Mohammedans, issued on June 23, 1959. Depending on their confession, Muslims are subject to either the law regulating the Sunni and Jaafari religious courts, issued on August 16, 1962, or the Druze Personal Status Law, issued on February 24, 1948.

In May 1995, Law 434/95 was passed, to govern some inheritance questions. It mostly aims to reduce the time needed for families to have their relatives who were disappeared during the war declared officially dead by court decision.

Nationality in Lebanon is regulated by civil law and transferred through the father; thus children born in Lebanon to a Lebanese mother and a foreign father are excluded from Lebanese citizenship. This affects the rights of these children to work, to own property, and to reside within the country without a residency permit. In practice, this impacts a Lebanese woman's decisions regarding marriage. In cases involving the disappearance of non-Lebanese husbands, it increases the economic, social, and administrative difficulties for both the mother and children.<sup>33</sup>

#### **A Policy of Amnesia**

In 1991, Law 84 was enacted, imposing a blanket amnesty on the prosecution of political crimes, or crimes that have a political aspect, provided they were not committed for personal motive or benefit. The amnesty is applicable to all crimes with a political motive committed before March 28, 1991, with the exception of crimes committed against political or religious leaders or foreign diplomats and crimes referred to the Judicial Council, which rules on matters of state security.

The amnesty does not include any provision for victims and their families or allow any recourse for justice, reparations, or truth-seeking. Thus, it increased the legal vacuum surrounding the issue of disappearance in Lebanon. However, the law contains an article exempting crimes that were repeated after the enactment of the law, or deemed to be continuous.<sup>34</sup> Notably, enforced disappearance is one of the few crimes considered under international law to be "continuous," ending only when "the State acknowledges the detention or releases information pertaining to the fate or whereabouts of the individual."<sup>35</sup>

#### **Commissions to Date**

In January 2000, in response to pressure from the Committee of the Families of the Kidnapped and Missing in Lebanon, the government, under then-Prime Minister Salim El Hoss, established the first post-war commission to investigate the fate of the missing and kidnapped. The commission was composed exclusively of security officials and had a six-month timeframe. Family members had to submit their cases to their local police station, with information about the identity of the missing person, their immediate family members, the means of transport they were using at the time of kidnapping (if relevant), and the conditions of the kidnapping. Each case also needed to include the opinion of the station chief regarding the authenticity of the information.<sup>36</sup> It is unclear whether the commission actually conducted investigations into individual cases that had been submitted; the details of its work were never revealed.

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33 For more on this, see the work of KAFA (Enough Violence and Exploitation), [www.kafa.org.lb](http://www.kafa.org.lb)

34 Law No. 84 of August 26, 1991, Granting General Amnesty to Crimes Committed before March 28, 1991 (Beirut: *Dar alManshourat al-Houquouquiya-Matbaat Sader*, Vol. 3), 3532., Art. 2.3f.

35 OHCHR, Working Group on Enforced or Involuntary Disappearances, *General Comment on Enforced Disappearance as a Continuous Crime*, 3.

36 Nizar Saghieh, "Thaou al-mafqudin iza' siyasat al-samt wal inkar: Ay abwab linaql mattalibihim ila halabat al-qada," Legal Agenda (2012), <http://legal-agenda.com/study.php?id=18&folder=studies&lang=ar> (ICTJ commissioned this report.)

On July 25, 2000, a two-and-a-half page document was released, containing no information about the victims, the perpetrators, or the conditions surrounding the disappearances. It stated that corpses had been dumped in various places around Lebanon,<sup>37</sup> and concluded that those who had been missing for more than four years and whose bodies had not been found should be considered dead in accordance with the provisions of Law 434/95.<sup>38</sup> According to the law, the families themselves would have to initiate legal proceedings to declare their loved ones dead, provoking a mixed response from family members. In addition, while the commission identified the location of some mass graves, few bodies have since been exhumed and no steps have been taken to protect the integrity of the sites.<sup>39</sup>

In January 2001, soon after Syrian authorities released 54 Lebanese, the government of then-Prime Minister Rafik Hariri established a second investigative body—the Commission Receiving the Complaints of the Relatives of the Kidnapped. The commission was mandated to focus especially on those believed to be still alive. In so doing, it placed the burden of proof on families to come forward with evidence of the disappeared individual being alive; attempting to relieve the state of its obligation to inquire into the fate of the missing.<sup>40</sup> The commission was headed by the Minister of State for Administrative Reform, Fouad al-Saad, and was composed of the Public Prosecutor before the Cassation Court and the heads of the various security services, as well as representatives of the Beirut and Tripoli Bar Associations. The relatives of missing persons were excluded from commission membership.<sup>41</sup> In total, 870 complaints were filed. The commission’s original six-month mandate was extended twice, finally ending in June 2002. Its final report, initially confidential, was only released in April 2005 after the Beirut Bar Association published key parts of it.

Soon after the Syrian army withdrew from Lebanon, a joint Syrian-Lebanese committee was established on June 5, 2005, to uncover the fate of those missing and likely to have been detained in Syrian prisons. The committee has issued no public report; and while it regularly gave private accounts to the government about its meetings with its Syrian counterpart, there has apparently been no progress. Former Lebanese Minister of Justice Ibrahim Najjar noted in 2008 that authorities had requested information from Syria regarding the fate of hundreds of Lebanese missing in the country.

In 2010, the Committee for the Families, along with Support of Lebanese in Detention and Exile (SOLIDE), began working on a draft law outlining a commission that would manage the tracing process of the missing, as well as the protection and exhumation process of mass graves, and “other matters related to clarifying the fate of the missing and disappeared in Lebanon.”<sup>42</sup> This draft law, released in February 2012, benefited from the input of 17 Lebanese and international nongovernmental groups (including ICTJ) and Lebanese legal and political actors.<sup>43</sup> In August 2012, former Minister of Justice Chakib Cortbaoui released a draft decree on the issue, proposing the establishment of an independent national information-gathering commission.<sup>44</sup> The draft decree was submitted by the Council of Ministers to a sub-committee of ministers for examination and

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37 Report of the Inquiry Commission to investigate the fate of the kidnapped and missing. Decree No. 10/2000, IIIB. Unofficial translation:

All organizations and military militias have exchanged physical liquidations during the war phase, and the bodies were thrown in Beirut, Mount Lebanon, North, Bekaa, and the South, and some were buried in mass graves that exist in Al-Shuhada graves in the region of Hurj Beirut, and in Mar-Metr graves in Ashrafieh, and the English graves in Al-Tihwita, in addition to others that were thrown into the sea . . .

38 Decree No. 10/2000, IIIE.

39 A case was lodged by a group of civil society actors in October 2009 to protect the sites.

40 See Footnote 34.

41 *Ibid.*

42 Preamble, Draft Law for Missing and Forcibly Disappeared Persons, 2012.

43 ICTJ facilitated the process of the draft law’s development.

44 See “Families Say Kept out of Loop,” *The Daily Star*, October 30, 2012, [www.dailystar.com.lb/News/Local-News/2012/Oct-30/193242-families-of-lebanese-detained-in-syrian-prisons-say-kept-in-dark.ashx#axzz2S8zyNW66](http://www.dailystar.com.lb/News/Local-News/2012/Oct-30/193242-families-of-lebanese-detained-in-syrian-prisons-say-kept-in-dark.ashx#axzz2S8zyNW66)

discussion; however, with the resignation of the cabinet a few months later, the decree was removed from the government's agenda.

On March 4, 2014, a landmark ruling by the Lebanon State Council, known as the Shura Council, annulled a previous decision by the Cabinet's Secretariat that denied the families of the disappeared full access to documents of the investigation undertaken by the government-appointed committee established in 2000.<sup>45</sup> This ruling gave hope to families of the disappeared to learn the truth about the fate of their loved ones. The decision also acknowledged for the first time in Lebanese law "the right to know" the truth.<sup>46</sup> Building on this major development, on April 16, 2014, two members of parliament—Ghassan Moukheiber and Ziad el Kadri—submitted a draft law stipulating the formation of an independent national commission that would have full powers to manage the file.<sup>47</sup>

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45 Bassam Alkantar, "Lebanese government ordered to publicize investigations on missing persons," *Al Akhbar*, March 13, 2014, <http://english.al-akhbar.com/content/lebanese-government-ordered-publicize-investigations-missing-persons>

46 Jana el Hassan, "Families of Disappeared Remain Skeptical," *The Daily Star*, March 14, 2014, <http://ictj.org/news/families-disappeared-remain-skeptical>

47 "Moukheiber and Kadiri Forward a Proposal for the Missing and Forcibly Disappeared: An Independent Body with Full Authority to Reveal Their Fate and Rehabilitation and Remains," *National News Agency*, April 16, 2014, <http://www.nna-leb.gov.lb/ar/show-news/90464/>

### 3. Living in the Shadows of the Missing

We say inshallah he will return. We say inshallah but 30 years have passed. Some say they threw them in the sea, others say in mass graves. We went to the mass graves. We used to come back from those mass graves smelling [like the] dead. We used to search through the swollen corpses.

- *Sana I.*

#### Searching for Their Husbands

Though news of their husbands' fates usually dwindled quickly, the interviewees' search for information continued for years and often fluctuated with political conditions and events, such as the Israeli-Hezbollah prisoner exchanges, return of detainees from Syria, assassinations, or the discovery of mass graves.<sup>48</sup> Most interviewees initially sought assistance from their political parties or religious leaders when searching for their husbands. They usually reported their husbands as missing at the local police station and sometimes to the International Committee of the Red Cross (ICRC). In some instances, interviewees also approached the people they believed were responsible for the kidnapping. As Nabiha Nassreddine explained:

We prepared his file in Aley and in the Palace of Justice, in Mathaf, and another one in the Council of Ministers . . . [we spoke to the families' association] . . . we gave their names as well to the ICRC. Then [we spoke to] whoever came and told us that they wanted to help us . . . whenever they told me of someone who might be responsible for this issue, I would take a cab and go see him. I didn't allow my kids to work on this issue because I worried about them.

Many of the interviewees took on the burden of looking for their husbands themselves. This was particularly true for those whose children—and especially sons—were very young. In several instances, the husband's family—usually the missing person's brothers or father—led the search. Often the wives conducted the search because they perceived it as being less risky for a female than a male family member. This was not an unfounded fear: in one case a woman's husband went missing when he went to pay a ransom for his kidnapped brother, sister-in-law, and nephew. Another interviewee's two sons were kidnapped, and later released, after their father's enforced disappearance. The fear of reprisal from kidnapers has continued to plague many of the women who agreed to

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<sup>48</sup> For more on this and an interesting reflection on the effect of these contexts on the shifting narratives of the families of the missing, see Iman Shaheen Humaydan, *Neither Here Nor There: Families of the Disappeared in Lebanon*, American University of Beirut: Beirut, 2006, 10 and 94.

speak with us. It was one of the key reasons some interviewees requested anonymity in sharing their stories.<sup>49</sup>

Many women like Sana I. expressed anger at the continuing lack of response from the state: “The presidents did not talk. The state did not address the issue at all. Never. We knocked on their doors and they wouldn’t meet with us. We would gather and protest in the rain and in the cold.”

### **Extortion and Threatening Situations**

A common theme was how women who were unaccustomed to negotiating life outside of the home suddenly had to interact with people who were often hostile to them, in a risky social and political environment. The act of looking for their husbands often brought the wives of the disappeared and missing into conditions of real and perceived danger. Multiple actors have reported extortion and blackmail as widespread. This parasitic aspect of enforced disappearance is not unique to the Lebanese context alone, but is common in other countries with a similar legacy.<sup>50</sup>

I went with him in his car at night . . . it was terrible, I don’t know how I got back home . . . We went . . . to see a military officer he knew. He said he was his friend who was in charge of the prison at the Ministry of Defense and that [Hassan] was there. He would take me and introduce me to him and he would give me permission [to see my husband]. [ . . . ] I stayed in the car, in the middle of nowhere, in darkness . . . I started thinking someone would come kidnap me, slaughter me, rape me, and no one would know, no one would notice. There were no mobile phones, nothing. I was scared to death. He was gone for 30 minutes, but it felt like two hours . . . You asked me if I ever got scared. I was scared many times.

- Layla F.

Attempts to extort victims still occur some three decades after the enforced disappearances took place. Afaf S. told of having continued to pay extortionists until 2011 in the hope of receiving news of her husband’s fate, some 20 years after his disappearance. She stopped paying extortionists after many experiences of being the victim of false information: “Look, this was my weak point . . . I would think, maybe this person is honest, maybe if I don’t pay I won’t get information, but now, I don’t think so.”

Of the 23 interviewees, 15 explicitly mentioned being a victim of one or more extortion attempts. Only three women made a point of stating that they were not victims of this crime. Interviewees mentioned paying sums ranging from USD \$2,000 to \$100,000. Those who were not victims of extortion, however, relayed stories of other families they knew who had been subjected to blackmail and extortion.

Many women spoke of being led into situations where they felt unsafe and threatened. They spoke of different kinds of extortion. Some fall into the category of needing *wasta* (or an intermediary or connections—a form of corruption) and payments to open doors, to more formal mechanisms by which they could briefly see their husbands before they were moved to another prison and ultimately disappeared. In other cases, the extortion or blackmail was purely opportunistic, carried out by individuals who had heard that the family had money.

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49 The confidentiality of both the interviewee and other parties named was of primary importance to many, as was the assurance that known perpetrators or political parties would not be named for fear of reprisals. Conversely, however, it must be noted that some interviewees, even when sharing their stories anonymously, freely named suspected perpetrators.

50 This has been extensively documented globally in connection to enforced disappearance, but was especially prevalent in the Balkans, Iraq, Kenya, Mexico, Nepal, and Timor-Leste.

Stories like the following told by Randa S. were common:

They lied a lot. One of them came and told me: “I will bring him back to you.” We went to Jdita. It was snowing. I brought some clothes for my husband. He made me wait from the morning until 9 pm. Then a shopkeeper came over and asked me, “Why are you sitting here in the snow, sister?” I told him, “There’s a man who went to bring my husband.” He asked me, “Where from?” I told him, “From here, from this office.” He told me, “There is no office, sister” . . . I couldn’t even get up from the chair, my legs were swollen. He told me, “Get up, get up.” He helped me to stand up and leave. So the man I was talking about made me wait all day and left. He took the LL 500,000 (USD \$330) which was the price of the car we sold . . . He told us, “I can bring him, but I need 500,000 for bribing” . . . We are still in debt.

Some became wary of false information and extortion. When Souhad Khoury Karam’s family lost her husband, his cousin, and his nephew, the family took out loans to pay USD \$120,000 to “middlemen” to bring the three men back from Israel, where they were reportedly being detained. The extortionists returned empty-handed. Some years later, after the family had sold a piece of land, others came and claimed the missing men were in Syria. Souhad’s brother-in-law invited the new middlemen to dinner to discuss the information they had, and Souhad took pictures of the men to confirm they were Syrian intelligence, as they had claimed. Afterwards, the family never saw the men again.

Nahil Shehwan’s son received word that for a fee of USD \$5,000 an intermediary could help the family locate his missing father, who was reportedly being held in Syria. When her son told her this, Nahil replied that she would double the fee, on the condition that she could see her husband first, before paying. When the individual demanded the money up front before the meeting she refused to take his offer, feeling that it was merely another attempt at extortion.

A number of interviewees emphasized the competing economic demands of both raising their children and searching for their husbands. Souad Nehme Najim remarked: “There was a man in Hamra who asked me to pay him eight pieces of gold. I told him, ‘If I had eight pieces of gold, I would feed my children and not give them to you.’”

## 4. Sudden and Drastic Life Changes

My brothers left school . . . at age 9. [Our mother] had no money to send them to school . . . my father was a hard-working man . . . and he taught his skills to my brother, who took over after my father was kidnapped . . . My brothers used to make money to support us. Not a single organization, or government agency, or uncle helped us.

- *Antoinette Ghattas Yaghi's daughter*

For all of the women interviewed, life changed immediately and drastically when their husbands were kidnapped. They had been living under conditions of war in a deeply patriarchal society where the daily logistics of life, the family's financial survival, and their safety had all been their husbands' responsibility. When their husbands disappeared, the interviewees abruptly became responsible for the financial, emotional, and physical survival of their families. In addition to becoming the sole decision makers for their often-young families in a deeply unstable environment, they also faced major logistical, legal, and administrative impediments.

Without exception, every interviewee narrated a stark difference between the responsibilities they held prior to their husband's disappearance and those they held after. Two aspects were important: the sudden change (both emotionally and practically) and the long-term impact.

When asked what official support structures existed for themselves and their families both immediately after the disappearance and after peace had been established, all women interviewed expressed cynicism and anger, particularly at the state. The comment of Umm Tareq (Juliette Atallah Daher) was representative: "Where is the state? A government of lies and deception from start to finish! From start to finish. One day the state is on one side, the next day on the other side." In some cases, women spoke of only receiving support and understanding from organizations such as the Committee for the Families and SOLIDE.

### **Financial Impact**

In every case, the loss of the primary wage earner strained the family's finances, and almost all of the women interviewed experienced added financial pressure, with many entering the workforce for the first time. Financial hardships affected the way the children of the missing and disappeared were raised and, for many women, the perception of whether they managed to adequately provide for their family's future.

Frequently the husband's income immediately stopped after the disappearance, and the family was denied access to his pension. In a few cases, usually when the husband had been a public servant, wages continued for a maximum of ten years; however, this was not a



uniformly applied policy, and the application process required considerable lobbying and pressure. A number of women were unable to access their husband's pension payments. Those who waited years to request payments were told that the files "had been thrown away" by the state.

We sold his car [to live]. The government didn't pay us his pension. Instead of giving it to us and helping us . . . it didn't give us anything. [His employers] stopped his salary immediately after they found out he was kidnapped.

A number of women held one or sometimes two jobs after their husband's enforced disappearance. Samah A. described her normal day:

In the beginning I worked in a factory. I used to leave my son who was still an infant, and go to the factory from 7 o'clock in the morning until 4 o'clock in the evening. I used to come home and prepare [my children's] food and everything, and I used to do a bit of housework, and at night used to do sequin embroidery, sell make-up . . . I used to stay up until 1 or 2 o'clock in the morning embroidering.

Financial support was inconsistent across communities and often given at the discretion of particular institutions or individuals. Support structures included the religious leadership, the confession, the political party or leadership, the extended family, and charities. In the case of Palestinian women, the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) and nongovernmental groups provided some relief, though it was usually limited. Some women felt that they had received the help they needed to raise their children, however many did not. The family's economic and social standing prior to the enforced disappearance proved to be a major factor to subsequent economic survival: those families that were able to access formal and informal support networks had more assistance than those that were very economically vulnerable or geographically isolated.

Many of the women expressed deep worry over their futures, especially as they aged. Without their own income and with no pension from their husband, their economic welfare would be extremely uncertain; economic support and stable housing would become an increasingly important concern with the passage of time.

The disappearance of the primary breadwinner impoverished the whole family, with fewer opportunities for educational and economic development. While some women who were affiliated with particular political parties were provided with free tuition for some or all of their children who were in school for a period ranging from one semester to the duration of their education, this was a privilege afforded to few. In some cases, a combination of political party, confessional, and community support helped to ease the financial burden of educating their children.

In other cases, a complete lack of support structures meant that the women were forced to remove their children from school and put them to work in order to bring in extra income for the family. Mariam S.'s two eldest children, like many others, left school at age 12 and 14 to work after their father's disappearance. In some cases, children were forced to leave school as early as age 10.

## Legal Difficulties

The government wants me to pay 50,000,000LL [approximately USD 33,000] to transfer this land from my husband to my children. If I want to sell it, I cannot sell it at such a price. So I had to stop this transfer . . . I asked my kids to leave it as is.

- *Nabiha Nassreddine*



The state's lack of recognition of the legal status of the missing caused their wives a spectrum of administrative and legal difficulties. The most common problems included: accessing bank accounts that were in the husband's name, obtaining identity documents for children, child custody issues, the continuation of the husband's salary, and transferring property from the husband to another family member. In many cases, women were impeded not only by the government from exercising de facto guardianship of their children, but also by male family members in positions of authority within the family structure.

During the war . . . I was afraid for the kids, I said . . . let me issue passports for the kids, I couldn't, why? . . . They [the issuing office] said it had to be done by their guardian, meaning their father. I told them if their father were here I wouldn't think of applying for passports, I am applying because I might need to escape with them. He asked me, "Where is their father?" I told him that their father was kidnapped; that's why I need to escape with my children. He said, "[Bring] their grandfather." He said that this is the [law].

I went to my father-in-law . . . [and said], Do you want me to involve you every time I want to ask for an official paper for the kids?" He said, "Of course not. Why?" I told him, "Because this is the personal status law. Each time we want something you will have to do it as their legal guardian, or you need to transfer [guardianship of the children to me]." He said, "Of course, I will."

We went to the sharia court . . . of course the judge needed to [issue the decision]. My father-in-law owns a shop, [he] has a sixth grade education. He knows how to read and write, but he's not educated, he does not have degrees . . . The judge took him aside [and] told him, "How are you going to transfer custody to her? Don't you see she is still young? Tomorrow she will take them. Tomorrow she will meet someone and marry him, and she'll take the kids away. You will lose your kids. You lost [Hassan], you want to lose his kids too?"

My father-in-law . . . told him, "True, they are [Hassan's] kids, but they are also her kids. She is raising them. She delivered them." He was more progressive than the judge.

- Layla F.

Two Christian wives who were interviewed were able to obtain a document from their bishop and archbishop ensuring their custody of their children. However, this required perseverance. Nahil Shehwan's bishop initially refused her, saying that "a mother cannot be the legal guardian of her children" and suggesting an uncle should instead step in. It was only after much pressure from Nahil that the bishop granted her guardianship.

This problem was amplified for women who were married to non-Lebanese men. Fatima Haidar's husband, a Jordanian citizen, was living in Beirut when he was kidnapped. When she applied to the police station (*makhfar*) for her children's identity cards, the police sent her to the Jordanian authorities, who then directed her back to the police, saying they required proof of her husband's kidnapping. According to Fatima, "I suffered a lot . . . to get their IDs."

Women reported that the costs associated with penetrating the bureaucracy were sometimes inhibitive and that often property formerly owned by the husband remained legally unsettled and unavailable as a resource.

Jeanette Saliba Khawand's money was held in a bank account in her husband's name. After her husband was kidnapped, she had no legal claim to it, even to raise her children. When

the bank denied her access to the funds, she filed a lawsuit. Eventually she was apportioned a monthly allowance from these funds:

I was not able to withdraw more money to educate my children, and everything needed invoices for what I'd spent . . . So for 20 years I haven't been able to do any bank transaction, my assets were frozen [by the government]. [When] I asked why, they told me they are preserving his rights. Even now I can't do anything with the house. If I need to do anything I need to go to the courts, and it is very difficult.

When asked whether a declaration of disappearance would have helped her, she answered: "Of course. I could have opened a small business maybe with the money . . . Instead I used to take small amounts and little by little it was all spent."

### **Decision Making and Negotiating Gender and Power in a Male Space**

Many women believed they had to become "harder" in order to successfully negotiate the public space outside of the home. Layla F. described being called "the sister of men," an Arabic expression meaning that a woman has taken on a man's role:

[They'd say] "wife of the kidnapped," poor her, poor her. In the beginning these words "poor thing" used to kill me. Then, when I stood on my own two feet . . . [they'd say], "Bravo, you are the sister of men." Who said I am? Why is a woman not allowed to be? . . . Because she is standing on her feet it means [she is a sister of men]? . . . No, I am not a man.

In some instances, women believed they had acquired what they perceived to be more "masculine" characteristics. In other cases, they indicated that while they adhered to traditional concepts of femininity, they also used these same concepts as a form of resistance and power.

Power dynamics with respect to gender roles within the home were also significant. A number of interviewees talked about needing to protect their family from interference from other men. They used various methods to fill the patriarchal space left by their husbands. Some, like Nahil Shehwan, placed their eldest son in the role of the father:

I let my son take over . . . I wanted him to take over. You know why? Because I didn't want . . . either side [of the family] interfering.

Not all women resisted the involvement or "interference" of male family members. In Afaf S.'s family, decisions were made jointly, unless they were very difficult, in which case they fell to her brother-in-law. Other women remained the sole decision maker.

### **Declaration of Death**

The lack of legal recognition of a status of disappeared has left these families with no provisions for the administrative and legal complications resulting from an enforced disappearance. This is particularly relevant in a society like Lebanon, where men have traditionally been the family representative in legal matters. By extension, a wife's rights, especially regarding child custody and asset management, are often left ambiguous.

This means that a declaration of death is the only administrative option open to relatives of missing and disappeared persons in order to access inheritance and resolve child custody issues or other complications arising from the continued absence of the disappeared. Further, laws surrounding the declaration of death have not been uniformly applied across confessions, reflecting the complexity of the Lebanese system.

A woman whose spouse went missing during the Sabra and Chatila massacres<sup>51</sup> and the Mountain War,<sup>52</sup> or whose spouse was taken by parties not affiliated with Syria or Israel, was more likely to have decided to declare her husband dead. In these cases, the passing of time had made it easier for the wives to believe that their husbands were no longer alive. Women who believed that their husbands were being held in Syrian or Israeli prisons maintained more faith in their return.

While almost all of the interviewees carried some hope that their husbands were still alive, approximately a quarter of the women interviewed had decided to declare their husbands dead—a heartbreaking and traumatic process, with legal, social, and psychological implications for the family.

Requesting a declaration of death is an intensely personal decision that brings a range of reactions. Nazha Saleh Saadi, a Palestinian, declared her husband dead to UNRWA four years after he disappeared because, otherwise, she was unable to get food rations for her children. Afterwards, she lost hope in his return:

I would hear that they were kidnapping and throwing people away, I mean they would slaughter and throw [the bodies] away . . . I lost hope . . . they found a well [with the remains of] all the ones kidnapped on the Jiyeh road . . . They found two wells, with dead people . . . When I used to hear that . . . I said, “That’s it, they slaughtered him just like they slaughtered other people.”

However, she waited 21 years to declare him dead to the Lebanese state, because “it would have been terrible for him to come back and find himself declared dead.” Although she believed that he was dead, a small amount of hope remained. She finally felt forced to officially declare him dead when an administrative difference regarding her marital status with UNRWA and Lebanese state records prevented her from obtaining a passport.<sup>53</sup>

Many years after her husband’s death Nabihah Nassreddine went to her mayor to report his kidnapping in order to have a piece of land divided among her children. However, instead of declaring her husband as kidnapped, as Nassreddine had requested, the mayor declared him dead and issued her a death certificate. “I wanted to sue the mayor. I didn’t want him to issue this certificate.”

Unlike the other interviewees, Souhad Khoury Karam was able to declare her husband dead long before the law was changed as a result of the 1990 government decree that presumed those who had not returned from the Deir al Qamar siege were dead. This, however, was a rare case.

More common was the experience of Nahla M., who explained her dilemma as a choice between her children’s future or her husband’s:

I made the decision because I couldn’t register my kids at school, I couldn’t get them identification papers . . . He’s gone and the ones left behind have priority over the dead. To whom should I leave [these decisions]?

She emphasized that declaring her husband dead was the hardest decision she had to make and one that caused tension in her family, especially with her in-laws, who strongly opposed the decision.

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51 For accounts of the massacres, see Nour Samaha, “Survivors recount Sabra-Shatila massacre,” *Al Jazeera*, September 16, 2012, [www.aljazeera.com/indepth/features/2012/09/2012915163152213255.html](http://www.aljazeera.com/indepth/features/2012/09/2012915163152213255.html); Seth Anziska, “A preventable massacre,” *New York Times*, September 16, 2012, [www.nytimes.com/2012/09/17/opinion/a-preventable-massacre.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2012/09/17/opinion/a-preventable-massacre.html?pagewanted=all&_r=0)

52 For a discussion of the Mountain War, see Aïda Kanafani-Zahar, “La Réconciliation des Druzes et des Chrétiens du Mont Liban ou le Retour à un Code Coutumier,” *Critique internationale*, No. 23 (April 2004), 55–75.

53 She was identified in one document as a widow and in another as married.

The law allowing a declaration of death after extended absence has in some cases created deeper tensions within families. A representative of one of the families' associations told a story of a wife who declared her husband dead without informing his family and several years later when her in-laws needed a family register they discovered that he had been declared dead.<sup>54</sup> The fact that this woman had to make the declaration secretly underlines not only the difficulty involved in making such decisions, but also the unnecessary tension it can cause within families.

Antoinette Ghattas Yaghi and her children, after making such a declaration, announced her husband's death and had a funeral for him, "so that his soul would rest in peace." For other interviewees requesting a death certificate was perceived as an act of killing their husband.

Several women mentioned a story of a woman who had declared her husband dead and remarried only to have her husband reappear. This narrative was used more than once as an example of why they could not declare their husbands dead. Underlying this cautionary tale are the feelings of fear and guilt associated with moving on. Sometimes the guilt is not self-directed but applied to her by other family members. In one instance, a woman reported that her son had asked her whether, if she offered herself to the kidnappers in place of her husband, they might consider it an acceptable exchange and return him. Others asked her how she could continue to live her life while their loved one's fate was unknown.

Nahil Shehwan's husband was kidnapped in 1980 and held in a prison in Damascus, Syria. According to regulations he was allowed family visitors every 15 days. However, this was only selectively followed, at the discretion of prison guards or heads of the prison. Nahil was allowed to see her husband only once, three months after he was taken, and has not seen him since:

I started going each 15 days [but] they wouldn't let me see him. At the end, I stopped going . . . I used to go to the Mazzeh and the military police in Kaboun would say, "He was here but we transferred him to the Palestine branch." I would go there and they would say, "No [he is not here], we usually interrogate him and then send him back." I had many fights with them inside their offices. There was a major . . . whom I had many fights with. I would tell him, "I want to know. I have four kids. I'm baking bread on the Saj so my kids could survive, and not end up on the street. If he's dead, tell me, and if he is alive, tell me." They'd say, "No, no, he's fine, he's healthy, but he's not with us." Since then, they [have not] let me see him.

The acceptance of a husband's likely death, however, does not always mean that a wife has taken the legal step of declaring him dead. Nadia S. and her family refuse to declare her husband dead, but they read the Muslim prayer (*Al Fatiha*) for his soul.

Finally, a number of women refused to declare their husband's death, perceiving the law to be the state's way of escaping responsibility for pursuing the fate of the missing. They viewed such declarations as putting the burden back on the families: "They put [the burden on] us . . . we accept the death certificate, we kill him."

Without a body as proof of death, a number of interviewees considered it impossible to declare their husbands dead. Afaf S.'s response was representative in this regard: "We were asked to [declare him dead], but no, no, I didn't. I can't do it as long as I am not sure. I am not sure if he is there or not there. So how can I request a death certificate? I can't."

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54 We heard this story from more than one interviewee.

## 5. Social and Psychological Impact on the Wives and Children

Everything that I was not used to handl[ing] was difficult for me . . . I dealt with playing the role of both parents for my kids . . . I had to take care and worry a lot about my children.

- *Nabiha Nassreddine*

### **Coping with New Roles**

The transition from being cared for to becoming a caretaker was noted by many of the interviewees. Almost all talked about how they needed to become both mother and father to their children. Mariam S.'s daughter explained that her mother "played the role of mother and father in all of our lives. She filled the void he left and more . . . she still protects us all."

Many women spoke of experiencing chronic physical and psychological symptoms, consistent with exposure to trauma, in the aftermath of their husband's disappearance. During the initial years, many were prescribed a cocktail of antidepressants and sedatives, and a number of interviewees continue to rely on them. Others believed that the medication prevented them from being able to focus on their children, or they felt it was too addictive, and so either slowly decreased their dosage themselves or outright refused to take the medication. Nabiha Nassreddine said: "I had a few nervous breakdowns, and the doctor tried to give me [medication] . . . but . . . I threw it away, since they told me it was very addictive."

Many women said they drew strength from their children, their families, or God. In some cases, like Rabiaa Riachi's, their husband's family was a source of support and love. However, others spoke about ambivalent relationships and a deep tension with their in-laws, who in some cases blamed them for their husband's enforced disappearance. A number of woman expressed fear that their in-laws would take away their children.

A number of women felt isolated and misunderstood, even by their own families. Some spoke of how their families did not understand their grief, ostracized them, or took advantage of them. Some did not want to burden their families with further pain. Many spoke about internalizing their grief so that it would not burden their children or disrupt their daily routine.

The following narrative from Aida Muhiddine Ghazayel about the lack of a support network was common:

We did it ourselves. My son was 10 years old when he worked at a generator company, and my other son used to sell cigarettes. We didn't need anyone, and nobody helped us . . . My son has a lot of pride . . . People used to tell me go and stand in line to get food aid. My son told me, "Mom, I see people in the streets. I can't accept seeing you standing there, humiliating yourself." I told him I would never do that.

In the most difficult cases, some said they felt they had received no emotional or financial support from their own families or their in-laws or from society at large. Afaf S.'s response to the question of who supported her was: "Who supported me?! You mean, who crushed us?"

Many women said their experiences had made them much stronger. However, two of the interviewees spoke about how they felt more vulnerable as a result of their experiences. For Randa S., her husband's disappearance made her weaker: "I was strong and proud of my husband and kids. Suddenly, I felt that I had no more power to do the things I used to do. I changed a lot. Now there is no personality, no power."

### **Loneliness and the Importance of Home**

You don't even know your status. What are you? Not married? Not widowed? You don't know . . . You bury the feminine side of you deep inside, by force . . . I lost my life as a woman . . . I worked hard to give [my children] a standard of living that was acceptable to us. But I did not live the life I should have lived. The kids grew up. I don't have the resources to meet people or travel. I'm emotionally drained. I dream of continuing my education. I dream of doing something, earning a degree.

*- Souhad Khoury Karam*

Almost all of the women interviewed spoke of withdrawing into their homes after their husband's disappearance. Such isolation is significant in the context of a society like Lebanon, where parties, weddings, and celebrations are frequent and important social events. Across lines of economic status, all of the women continue, even after 30 years, to avoid celebrations and festive events.

Because Lebanon is a country of small communities, all interviewees acknowledged the pressure of living as someone "watched." This pressure becomes apparent in various ways. Rabiaa Riachi talked about her discomfort about going out:

I didn't go out . . . If there was a wedding of one of our relatives in the village, I didn't go. If there was a party, I didn't go . . . I didn't feel that I fit in. It's not good to go out. What am I going to do there? Have fun? Laugh? For what?

After the disappearance of their husbands, the women often were displaced, sometimes up to five times, from a combination of war and poverty. Souhad Khoury Karam's family stayed for nine years in a house where someone gave them two sofas and two folding beds to sleep on: "We were four persons. I had nothing except a bag of clothes."

The humiliation of economic hardship—starting from nothing and then achieving home ownership—became a topic of importance and pride for a number of the women. Many wove into the narrative of their lives the story of building, renovating, or maintaining their homes or private space. They often told these stories alongside narratives about broader feelings of helplessness and powerlessness. Extensive narratives about the building and rebuilding of homes can, therefore, be viewed as stories of personal accomplishment in a patriarchal society that limits women's ability to achieve and also as a reaction to deep, protracted instability in

a context where control over the most essential of elements—their own fates and that of their loved ones—was impossible.<sup>55</sup>

By contrast, the denial of a private space was also an important theme for many women who were forced to return to their family homes, or to their in-laws' homes, where they often felt sidelined, powerless, and humiliated.

## Remarriage

Society is harsh when you're a woman on your own. But . . . I stood on my own two feet. There was a period when I broke down, but after that, my mother told me, "Where are you headed? You've decided not to get [re]married, so if you want to raise your kids, you have to stand up on your own feet and you have to defy society and people." . . . My mother's words gave me strength.

- *Fatima Haidar*

Only one of the participating women remarried. Some could not find an appropriate partner. Others did not want to risk destabilizing their children by bringing a new man into the home. Still others believed they could not remarry without knowing the fate of their husbands. Many women, like Jeanette Saliba Khawand, articulated a combination of the above reasons, but emphasized the protracted uncertainty caused by their husbands' unknown status:

My in-laws were worried that I would remarry, but for me, no . . . My children were my priority . . . Maybe if he was dead, ok . . . maybe. It would have been a totally different situation. You'd have felt relieved, you'd have known how to control your life and how to move forward. Anyway, in my situation I wasn't able to remarry. I didn't think about this possibility at all . . . because you're waiting every day, thinking he might come home today, or this year. The years pass by and you're waiting. Time passes . . .

In some cases, women felt pressure from their families and immediate environment not to remarry, to remain loyal to their husbands. Maronite women are forbidden by the church to remarry. In other cases, while some women's families were supportive of remarriage, their children's fear of abandonment often prevented serious consideration of it. Souhad Khoury Karam described some of the impediments and social pressures:

Your best friends would become wary of a woman who doesn't have a man. Everybody avoids you. In the first 10 to 15 years, nobody wants a woman who has three kids without a cent in her pocket. Then, whoever wants such a woman would really be looking for a nurse. So it's better for me to stay with my kids. There's also the legal part. I never saw his corpse and this scares me a lot. This is a huge barrier [to moving on].

In other cases, women felt considerable social pressure to remarry and move on. One interviewee shared the way in which people would talk to her about the issue: "Some people are just harsh in the way they speak: 'Yeee, what are you waiting for? He is dead and long gone.'"

## Psychological Impact on the Family

Those women disabled by acute trauma or chronic physical symptoms linked to their husband's disappearance required medical care from the state. This was considered an acute problem by both Lebanese and non-Lebanese nationals.

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55 Private interview with clinical psychologist working with post-trauma patients.



Many women expressed concerns regarding the extent to which their husbands' disappearance had impacted the psychological health of their children. In some cases, there was severe psychological trauma. Oula F.'s two sons have both been in and out of psychiatric care institutions, and they continue to need costly intensive treatment, which she cannot afford. At 75 she is their primary caregiver, administering their medication and looking after their wellbeing. Neither son earns a wage, so the financial burden of their medical care and living expenses also falls on their elderly mother.

A number of women talked about the impact on their children in the early years, which has left unaddressed scars for both mother and child. Souad Nehme Najim's then two-and-a-half-year-old daughter used to sleep outside, waiting for her father to return: "She used to eat outside and do everything outside. She used to sleep on the stairs here outside. I used to pick her up and put her to bed. She'd say, 'He'll come home.' Every time she woke up and found herself in the house, she used to scream and ask to go out again."

While in some cases the children were as old as 18 when their fathers disappeared, most of the interviewees had children who ranged in age from one month to 13 years. Many had between two and six children under ten years of age. When the children were old enough and able to understand, the immediate issue was what to tell them with respect to their father's disappearance. Antoinette Ghattas Yaghi told her eldest son immediately that he would need to assume the responsibility of being the head of the family. More than one woman told her children that their father was travelling.

I lied to them in the beginning and did not tell them what had happened. [The children] were young and I believed that he'd be back at any moment. Later, after a week, I started thinking [he'd be back] after two weeks. After a month, a month and a half. You know. I still could not believe it, and it didn't occur to me that this is how the story would turn out. . . . So, I wanted to support them, I wanted to protect them.

- Layla F.

**Rabiah Riachi's son was five years old when he learned the truth about his father's kidnapping. Rabiah had accidentally spoken about it in front of him:**

He started to tug on me and asked, "Mom, what does 'kidnapped' mean?" . . . We went to his room, I told him, "It means that someone took him, put him in a room, and won't let him get out to come to us. And he's not alone, he's with the father of Farah and Nour [his cousins], and uncle Mansour."

I told him, "You know him, right?" He said yes. As I was telling him, I couldn't stop crying. I told him, "They will get out and come back. We have to be patient. We're talking with some people to help them get out." . . . I was sitting on the edge of the bed, and he laid with his head covered. He was crying very hard. I tried to calm him down, telling him, "You're grown up, and I'm explaining to you what's happening."

Suddenly he took the covers off his head, stopped crying, took my hand, and told me, "Mom, from now on, we have to be strong." . . . He used to tell me, "We will go on knowing that daddy might come back and he might not."

Many women spoke of the continuing effects of their husbands' disappearance on their children and their own family choices. Nadia S.'s daughter reflected that when she got married she "didn't know how to be a wife, how to relate to her husband," because she had been too young to see her mother in that role.



There are also consequences in the form of anxiety and fear for the welfare of other family members and worries over a disappearance happening again:

When [my son] calls me and tells me that he's coming back and he's on the airport road, I start to panic, especially now because we're back again to that situation. They are reminding us, they are repeating what happened in the past, we are not finished yet, we are still in the same hardship, same pain. When I hear of someone kidnapped, I go back in memory to that day when I didn't know what to do, what could we do?

## 6. Justice in a Culture of Impunity?

Justice? In our country, we don't have justice.

- *Nabiha Nassreddine*

The pursuit of justice for the enforced disappearance was a difficult and frustrating topic for many of the 23 wives of the missing or disappeared interviewed for this study. The majority firmly believed there would be no justice for them, and that no perpetrator would be held accountable for the disappearance of their husbands. This belief has been reaffirmed by the few examples of families who have sought justice in Lebanese courts. The case of Muhiddine Hashisho has faced a series of blocks for more than a decade,<sup>56</sup> and the court's treatment of his wife, who participated in this study, has not encouraged others to step forward.

A great deal of anger was expressed by the women towards state officials for failing to uphold their duty of searching for the missing and for their treatment of families of the missing as "less than human." The interviewees remained skeptical that Lebanese officials will—or can—provide a basic remedy for the violations they and their loved ones have experienced.

For some, justice is about learning the truth, to simply know what happened to their husband: "I just want to know the truth. I don't even want to know who did it. I just want to know if my husband is alive." Others see justice as tied to accountability—the arrest and imprisonment of those responsible for the disappearance. However, none of the women interviewed believe the responsible parties will be brought to justice. For some, the reaffirmation of the Lebanese amnesty law in 1991 is a symbol of a broken state.

Families are most likely to receive information on commissions, laws, or rumors regarding progress on the disappeared through the Committee of the Families, Support of Lebanese in Detention and Exile (SOLIDE), or, by word of mouth. This is inadequate. The interviewees believe that by leaving it to the families of the missing and disappeared to seek answers, the state reveals a lack of concern and has violated its duty to investigate and prosecute these crimes.

One interviewee described justice more broadly regarding state support for families of the missing and disappeared: "Justice will be achieved . . . when the state comes and inquires about the needs of the families, mothers, wives of the disappeared and helps them, and gives them all of the support they need, like social security for those who don't have it."<sup>57</sup>

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<sup>56</sup> The court ruled in September 2013.

<sup>57</sup> See also ICRC, "The Families of People Missing in Connection with the Armed Conflicts That Have Occurred in Lebanon Since 1975," June 2013.

In addition, the interviewees reflected a great deal of fatigue and a feeling of being manipulated by their political leaders. Jeanette Saliba Khawand's daughter made a remark that was typical: "The president in his acceptance speech . . . said that one of the important things he would take care of is the issue of the kidnapped. [The families of the disappeared] went to visit him, [but] he did not welcome them. Who are you kidding?"

## 7. Comparative Experiences of Addressing Enforced Disappearance

In contexts as diverse as Argentina, Bosnia and Herzegovina, and Nepal there are concrete examples of how the state can provide truth, accountability, and redress for family members of the disappeared. While there is still much work to be done, proactive measures have been taken in these countries to address the gendered consequences of this violation on the wives of the disappeared.<sup>58</sup>

In several post-conflict and post-authoritarian countries, establishing a special legal status for the disappeared has been a well-received solution by family members of the disappeared, helping them deal with a number of obstacles. For example, in Argentina allowing relatives to apply at no cost for a legal certification of “absence by enforced disappearance,” with simplified information, such as the date the person went missing, allowed many women to obtain practical benefits, including access to frozen bank accounts, property ownership, and formalizing new partnerships. Many other countries such as Chile and Peru have followed the Argentinian example, to the benefit of many spouses of the disappeared.<sup>59</sup> In Bosnia and Herzegovina, such a legal status allows the family to temporarily make use of the property of the disappeared person. Proclamations of death do not change or remove the status; therefore, the violation continues to be acknowledged.<sup>60</sup>

Chile, which had over 3,000 cases of enforced disappearance, undertook truth-seeking and reparations processes by establishing details of individual incidents and acknowledging state responsibility when relevant. The files from both commissions were sent to the judiciary of their respective countries, and in the case of Chile they include the creation of a follow-up institution to provide legal assistance to victims in criminal investigations and the process of exhumations and identification that followed.<sup>61</sup>

Peru’s Truth and Reconciliation Commission included a gender unit that concentrated on the different impacts of the violence on men and women. It was mindful of being representative when selecting people to testify at public hearings. The commission created informal citizen dialogue opportunities that were less intimidating and could facilitate discussion about taboo subjects that women were less likely to discuss openly. Women were afforded the space to talk about the act of the disappearance of their male family members and the long-

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58 For more information, see Polly Dewhirst and Amrita Kapur, ICTJ, “Revealing the Enduring Impact of Enforced Disappearances on Women,” March 2015.

59 *Ibid.*

60 Article 18 Bosnia-Herzegovina Law on Missing Persons [Unofficial translation], [www.ic-mp.org/wp-content/uploads/2014/08/law-on-missing-persons.pdf](http://www.ic-mp.org/wp-content/uploads/2014/08/law-on-missing-persons.pdf).

61 Comisión Nacional de Verdad y Reconciliación, Informe, Part I, Chapter 1, page 38.; Part IV, Chapter 3, 1115–1117. An English translation of the Chilean National Commission on Truth and Reconciliation can be found at [www.usip.org](http://www.usip.org).

term impact on their lives. The patterns of these violations and their consequences were then acknowledged in the commission's final report. This gendered focus also allowed the commission to recommend a reparations program that took the needs of wives and families of the disappeared into account. In addition to facilitating truth telling, the commission also initiated in-depth investigations of mass graves and performed some exhumations.<sup>62</sup>

Several countries have provided reparations programs to the families of the disappeared. While Argentina, Brazil, Chile and South Africa recognized the loss of the loved one and acknowledged family members as heirs, Guatemala and Peru conformed with international law in recognizing relatives of the disappeared as direct victims.<sup>63</sup> South Africa is an example of the importance of consistency of treatment of affected relatives; its Truth and Reconciliation Commission made no distinction in their categorization between victims and their relatives, and thus did not assume relatives had suffered less. However, the resulting reparations program defined relatives as "secondary" victims and only conferred benefits if the disappeared individual had died.<sup>64</sup>

Recognizing the long-term consequences faced by the wives of the disappeared, several reparations programs have offered a variety of benefits. Most commonly, wives of the disappeared and other relatives have received monetary compensation in the form of lump-sum payments or pensions. In many Latin American contexts, children of the disappeared received educational benefits. In addition, some countries, such as Argentina, Chile, and Peru, recognized the long lapse of time between the date of the violation and the date when remedies were made available by extending the cut-off age for children of the disappeared to qualify for educational benefits. Other benefits have included medical and psychosocial support, housing benefits, and exemption from military service.<sup>65</sup>

Not all states have provided relief to the wives and children of the disappeared through formal truth-seeking or reparations mechanisms. In Nepal, the government established an Interim Relief Program (IRP) that provided monetary and educational benefits to the relatives of the disappeared. While this limited humanitarian effort brought some relief to "conflict-affected persons," it failed to acknowledge them as victims and survivors of human rights violations. Also, the IRP lacked a gendered approach; as a result, the wives of the disappeared faced many obstacles in accessing benefits. For example, the lack of literacy or engagement with state officials inhibited their ability to navigate the bureaucratic system to obtain benefits.<sup>66</sup>

In contexts like Lebanon, where the minimum rights of victims have not been met, and where the conflict is not clearly over, the expectation and definition of justice must be adjusted to focus on the most urgent priorities. Many of the women interviewed for this study, amid Lebanon's complex political context, identified the need for support from the international community in order to find ways to meet their right to know the truth about their loved ones' fate.

Examples of accountability, remedy, and truth from other countries show how state authorities can begin to address the nuanced needs of wives of the disappeared. Lessons learned from these examples must be adapted to the Lebanese context and applied in such a way that would provide them with effective remedy.

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62 Comisión de la Verdad y Reconciliación, Informe Final, Volume VIII, Chapter 1, annex II, 205–207. The Comisión recommended the implementation of a complete and very detailed National Plan of Forensic-Anthropological Investigations, see Informe Final, Vol IX, Chapter 2, 146–195.

63 For more discussion, see R. Rubio Marín, C. Sandoval, and C. Diaz, "Repairing Family Members: Gross Human Rights Violations and Communities of Harm," in *The Gender of Reparations: Unsettling sexual hierarchies while redressing human rights violations* (Cambridge: Cambridge University Press, 2011), 268.

64 Beth Goldblatt, "Evaluating the Gender Content of Reparations: Lessons from South Africa," in Ruth Rubio-Marín (editor), *What Happened to the Women?: Gender and Reparations for Human Rights Violations* (IJTJ, 2007), 62–63.

65 Polly Dewhirst and Amrita Kapur, ICTJ, "The Disappeared and Invisible: Revealing the Enduring Impact of Enforced Disappearances on Women," March 2015.

66 ICTJ, "Beyond Relief: Addressing the Rights and Needs of Nepal's Wives of the Disappeared," 2013.

## 8. Conclusions

The long-term impact of conflict-related violence is clearly captured in the lives of the families of the missing. In addition to the trauma of losing a loved one in circumstances of complete uncertainty, families of missing persons also endure practical, legal, and emotional isolation. The family unit remains in limbo, as many women do not want to declare their husbands dead until they know the truth about their fates. With no other legal status for the disappeared, legal and administrative procedures are extremely difficult.

The situation is even more complicated for the wives of the disappeared in Lebanon because the structure of the state and confessional system is highly patriarchal. Many decisions that directly impact the wife of the missing, and her children, require the authority of a male family member, and are out of the woman's control even when she has become financially responsible for her family. Accessing bank accounts, applying for children's identity documents, claiming inheritance, transferring property titles, and remarriage are extremely difficult. If the missing person had been the primary wage earner, financial hardship will pervade the family's daily life. As women almost always have less earning power than men, the loss of a husband places incredible economic burden on the wife, often resulting in endemic poverty for her and her family.

Compounding this, families will often encounter isolation, intimidation, and extortion by those responsible for the disappearance. The women in this study spoke of the isolation they felt in their own communities and the suspicion that was cast on them because they are not widows and not considered married either. This stigma can cause tension not only within the community but also with the husband's family.

In contexts where the practice of enforced disappearance is embedded within state-supported institutions, fear pervades the entire society, often marginalizing families of the missing. Talking about the missing person outside of the home involves talking about the context of the disappearance, which can be dangerous when those responsible for the crimes are still in positions of power.

The women interviewed for this study described the hardship they have had to endure since their husbands' disappearance as well as the strength they found in order to cope with this trauma. For all the women interviewed, there is still a strong desire to know the truth about what happened to their husbands. However, in the meantime, they expressed other forms of remedy that would readily help their families—including access to economic resources, the authority to make parental decisions about their children, and medical and psychological support.

In a culture where there is enormous reluctance to talk about the war and its legacy, it is perhaps easy to see why the families of the missing and disappeared continue to be isolated and marginalized. They are unwelcome reminders of an unresolved past.

They may also serve as warnings in today's Lebanon that the past can become the present. This is particularly true as the violence of the conflict in Syria continues to spill over into Lebanon and patterns of the past are being repeated. State institutions remain weak and dysfunctional, unable to moderate a deeply fragmented society.<sup>67</sup> In a general climate of political impunity, recent kidnappings have faded into the background, with more pressing fears that Syria's war will spark conflict in Lebanon. For a number of women interviewed here, the trauma of their own past triggers warnings about the future.

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<sup>67</sup> Lynn Maalouf, ICTJ, "A Mapping of Serious Human Rights and Humanitarian Law Violations in Lebanon (1975–2008)," 2013.

## Recommendations

The policy options outlined below should be explored in consultation with the families of the missing and disappeared, rather than imposed. Guidance can also be drawn from the ICRC's 2009 Model Law on the Missing, while applying a gendered approach in assessing the consequences of this violation on the wives of the missing and disappeared. Recommendations regarding the need to clarify the fate of the missing and forcibly disappeared developed by Lebanese civil society in "Confronting the Legacy of Political Violence in Lebanon: An Agenda for Change" should also be considered.<sup>68</sup>

### To the Government

**1. Create a legal certification of absence due to enforced disappearance.** The families of the missing should have the legal option to officially declare their loved ones absent by reason of enforced disappearance; families should not be forced to declare their missing loved ones dead. In recognizing the special category of the missing and disappeared, such a legal status must be formulated in a way that would allow relatives to exercise their rights to child custody, inheritance, administration of property, transfer of assets, access to social security benefits, provision of economic and housing support, claiming insurance, etc.

**2. Protect the burial sites.** Mass graves must be identified and interim measures taken to protect buried bodies until they can be properly exhumed and the identification process begun. Some interviewees elaborated on the need to implement a law to create a commission or other protection mechanisms. For those mass graves that have already been identified, they should be protected until proper exhumations can be performed.

**3. Respect the families' right to know the truth.** An independent investigatory body should be established and properly mandated to gather and share information about the fate of the missing as well as to return the missing to their loved ones. Such a mechanism is provisioned by the Draft Law on Missing and Disappeared Persons, which was developed by Lebanese civil society groups and submitted to Parliament in April 2014. This entity should foreground the impact of disappearance on women in Lebanon. Commissions from other contexts could provide useful guidance.

**4. Grant the children of missing or disappeared non-Lebanese fathers the right to remain in the country without continuous residency permit renewals.** This was a primary concern of mothers of non-Lebanese nationals and Palestinians. With neither accessible state health care services nor the right to work in Lebanon, all the other traumas associated with the disappearance of the father/husband become more acute.

### To leaders of the confessional communities

**5. Initiate discussions within confessional communities to explore ways in which additional support and mitigating remedies could be provided to families by the relevant community.**

### To international and local stakeholders

**6. Conduct research on the precise nature of the medical and psychological needs of families of the missing and disappeared and how these can best be met within existing circumstances.** For Lebanon, specialist care should be provided for victims suffering from

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68 "Confronting the Legacy of Political Violence in Lebanon: An Agenda for Change," ICTJ, 2014, [www.ictj.org/publication/confronting-legacy-political-violence-lebanon-agenda-change](http://www.ictj.org/publication/confronting-legacy-political-violence-lebanon-agenda-change)



chronic physical and psychological symptoms resulting from trauma and loss. More research needs to be done to determine how these services can best be provided. Such provision could be developed through the national health care system, private services, or by communities, as long as it permits victims to identify their preferences. Approaches for dealing with issues of mourning, trauma and wellbeing can differ across communities, and women may want to have options. Special psychosocial care support should be available when the process of identification of remains takes place. Because interviews for getting ante-mortem information about the disappeared, obtaining DNA samples from family members, exhumation processes, and identification of remains are sensitive matters, victims should always be offered support services, and have the option of being accompanied by those whom they know and trust.

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