

# LESSONS LEARNED: MISSING PERSONS IN LEBANON

A critical reflection on the approach to missing persons in Lebanon provided in support of an international missing persons mechanism in Syria

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# EXECUTIVE SUMMARY

In support of a missing persons mechanism in Syria, this report offers six lessons that can be learned from Lebanon's 48-year struggle to fulfil the rights of missing persons and their families.<sup>1</sup> It is argued that Lebanon's experience highlights the inadequacies of a purely national approach and demonstrates the necessity of establishing a missing persons mechanism with an international mandate that facilitates the full participation of the families of missing persons and addresses their legal, economic, and psychological needs. It emerged that a missing persons mechanism with an exclusively humanitarian mandate presents the most viable option, as it would encourage those with information to come forward without incriminating themselves or those close to them. The proposed missing persons mechanism could exist alongside, but separate from, those organisations seeking to attribute accountability for international crimes.

### Who is a missing person?

A missing person is someone whose whereabouts are unknown or who has been reported missing, usually in connection with an armed conflict, natural catastrophe, or 'any other situation that may require the intervention of a competent State authority'.<sup>2</sup> The term 'missing persons' includes but is not limited to those whose fate or whereabouts are unknown due to abductions, enforced disappearances, and arbitrary detention at the hands of State authorities or non-state armed groups (NSAGs). The reality on the ground in Lebanon and Syria is that the vast majority of missing persons have disappeared in relation to armed conflict and/or human rights violations.

### Who are the families of missing persons?

The families of missing persons include all those who suffer due to their close emotional ties with the missing person. Under both international humanitarian law (IHL) and international human rights law (IHRL), the concept of 'family' is broader than blood relatives and encompasses all persons

with a close connection to the missing.<sup>3</sup> The families of missing persons are recognised as victims due to the intense and often prolonged suffering they experience as a direct result of not knowing the fate or whereabouts of their loved ones.<sup>4</sup>

### What is the legal framework with respect to missing persons in Lebanon and Syria?

The legal framework that regulates missing persons in both Lebanon and Syria consists of IHL, IHRL, and domestic law. Each of these bodies of law plays a critical role in preventing persons from going missing, facilitating the search for the missing, and facilitating the rights of the families to obtain information on the fate and whereabouts of their loved ones.<sup>5</sup> Although the legal framework on missing persons includes accountability measures, the focus of this report is on the law's humanitarian function.

### Lessons learned: a critical reflection on the approach to missing persons in Lebanon

The six lessons provided in this report are based on a review of the literature, interviews with civil society organisations (CSOs) and the families of missing persons, examination of the legal framework, and a critical analysis of the measures adopted by the Lebanese authorities. These lessons should be read in conjunction with report of the United Nations (UN) Secretary General on missing persons in Syria, which also recommends the establishment of international missing persons mechanism.<sup>6</sup>

1. This report is written by Matias Thomsen and Myra Saade on behalf of the Syria Regional Desk of the [Diakonia International Humanitarian Law Centre](#).  
2. 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', Art. 2(a).

3. See Yves Sandoz, Christophe Swinarski and Bruno Zimmermann, Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 (International Committee of the Red Cross and Martinus Nijhoff 1987), p 351, para 1229 (Hereafter, 'Commentary on the Additional Protocols (1987)').  
4. For example, see: United Nations, 'Working Group on Enforced or Involuntary Disappearances General Comment on the Right to the Truth in Relation to Enforced Disappearances' Doc No A/HRC/16/48, 4. (Hereafter, 'WGEID General Comment on the Right to Truth').  
5. Alessandra La Vaccara, 'When the Conflict Ends, While Uncertainty Continues Accounting for Missing Persons between War and Peace in International Law', Publications de l'Institut International des Droits de l'Homme (A Pedone and Hart Publishing, 2019).  
6. United Nations General Assembly, 'Missing People in the Syrian Arab Republic: Report of the Secretary General', 2 August 2022, A/76/890, paras 83-84. (Hereafter 'Report of the Secretary General on Missing Persons').

## 1. Establish a missing persons mechanism in Syria with an international mandate

The clearest lesson drawn from the experience of missing persons in Lebanon is that, in times of political turmoil and armed violence, a national commission alone is insufficient to fulfil the rights of missing persons and their families.<sup>7</sup> In Lebanon, successive national commissions have failed to achieve any results due to insufficient funding, a lack of political will, and ongoing tensions between political and religious factions. Establishing another national commission in Syria is equally unlikely to achieve any success due to the ongoing situation of violence, political divisions, lack of territorial control, and mass cross-border migrations. Only a missing persons mechanism with an international mandate can secure the necessary funding, cooperation, and political will to uphold the rights of missing persons and their families.

## 2. Time is of the essence

Delay in the search for missing persons compounds the suffering of the families and is detrimental to the chances of finding missing persons alive, reuniting families, and identifying remains. In Lebanon, the first national commission on missing persons was not established until 2000, 25 years after the beginning of the armed conflict. Building construction had taken place on the site of mass graves and for those remains that were uncovered, the passing of time meant that it was difficult to match DNA evidence.<sup>8</sup> In the 11 years following the outbreak of the armed conflict in Syria, the Government has failed to act on the tens of thousands of missing persons cases documented by CSOs. An international missing persons mechanism must be established in Syria without further delay to ensure access to time-sensitive data and evidence.

## 3. Ensure coordination, centralised data management, and victim participation

Coordination between different organisations involved in the collection and storage of information is essential to avoid duplication and provide a streamlined reporting mechanism. Although the failure of successive Lebanese governments to take meaningful action on missing persons has meant that coordination issues had not yet arisen at the time of writing, the number of claims and the diversity of actors involved clearly demonstrated the need for a centralised approach. Furthermore, the progress that has been achieved in Lebanon would not have been possible without the meaningful participation and coordination of both victims and victim-led CSOs.<sup>9</sup> In Syria, the Secretary General's Report notes that the lack of coordination between different organisations has already posed serious challenges and highlights the need for an international mechanism to consolidate information and reporting streams.<sup>10</sup> These challenges include differences in mandates and in policies on data protection and information sharing, causing the fragmentation and underuse of essential data.<sup>11</sup> The Secretary General's Report proposes mapping the available information and using existing agreements and networks to improve coordination among actors.<sup>12</sup> With respect to the coordination of CSOs in Syria, there are positive signs of unity in favour of establishing an international missing persons mechanism with a humanitarian mandate.<sup>13</sup>

7. See section 3 'National Approaches to Missing Persons in Lebanon and Syria' on multiple failed national missing persons commissions in Lebanon.

8. Lebanese Centre for Human Rights (Centre Libanais des Droits Humains) 'Report: Lebanon Enforced Disappearances and Incommunicado Detentions' (February 2008), p 33; Kaveh Waddell, 'The Desperate Search for Lebanon's Mass Graves', The Atlantic (13 April 2018); Peace Insight, 'Act for the Disappeared' (December 2019); Virginie Le Borgne, 'Lebanon Aims to Resolve Pain over 17,000 Missing Since Civil War', Aljazeera (14 November 2018).

9. International Center for Transitional Justice, 'Confronting the Legacy of Political Violence in Lebanon: An Agenda for Change – Recommendations from Lebanese Civil Society' (October 2014).

10. Report of the Secretary General on Missing Persons, above n 6, para 39.

11. Ibid.

12. Ibid, paras 59-62.

13. Caesar Families Association and others, 'An international mechanism for confronting the crisis of detention and enforced disappearance in Syria', Position Paper (25 July 2022).

#### 4. Respond to the humanitarian needs of the families of missing persons

In the 33 years since the end of the war in Lebanon there have been no effective policies or measures to provide the necessary support to the families of missing persons. Women, persons with disabilities and children have been disproportionately affected. Wives and female relatives of missing persons face significant barriers in accessing bank accounts, inheritance, proprietary rights, and identity documents for children owing to discriminatory laws.<sup>14</sup> The same is true in Syria. A core component of the proposed international mechanism's mandate must be to provide comprehensive support to victims in partnership with existing actors.<sup>15</sup> A certificate of absence is one of many legislative reforms needed in Syria to address the legal and administrative issues facing the families of missing persons in accessing essential services and fulfilling their basic humanitarian needs.

#### 5. Adopt an exclusively humanitarian mandate to fulfil the right to know

The primary objective of the families of missing persons in Lebanon is to know the fate and whereabouts of their loved ones.<sup>16</sup> In line with the recommendation of the Secretary General, the proposed international missing persons mechanism in Syria should have a humanitarian mandate so that it can focus exclusively on fulfilling the right to know and alleviating the suffering of victims.<sup>17</sup> Often referred to as the 'humanitarian approach',<sup>18</sup> a missing persons mechanism that

focuses on the right of families to know the fate and whereabouts of their loved ones, rather than on accountability, is understood as being in a better position to provide answers by protecting the confidentiality of its sources.<sup>19</sup> This mandate would exist alongside, but be separated from, other institutions and mechanisms, including those that are focused on accountability. Accountability mechanisms are already in place in Syria and a missing persons mechanism with an exclusively humanitarian mandate would not detract from the important work that they are doing in investigating international crimes.

#### 6. Identify, protect, and exhume mass graves

It has been reported that the identification of mass graves has primarily occurred by chance when conducting construction work or archaeological examinations, rather than as a result of missing persons investigations.<sup>20</sup> Where mass graves have been identified, Lebanese authorities have repeatedly failed to protect the gravesites, conduct exhumations, or establish databases of family members' DNA against which to identify the remains.<sup>21</sup> Similar practices have already been observed in Syria.<sup>22</sup> It is essential that the identification of mass graves, biological data collection, and exhumation accords with internationally recognised forensic and ethical standards and is conducted under a centralised mandate.

14. International Center for Transitional Justice, *'Living with the Shadows of the Past The Impact of Disappearance on Wives of the Missing in Lebanon'* (March 2015).

15. Report of the Secretary General on Missing Persons, above n 6, para 67.

16. International Committee of the Red Cross, 'The Families of People Missing in Connection with the Armed Conflicts that have Occurred in Lebanon since 1975: An Assessment of their Needs' (May 2013), p 11, 21.

17. Report of the Secretary General on Missing Persons, above n 6, paras 66-69.

18. Monique Crettol, Lina Milner, Anne-Marie La Rosa and Jill Stockwell, 'Establishing Mechanisms to Clarify the Fate and Whereabouts of Missing Persons: A Proposed Humanitarian Approach' (2018) 99(2) *International Review of the Red Cross* 589; Report of the Secretary General on Missing Persons, above n 6, para 67. ("The term "humanitarian" was used during the consultations to frame the mandate and refers to the objective of alleviating the suffering of families by providing answers as to the fate of their relatives.")

19. International Committee of the Red Cross, 'The Families of People Missing in Connection with the Armed Conflicts that have Occurred in Lebanon since 1975: An Assessment of their Needs' (May 2013), p 11, 21.

20. Lebanese Centre for Human Rights (Centre Libanais des Droits Humains) *'Report: Lebanon Enforced Disappearances and Incommunicado Detentions'* (February 2008), p 33. ("The few mass graves and ossuaries that have been discovered today, and about which we have some information, were in fact discovered by chance on construction sites and archaeological site, or because people have reported the discovery of bones. Unfortunately, no standard procedures were used during the exhumation of a mass grave or ossuary discovered by chance. In order to ensure the proper identification of the bodies, internationally recognized protocols and procedures must be adhered to when conducting exhumation operations.")

21. *Ibid*, p 34.

22. Massar, *'Completing ISIS Crimes in Absentia: Mass Graves in Raqqa Governorate as a Model'* (9 September 2022).

# INTRODUCTION



1. ახრიაშვილი ზაქარია 2. აგლაჯანიშვილი ელი  
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It is estimated that up to 17,000 persons are still missing in Lebanon today, many of whom went missing during the armed conflicts from 1975 to 1990.<sup>23</sup> Despite sustained efforts from the families of missing persons and CSOs to force government action, there has been very little progress. The right of the families of missing persons to know the fate and whereabouts of their relatives remains largely unfulfilled. Lebanon has demonstrated an unwillingness to prioritise the search for missing persons or the collection of remains from mass graves. Lebanon's response highlights the inadequacies of relying on a national commission for missing persons during periods of political instability and sectarian divisions.

Following research on the legal framework applicable to missing persons in Lebanon and interviews with representatives of CSOs and of the families of missing persons, this paper offers six lessons learned from the Lebanese experience. These lessons, drawn from Lebanon's 48-year struggle for recognition of the rights of missing persons and their families, should be read in conjunction with the report of the United Nations (UN) Secretary General on missing persons in Syria.<sup>24</sup> In particular, the lessons are provided in support of the Secretary General's proposal to establish a missing persons mechanism in Syria with an international mandate that ensures the meaningful and sustainable participation and representation of victims.<sup>25</sup>

**Section 1** provides an overview of the legal framework applicable to both Lebanon and Syria. This legal framework consists of international humanitarian law (IHL), international human rights law (IHRL) and domestic law. Each of these bodies of law plays a critical role in preventing persons from going missing, facilitating the search for the missing, and providing information to the families

of missing persons. Although the legal framework on missing persons includes accountability measures, the focus of this report is on the law's humanitarian function.

**Section 2** examines the impact of missing persons on those left behind. Particular attention is given to the disproportionate impact on women left in charge of households who face legal, social, and psychological hardship as a result of not knowing the fate or whereabouts of their male partner or relatives. Understanding the extent and nuances of the impact of missing persons on women is essential in establishing an international mechanism that responds to such needs and facilitates the meaningful and sustained participation of those most directly affected.

**Section 3** explains the ongoing commitment of CSOs in both Lebanon and Syria to fulfil the rights of missing persons in the face of political inaction. The progress that has been made in bringing missing persons into the national and international spotlight would not have been achieved without the relentless courage, conviction, and dedication of CSOs, many of which comprise the families of the missing. It is important to acknowledge the continuing role of civil society in facilitating the search for missing persons and caring for their families. Such efforts must be further supported and integrated into the proposed international missing persons mechanism in Syria.

**Section 4** provides six key lessons learned from the experience of missing persons in Lebanon in support of the proposed international mechanism in Syria. Each of these lessons derives from a critical reflection of Lebanon's failure to uphold their obligations under international law in preventing persons from going missing, facilitating the search for the missing, and providing families with the right to know or any form of access to legal remedies. The lessons are provided in support of an international missing persons mechanism in Syria and are designed to promote better practices and compliance with international law in Syria.

23. International Center for Transitional Justice, 'A Mapping of Serious Human Rights and Humanitarian Law Violations in Lebanon (1975–2008),' 2013. The International Center for Transitional Justice (ICTJ) notes that this is the officially adopted number and was cited in Human Rights Watch's 1993 Annual Report, which is thought to come from a 1991 police report, but is disputed as it may have included multiple files relating to the same person.

24. Report of the Secretary General on Missing Persons, above n 6, para 64.

25. Ibid.

# **1. LEGAL FRAMEWORK ON MISSING PERSONS IN LEBANON**

IHL, IHRL, and domestic law provide a robust legal framework that is designed to prevent persons from going missing, compel the relevant authorities to search for the missing, hold persons accountable where appropriate, and ensure the participation of the families in obtaining information on the fate and whereabouts of their loved ones. In both Lebanon and Syria, the evidence suggests that these rules have not been respected, enforced, integrated into domestic law, or reflected in the practice of the various state and non-state actors.

The rationale behind the legal framework presented in this report is to encourage compliance with the law as a means of preventing further persons from going missing in both Lebanon and Syria, facilitating the search for those who are missing, and ensuring the participation of the families of missing persons in collecting and managing relevant information. Accountability measures fall outside the scope of this report. Understanding and implementing this legal framework is vital in fulfilling the rights of missing persons and their families, including their right to meaningful and sustained participation and representation in a transparent, independent, and impartial mechanism.

## International humanitarian law

IHL's legal framework on missing persons is comprised of a series of rules designed to prevent persons from going missing, including record-keeping, the prohibition on arbitrary detention, and other related crimes, as well as the obligations to account for missing persons, facilitate the search for the missing, and provide information to their families.<sup>26</sup> As a body of law that regulates

situations of armed conflict, the applicability of IHL first requires proof of the existence of an armed conflict.

Since obtaining independence in 1943, Lebanon has experienced overlapping international and non-international armed conflicts.<sup>27</sup> The dynamics of these conflicts were complex and involved deeply ingrained political, religious, and territorial divides within Lebanon, as well as the intervention of third States. Despite these complexities, the non-international armed conflicts in Lebanon can primarily be understood in terms of the Lebanese state losing its political and military control and the emergence of several well-organised non-state armed groups that attempted to fill the security vacuum.<sup>28</sup> The international armed conflicts in Lebanon, meanwhile, consisted of foreign interventions by both Israel and Syria to fight proxy wars. At different but overlapping intervals, these foreign interventions amounted to belligerent occupations.

Although a detailed classification of the conflict in Lebanon is outside the scope of this report, it is critical to note that all parties to the conflicts in Lebanon were bound, at a minimum, by those rules of customary IHL designed to protect persons from going missing, facilitate the search for missing persons, and provide information to their families. The existence of multiple armed conflicts in Syria means that these rules are equally applicable in the Syrian context.<sup>29</sup>

It is worth noting that many of the obligations relating to missing persons under IHL extend beyond the end of the armed conflict and continue

26. For an overview of customary IHL rules, see: Jean-Marie Henckaerts and Louise Doswald-Beck, 'Customary International Humanitarian Law, Vol I: Rules, International Committee of the Red Cross (ICRC) and Cambridge University Press (2005) (Hereafter ICRC Customary Study), Rule 98 ('Enforced disappearance is prohibited') p 340; Rule 99 ('Arbitrary deprivation of liberty is prohibited') p 344; Rule 105 ('Family life must be respected as far as possible') p 379; Rule 112 ('Whenever circumstances permit, and particularly after an engagement, each party to the conflict must, without delay, take all possible measures to search for, collect and evacuate the dead without adverse distinction') p 406; Rule 116 ('With a view to the identification of the dead, each party to the conflict must record all available information prior to disposal and mark the location of the graves') p 417; and Rule 117 ('Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate') p 421.

27. International Center for Transitional Justice, '[Lebanon's Legacy of Political Violence: A Mapping of Serious Violations of International Human Rights and Humanitarian Law, 1975-2008](#)' (September 2013); Iain Scobbie, 'Southern Lebanon 2006', International Law and the Classification of Conflicts, ed. Elizabeth Wilmshurst (Oxford University Press, 2012), p 387-419.

28. These non-State groups included the Lebanese Front (LF), which represented the Maronite Christians; the Lebanese National Movement (LNM), consisting of Sunni Muslims in support of Arab nationalism; the Amal Movement, a group of Shi'a Muslims fighting for greater representation; and the Palestine Liberation Organisation (PLO), representing Lebanon's Palestinian refugee population.

29. Chatham House, '[The Legal Classification of the Conflict in Syria, Yemen, and Libya](#)' (March 2014); RULAC, '[Non-International Armed Conflicts in Syria](#)', Geneva Academy (29 September 2022).

until the fate and whereabouts of missing persons have been determined.<sup>30</sup> For example, parties to the conflict are required to search for persons reported missing ‘as soon as circumstances permit, and at the latest from the end of active hostilities’.<sup>31</sup> Similarly, obligations to account for missing persons, search for and collect the dead, and provide information to the families of missing persons all continue after the end of the conflict. The protections owed to persons in detention, including the obligations to account for all persons in detention, review the legality of detentions, repatriate security detainees after the conflict, and the obligation to treat all prisoners humanely, are critical in preventing persons from going missing and continue beyond the end of hostilities for as long as such persons remain in detention.<sup>32</sup>

### **IHL rules on missing persons applicable in all types of armed conflict**

The primary sources of IHL are treaties and customary international law. Most IHL rules on missing persons derive from the Geneva Conventions and Additional Protocol I and are applicable, as a matter of treaty law, to international armed conflicts. However, each of the obligations discussed below in relation to missing persons is considered binding in both international and non-international armed conflicts under customary international law and applies equally to both States and NSAGs.<sup>33</sup>

At a minimum, all parties to an armed conflict, whether international or non-international, are bound under customary IHL to (1) prevent persons from going missing; (2) facilitate the search for missing persons; and (3) provide information to the families of missing persons. It is essential to disseminate and uphold these rules in Syria. Customary IHL rules on missing persons also remain in-force in post-conflict Lebanon until those persons who went missing as a result of the conflict have been found. This would also apply in Syria after the end of the current armed conflicts.

30. For example, see: Gabriella Venturini, ‘The Temporal Scope of Application of the Conventions’, in Andrew Clapham, Paola Gaeta and Marco Sassòli (eds), *The 1949 Geneva Conventions: A Commentary*, Oxford University Press (2015) pp. 51–66, at 63.

31. Additional Protocol I, art 33(1).

32. Additional Protocol I, Art 3; Additional Protocol II, Art 2.

33. ICRC Customary Study, above n 13.

### **Prevent persons from going missing**

There are several rules of IHL that, together, amount to an obligation to prevent persons from going missing as a result of an armed conflict.<sup>34</sup>

First, arbitrary deprivation of liberty is prohibited, which requires that persons are: (1) only detained where they are awaiting criminal charges or in exceptional circumstances purposes where they pose a serious security threat; and (2) afforded all procedural guarantees to allow them to challenge their detention.<sup>35</sup> Relatedly, parties to the conflict are required to record the details of persons deprived of their liberty, notify family members, and facilitate family visitation.<sup>36</sup> Further, the parties to the conflict are obliged to avoid, as far as possible, the separation of the family unit as a result of the armed conflict and maintain contact between family members as part of the obligation to respect family life.<sup>37</sup> Wherever possible, but particularly following military operations, the parties are obliged to search for and collect the dead without delay and without adverse distinction, record all available information, and mark the location of gravesites.<sup>38</sup>

In 2019, the United Nations Security Council (UNSC) issued its first standalone resolution on missing persons. Reaffirming the customary status of the obligation to prevent persons from going missing, Resolution 2474 ‘calls upon’ parties to an armed conflict to:

34. Ibid, Rule 98 (‘Enforced disappearance is prohibited’) p 340; rule 99 (‘Arbitrary deprivation of liberty is prohibited’) p 344; Rule 105 (‘Family life must be respected as far as possible’) p 379; Rule 112 (‘Whenever circumstances permit, and particularly after an engagement, each party to the conflict must, without delay, take all possible measures to search for, collect and evacuate the dead without adverse distinction’) p 406; Rule 116 (‘With a view to the identification of the dead, each party to the conflict must record all available information prior to disposal and mark the location of the graves’) p 417; and Rule 117 (‘Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate’) p 421.

35. Ibid, Rule 99, p 344.

36. Ibid, Rule 123 (‘The personal details of persons deprived of their liberty must be recorded’), p 439.

37. Ibid, Rule 105, p 379.

38. Ibid, Rule 112, p 406; and Rule 116, p 417.

- Take appropriate measures to prevent persons from going missing as a result of armed conflict'.<sup>39</sup>
- Register and notify the personal details of persons deprived of their liberty, including prisoners of war, as a result of armed conflict.<sup>40</sup>
- Search for and recover the dead, identify and return remains, and refrain from improper relocation or exhumation of gravesites.<sup>41</sup>

Enforced disappearances are prohibited under customary IHL due to the cumulation of the above rules on missing persons in conjunction with the prohibition on torture, inhuman or degrading treatment, and murder.<sup>42</sup> Further information on the nature of this crime and its connection to the obligation to provide information to the families of missing persons is provided in the next section on IHRL.

### Facilitate the search for missing persons

The parties to an armed conflict are under an obligation to account for all persons reported missing as a result of the armed conflict and provide information to the families.<sup>43</sup> The obligation to 'account for' missing persons is interpreted as including both an obligation to search for and to facilitate the search for such persons.<sup>44</sup> IHL treaties explicitly require parties to search for persons reported missing by the adverse party,<sup>45</sup> and this is recognised as forming part of the obligation to account for missing persons under customary IHL.<sup>46</sup> The UNSC Resolution on missing persons

calls upon parties to armed conflict to 'take all appropriate measures, to actively search for persons reported missing'.<sup>47</sup>

### Provide information to the families of missing persons

IHL treaty provisions establishing the obligation of the parties to the conflict to search for missing persons explicitly state that such rules 'shall be prompted by the right of families to know the fate of their relatives',<sup>48</sup> acknowledging that the right to know predated the signing of such treaties and exists outside their scope.<sup>49</sup> As noted by the International Committee for the Red Cross (ICRC), the obligation to provide information that is available to the party to the conflict is 'an obligation of result', meaning that all such information must be provided; it is not a question of feasibility.<sup>50</sup>

The UN Secretary General (UNSG), in the 2019 report on the protection of civilians in armed conflict, restates the obligation to respect and ensure respect for IHL rules on the missing persons and in particular to clarify their whereabouts and uphold the right of their relatives to be informed of the fate of their loved ones.<sup>51</sup>

In Resolution 2474, the UNSC has called upon parties to an armed conflict 'to put in place appropriate channels enabling response and communication with families on the search process'.<sup>52</sup> The Resolution highlights the obligation on the parties to the conflict to set up two-way channels of communication with the families of missing persons to enable their active participation in the search for their loved ones. Resolution 2474 further states that the parties should consider the provision of essential services to the families of missing persons to overcome the administrative, legal, economic, and psychosocial difficulties

39. United Nations Resolution 2474, S/RES/2474, (11 June 2019) (Hereafter 'UNSC Res 2474').

40. Ibid, para 5.

41. Ibid, para 8.

42. ICRC Customary Study, above n 26, Rule 98 ('Enforced disappearance is prohibited'), p 340.

43. Ibid, Rule 117 ('Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate') p 421.

44. Ibid.

45. Additional Protocol I, Art 33.

46. ICRC Customary Study, above n 26, Rule 117 ('Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate') p 421.

47. UNSC Res 2474, para 2.

48. Additional Protocol I, Art 32.

49. ICRC Customary Study, above n 26, Rule 117 Interpretation, p 426; Commentary on the Additional Protocols (1987), pp 1217–1218.

50. ICRC Customary Study, above n 23, p 426.

51. United Nations Security Council, 'Report of the Secretary General on Protection of Civilian in Armed Conflict', UN Doc S/2019/373 (7 May 2019), para 45.

52. UNSC Res 2474, para 2.

and needs they may face as a result of having a missing relative.<sup>53</sup>

## International human rights law

The obligation under customary IHRL to respect, protect and fulfil human rights is essential in helping to prevent persons from going missing and in fulfilling the rights of families to know the fate and whereabouts of their loved ones.

With respect to the obligation to prevent persons from going missing, the prohibition on arbitrary detention, the right to liberty and security, the right to life, and the right to a fair trial are among those rules of IHRL that prevent the types of situations in which people are prone to go missing. Such rights have been interpreted by regional human rights courts as prohibiting enforced disappearances.<sup>54</sup> Enforced disappearance is recognised as a ‘continuing crime’ that obliges the State to continue the search for disappeared persons until their fate and whereabouts have been determined.<sup>55</sup>

Although neither Lebanon nor Syria have ratified the Convention Against Enforced Disappearance, enforced disappearances are prohibited under customary IHL, and the underlying acts constituting an enforced disappearance are violations of both customary IHL and customary IHRL. The 1992 Declaration on the Protection of All Persons from Enforced Disappearance by the UN General Assembly provides that ‘[a]ny act of enforced disappearance [...] constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the

law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life’.<sup>56</sup> The prohibition on enforced disappearance therefore exists outside of the treaty framework and applies to all States and NSAGs.

The ‘right to know’, meanwhile, has roots in both IHRL and IHL and is understood as connecting the obligation to provide information on missing persons under international law with the rights of the families to access such information.<sup>57</sup>

## Enforced disappearance as a continuing crime

Enforced disappearance is defined in the Convention as the deprivation of liberty by persons acting with the authority or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of disappeared persons, thereby placing them outside the protection of the law.<sup>58</sup> As the prohibition on enforced disappearance is also part of customary IHL and a crime against humanity, it can also be perpetrated by NSAGs without the authorisation or acquiescence of the State in the context of an armed conflict, or

53. Ibid.

54. The European and Inter-American Courts of Human Rights have repeatedly upheld the prohibition on enforced disappearance. For example, see: *Kurt v. Turkey* (European Court of Human Rights, 25 May 1998) paras. 108, 116, 129, 133-134 and 142; *Timurtas v. Turkey* (European Court of Human Rights, 13 June 2000) paras 86, 90, 97, 98, 106 and 113; *Velasquez Rodriguez* (Inter-American Court of Human Rights, 29 July 1998) paras. 155, 156, 157, 163, 186, 187, 188; *Bamaca Velasquez*, (Inter-American Court of Human Rights 25 November 2000) paras 142-144, 160-166, 214, and 220.

55. International Convention for the Protection of All Persons from Enforced Disappearance (ICPED), United Nations General Assembly, 20 December 2006. The ICRC has concluded that the prohibition on enforced disappearance is a rule of customary IHL based on the cumulation of the customary prohibitions on arbitrary detention, torture, and murder.

56. United Nations General Assembly, ‘Declaration on the Protection of All Persons from Enforced Disappearance’, Adopted by GA Res 47/133, (18 December 1992) Art 2.

57. For a useful discussion, see: Gloria Gaggioli, ‘The Prohibition of Enforced Disappearances: A Meaningful Example of a Partial Merger between Human Rights Law and International Humanitarian Law’ in Robert Kolb and Gloria Gaggioli (eds), *Research Handbook on Human Rights and Humanitarian Law* (Edward Elgar 2013) 320, 321-22; and Grażyna Baranowska ‘The Rights of Families of Missing Persons: Going Beyond International Humanitarian Law’ (2021) 55(1) *Israel Law Review* 25; ICRC Customary Study, above n 26, Rule 117, p 424, noting that only one State made a declaration to the effect that Article 32 of Additional Protocol I does not confer a subjective right on the relatives of a missing person to gain information. The existence of the right to the truth as an autonomous right was acknowledged by the Working Group on Enforced or Involuntary Disappearances (WGEID) in its very first report (E/CN.4/1435, 22 January 1981, p 187).

58. International Convention for the Protection of All Persons from Enforced Disappearance, adopted by UNGA Res 47/133 (23 December 2010) Art 2.

by a non-State entity as part of a widespread or systematic attack against the civilian population.<sup>59</sup>

The practice of enforced disappearance attracts both State and individual criminal responsibility. As with any prohibitive rule of international law, the rationale behind the prohibition is to protect victims by putting an end to the practice.<sup>60</sup> The obligation to use criminal punishment as a deterrent is reflected in the Convention for the Protection of all Persons against Enforced Disappearance, which obliges States make the practice ‘punishable by appropriate penalties which take into account its extreme seriousness’.<sup>61</sup> The prohibition on enforced disappearance requires the relevant authorities to investigate and prosecute alleged perpetrators.<sup>62</sup>

Importantly, the prohibition on enforced disappearance recognises the families of disappeared persons as victims of the crime and expressly affirms the right of families to know the fate and whereabouts of those who have been forcibly disappeared. Indeed, enforced disappearances have been recognised as violating the human rights of the families, including the rights of children separated from their parents.<sup>63</sup>

By way of example, the Inter-American Court of Human Rights (IACtHR) has held that enforced disappearance violates the right to humane treatment under article 5(1) of the American Convention due to its ‘continuing physical and psychological effect’ on the families.<sup>64</sup> Enforced disappearance has also been recognised as an act of torture against the families of the disappeared persons for the same reasons.<sup>65</sup>

The impact that enforced disappearance has on the victim’s family is reflected in its status as a ‘continuing crime’, which means that the investigation must continue until the fate of the forcibly disappeared person is determined. As stated by the Declaration on Enforced Disappearance, ‘[a]cts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified’.<sup>66</sup> The Inter-American Court of Human Rights has affirmed that the continuing nature of the crime of enforced disappearance imposes an obligation on the State to investigate until the whereabouts of the disappeared person have been established.<sup>67</sup> In a similar vein, the Convention on Enforced Disappearance states that the provision of social welfare to the families of disappeared persons is ‘[w]ithout prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified’.<sup>68</sup>

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59. Art. 7(1)(i) of the Rome Statute lists enforced disappearance, if carried out as part of a widespread and systematic attack against the civilian population, as a crime against humanity. Art. 7(2)(i) of the Rome Statute defines enforced disappearance as “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.” See, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, 2187 U.N.T.S. 90, p.37, Art.7. The ICTY held that enforced disappearances fell into the category of “other inhumane acts” provided in article 5(1) of the ICTY Statute, and therefore could qualify as a crime against humanity in Kupreškić case. See, International Criminal Tribunal for the former Yugoslavia (ICTY), Kupreškić, Judgment, (14 January 2000), para 566. See also, WGEID, General Comment on Enforced Disappearance as a crime against humanity UN Doc A/HRC/13/31, (21 December 2009), p 39.

60. See, inter alia, IACtHR, Pueblo Bello Massacre, (31 January 2006), para 140.

61. Art 7(1). The same wording was used in the Art 4(1) of the Declaration against Enforced Disappearance

62. Art 3, as part of the responsibility of superiors to investigate under art 6(1)(b)(iii), 10(2).

63. Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3 (CRC), Art. 9(4) and 25(2)(b); African Charter on the Rights and Welfare of the Child (ACRC), 11 July 1990, CAB/LEG/24.9/49, 1990, Art. 19(3).

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64. See, inter alia, IACtHR, Goiburú, (22 September 2006), paras 103-104.

65. Working Group on Enforced or Involuntary Disappearances General Comment on the Right to the Truth in Relation to Enforced Disappearances, 4.

66. Art 17(1)

67. IACtHR, Velásquez Rodríguez v Honduras (29 July 1988) para 181. See also the Blake v Guatemala (2 July 1998) para 7 in which the Court explicitly referred enforced disappearance as a continuing crime. The idea of a “continuing situation” also was considered by the European Court of Human Rights (ECtHR) in De Becker v Belgium (27 March 1962) and Cyprus v. Turkey (1983)); Working Group on Enforced or Involuntary Disappearance (WGEID), General Comment on Enforced Disappearance as a Continuous Crime, UN Doc A/HRC/16/48, p 39.

68. Art 24(6) of the CPED.

### **The right to know under international human rights law**

The ‘right to know’ is reflected in both IHL and IHRL treaties and provides the families of missing persons the right to know the fate and whereabouts of their loved ones.<sup>69</sup> The right to know is an integral part of the broader ‘right to truth’, which entails the right to know the whole truth regarding a serious violation of IHL or IHRL, including the causes of the violation, the progress and results of the investigation, the reasons and circumstances of the violation, and the identity of the perpetrators.<sup>70</sup> The right to truth is often discussed in relation to truth-telling commissions or criminal proceedings and is considered both an individual and collective right that is closely connected to principles of justice.<sup>71</sup> The right to know, although clearly part of the right to truth, focuses on the families of missing persons and is limited to their right to know the fate and whereabouts of their loved ones.

As noted above, enforced disappearance amounts to an act of torture against the families of the disappeared person due to the ongoing anguish they suffer by not knowing whether their relatives are alive or dead.<sup>72</sup> In the same way, depriving families of their right to know can amount to a violation of other human rights, such as the right to be free from inhuman treatment or torture. For example, the UN Human Rights Committee has held that the failure to inform families of the date of a court-ordered execution and the refusal to hand the body over for burial or identify the exact location of the burial site amounts to a violation of the prohibition on inhuman treatment.<sup>73</sup> The reasoning of the court was that the withholding of such information has the effect of ‘intimidating or punishing families by intentionally leaving them in a state of mental distress’.<sup>74</sup> The only way to avoid violating the right of the families to be free

from inhuman treatment in such circumstances is fulfil the right to know. Importantly, the right to know is not limited to accessing information in relation to enforced disappearances or criminal proceedings.<sup>75</sup> To be free from inhuman treatment, families also have the right to know the fate of persons missing for any reason, including those missing due to armed conflict or other emergency situations.

### **Domestic Lebanese and Syrian Law**

In 2018, thanks to consistent pressure from CSOs and the families of missing persons, Lebanon passed Law 105, which recognises the right to know and has enabled the establishment of an Independent National Commission mandated to clarify the fate and whereabouts of missing persons. Earlier, in 2014, the State Consultative Council (Majlis Shura al-Dawla), the country’s highest administrative judicial authority, had also recognised ‘the right to know’.<sup>76</sup>

Although Law 105 law represented a significant moment in the struggle for recognition of the rights of missing persons and their families, the National Commission on missing persons lacks adequate and sustainable funding and has not been provided with a physical headquarters. Moreover, the appointment of members to the National Commission is left to the discretion of the Council of Ministers, which has neglected to replace any of the five members that resigned over the last year, leaving the Commission effectively defunct.

The politicisation of the National Commission and the failure to prioritise the rights of missing persons and their families highlights the significant shortcomings of an exclusively national response. In light of the proposal to establish a missing persons mechanism in Syria, it is crucial to emphasise the importance of an international mandate.

69. Additional Protocol I, Article 32, CPED Art 24(2).

70. UN Commission on Human Rights, Study on the Right to Truth, UN Doc E/CN.4/2006/91, (8 February 2006), p 11, para 38.

71. Ibid.

72. WGEID General Comment on the Right to Truth, 4.

73. United Nation Human Rights Committee, *Lyashkevich v. Belarus*, Communication No. 887/1999 (3 April 2003), para. 9.2; 10.

74. Ibid 9.2.

75. Monique Crettol and Anne-Marie La Rosa, ‘The missing and transitional justice: the right to know and the fight against impunity’ (2006) 88(862) *International Review of the Red Cross* 355, p 360. (‘It appears clear that information gathered through criminal proceedings, however open these may be to victims, is not enough to satisfy the right of families to know the fate of their loved ones and that something else is required to respond to their needs.’)

76. The Legal Agenda, ‘Lebanon’s Disappeared: Ruling Consecrates Right to the Truth’ (3 January 2014).



# **2.** **THE GENDERED IMPACT OF MISSING PERSONS**

One missing person creates many more victims.<sup>77</sup> When missing persons are not investigated, there are many layers of rights that are negatively impacted. Not only are the rights of the missing person themselves violated, but those left behind are forced to endure the uncertainty, fear, and anguish of not knowing whether loved ones are alive or dead. The ongoing trauma caused to the families of missing persons is recognised as a violation of their human rights.

Statistically, the majority of missing persons are male, meaning that women and children comprise the bulk of those left behind.<sup>78</sup> This means that the impact of disappearances is gendered. Men are most frequently the victims the human rights violations that result in persons going missing, such as arbitrary detentions, torture, executions, and enforced disappearances, while women disproportionately suffer the human rights violations of not knowing the fate and whereabouts of their loved ones, whilst also being required to bear the legal and economic responsibilities for their families and cope with the emotional, social, psychological, and cultural impact of living without their male partner or relative.

The proposed international missing persons mechanism in Syria, which aims to coordinate the search for the missing, must address the gendered impact on those left behind. While this impact primarily concerns women survivors, women and children are also subjected to abductions, trafficking, slavery, and enforced disappearances. Women in these situations are more likely to face sexual and gender-based violence.<sup>79</sup>

## Lebanon

The ICRC notes that ‘virtually all’ missing persons in Lebanon are men.<sup>80</sup> The wives of missing persons in Lebanon face significant barriers in accessing bank accounts, inheritance, proprietary rights, and identity documents for children owing to discriminatory laws.<sup>81</sup> Rana Khawand, whose father went missing when she was four years old, describes how Lebanon’s discriminatory ownership laws affect every aspect of daily life:

“I recall once that my mom wanted to suspend the landline because she wasn’t able to afford the phone bills anymore, but since the owner of the line wasn’t here - my father - and since he is not deceased and since the status of “abducted” doesn’t even have a legal explanation, she wasn’t able to proceed.”

Women have been the driving force in initiating the search for their missing loved ones and forming CSOs to further the cause. The relentless efforts to search for missing persons has left women vulnerable to blackmail, extortion, and violence.<sup>82</sup>

Women relatives of missing persons can also face considerable emotional and social challenges. Beyond the emotional distress already associated with a family member going missing, women may face exacerbated levels of stress, concern, and anxiety at their newly imposed role of breadwinner and provider.<sup>83</sup> Their shift in role can be the subject of criticism by the community as a neglect of their responsibilities and traditional requirements. The International Center for Transitional Justice (ICTJ) notes that in Lebanon, the wives of disappeared men often had to ‘forgo their own educational goals’ in order to provide for themselves and their family.<sup>84</sup>

77. Anna Fleischer, Gender impact of enforced disappearances in Syria (Report, No 38, May 2020) p 2.

78. According to the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID) “[M]en comprise between 70 to 94 percent of those who have been disappeared globally”. UN Working Group on Enforced or Involuntary Disappearances, General Comment on Women Affected by Enforced Disappearance, UN Doc A/HRC/WGEID/98/2.

79. Ibid; Polly Dewhirst and Amrita Kapur, ‘The Disappeared and Invisible: Revealing the Enduring Impact of Enforced Disappearances on Women’, International Centre for Transitional Justice (ICTJ), 2015.

80. International Committee of the Red Cross, ‘The Families of People Missing in Connection with the Armed Conflicts that have Occurred in Lebanon since 1975: An Assessment of their Needs’ (May 2013), p 8.

81. Ibid, pp VII-VIII; 15-16

82. Ibid pp 11-12.

83. International Center for Transitional Justice, ‘[Living with the Shadows of the Past The Impact of Disappearance on Wives of the Missing in Lebanon](#)’ (March 2015), p 13

84. Polly Dewhirst and Amrita Kapur, ‘The Disappeared and Invisible: Revealing the Enduring Impact of Enforced Disappearance on Women’, International Center for Transitional Justice (Report, March 2015), p 6.

Despite not knowing the fate of their spouse, women are often deemed widows; the title bringing with it social and cultural alienation, often without obtaining the associated legal and financial benefits.<sup>85</sup> Furthermore, women tend to be excluded and exclude themselves from important social events. As stated by Rabiaa Riachi, one of the women interviewed by ITCJ:

“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?”<sup>86</sup>

## Syria

The family structure in Syria is patriarchal, meaning that typically the eldest male in the family is responsible for the financial wellbeing of the household.<sup>87</sup> Similarly, the eldest male is generally deemed the key decision-maker in the household, meaning that all authority is vested in him. Women on the other hand, are largely confined to the private sphere with their roles being primarily domestic. Whilst attitudes toward female education and participation in the workforce have shifted somewhat, women nevertheless continue to undertake most of the domestic responsibilities, including child rearing.<sup>88</sup> This finding is reinforced by United Nations data that show that as of 2013, women comprised only 13.5 percent of Syria’s workforce.<sup>89</sup> This same data indicates that across the Middle East and North Africa, Syria had the lowest percentage of women participating in the economy.<sup>90</sup>

The negative impact of missing persons on women and children is particularly acute in the context of

Syria’s patriarchal culture. While Syrian domestic and Sharia law do not explicitly prohibit women from owning property, in practice, social norms and customary practices can limit their ability to exercise their rights.<sup>91</sup> Dr Kinda Shammat, lecturer at the Faculty of Law at Damascus University, notes that Syrian domestic laws already provide religiously sanctioned rights for women, however, these laws are not readily applied.<sup>92</sup>

As a result of Syria’s patriarchal context, female relatives of disappeared persons often face considerable financial challenges in providing for their family. In their report on the impact of disappearance on women globally, the ITCJ notes that this newfound role as ‘breadwinner’ often requires women to enter the workforce for the first time.<sup>93</sup> Due to their lack of experience and, often, education, women are generally forced to take low-paying or unstable jobs, some of which is gendered and may be prone to exploitation. As noted by the ICTJ, this puts women at a greater risk of violence, insecurity, and severe poverty.<sup>94</sup>

The gendered impact on women family members has a ripple effect on other members of the household such as children and the elderly. Without financial stability, women struggle to provide educational support to their children. This can result in older children being required to drop out of school to pursue work themselves, exacerbating the poverty cycle. Where only one child can afford to attend school, boys are typically prioritised, further entrenching gender disparities.<sup>95</sup> Furthermore, the elderly, who often rely on the assistance of their children, may lose this financial and social support if their child goes missing, further exacerbating their emotional pain and suffering.

85. International Center for Transitional Justice, ‘[Living with the Shadows of the Past The Impact of Disappearance on Wives of the Missing in Lebanon](#)’ (March 2015), p 20; 28.

86. Ibid 20.

87. Nina Evason, ‘[Syrian Culture](#)’, Cultural Atlas (2016).

88. Ibid.

89. Ann Hudock, Karen Sherman and Sarah Williamson, ‘Occasional Paper Series: Women’s Economic Participation in Post Conflict and Fragile Settings’, Georgetown Institute for Women, Peace and Security (January 2016) 28.

90. Ibid.

91. Rania Maktabi, ‘Gender, family law and citizenship in Syria’ (2009) 14(5) Citizenship Studies.

92. Ibid.

93. Polly Dewhirst and Amrita Kapur, ‘The Disappeared and Invisible: Revealing the Enduring Impact of Enforced Disappearance on Women’, International Center for Transitional Justice (Report, March 2015), p 6.

94. Ibid.

95. Ibid.

In Syria, without a death certificate, the remaining relatives cannot proceed with the legal aspects of the death. Women in particular struggle to gain access to bank accounts, transfer property or establish ownership rights where they cannot officially determine the death of their spouse.<sup>96</sup> This perpetuates the cycle of women being thrown into financial, social, and emotional difficulties in the midst of a missing loved one. However, accepting a death certificate for a missing person whose fate remains unknown can cause significant re-traumatisation and is likely to close the file on that missing person, reducing the possibility that they may ever be found.<sup>97</sup> It is therefore essential that Syria enacts domestic law to issue missing persons certificates that can provide the necessary legal rights to the families without having to prematurely accept the death of their loved ones.

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96. Independent International Commission of Inquiry on the Syrian Arab Republic, 'Death Notifications in the Syrian Arab Republic' 3.

97. The same phenomenon is observed in Lebanon, see Section 3 of this report on Lebanon's 2001 national missing persons commission.



# **3. NATIONAL APPROACHES TO MISSING PERSONS IN LEBANON AND SYRIA**

Both Lebanon and Syria have failed to adequately search for missing persons, communicate and care for the families of missing persons, and identify, protect, and exhume mass graves in accordance with international standards. CSOs in both countries have fought to raise the awareness of missing persons and force the government into action, but insufficient funding and political obstruction have resulted in a lack of progress in identifying the dead or reuniting families.

The ineptitude of the response to missing persons in both Lebanon and Syria highlights the shortcomings of a purely national approach and reinforces the need for an international missing persons mechanism in Syria. It is important to note that the progress that has been achieved up to this point in both Lebanon and Syria would not have been possible without the dedication and courage of CSOs, many of whom are comprised of the families of missing persons. Such efforts should be integrated in and supported by the proposed international mechanism.

## Lebanon

It is estimated that approximately 17,000 people went missing during the conflict in Lebanon between 1975 and 1990,<sup>98</sup> though accurate records do not seem to be available.<sup>99</sup> Most of those missing are civilians who were abducted from their homes, at checkpoints controlled by the different armed groups, or were victims of the mass killings at the hands of armed groups. Nearly three decades after the end of the armed conflict, the families of those missing are still waiting for information on the fate and whereabouts of their loved ones.

During the war, it was the families of missing persons – primarily women – who led the charge in raising awareness for the plight of missing persons and advocating for their rights. On 27 November 1982, Wadad Halawani, whose husband had been abducted from his home 10 days earlier, went on air at a local radio station and called for the families of missing persons to gather in Beirut. The public support exceeded expectations and inspired Halawani and other relatives of missing

persons to establish the Committee of the Families of the Kidnapped and Disappeared in Lebanon (CFKDL). The CFKDL uses public pressure to raise awareness of the rights of missing persons and their families, specifically advocating for the creation of a commission of inquiry, social protection and support for the families of missing persons, and commemoration of the missing with a National Day of Memory.<sup>100</sup>

In January 1983, approximately one hundred women signed a petition that was then submitted to the Lebanese authorities, namely the President of the Republic, the Prime Minister, and the Parliament Speaker, requesting their mediation with the Lebanese armed groups to release those who were abducted or forcefully deprived of their liberty. As a result of the petition, a parliamentary ad-hoc committee was formed to investigate the matter.

Other related NGOs were established including the Support of the Lebanese Detainees in the Israeli Prisons, Support of Lebanese in Detention and Exile ('SOLIDE'), Centre Libanaise de Droits de l'Homme ('CLDH').<sup>101</sup> The attempt to search for missing persons was led by families who initially protested and organised meetings, and then later began to work with civil society groups, the media, academics, and artists to organise campaigns.<sup>102</sup> These efforts were also helped by the aid and legal assistance of NGOs including SOLIDE, International Centre for Transitional Justice, Legal Agenda and the Lebanese Centre for Human Rights.<sup>103</sup> The cooperation of all of these groups who worked together led to the passing of Law 105 in 2018.<sup>104</sup> The families of missing persons and CSOs remained united and put sustained pressure on the key actors in Lebanon to acknowledge the rights of missing persons and their families.

In 1995, the Lebanese Parliament passed law 434 allowing for the declaration of missing persons as

98. International Commission on Missing Persons, 'Lebanon'.

99. Amnesty International, 'Never Forgotten: Lebanon's Missing People' (14 April 2011) p 5.

100. Civil Society Knowledge Centre, 'Committee of the Families of Kidnapped and Disappeared in Lebanon' (August 2015).

101. Ibid.

102. Alexi Touma and Mira Zaghbour, 'Truth, Dignity and Justice: The Case of the Missing and Forcibly Disappeared in Lebanon' pp 2-3.

103. Ibid 3.

104. Ibid 2-3.

legally deceased. The presumption of death was linked to the inheritance procedures regulated by the personal status law pertaining to different religions. The law 434 amended the provisions<sup>105</sup> included in the personal status laws and reduced the time needed for the families of the missing and disappeared to declare relatives dead by court order, allowing them to resolve legal and administrative issues related to the indeterminate status of missing persons. However, the families condemned the law as an attempt to silence their calls to search for the missing, as it did not provide any mechanism aiming at revealing the fate of the disappeared thus ignoring the families' right to truth.

Lebanese authorities then established two commissions in 2000 and then 2001 but these were ineffective.<sup>106</sup> The 2000 Commission lacked independence, solely consisting of members of the security forces, received cases over 6 months and then declared in a 2 page report that there were 2046 missing cases and none of the people were alive.<sup>107</sup> The 2001 Commission seemed more independent but only had a mandate to investigate cases where there was evidence that individuals might still be alive, worked for 18 months and investigated around 900 cases but did not issue a report.<sup>108</sup> There was also an official joint Lebanese-Syrian committee created in 2005 to investigate cases of Lebanese people reported missing in Syria that met at least 30 times but was mostly ineffective.<sup>109</sup>

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105. The law regulating the Sunni and Jafari courts (16.07.1962) – Arts. 386 and 387 amended – A person can be declared dead by the Sunni or Jafari law upon the request of a person of interest, at least 4 Hejri years after the disappearance. The inheritance can be then divided but the heirs cannot transfer properties before 6 years of the declaration of death. The inheritance law for non-Muslims (23.07.1959) – Arts. 34, 35 and 36 amended – A person can be declared dead by the First Instance Court upon the request of a person of interest, at least 4 Gregorian years after the disappearance. The inheritance can be then divided but the heirs cannot transfer properties before 6 years of the declaration of death. The text had previously stated that it would be possible to declare the death of those who disappeared in such conditions where death might be prevalent for more than 10 years such as in war conditions or if the disappeared reaches the age of 100 years without knowing whether he/she is dead or alive. See: [The Lebanese University: Centre for Research and Studies in Legal Informatics](#) (in Arabic).

106. Ibid.

107. Ibid.

108. Ibid.

109. Ibid.

In 2018, the Lebanese Parliament adopted Law 105, which recognised the right to know, publicly certified the status of the disappeared, and established the National Commission for the Missing and Forcibly Disappeared ('the Commission') in 2020.<sup>110</sup> The passing of Law 105 and the creation of the National Commission would not have been possible without the sustained efforts of CSOs in Lebanon. The National Commission represents an attempt to centralise the search for missing persons by pooling resources and preventing duplication, as the Commission has become the main, official body in charge of investigating missing persons.<sup>111</sup>

Law 105 defines the mandates of the Commission investigating the fate of the disappeared.<sup>112</sup> The National Commission leads investigative matters while coordinating with CSOs and security bodies to clarify the fates of disappeared persons.<sup>113</sup> It is composed of 10 representatives from 5 entities involved with this task, including from the family associations, civil and human rights organisations and the judiciary, to ensure that it is both independent and representative.<sup>114</sup>

The enactment of Law 105 and the establishment of the National Commission is the result of the unwavering and courageous efforts of CSOs and the families of missing persons in Lebanon and must be celebrated as a success. Law 105 gives a clear definition of the missing and forcibly disappeared and enshrines the right to know, the right to access information, the right to compensation and the right to equal and impartial treatment. It mandates the National Commission on the Missing and Forcibly Disappeared to take all necessary measures to reveal the fate and the whereabouts of the missing and disappeared and to present recommendations to the government on how to address the humanitarian aspect of the missing file and raise awareness.

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110. Ibid.

111. Ibid.

112. Ibid.

113. Ibid.

114. Ibid.



However, the National Commission remains heavily politicised and has been unable to achieve any real progress. In June 2021, four members of the Commission resigned due to an internal conflict between members. The remaining members proceeded with electing the board of the Commission, the legitimacy of which was questioned by those who had resigned.<sup>115</sup> Calls for the Council of Ministers to appoint a member to replace the vacant position in accordance with the law have gone unanswered. The Lebanese government has also ignored demands to allocate a budget and a physical headquarters so that the Commission can implement its functions.

The fact that real progress on missing persons has not been achieved in Lebanon in the 32 years since the end of the conflict, despite the sustained efforts of families and CSOs, demonstrates the necessity of an international mechanism in Syria to overcome the politicisation, economic constraints, and internal divisions that stalled progress in tracing missing persons and reuniting families in Lebanon.

Rana Khawand's father was abducted when she was just four years old. Now aged 34, Khawand's father is still missing and her personal anguish has been exacerbated by the inaction of the State and highlights the shortcomings of Lebanon's national response to missing persons.

“It was supposed to be the duty of the Lebanese State to take care of this issue but to be fully honest the State let go of [my father] and of all the Lebanese detained in Syrian Prisons. [...] My mom spent years running and working to find solutions. The Kataeb party and the Lebanese Forces kept demanding answers but were never able to do anything concrete since they do not have any relations with the Syrian regime.”<sup>116</sup>

115. Myriam Nada Sweiden, ‘Lebanon’s Missing Offers Little Hope for Beirut Blast Victims’ (11 July 2021).

116. Interview with Rana Khawand (18 October 2022).

## Syria

Inaction on missing persons in Syria has also led to numerous calls for the establishment of an international missing persons mechanism to coordinate the search for the missing in collaboration with the families and local actors.<sup>117</sup> Such proposals consistently support the establishment of a mechanism with a humanitarian mandate that is focused on fulfilling the right to know and ensuring the meaningful and sustained participation of the families of missing persons.

Efforts to investigate missing persons in Syria remain uncoordinated. Different organisations work on documenting and publicly reporting missing persons and the existence of mass graves. These include the UN Syria Commission, the Working Group on Enforced or Involuntary Disappearance (WGEID), Working Group on Arbitrary Detention, the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law committed in the Syrian Arab Republic since March 2011, the International Commission on Missing Persons (‘ICMP’), the ICRC, the UN Office of the High Commissioner for Human Rights (OHCHR), and other smaller entities.<sup>118</sup>

As the UN Syria Commission states, ‘eleven years into the conflict, individual cases of missing have not yet been comprehensively documented and claims filed with a plethora of actors have not

117. Report of the Secretary General on Missing Persons, above n 6, para 64; Independent International Commission of Inquiry on the Syrian Arab Republic, ‘[Syria’s Missing and Disappeared: Is There A Way Forward?](#)’ (17 June 2022); UN Commission of Inquiry - Syria, ‘[The Case for an International Mechanism for Syria’s Disappeared](#)’, Aljazeera, (8 October 2022); International Commission of Jurists, ‘[Syria: Should the UN Establish a Mechanism for Missing and Disappeared People?](#)’ (29 June 2022); International, Impartial, and Independent Mechanism Syria, ‘[Brussels VI Side Event: Moving Forward on Truth and Justice: Addressing the crisis of missing persons and detention in Syria](#)’; Truth and Justice Charter, ‘[A Common Vision on the Question of Enforced Disappearance and Arbitrary Detention in Syria by Syrian Victims’ and Family Members’ Organisations](#)’.

118. Independent International Commission of Inquiry on the Syrian Arab Republic, ‘[Syria’s Missing and Disappeared: Is There A Way Forward?](#)’ (17 June 2022), p 3.



ICRC

been consolidated.<sup>119</sup> Syrian organisations have collected more than 100,000 individual cases, the ICMP has collected data from relatives on over 23,000 missing persons and the ICRC has received more than 13,000 tracing requests by 2018.<sup>120</sup> Additionally, the efforts to register and track these cases exceeds the current resources of any of these bodies.<sup>121</sup>

A call for an international mechanism to coordinate these efforts and assist in the search for missing persons has gained increasing international support.<sup>122</sup> In line with the recommendation of the Secretary General, a mechanism with an international mandate is necessary to overcome the legal and political barriers in Syria and achieve the required level of coordination between actors. Fulfilling rights of families to know the fate and whereabouts of their loved ones requires immediate and effective action. The experience in Lebanon shows that this cannot be left to national authorities alone.

119. Ibid.

120. Ibid.

121. Ibid.

122. Ibid, p 4.

**4.**

**LESSONS LEARNED:  
MISSING PERSONS  
IN LEBANON**

Following in-depth research and analysis on the Lebanese experience in addressing the legal and political complexities of missing persons, six key lessons can be drawn in support of the Secretary General's recommendation for establishing an international missing persons mechanism in Syria.<sup>123</sup>

## I. Establish a missing persons mechanism in Syria with an international mandate

The clearest lesson drawn from the experience of missing persons in Lebanon is that, in times of political turmoil and armed violence, a national commission is insufficient to fulfil the rights of missing persons and their families. Despite the establishment of three national commissions over the last two decades, there has been little progress in the search for missing persons due to political fragmentation and inaction, insufficient funding, and a failure to mobilise and coordinate with both local and international actors.

The situation in Lebanon has equally shown that a national commission is unable to achieve the type of international cooperation necessary to search for persons missing as a result of armed conflicts with a cross-border dimension. In 2001, Lebanon established a new commission but was unable to attain cooperation with Israel and Syria to identify missing Lebanese persons who went missing under their jurisdiction. A 2005 bilateral agreement between Lebanon and Syria also failed to produce any results.

Establishing another national commission in Syria is equally unlikely to achieve any success due to the ongoing situation of violence, political divisions, lack of territorial control, and mass cross-border migrations. As stated in the Secretary General's Report, 'the scale and complexity of the challenges cannot be dealt with by existing measures and mechanisms alone', concluding that 'the status quo with regard to the issue of missing persons in the Syrian Arab Republic is not sustainable'.<sup>124</sup> A missing persons mechanism with an international mandate is essential.

## II. Time is of the essence

Delaying the search for missing persons compounds the suffering of the families and is detrimental to the chances of finding missing persons alive, reuniting families, or identifying remains. As the families of missing persons get older and pass away, the ability to match DNA evidence and identify missing persons diminishes.

In Lebanon, the first national commission on missing persons was not established until 2000, 25 years after the beginning of the armed conflict. The 2000 Commission identified multiple mass graves but refused to exhume the bodies on the basis that too much time had passed to be able to identify the remains and failed to provide any information to the families on the fate or whereabouts of their loved ones. Inaction and delay have also resulted in construction works taking place on mass gravesites, potentially rendering successful exhumation of those sites impossible.

Undue delay has already had an impact on the search for missing persons in Syria. In the 11 years following the outbreak of the armed conflict, the Government has failed to act on the tens of thousands of missing persons cases documented by CSOs. An international mechanism is the only viable option to overcome the political inaction and financial restraints that result in ongoing violations of international law and deny victims their right to know.

## III. Ensure coordination, centralised data management, and victim participation

Coordination between different organisations involved in the collection and storage of information is essential to avoid duplication and provide a streamlined reporting mechanism.

There are several positive examples of coordination between CSOs organisations in Lebanon in advocating for the rights of missing persons and their families. CSOs in Lebanon managed to maintain a united front on prioritising the right of the families to know the fate and whereabouts of their loved ones and on how to move forward

123. *Report of the Secretary General on Missing Persons*, above n 6, para 64.

124. *Ibid* paras 83-84.

in the search for the missing.<sup>125</sup> The unity shown by CSOs in Lebanon was essential in the face of attempts by various political parties to fragment the movement by drawing on their ethnic and political differences.<sup>126</sup> The strength and unity of CSOs in Lebanon provides an invaluable lesson for Syria, where there is also a diverse set of groups working towards a common goal.

However, due to the ineptitude of Lebanon's national commissions, there has never been an opportunity for coordination in the actual investigation of missing persons. Some organisations have reported that they have collected valuable data from the families of missing persons and interviews with both witnesses and former soldiers that they would be willing to share with a functional missing persons mechanism.<sup>127</sup> In addition to securing and sustaining the necessary funding and political support, such a mechanism would need to ensure effective coordination with CSOs, NGOs, and the families of missing persons to avoid duplication, consolidate resources, and fulfil its mandate. An international missing persons mechanism is best placed to achieve such coordination.

In Syria, the Secretary General's report notes that the lack of coordination between different organisations has already posed serious challenges and highlights the need for an international mechanism to facilitate a centralised approach. These challenges include differences in capacity, mandates, and in policies on data protection and information sharing, causing the fragmentation and underuse of essential data.<sup>128</sup> The Secretary General's Report proposes mapping the available

information and using existing agreements and networks to improve coordination among actors. The report also recommends that the international mechanism's mandate includes the ability to coordinate with other actors operating in the region.<sup>129</sup>

It is essential that the proposed missing persons mechanism in Syria facilitate the active participation of the families of missing persons. Coordination between all relevant actors must include meaningful consultation with the families to ensure that they are not passive recipients of information, but actively involved in the search for their loved ones.

#### IV. Respond to the humanitarian needs of the families of missing persons

As explained earlier in this report, the wives and female relatives of missing persons face significant barriers in accessing bank accounts, inheritance, proprietary rights, and identity documents for children owing to discriminatory laws and gender norms. To address this legal limbo, the Lebanon's Government enacted Law 434 in May 1995 to allow death certificates for persons who have been missing for more than four years. However, this legal remedy was largely rejected, as it requires the families of missing persons to declare their relatives dead without the possibility to seek and receive any further information on their fate or whereabouts. The inadequacies of the 2001 Commission, whose mandate was limited to searching for persons who were still alive, highlights the inappropriateness of issuing death certificates for missing persons. As stated by the wife of a missing person interviewed by the ICRC:

“I couldn't access my husband's bank account since I had no death certificate. Since I was not sure he was dead, I didn't apply for a certificate – I refused to make him dead to access his bank account.”<sup>130</sup>

125. International Center for Transitional Justice, 'Confronting the Legacy of Political Violence in Lebanon: An Agenda for Change – Recommendations from Lebanese Civil Society' (October 2014). Facilitated by the ITCJ, the Recommendations in the report have been developed by a consortium of 21 civil society organisations and ten academics that address, inter alia, truth-seeking measures, reparations, accountability, and institutional reforms to address the rights of the missing and their families. Despite the wide range of participating civil society organisations (Annex, p 42 of the report), the Recommendations present a united voice based on “the right of Lebanese citizens to have access to the truth, justice, and dignity, and on the responsibility the Lebanese state to safeguard those rights.” (p 1 of the report).”

126. Ibid. The ITCJ report also notes that a joint memo of 17 civil society organisations was presented to the President of the Republic on 5 June 2008, demanding that the State fulfil their right to truth (p 7 of the report).’.

127. Act for the Disappeared, 'Investigation on the Fate of the Missing and Protection of Gravesites'.

128. Report of the Secretary General on Missing Persons, above n 6, para 39.

129. Ibid paras 59 and 66.

130. International Committee of the Red Cross, 'The Families of People Missing in Connection with the Armed Conflicts that have Occurred in Lebanon since 1975: An Assessment of their Needs' (May 2013), p 17.

It is essential for the government to issue certificates of absence so that the families can access the necessary financial resources, proprietary interests, and identity documents while the process of tracing the whereabouts and establishing the fate of those who are missing continues. Meanwhile, the government in Lebanon has failed to provide the families of missing persons in Lebanon with material, economic, and psychological support. This support is primarily provided by CSOs despite their resource constraints.

The same phenomenon has been observed in Syria. With respect to the humanitarian needs of the families of missing persons, the Secretary General's report recommends that a core component of the proposed international mechanism's mandate should be to provide 'comprehensive' support to victims in partnership with existing actors.<sup>131</sup> To address the legal and administrative issues, the Secretary General's report states that a certificate of absence is one of many legislative reforms needed in Syria to address the rights of missing persons and their families. The report notes that Member States could also consider issuing interim certificates of absence for refugees in third countries to permit travel that would be otherwise impossible in the absence of the authorisation of the father.<sup>132</sup> Another interim measure could be to mandate the international mechanism with the authority to issue certificates of absence. While these certificates would not carry the same legal weight as those issued by the national Government, they may be helpful in maintaining a registry while awaiting national law reform.

## V. Adopt an exclusively humanitarian mandate to fulfil the right to know

The experience in Lebanon highlights the importance of establishing a missing persons mechanism that is dedicated to fulfilling the right to know. Families of missing persons in Lebanon have called for prioritising the right to know over accountability, especially where criminal investigations are likely to impede the search for missing persons due to internal political and sectarian divisions. The ICRC's 2012 study on missing persons in Lebanon, which interviewed 324 persons with a close family member missing, revealed that a combined 68%

listed either 'know the fate of the missing person' or 'searching procedures' to get the person back as their highest priority, whereas only three percent prioritised 'punishment'.<sup>133</sup>

As stated by Dr Carmen Abou Jaoude, Member of the National Commission for the Missing and Enforced Disappeared in Lebanon:

"To encourage people to come forward we have to emphasise that the National Commission is not a tribunal and does not have the mandate to hold anyone accountable. [...] The Right to Justice cannot be part of the missing mechanism. Such mechanism needs to have a humanitarian mandate focused on the Right to Know."<sup>134</sup>

In line with the recommendation of the Secretary General and many CSOs working in Syria,<sup>135</sup> it is suggested that the proposed international missing persons mechanism has a humanitarian mandate so that it can focus exclusively on alleviating the suffering of the victims and families. Often referred to as the 'humanitarian approach',<sup>136</sup> a

133. International Committee of the Red Cross, 'The Families of People Missing in Connection with the Armed Conflicts that have Occurred in Lebanon since 1975: An Assessment of their Needs' (May 2013), p 11.

134. Interview with Dr Carmen Abou Jaoude – Member of the National Commission for the Missing and Enforced Disappeared (14 October 2022).

135. Report of the Secretary General on Missing Persons, paras 66–69; Caesar Families Association and others, 'An international mechanism for confronting the crisis of detention and enforced disappearance in Syria', Position Paper (25 July 2022), p 5. ("We, therefore, as associations representing victims and survivors suggest the establishment of an independent international mechanism of a humanitarian nature to confront the crisis of detention and enforced disappearance in Syria."); Jeremy Sarkin, 'Humans not numbers: the case for an international mechanism to address the detainees and disappeared crisis in Syria' (May 2021), p 29 ("[A] body that has international stature with a purely humanitarian mandate is necessary to fulfil the wishes of the families to begin the process of finding their loved ones.")

136. Monique Crettol, Lina Milner, Anne-Marie La Rosa and Jill Stockwell, 'Establishing Mechanisms to Clarify the Fate and Whereabouts of Missing Persons: A Proposed Humanitarian Approach' (2018) 99(2) International Review of the Red Cross 589; Report of the Secretary General on Missing Persons, above n 6, para 67, 'The term "humanitarian" was used during the consultations to frame the mandate and refers to the objective of alleviating the suffering of families by providing answers as to the fate of their relatives.'. The ICRC also advocated for this approach in Lebanon: International Committee of the Red Cross, 'The Families of People Missing in Connection with the Armed Conflicts that have Occurred in Lebanon since 1975: An Assessment of their Needs' (May 2013), p 21.

131. Report of the Secretary General on Missing Persons, above n 6, para 67.

132. Ibid paras 55 and 57.

missing persons mechanism that focuses on the right to know is generally understood as being in a better position to provide answers by protecting the confidentiality of its sources. A consortium of ten CSOs in Syria representing the families of missing persons has strongly advocated in favour of establishing an international mechanism with a humanitarian mandate:

“Considering the levels of political polarization in Syria, the mechanism must also be humanitarian in nature. The independence of this mechanism and its global competence will provide it with the ability to gain trust and also gather expertise and resources under a single framework, led by international players who have not sufficiently coordinated efforts in advance.”<sup>137</sup>

The proposed mechanism would exist alongside, but be separated from, other institutions and mechanisms operating in Syria, including those that are focused on accountability.

## VI. Identify, protect, and exhume mass graves in accordance with international standards

It is essential that the identification of mass graves, exhumation, and biological data collection accord with internationally recognised forensic and ethical standards and are conducted under a centralised mandate.

In Lebanon, both local and international organisations have reported that the identification of mass graves has primarily occurred by chance when conducting construction work or archaeological examinations, rather than as a result of missing persons investigations. Where mass graves have been identified, Lebanese authorities have repeatedly failed to protect the gravesites, conduct exhumations, or establish databases of family members’ DNA against which to identify the remains. Similar practices have already been observed in Syria, especially with respect to exhumation of mass graves in territories formerly held by the Islamic State of Iraq and Syria.

Mass graves and exhumation is a delicate and divisive topic among NGOs operating in Syria that must be addressed as a matter of urgency to prevent interference with the sites and the loss of time-sensitive information. Some Syrian NGOs, including Syria Justice and Accountability Centre (SJAC), have already started exhumation work in parts of North-Eastern Syria.<sup>138</sup> The Charter Group opposes the exhumations conducted by the Syrian NGOs, citing a lack technical capacity, consent of the families, and the absence of a legitimate authority, noting that the exhumations are carried out under the direct or indirect supervision of the de facto authorities in the area without seeking the necessary technical assistance.<sup>139</sup> The main families group leading the advocacy against such work is the Coalition of Families of Kidnapped Persons by ISIS (Massar). This position is also framed within their call for an international mechanism. The occurrence of ad-hoc grave exhumations conducted by NGOs raises several legal issues that must be addressed within the missing persons’ file.

The proposed international missing persons mechanism in Syria must prioritise the identification and protection of mass graves. Exhumations must be conducted in accordance with internationally recognised standards and with the assistance of forensic experts.

137. Caesar Families Association and others, ‘[An international mechanism for confronting the crisis of detention and enforced disappearance in Syria](#)’, Position Paper (25 July 2022), p 7.

138. Syria Justice and Accountability Centre, ‘[Missing Persons](#)’.

139. Massar, ‘[Completing ISIS Crimes in Absentia: Mass Graves in Raqqa Governorate as a Model](#)’ (9 September 2022).





# **5.** **CONCLUSION**

There are many similarities between Lebanon and Syria in terms of culture, religious diversity, political instability, and a recent history of armed conflict in which violations of international law, including enforced disappearance, have resulted in large numbers of missing persons. The main difference between the two countries regarding missing persons is the passage of time. 33 years have passed since the end of the armed conflict in Lebanon and yet, despite multiple national commissions and legal reforms, there has been no real progress in the investigation of missing persons. As time passes, the anguish of the families is exacerbated and the chances of reuniting families or successfully identifying remains steadily diminishes. The tragic story of missing persons in Lebanon provides a warning sign to Syria from which lessons must be learned to avoid making the same mistakes again.

In support of the proposed international missing persons mechanism in Syria, this report has provided six lessons learned from the experience in Lebanon. First, the mechanism should have an international mandate to overcome the political polarisation and unwillingness to investigate allegations of past government conduct that is inherent in many post-conflict societies. Second, the mechanism must be established without further delay to maximise the chances of reuniting families and successfully identifying remains. Third, the mechanism must centralise reporting streams and data collection by cooperating with and ensuring the meaningful participation of local actors, CSOs, and the families of missing persons. Fourth, the mechanism must respond to the economic, legal, administrative, and psychological needs of the families of missing persons, who are in most cases themselves the victims of human rights violations due to their prolonged suffering resulting from a violation of international law. Fifth, the mechanism should have an exclusively humanitarian mandate to encourage those with information to come forward. Finally, the mechanism must identify, protect, and exhume mass graves in accordance with international standards.

The families of missing persons have the right to know the fate and whereabouts of their loved ones. Implementing the lessons learned from Lebanon in the establishment of an international missing persons mechanism in Syria presents the best chance of reuniting families, identifying remains, and fulfilling the right to know.

The Diakonia International Humanitarian Law Centre promotes respect for the laws of war through independent research, advice, and advocacy. The Centre's Lebanon-based team engages with humanitarian organisations, governments, civil society, and other stakeholders to raise awareness for, share knowledge about, and provide analysis of international law relating to the conflict in Syria and the region.

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