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Transitional Justice and Social Movements in Post-War Lebanon:
The Families of the Missing and Forcibly Disappeared of the Lebanese Civil War

A Thesis submitted in partial satisfaction of the
requirements for the degree Master of Arts in Global Studies

by

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September 2020

The thesis of Omar Mansour is approved.

Esther Lezra

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August 2020

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knowledge of Beirut as a city and urban space. I would like to thank MP Ghassan Mokheiber for his decades of service to this cause and sharing the story of the passing of Law 105 inside parliament. I would like to thank Rabab el-Khattib and the International Commission of the Red Cross for the work they have done creating a DNA database and their direct work with the families of the disappeared and the Lebanese public through their expanded mandate, as well as their collaboration with Mona Nasser Aldin from Act for the Disappeared on many public education projects and resources and mass grave maps. I would also like to thank Hassan Krayem for putting me into contact with some of these civil society leaders when I was first starting. I would like to especially thank my father, Iskandar Mansour for being with me and supporting me in Beirut, meeting with local figures and assisting in translation. His companionship and comradeship during my time in Beirut and over my years has been priceless and invaluable for my care for and understanding of Lebanon and the region. I would also like to thank my committee, Paul Amar, Alison Brysk and Esther Lezra who have generously offered their support and insight throughout this project.

All of these people contributed immensely to the completion of this work and all of them deserve praise and thanks. A special thanks to the families of the missing and forcibly disappeared for their decades of struggle and hard work, acting as an inspiration for generations of civil action. A special mention to the Lebanese people, who are currently facing an unprecedented crisis and who have been fighting for a better Lebanon and a life of dignity for decades.

ABSTRACT

Transitional Justice and Social Movements in Post-War Lebanon:
The Families of the Missing and Forcibly Disappeared of the Lebanese Civil War

by

Omar Mansour

In this thesis I will be addressing the issue of the missing and the forcibly disappeared of the Lebanese Civil war. The main issue at hand has been the state's unwillingness to address this issue, arguing that discussing the war nationally or exhuming mass graves would see a return to conflict in Lebanon. This, however, is a cover for the fact that the post-war government is comprised of those militias who carried out many of the disappearances and wish to avoid bringing this to the public spotlight. Since the war's end the state has pushed a policy of "amnesia", hoping people will simply forget and move on. This story looks at the challenge the families of the disappeared have faced from and have given to a hostile state apparatus in their quest for truth and advancement of justice processes. Methods for data gathering were done through five months of fieldwork in Lebanon, attending and documenting events put on by the families of the missing and disappeared in 5 locations throughout Lebanon bringing

awareness to Law 105 passed in November 2018; and by international organization, such as the International Commission of the Red Cross, setting up an interactive tour showing the public their process of identifying the disappeared. Other methods were personal conversations with family members and representatives of international organizations and local Lebanese NGO's. Finally, one month of participation and documentation of the October 17th revolution, focusing on the protests in downtown Beirut. In my thesis I show that justice is significantly delayed in Lebanon, but it is still ongoing and the families of the disappeared have been instrumental in advancing this process, achieving a string of small victories over the years not just exclusively for the missing and disappeared, but for the wider Lebanese arena by being at the forefront of the challenge towards state sponsored amnesia. They and their cause have acted as a hub for, and inspiration for Lebanese civil society and action over the decades.

Introduction:

This thesis will examine the growth of transitional justice in Lebanon after the Lebanese civil war with regards to the case of the missing and forcibly disappeared. The slow but significant course of justice for forced disappearance in Lebanon shows the interaction between global and local forces: specifically, the crucial role of local civil society campaigns. We will trace the roots of the problem and state sponsored amnesia, civil and human rights campaigns to challenge it, the response of the state, and the influence of global models and networks, all ultimately resulting in passing of Law 105: Missing and Forcibly Disappeared Persons, on November 13th, 2018. This law, when implemented, will form a national commission that will work to uncover the whereabouts and/or fate of the missing and forcibly disappeared.

Through this story, we can see: the essential role of civil society in advancing accountability; the critical combination of global and local actors to bring some measure of justice; and the importance of memory for Lebanon's future. The importance of memory is made clear by the families of the disappeared and civil society over the decades, but are also important with regards to Law 105. This law takes full meaning when considered in light of the “Rationales” cited in favor of its adoption. The Rationales plainly acknowledge that “dealing with Lebanon’s past, no matter how painful it may be, is vital in order to take this country forward and to put to rest the ghosts of the past that continue to haunt the present”. (Umam, 2019) Memory, however, does not mean simply “remembering” - something no Lebanese has trouble doing. When considering the Lebanese civil war, a popular Lebanese campaign is relevant: "Remember the war, so it will not be repeated". For this, memory must be expanded. For war to not be repeated, it is not enough to remember its horrors. What

prevents the recurrence of war, too, and especially, is to identify the causes, factors, paths and lessons. For the case of the missing and disappeared, this is crucial, as one of the justifications for the Lebanese state's refusal to touch the issue of the disappeared is that discussing the war *will* cause it to be repeated. By outlining these milestones and the significant moments between them, I hope to highlight the years of tireless advocacy by civil society organizations, especially those of the families of the disappeared.

In telling this story, I will be comparing Lebanon with Argentina. Two reasons motivate my comparison with Argentina. The first has to do with concepts of transitional justice and what "justice" can and should look like. Mainstream transitional-justice discourse will say that criminal prosecutions post-conflict signal transition and these criminal human rights prosecutions *are* justice at work, sidelining socio-economic considerations and structural inequalities. In Latin America, leaders in Argentina, Chile and Peru have all faced prosecution. This phenomenon has been described as a "justice cascade", which largely originated in Latin America and has reverberated throughout the world, leading to an increase in universal jurisdiction laws. In Argentina, these legal prosecutions happened almost immediately after transition. There is no denying that criminal prosecutions are a component of justice; there can be only practical objections - if objections are made - within a specific context, no moral objections to having criminal trials. In Lebanon, nobody has stood trial for any crimes committed during the war and the families of the missing and the disappeared have no answers as to the whereabouts and/fate of their loved ones. The state has also suppressed calls for truth and has been extremely stubborn implementing any reforms. If the state is not interested in facilitating transition from the top-down, it would be said that no

transition has happened in Lebanon. And it is true, in many ways things are actually worse post-war, but we can only say that transition has not happened if we look at predetermined outcomes as our basis. Paul Gready and Simon Robins argue for a transformative justice that places emphasis on the process, not the predetermined outcomes (Noha, 2017:12) This, they say, should be done by involving victims and survivors as agents of change and less top-down approaches. However, in Lebanon the state was largely absent from any process and actually working against the process. Thus, the families of the missing and disappeared started the process on their own, building their movement, building a grassroots coalition with other causes, and working with external actors after years of the state failing them. This hard work resulted in the passing of Law 105: Missing and Forcibly Disappeared Persons. This law is the result of their tireless work. Through their continuous action, the families of the missing and disappeared also began and kept alive a broad coalition, focusing on a number of causes, that challenged the state and set the stage for the revolution that began in Lebanon on October 17th, 2019.

My second reason for this comparison is that in recent years, a key component that has emerged from Lebanon with regards to the cause of the missing and disappeared is the use of DNA-identification technology. The advent of forensic led, “human rights genetics” (Smith, 2016) has its origins in Argentina in the midst of the Dirty War. With this in mind, I felt Argentina to be a good comparison case for my research telling of this story in Lebanon. It is not only me who feels this way. Wadad Halwani, head of the Committee of the Families of the Disappeared and Kidnapped in Lebanon speaking in front of the UN on August 30th, 2019, highlighted the Argentinian origin of this story, “ The phenomenon of kidnapping, loss

and enforced disappearance is not recent, and is not limited to Lebanon. It is related to the history of the human race, happening in many countries around the world. This phenomenon is a result of the practices of dictatorial regimes, internal conflicts and wars. Thanks to a struggle led by Latin American women, the issue of missing and enforced disappearances entered the attention of the international judiciary”.

Between 1976 and 1983, the military junta in Argentina disappeared 10,000-30,000 people as part of the “Dirty War”- a term used by the military junta for the period during which the military, security forces and right-wing death squads, as part of the Argentine Anti-Communist Alliance hunted down students, trade unionists, artists, writers and anyone believed to be part of left-wing activism. This was all part of Operation Condor- a United States backed campaign of state-terror by right-wing dictatorships in South America. The Disappeared were those who were said to be a threat to the military junta and the neoliberal ideologies dictated by Operation Condor. Crucial to this story, and one of the forms of disappearance, was the abduction of babies born to kidnapped women who were then handed over the foster parents picked by the military.

Two very influential groups form during this period that set the course for this cause regionally and globally. In the first period of repression, women used to visit ministries and police stations to inquire about their missing children. Because of the clandestine nature of the crime, no records were kept. Frustrated by this, After unsuccessful attempts to get information on the missing from the government, a small group of 14 mothers with lost children gathered in Plaza de Mayo in front of the Presidential Palace on Thursday, April 30th, 1977 (**Kovras, 2017:65**). After being told they could not sit in the square, they began marching around the square- this was the start of the Mothers of Plaza de Mayo. They

marched every Thursday at 3:30 Pm from then on. In that same year, they formed an official association, *Asociacion Madres de Plaza de Mayo* (Association of Mothers of May Square). In October 1977, Mothers whose pregnant daughters had been kidnapped (or were kidnapped with their children) started to search for their grandchildren. This smaller group obtained formal status and became the *Asociacion Civil Abuelas de Plaza de Mayo* (Association of Grandmothers of May Square).

In the chapters to follow, many comparisons between the cause in Lebanon and Argentina will be made, however I want to first begin by showing some of the events I attended and photographed, put on by the Committee of the Families of the Kidnapped and Disappeared in Lebanon, as well as an event entitled “Room 105” by the ICRC. These events and meeting the family members was my introduction into their world and this story and I find it necessary to share these important events and images at the onset as the reader’s introduction as well.

Between August 20th - 30th, the Committee of the Families of the Kidnapped and Disappeared in Lebanon met for a public action at five locations throughout Lebanon, raising awareness of their cause, as well as the recently passed Law 105. Usually the families will convene in front of the Family’s Tent outside the UN in Beirut on August 30th, the International Day of the Disappeared, but this year contrary to the ordinary, as Wadad Halwani states, the families “felt that their efforts should be doubled and the circle of action expanded (more locations). They held the law with one hand and raised the requirement to apply it with the other hand. They did not wait for the August 30th date set by the United Nations, so they began on the 20th in Zahle”. Each location and action had a similar setup: family members would hold pictures of the missing, hand out flyers with updates on the

cause, wear colored scarves, as well as water bottles and flowers which recall anti-war gimmicks done during the war at the Green Line - the line of demarcation which divided East and West Beirut. These events would start the same way - The Lebanese national anthem and the Committee's own song play, then an opening speech to signal the start of the event. Each location and setup also featured a unique public display.



لجنة أهالي المخطوفين
والمفقودين في لبنان

علم وخبر 29/أد

بمناسبة إعلان الأمم المتحدة 30 آب يوماً عالمياً للمفقود

بمناسبة انقضاء 9 أشهر على صدور قانون المفقودين والمخفيين قسراً

تدعوكم لجنة أهالي المخطوفين والمفقودين في لبنان
بالتعاون مع
جمعية "لنعمل من أجل المفقودين"

إلى مشاركتها في إحياء هذه المناسبة

زحلة	الثلاثاء 20/8/2019	ساحة المنارة، دوار زحلة	الساعة 7 مساءً حتى 9
طرابلس	الخميس 22/8/2019	تقاطع ساحة النور، مقابل السراي	الساعة 4 ب.ظ. حتى 7
صور	السبت 24/8/2019	شاطئ صور، مقابل مطعم "شواطئنا"	الساعة 4 ب.ظ. حتى 7
ضاحية بيروت	الأربعاء 28/8/2019	تقاطع كنيسة مار مخايل، غاليري سمعان	الساعة 4 ب.ظ. حتى 7
بيروت	الجمعة 30/8/2019	أمام خيمة الأهالي في حديقة جبران خ. جبران	الساعة 11 ق.ظ.

ضمّوا صوتكم إلى صوتنا للمطالبة بتطبيق القانون
وتشكيل الهيئة الوطنية للكشف عن مصير أحبائنا

#حقّنا_نعرف

From the top to the table “ On the occasion of the announcement by the United Nations designating August 30th as the International Day for the Missing. Marking 9 months since the passing of the law (Law 105) for the missing and forcibly disappeared”

“The Committee of the Families of the Disappeared and Kidnapped in Lebanon, in cooperation with Act for the Disappeared, invite you to join us in commemorating this occasion”

7:00 - 9:00 PM	Manara Square, Zahle Roundabout	Tuesday, 8/20/2019	Zahleh
4:00 - 7:00 PM	Across from Nour Square, opposite the Seragilo	Thursday, 8/22/2019	Tripoli
4:00 - 7:00 PM	Tyre Beach, in front of “Shawatina restaurant”	Saturday, 8/24/2019	Tyre
4:00 - 7:00 PM	At intersection St. Mikhael Church, Samaan Gallery	Wednesday, 8/28/2019	Dahiyeh, Beirut
11:00 AM -	In front of the family’s tent, Gibran Khalil Gibran Garden	Friday, 8/30.2019	Beirut

“Join your voices with ours to demanding the implementation of the law and the formation of the national commission to uncover the fates of our loved ones” #Right to Know

As the schedule states, the first event was on August 20th in Zahle, a large city in the Beqaa Valley, East Lebanon, as well as the capital of the Beqaa Governorate.

“ In the city square, on a giant screen, the people recounted the history of a long struggle that they fought with with their very flesh, armed with the truth and their love for those who were stolen from their arms and homes, and did not return” - Wadad Halwani

On the screen was video footage of the cause, going back decades. One film shown was made by Anjad, the daughter of a missing Lebanese soldier. She gave me a copy, with a written message “To my best friend, Omar Mansour”.



1.



Family members would also wear multicolored scarves, as seen above in *figure 2*. – all lighter choices of pink, blue, purple and white. They would fill in the name of the missing person and the date they went missing. The purpose of these was to be worn by family members as an indicator that they have someone missing. With this, I believe they took inspiration from the Mothers and Grandmothers in Argentina. In Plaza de Mayo, women would don their children’s nappies, used as white headscarves. Many embroidered their missing children’s names on the headscarves. One use of this was that It was very easy to spot the headscarves in the crowds and people came up to the women and asked who they were. (Kovras, 2017:66)

Figure 2 in descending order, “Missing” followed by space to write the name of the missing individual; “Date” (of disappearance) and in large bold letters at the bottom, their slogan, “Right to Know” (literally “It is our right to know”). Others who brought photos of their missing started to tape them to a banner that was erected on the sidewalk.



3.



4. Right to left: “ Together for the implementation of Law 105/2018 on the Missing and Forcibly Disappeared”

Tripoli:

August 22nd

“In Tripoli, people gathered in Al-Nour Square and decorated it with a mural on which they engraved in colors and letters the history of their pain, their struggle and their adherence to their rights. Many people joined them, raising the banner of the right to know” - Wadad Halwani

On Sunday, I made my way to Tripoli, which is the second largest city in the country, located in North Lebanon. The event was on a sidewalk next to Nour Square but instead of a large television, the main attraction was a mural the families commissioned someone to paint during the event and represents a now permanent presence of the Committee in the city for all to see.



5. In large letters in the middle is the slogan “ It is our right to know”.



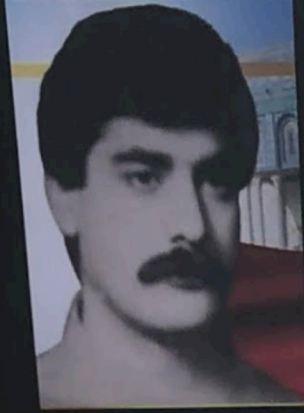
6

August 24th:

Soor/Tyre

“In Tyre, the families carried their “empty chairs” to the city's beach. They dug the “right to know” the fate of their loved ones in the sand. The sea can communicate their voices to those who are missing...and their message to the world” - Wadad Halwani

Soor is located in South Lebanon, about two hours from Beirut and is very famous for its beaches. There were two main attractions to this event. The first are a row of painted chairs along the boardwalk. These are a sample of a larger project between the ICRC and Act for the Disappeared, called “Empty Chairs: Waiting Families”. Family members paint chairs with something that reminds them of the missing person - it could be a hobby of theirs, a specific memory. Some even featured the kidnapping. Above the chairs are photos, a small bio, and details surrounding the disappearance.



حسين دبيق - مفقود منذ العام ١٩٨٥
رسمت على هذا الكرسي تفاصيل الحادثة التي خطف فيها زوجي من المنزل
أمامي وأمام وندى.
كان أولادي صغارا آنذاك ولكن الحاضرين الملتزمين لم يهتموا بوجودهم فكتلوا
بديه وأخذوه بقوة السلاح.
اخترت هذه الفكرة لأنها آخر ما يذكّرني بزوجي ولا أستطيع أبدا أن أنساها.
نجاح - زوجة حسين

كرسي رقم - 35

Hussein Dbouk - Missing since 1985

I drew on this chair the details of the incident of the abduction of my husband in front of me
and my children.

My children were still young back then, but the masked kidnappers did not care for their
presence, so they handcuffed him and took him by force.

I chose this idea because it is the last thing that reminds me of my husband and I can never
forget it.

Najah - wife of Hussein



8.

The second was the slogan “Right to Know” In Arabic dug into the sand, surrounded by colored stones and bags filled with candles that were to be lit at night.



9.

August 28th:

Dahyeh, Beirut

“Yesterday at the intersection of Mar Mikhael Church - Gallery Semaan in the southern suburbs, the people built the “symbolic house”, emphasizing the right of every missing person to return to the warmth of his home and family. This right is enshrined in the Universal Declaration of Human Rights” - Wadad Halwani



10. Anjad kissing a photo of her father that she has placed in the “house”. The house is also meant to give a voice to the missing and disappeared, having them speak. The writing on the house says “It is my right to return home”

August 30th:

1) Beirut, Gibran Khalil Gibran Garden, outside the UN; 2)Beit Beirut

“Today, here in the capital, Beirut, we say that “we must stop talking and start acting” -Wadad Halwani.

August 30th is the International Day for the Missing and Forcibly Disappeared and every year, the families convene on the 30th in the Gibran Khalil Gibran garden outside the tent of the missing. an appropriate day to end over a week of amazing action events. Two events were held on this day. The first was a press conference by the families, and the second was the ICRC's opening of Room 105 at Beit Beirut. The press conference being held in downtown Beirut, outside the UN, next to the Family’s Tent drew a larger media and political crowd.



11.



12.

On the same day, after finishing up in Gibran Garden, the families and I took a bus to Beit Beirut to see Room 105. This was a closed event for the families before the official public opening.

Room 105:

The interactive exhibition was a walkthrough that put attendants in the role of the ICRC and navigated them through the missing data gathering and identification process. The exhibition opened on August 30 on the International Day of the Disappeared and ran until September 6, openly to the public at Beit Beirut museum.

In previous years on the International Day of the Disappeared, the ICRC has done events which shed light on the plight of the families and the day to day issues they must deal with, as a result of the disappearance. With the passing of Law 105, they wanted to do something that shows the amount of work that went into passing it, and more specifically, as Rabab states: “We also wanted to shed light on the role of ICRC that has been doing since 2012”. Their communication team suggested making the exhibit more interactive, and this is how the idea for Room 105 came to be, with the name Room 105 clearly mirroring Law 105. I stuck with Anjad and her family, navigating the room with them and photographing their experience.



13.

The visitors are actively immersed in the ICRC's work from the moment they enter the exhibition hall. An introductory video about fictitious Ibrahim Youssef, whose parents Jad and Sara vanished on June 28, 1978, when he was only six, opens the 5-room-exhibition. Jad and Sara vanished while on their way to pick up Jad's sister Zeina and her daughter Rania from the airport. Their son Ibrahim is seeking answers today: Where are his parents now? Our role is to gather data and figure out what happened to Ibrahim's parents. In front of the screen is a table topped with clipboards and 5 forms to fill out the different data and information from the rooms required to uncover the fate of Ibrahim's parents.

ROOM 1 : WHO ARE THE MISSING ?

Ibrahim's parents disappeared during the civil war.
The form below represents the different type of information and data required to be able to uncover the fate of a missing person.
Please, follow the clues in the room, fill the form below with as much details as possible.

Question	Missing 1	Missing 2
A. Personal Details		
Missing person's names		
Marital Status:	Single <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Partership <input type="checkbox"/> Divorced <input type="checkbox"/>	Single <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Partership <input type="checkbox"/> Divorced <input type="checkbox"/>
Sex: Male <input type="checkbox"/> Female <input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/>	Male <input type="checkbox"/> Female <input type="checkbox"/>
Members of the family:		
Age Date of Birth:		
Identity Document: Main Details (Nr etc)		
Occupation:		
Place of Disappearance		
Date & Hour of Disappearance		
Witnesses who last saw missing person alive		
B. Physical Description		
Height:	Short <input type="checkbox"/> Average <input type="checkbox"/> Tall <input type="checkbox"/>	Short <input type="checkbox"/> Average <input type="checkbox"/> Tall <input type="checkbox"/>
Weight:	Slim <input type="checkbox"/> Average <input type="checkbox"/> Obese <input type="checkbox"/>	Slim <input type="checkbox"/> Average <input type="checkbox"/> Obese <input type="checkbox"/>
Eye color:		

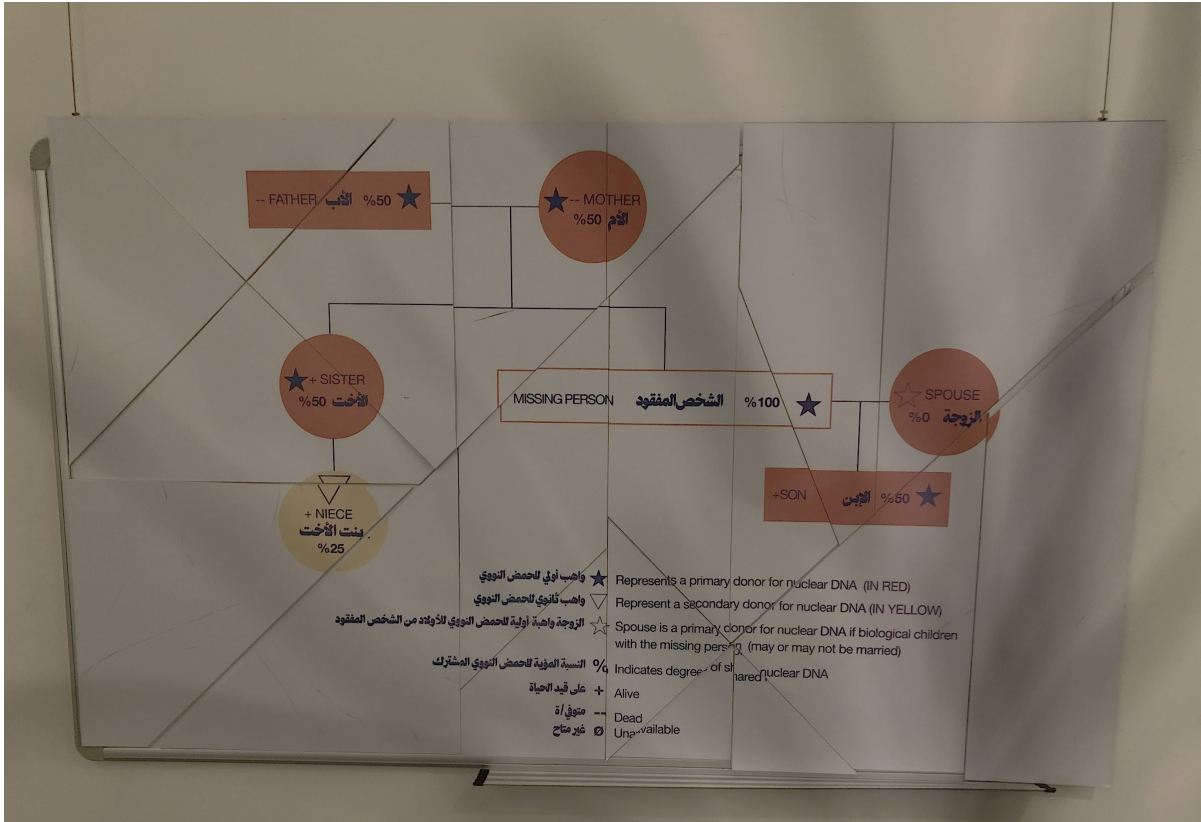
After taking a pen and a form to fill throughout the exhibition, the tour opens in a home setting: old orange couches and stereo, wall picture frames, official papers of vanished Jad and Sara, audio-taped conversations between Ibrahim and his grandparents Nayla and Ziad Youssef, and a radio announcement of accidents that Jad and Sara may have been involved in. The sampling procedure of saliva from families of missing persons, for instance, is displayed in the exhibition's second room, with a pedigree explaining the genetic family ties. This, too, is broken into a puzzle and must be figured out and put together. Different scenarios, featured in room number 3, can fit with Jad and Sara's disappearance circumstances, as rough communication means and poor investigation tools dominated back then. In room number 4, three chairs from the Empty Chairs project are displayed alongside a screen with a family member telling us about their missing and disappeared loved one/s. In addition to this, a display of the colored scarves worn by the family members are displayed. The final stage is the triangulation portion. Large touch screen panels navigate us through our goal, which is to consult the information gathered from the bodies: the post-mortem report, the belongings found with it, and the DNA profile that has been extracted from it, then compare the data collected in the previous rooms with the data obtained from the human remains in order to find Ibrahim's parents and restore their identity.

Room 1:



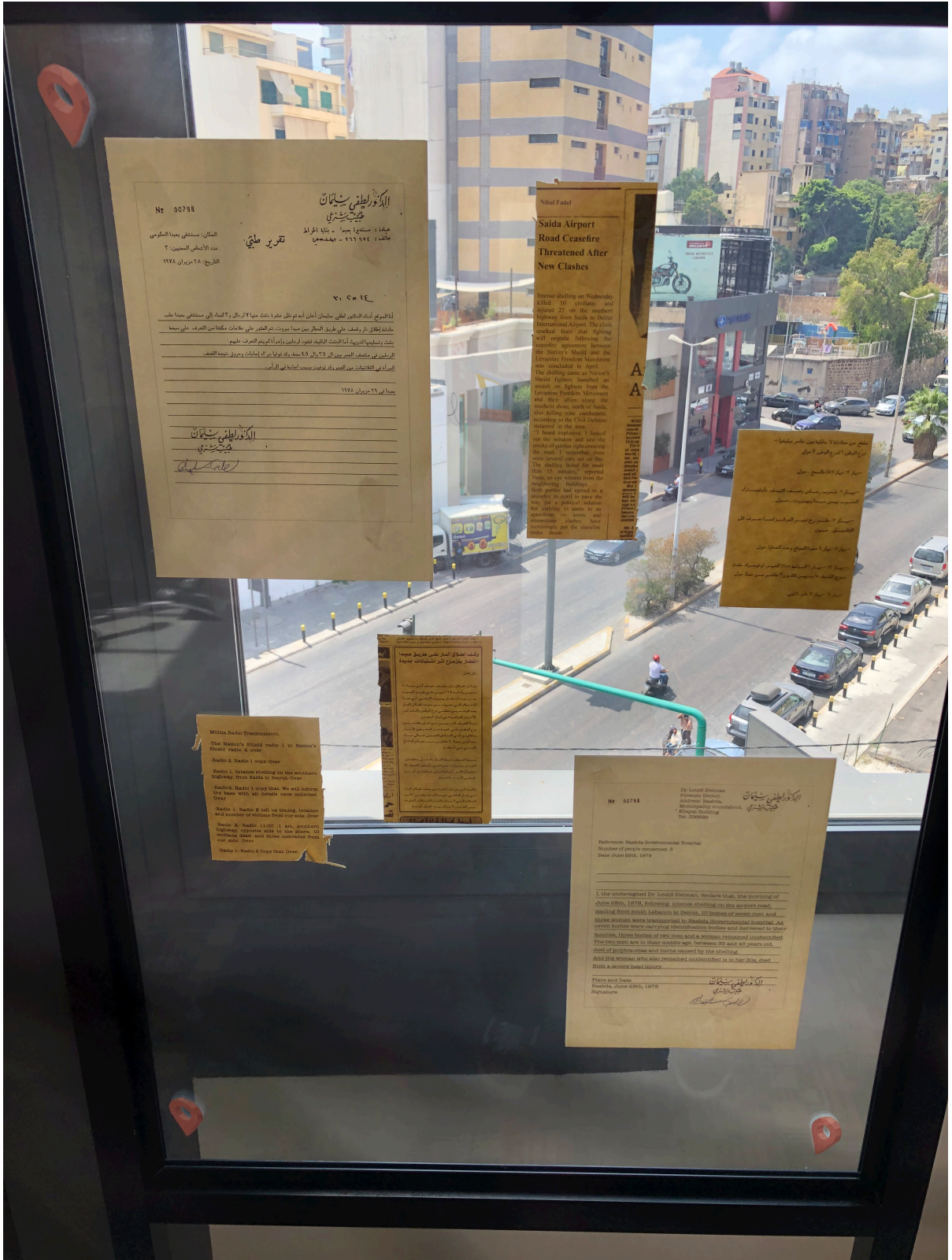
14.

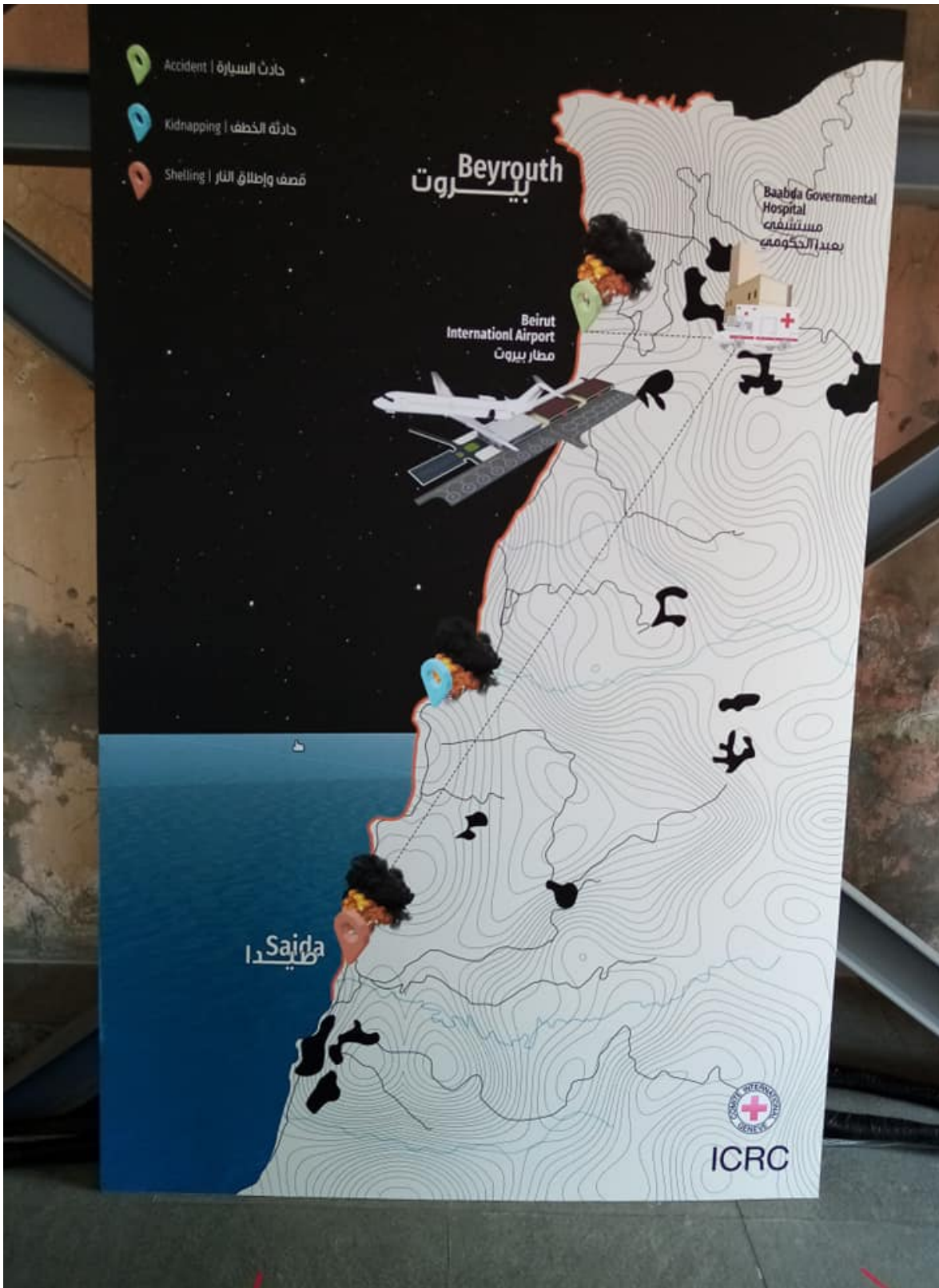
Room 2:



15.

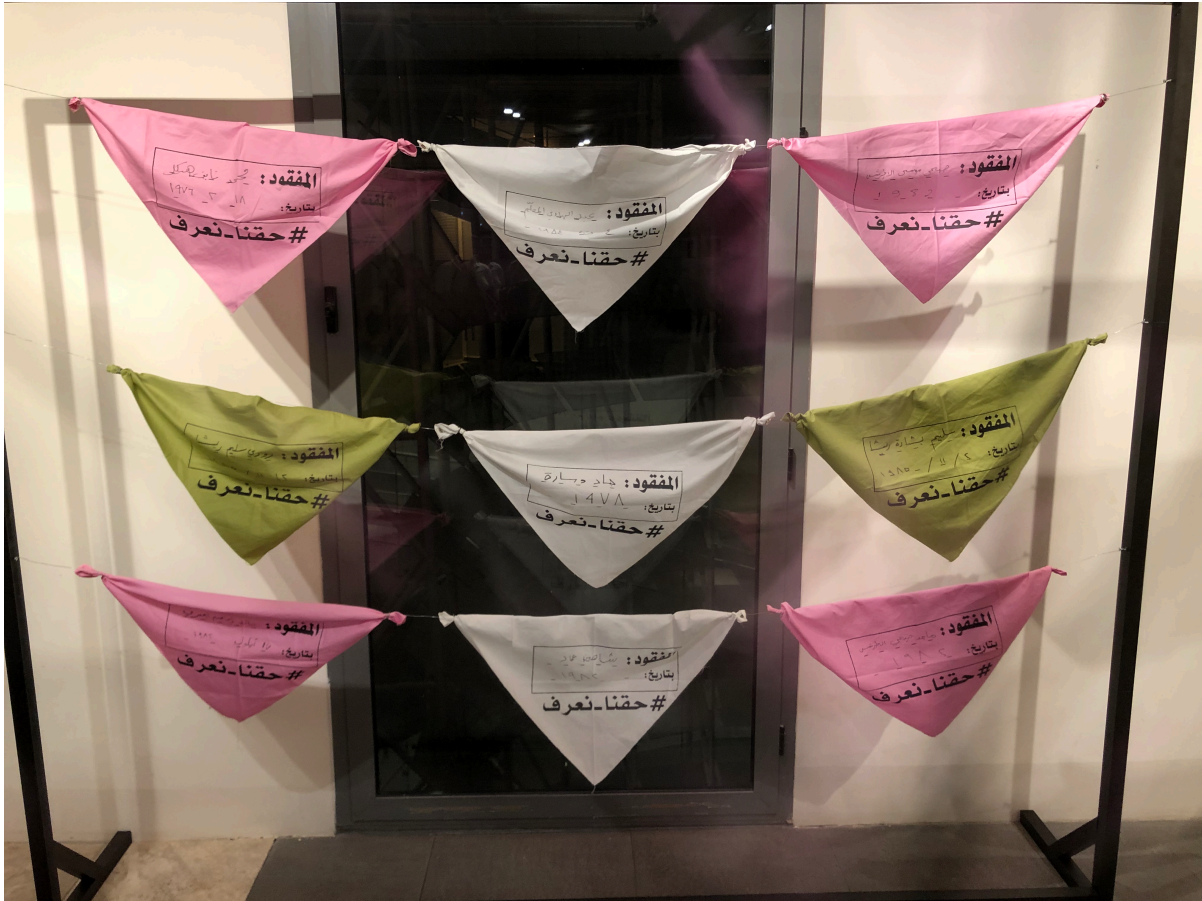
Room 3:





17.

Room 4:



18.



19.

Room 5:



20.

As a tool for public awareness and education on the issue, I think it is very useful, however the experiences engaging with this exhibit could differ greatly between the average public attendant and a family member. One elderly woman was under the impression that information about her missing son Ibrahim was being shown. Illiterate, she asked me to read her a message written by the Ibrahim of the tour. Other attendees got into a shouting match when looking at the map in exhibit three, arguing about which groups controlled what roads and checkpoints along the coast, thinking the exhibit was making a particular group the “kidnappers” in this tour.

2) War and Reconciliation:

This chapter will give background to the case file of the disappeared by discussing the civil war and its causes - mainly focusing on the years leading up to the war, and then the first two years - its complexities, as well as the logics of disappearance. Disappearance in Lebanon will be focused here on those kidnapped and killed by Israeli and Syrian forces, and their Lebanese allies and proxies, as these are the most documented examples. In the case of Lebanon, disappearance was largely done by militias or an external actor, particularly because the weak state broke down leading up to and during the war. This weak state created a power vacuum filled by local militias and foreign armies, blocking the ability of the state to address the issue both during and post-conflict. These factors will then be analyzed within the context of the Ta'if Agreement, which “ended” the civil war, ushering in a period of state sponsored “amnesia” with the ascendancy of these same perpetrators into post-war government and political class. I will then discuss how this, along with political domination by Syria and Israeli occupation in the south hindered progress with regards to the disappeared, as well as how its legacies remained in its new Lebanese Republic that have further hindered progress.

The Civil War:

While habitually referred to as the Lebanese Civil War, it is difficult to really call it such. It is more accurate to discuss the war as a series of more or less related conflicts and battles between shifting alliances of Lebanese groups and external actors. There were dozens of militias split across political and sectarian lines, no single identifiable enemy, and multiple

foreign interventions and occupations. The war resulted in the death of an estimated 144,000 people, 184,000 wounded, 100,000 displaced, 17,000 disappeared, and about 800,000 fleeing abroad, as well as infrastructure damage and cost of revenue lost estimated at \$18 billion, although all these figures are subject to dispute. (Volk, 2010:105)

Causes and Identities of the War:

The reasons for the war and its duration are complex, multiple, and still a source of disagreement. Lebanon is both a postcolonial state and a historical society. Under the Ottoman *millet* system, its constituent religious communities possessed varying degrees of prestige and autonomy - this helps solidify and create new “us” and “them” sectarian identities. With the breakup of the Ottoman Empire at the end of World War 1, Lebanon came under French Mandate and was, for the most part, territorially and administratively separated from Syria. France constituted it as a multi-religious national society on the basis of a 1932 population census, which established the proportional balance of six Christians to every five Muslims for fixing distribution of political power. This would be the basis of the political system instituted at independence, creating a sectarian hierarchy of power, which became known as the confessional system - the National Pact.

Dissatisfaction with the Christian-dominated power-sharing formula and the refusal to adjust the sectarian hierarchy of power and entitlements to reflect demographic changes in the size of sects after 1932 was one of the grievances that led to the outbreak of war. Despite their agreement to share power, the two ‘founding’ communities also disagreed on the identity of the country. Maronite Catholics underlined the uniqueness of the Lebanese historical experience and a distinct “Lebanese-ness”, while the Sunnis, as well as other sects, including Christians, proclaimed their affiliation to the larger Arab world. Connected to this

were questions of Lebanon's foreign policy - should Lebanon orient its international alliances towards the Arab world and the Soviet Union or towards the West and its local allies.

Against a weak Lebanese state, a mixture of global and regional politics drew in Lebanon and exacerbated its internal domestic political issues allowing for the war to happen, as will be discussed.

Two crises illustrate the political division in Lebanon. When President Camille Chamoun decided to join the US supported Baghdad Pact in 1958, this was strongly opposed by the Lebanese National Movement (LNM) which identified with Egyptian President Gamal Abdel Nasser's discourse of Arab unity. In 1958, disagreements over Lebanon's foreign policy orientation turned into a crisis over the extensive powers granted by the Constitution to the Maronite President and the opposition demanded political reforms. The 1958 Lebanon crisis is sometimes referred to as a civil war itself, which saw thousands killed and the deployment of US Marines to Beirut after the overthrow of the Monarch in Iraq on July 14th, 1958. The ruling establishment and the US would not allow Lebanon to shift towards Nasser. Lebanon was just as much a Cold War battleground as anywhere else.

In 1967, after the 6-Day War and the second round of mass Palestinian expulsion (al-Naksa, or "the setback") Palestinians took up guerrilla resistance, operating from Lebanon. This, according to Maronite Christian leadership, threatened Lebanon's stability, but the LNM parties wanted Lebanon to embrace the Palestinian cause. Once again, differences on regional issues sparked an internal crisis in 1969 when the Lebanese Army confronted armed Palestinian groups. Egypt then mediated a settlement, the Cairo Agreement, which gave the Palestinians a wide margin of maneuver. Tensions were already high in Lebanon, when on April 13th 1975, twenty-six Palestinians were gunned down in retaliation for an assassination

attempt against Kataeb party leader, Pierre Jumayyil. What would become 15 years of war began in that instant.

The biggest bone of contention regarding the outbreak of the civil war was the role of the Palestinian armed presence. The debate is not just about the Palestinian question, but whether or not from 1943 - 1975 Lebanon had developed a viable system of consociationalism (Haugbolle, 2011). There are those who claim the system was working well and the domestic situation in Lebanon was fine, but the presence of an armed PLO facilitated the breakdown of the system.

This is a simplistic approach that attempts to place blame, or most of it, with outside forces. For those who stress internal factors, emphasis on the Palestinian issue can be read as a conservative attempt to admonish the sectarian system and the right-wing parties. A famous shorthand for externalizing the war and skirting self accountability is known as “a war of others”. However, as we will see the “war of others” is not entirely incorrect either, only the convenient shifting of responsibility is.

Internal factors are also key to include. In the 50s and 60s, Lebanon was still not directly involved in or affected by the Arab-Israeli conflict and it benefited economically from its financial and commercial roles as an intermediary between the Arab world and the international market. However, the Lebanese economy developed as a service-based economy, externally oriented, and dependent on foreign capital. The rapid and lopsided economic growth resulted in uneven social, sectoral, and regional development. After the 1967 war, internal and regional changes began to adversely affect Lebanon. Internally, socio-political polarization among the Lebanese increased. There was a growing migration of the rural population to Beirut, moving into poverty belts around the city, and suffering from

rising inflation and cost of living. Socio-political tensions fueled rural uprisings and workers' strikes, and the emergence of a militant student protest movement (Krayem, 1997) (Makdisi, Marktanner, 2009)

Polarization within Lebanon led to the formation of two broad political camps, intensifying the political crisis of the system. These two camps would be the main actors at the start of the war. Druze leader Kamal Junblatt formed and led a self-proclaimed "democratic, progressive and non-sectarian" front, which later allied itself with the Palestinians. This front grouped several nationalist and leftist political parties and organizations that formed the Lebanese National Movement (LNM). The other were conservative forces led by the predominantly Christian *Kata'ib* (Phalange) Party formed another block called the Lebanese Front (ICTJ, 2014). The LNM advanced a comprehensive political reform plan which called for the total abolition of political confessionalism and the implementation of wide democratic reforms of the political, electoral and administrative systems. The Lebanese Front rejected these reforms and advocated an alternative plan that varied from maintaining the status quo to political decentralization and federalism (Krayem, 1997). However, as one might expect, these would all shift one way or another in response to realities on the ground during the war.

The two warring factions are often labeled Christian versus Muslim, but this is not entirely correct. It is more accurate to describe them as pro- and anti-status quo. Those in favor of the status quo were the Lebanese Front. The anti-status quo forces revolved around the Lebanese National Movement. The commonly held notion that this was a sectarian conflict masked the fact that religious divisions roughly overlapped with power and wealth differentials. The overlap of economic inequality with sectarian divisions had political

consequences, contributing to a higher war likelihood. Muslim political leaders regularly articulated political grievances and called for more equal power sharing with the Christians and economic benefits, including greater access to public sector employment as well as opportunities to participate in or control private economic enterprises. Yet, as the Maronite establishment regularly resisted such calls, fearing the loss of political power, coalition building with external parties in support of domestic agendas followed.

The external factors which strained the Lebanese political system were related to the rising military power of resident Palestinian political and military organizations, particularly after 1967. While their activity was directed at keeping the Palestinian cause alive, these organizations' presence became intricately linked to Lebanese domestic political affairs. The domestic and regional political agendas could hardly be separated. The prevailing weakness of the sectarian system was exploited by Palestinian organizations to strengthen their political and military positions. For this purpose, they forged alliances with disenchanted Lebanese sectarian (Muslim) and non-sectarian (leftists and nationalists) political parties. (Makdisi, Marktanner, 2009) The Palestinians had popular support in Lebanon and the region, they had the numbers and they had military experience. Jumblatt and his coalition had legitimate entry and representation in the Lebanese political arena. This was a means to pressure the establishment, yet these developments would inevitably invite external exploitation and intervention, most notably by Israel and Syria, both of which had their own respective regional political agendas.

These external interventions were very impactful and long lasting. For example, the Israeli invasion of Lebanon, the siege of Beirut and the subsequent shelling of West Beirut in the summer of 1982 was the single most violent incident of the entire war. Within 7 days of

the invasion, Beirut was completely closed off, and for seven weeks, Israel attacked the city by sea, air, and land with indiscriminate shelling and carpet bombings cutting off food and water supplies, disconnecting the electricity, and taking the airport. By the end 17,000 people were killed and 30,000 were wounded (Hanf, 1993:341), and 500 buildings destroyed in just the first week. The invasion paved the way for the massacres at the Palestinian camps of Sabra and Shatila - the most thoroughly documented massacre of the war.

The sectarian explanation is more problematic, as it dovetails with hardened stereotypes about Arabs in general, and Lebanon in particular. In fact, in the years preceding the war, socially oriented movements strengthened class solidarity and introduced class identities that challenged traditional identity patterns based on religion, tribe or region. Identity patterns were being developed along horizontal class lines, but this development was aborted by the outbreak of the civil war (Krayem,1997). This is emphasized by the intense mobilization of religious communities by all sides. Initially, for example, leaders of the left-wing parties had inhibitions: many left-wing leaders were Christians - Orthodox - and were opponents of confessional mobilization. However, they realized that appeals to class solidarity won them few Christian recruits, whereas appeals to religious solidarity won many Muslims (Hanf, 1983:331) However, general mobilization of entire religious communities was initially resisted and only became widespread with shelling of neighborhoods and the “identity-card murders” in the first two years - Lebanese ID papers state an individual’s confession, but even your name is almost always enough to give it away. Hundreds of Muslims and hundreds of Christians were killed - sometimes even those Christians in parties of the LNM - Baathist or Communist. This triggered the flight of Muslims and Christians

from areas under control of the other confession, paving the way for the ‘homogenizing’ of other areas in Lebanon (Hanf, 1983: 327)

While sectarian identity was the primary cleavage produced by the war and cannot be simply explained away, interests and aspirations varied enormously within the various Christian and Muslim sectarian communities. Thus, occupation by Christians over Christians or Muslims over Muslims did not mean that members of the militias were unambiguously viewed as protectors by the occupied (Kisirwani, Humphrey, 2001). Militias would ‘cleanse’ territories and attempt to break the memories of coexistence and social ties between the Lebanese communities, imposing a discourse of ‘protection’ on their own ‘people’: the ‘other’ wants to kill you, but we are here to save your lives. Shockingly, however, rapidly created homogenous territories founded through and sustained by violence and fear were not stable. When the sectarian system achieved its paramount goal – self-rule of each community on its own territory – the contradictions inherent in the system exploded in the most violent forms. War shifted from inter-sectarian fighting to a bitter struggle for power and control inside each community (Traboulsi, 2007:233). Lebanese sectarian issues never monopolized the definition of the conflict or provided the sole logic for many of the smaller wars and battles that took place across the country. Thus the primary causes of the civil war were related to domestic political grievances, simultaneously fed and exploited, and in some cases outright caused, by external powers in pursuit of their own regional agendas - turning the war into a internationalized conflict, as well as the prevailing economic inequalities also played a role and contributed to a high level of war likelihood.

The Missing and Forcibly Disappeared:

Various forms of mass violence during the war could be categorized as “habitual”. The vast majority of those killed in war perished from the almost daily shelling, sniper fire, car and planted bombs, and other indiscriminate acts directly or indirectly related to the warfare. The more “normalized” forms of death from warfare. Other forms of violence are found in the phenomenon of kidnapping and enforced disappearance. Official estimates put the number of disappeared at 17,415, although this is debated. Disappearance in Lebanon is a unique case, however. The difference between the Lebanese case of war and militia-led disappearance and cases of repression and state-related disappearances such as Argentina is that in Lebanon disappearances are not only state-controlled but also a direct consequence of the state’s absence; a vacuum which was quickly filled by militias and outside powers.

Enforced Disappearance:

Lynn Maalouf (Maalouf, 2009) categorizes the disappeared into three categories:

1. Individuals disappeared by Lebanese or Palestinian militias, security agencies, or the Lebanese Army (these were also at times affiliated with Israeli or Syrian forces)
2. Individuals taken by the Syrian army or its local allies
3. Individuals taken by the Israeli army or its local allies.

1975-1976 were the most active years for abductions and kidnapping and the reasons for kidnapping were multifold: In addition to general goal of instilling fear in populations - communal terror - individuals were kidnapped for their value as political hostages and exchanges, revenge targets after massacre, “cleansing” of areas of the other confession, as well as high financial value for blackmailing families and other militias. If an exchange didn’t go through, they wished to get rid of the bodies and proof. To do this, some militias would either transfer their prisoners to external forces on the ground (Syrians or the Israelis), or completely erase any trace of them by pouring acid on the bodies dumped in mass graves, so

as to disintegrate the bones, a recognizable militia technique. Another practice was that of dumping bodies at sea in a neighborhood of North Beirut, among other locations (Comaty, 2019:26). Massacres were another way in which an individual would go missing or be disappeared. Disappearance was not always a result of targeted kidnapping and arrest. A number of massacres took place during the two-years war (1975-76) and during the Israeli invasion in 1982, each one seeing hundreds, and sometimes thousands of civilians murdered. Massacres were used for cleansing along sectarian and political lines, as well as a cycle of revenge and saving face as massacre followed massacre (Haugbolle, 2011)

While sectarianism was a stronger motivator for kidnappings in these first two years, this would quickly change, taking a new turn in 1976 and 1977 with the intervention of the Syrian dominated Arab Deterrent Force (ADF) and the assassination of Kamal Jumblatt in March 1977. Abductions became much more politically and militarily-oriented with a rise in abduction of opponents to the Syrian presence, although sectarianism doesn't completely cease to act as a motivator. Lebanese and Palestinians were abducted by Syrian army intelligence officers, in collaboration with Lebanese militias, with some being illegally transported to detention centers in Syria. Some were tried in military courts just across the border, receiving verdicts within minutes and eventually being transferred to detention centers such as the infamous facility in Tadmur (Palmyra). Others were not even given a mock trial; they died under torture and in inhuman conditions and were most probably buried in mass graves somewhere in the vicinity of the prisons (Shaery-Yazidi, 2020).

During the period of the abductions, Syrian military security provided several reasons for the arrests, justifying them in terms of three alleged crimes: 1) belonging to Lebanese and Palestinian parties that had fought against the Syrian military presence in Lebanon; 2)

Second, supposedly served as spies for Israel, and were therefore a threat to national security - this plays into not only the wider Arab-Israeli conflict, but also the competition between Syria and Israel over political influence in Lebanon; 3) some were accused of disobeying the Syrian army's day-to-day orders and regulations in Lebanon (Shaery-Yazdi, 2020).

Kidnapping by the Syrians is a strong example for why one should refrain from blanket labels of motivations during the war. During its three decades of presence in Lebanon, Syrian military security abducted people belonging to all religious sects and almost all Lebanese political parties. In contrast to the situation during the Bosnian war, for instance, the abductions and killings did not follow a stable sectarian or ethnic pattern (Kisirwani, Humphrey, 2001). Although there were always abductions that were carried out for reasons specific to the abducted individual and that might even appear random (or mistaken), in general abductions by Syrian military security reflected the Syrian authorities' ever-shifting collaborations with local sectarian patrons in Lebanon. For instance, from 1976 to 1978, political enemies—especially affiliates of the Lebanese National Movement (LNM) and the PLO—who were mainly Muslims and Druze were the principal targets. From 1978 onwards, the abductees were primarily members of the Lebanese Forces (LF), although other members of LF collaborated with Syrian military security.

Abductions increased again in 1982 in the aftermath of the Israeli invasion and siege of Beirut, and the assassination of Bashir Gemayel. This is the year where the Lebanese Armed Forces also took part in abductions. Now, one could also disappear from the home as security and information officers would come to homes under the pretext of a short investigation. In this same year, journalist Robert Fisk reported that “the past six months of bloodletting in Lebanon make Argentina's ‘dirty war’ look clean” (Comaty, 2019:26)

Throughout the war Palestinian and Lebanese Muslims or members of the political left kidnapped by the Israelis and their local proxies disappeared into Israeli detention. The method of kidnapping was described by a member of the IDF in 1982: “terrorists are identified by their physiognomy. We have acquired some expertise in this respect, but in addition we have lists and informers, too”. Anyone who could have been a member of the PLO or was denounced as such, or was supposedly connected in some way or other with the PLO and its institutions, or received some kind of support (welfare) from the PLO, or employed in a Palestinian hospital, or supposedly declared his sympathy with the PLO was taken. The authority of detaining people was bestowed upon every Israeli commanding officer in the field, as he deemed it fit. (Lamb, 1984:653). Disappearances was also employed as a bargaining chip in exchange for Israeli soldiers -alive or dead- or intelligence (Kovras, 2017:134). Those disappeared by the Israelis and their proxies would be transferred to numerous locations, particularly the Center of al-Ansar and al-Khiam prison in Southern Lebanon, as well as the military prison near Meggido, east of Haifa, living under incredibly inhuman condition and undergoing torture. Numbers of prisoners in Ansar would fluctuate, with at least 9,000 in 1982, down to around 5,000 in 1983. In some instances, prisoners from Meggido would be delivered to local Lebanese proxies, only to be killed (Lamb, 1984:686)

Disappearance by massacre and burial in mass graves took place. According to Robert Fisk after the massacre at Sabra and Chatilla,

“One Christian gunman told me he had seen dumpster trucks filled with corpses being driven past Israeli troops on 17 September. Tveit was told by a Phalangist that ‘you won’t find out what happened to the others unless the government decided to build a subway under Beirut’. I kept hearing rumours that there were a thousand bodies buried ‘where you play sport’ and thought at first that there must be an undiscovered mass grave under the ruined sports stadium besides Chatilla. Only later was I told that the bodies had been buried beneath the golf course between Chatilla and the airport. I went there afterwards and found large areas of

newly dug earth and the tracks of bulldozers. But by then the Lebanese army controlled the area and refused to let the Red Cross carry out investigations”(Fisk, 2001:386). To this day, the graves remain unexcavated.

1982 is also the year that the first family led initiative for the missing and disappeared began. During the war and post-war years, many organizations emerge to address this cause, but I will touch on three, which I believe went on to play the largest role in this story and became the face of the cause, however one of them ends up being sidelined in the later stages. They are *The Committee of the Families of the Kidnapped and Disappeared in Lebanon* (CFKD), founded and headed by Wadad Halwani; *Support of the Lebanese in Detention and Exile* (SOLIDE) founded by Ghazi Aad, and the *Follow Up-Committee for Lebanese Detained in Israeli Prisons* founded and headed by Mohammad Safa.

Committee of the Families of the Kidnapped and Disappeared in Lebanon:

On September 24th, 1982 Adnan Halwani, Wadad Halwani’s husband and member of the Organization of Communist Action, was kidnapped from his house in Ras al-Nab’a in Beirut. Speaking to Wadad, she tells me her story. “After the Israeli withdrawal from Beirut in Sept 1982, two armed men came to our house which is located on the Green line, between what used to be called West Beirut and East Beirut, asking for my husband Adnan. They took him, pretending they wanted to investigate a car accident”. As they were talking to Adnan, Wadad followed them down the stairs of her building and heard Adnan’s voice telling her “Don’t worry, I’ll be back in 5 minutes” (Legal Agenda, 2019). “That time and date- the 5 minutes -never ends. I started immediately searching for him, asking everywhere, every checkpoint, and every police center without an answer. Some of the answers were that there were other people who also came asking for their relatives and loved ones”. In her search for the “many people” who were in the same situation as her, Halawani left her school in Burj

Abu Haidar and went to a local radio station to issue a call “to those who have someone missing in the war” to meet up with her in front of the Abdel Nasser Mosque on the Corniche El Mazraa on the afternoon of November 27th, 1982 (Legal Agenda, 2019). “I put a call in a local radio appealing for those who have missing relatives, husbands, brothers, sons who have disappeared, to come and meet in a specific place near my work. Frankly I was expecting three or four women to show up, but to my surprise 100s of family members, many with their children, showed up.”

Wadad searched for a stone on the side of the road to stand on so that everyone could see her, and she addressed the crowd, calling for a march towards the governmental palace, in the Sanayeh area at the time. On that day, Lebanon declared a state of emergency and prohibited demonstrations. Halawani and the women of the committee she had just formed ignored the curfew decision and were confronted by the police. The rounds back and forth with security forces ended with Prime Minister Shafik Wazzan accepting to meet them. The women came out of the meeting disappointed after he told them: “The spirit is willing but the flesh is weak”. On that day, Halawani became all the more determined to search for all the missing. (Legal Agenda, 2019)

This was the event that would lead to the establishment of the Committee and a big step in Lebanese civil action during the war. Taking into account the sectarian, political and social factors during the war and post war years, it is important to note that this was one of the only groups composed of members of all religions, regions and social classes. During the war years, the Committee fought for the release of information about all people who were kidnapped, regardless of their religion, politics, or nationality. Making it a point to remain independent of militias and political parties, the group of mostly women would instead seek

to get information from officials and ask for their help as wives and mothers. Unsuccessful, they decided to focus their attention on drawing public attention to the issue. Despite militia harassment and violence, the Committee organized large-scale strikes and sit-ins. It was also active in the antiwar movement, staging peace demonstrations that crossed over the Green Line. Joining forces with other women's groups, labor unions, student movements, disabled people's organizations, professional associations, and other activists, the Committee helped raise the issue of the kidnapped as one among many in the struggle against militia control, connecting the families' struggle to the larger demand for the rights of all Lebanese to peace and security (McManus, 2017).

SOLIDE - Support of Lebanese in Detention and Exile

Established in 1990, SOLIDE - Support of Lebanese in Detention and Exile - is a Lebanese NGO that works with local communities in Lebanon and around the world on the cases of Lebanese victims of enforced disappearance, arbitrary detention and exile, specifically focusing on the cases of Lebanese kidnapped and detained in Syria. On December 29, 1989, they launched a campaign by television and radio calling on the people to come forward and report the missing of their loved ones. On the same day the group distributed a manual describing human rights violation at the hands of the Syrian security forces in addition to the torture methods in Syrian prisons. The major activity of the day was a large 'human chain' that spread from Beirut to the Pontifical embassy in Harisa – Jounieh - 17 kilometers to the north of Beirut. Within two months, hundreds of cases were reported to the group.

I wanted to get more information about this organization and their role and impact as a key ally in this movement, but with their website not being updated in many years and

Ghazi having passed in 2016, it was difficult. Ghazi was referred to by many that I spoke with as something of a computer- adding to the difficulties in information gathering. He had everything in his head- dates, names, phone numbers, history, everything. However, he took it all with him, so I spoke with his brother, Jihad, hoping to get more information. They grew up in Kuwait and when they finished school there, they came to The American University of Beirut (AUB). During the war, Ghazi stopped his studies for two years and then continued with his BS in Biology and continued to study medicine. However, these plans were halted with the 1982 Israeli invasion of Lebanon, so he traveled to the US to get an MA in Marine Oceanography in Virginia. At this time, his father back in Kuwait fell ill with kidney trouble, so Ghazi returned to Lebanon to renew entry permits to Kuwait. Unfortunately, while in Lebanon he got into a car accident and was completely paralyzed from the neck down. At this time, his friend's brother was taken by the Syrian army, which prompted Ghazi to start his work on this issue. Ghazi was never taken by Syria, nor did he have any family taken- he simply wanted to do some "humane" work as his brother, Jihad put it.

The Follow-Up Committee for the Lebanese Detained in Israeli Prisons

The Follow-Up Committee was founded in 1999, a year prior to the withdrawal of the Israeli army from most of Lebanon's territory. The Committee focused its efforts on providing support to the families of victims of disappearances and on advocacy. Following the withdrawal of the Israeli army in 2000, the Committee converted into the *Al Khiam Center for the Rehabilitation of Victims of Torture* (named after the Israeli held Khiam detention camp in southern Lebanon, and from where 150 persons were released the day of the Israeli withdrawal- 2000 at its peak). Today, the Center offers medical and social support to former detainees and victims of torture. The issue of those believed to have disappeared at

the hands of Israel or its Lebanese allies has been handled by the Lebanese party and armed group Hezbollah, which has on several occasions, negotiated swap operations with Israel aimed at securing prisoners and remains. Though the file of disappeared in Israel is more or less considered closed, the Communist party said that there were still a number of cases of persons who disappeared during battles with Israel and that have not been addressed (Maalouf, 2009).

The Lebanese Civil War officially ended on October 13th 1990. During the war, families of the missing and disappeared had worked and searched tirelessly for their loved ones. The expectation was that this process of locating or discovering the fate of their loved ones would become easier with the war over, but this proved not to be the case. Following the end of the war, a major challenge that the families had to deal with was the position of the successive Lebanese governments from the issue of missing and disappeared people. Successive Lebanese governments continued to assert that revealing the truth might revive old animosities that could lead to the outbreak of a new civil war in Lebanon. The state wanted none of this discussion. Peace and stability were reigning, so why disrupt it? The paradigm of the day was silence and forgetfulness - what some Lebanese thinkers termed “state-sponsored amnesia” (Comaty, 2019:)

So where did this policy of “amnesia” come from and how did the state hinder progress on the issue of the disappeared? The answer is found in discussion on the post-war Ta’if era, beginning with the Ta’if Agreement that “ended” the war.

The Ta'if Agreement:

In summer 1988, the situation in Lebanon had reached an unprecedented political deadlock- there was no agreement on a candidate for the presidency of the Republic. Then departing President Jumayyil appointed Army Commander General Michel Aoun to head a transition cabinet as Prime Minister, but faced opposition from Muslim leaders. Salim al-Huss, who had resigned as prime minister went back on his decision and declared himself the legitimate holder of the post. The remaining state institutions were in jeopardy and had no control on the ground - the main militias “governed” their zones, and the cabinet was paralyzed by warlord ministers boycotting sessions. In January 1989 the Arab League’s Foreign Ministers meeting in an emergency session established a six-member committee to negotiate with the parties but to no avail. Aoun demanded the withdrawal of foreign troops from the country as a precondition to negotiations whereas Prime Minister Huss and Speaker al-Hussayni insisted on the primacy of internal reforms. Against this backdrop, Aoun launched a ‘war of liberation’ from the Syrians, but was outgunned. However, the military escalation drew international attention. Meeting in Casablanca in May 1989, Arab leaders criticized Syria as an obstacle to the restoration of Lebanese sovereignty and were successful in formulating a truce plan that would come into effect on August 29th, followed by a meeting of the Lebanese parliamentarians in Ta'if, Saudi Arabia (Traboulsi, 2007:240; Zahar, 2002)

In September 1989, a number of the surviving members of the prewar parliament met in Ta'if, Saudi Arabia to work out the peace agreement to end Lebanon’s civil war. The agreement addressed the contentious issue of power sharing and Lebanon’s foreign policy orientation. Ta'if redistributed political power between the three major Lebanese confessions

by reducing the powers of the Maronite Christian president and gave most executive powers to the confessionally mixed Council of Ministers, which means the Sunni Prime Minister is empowered greatly, as well as increased the power of the legislature and the Shiite House Speaker (Krayem, 1997). According to Marie-Joelle Zahar, Ta'if had two outcomes. In the medium term, it provided a basis for economic recovery and strengthening of state institutions. However, in the short term, this “stability”, which can hardly be called such, came at the expense of human rights, democracy, and national reconciliation. This will act as a tremendous obstacle for the movement. (Zahar, 2002)

In summer 1990, regional and international developments transformed the context of implementation of Ta'if. These were instrumental in giving Syria free reign in using military force to subdue the rebellion of General Aoun. Citing dissatisfaction with the content of the agreement, General Aoun moved to spoil Ta'if by dissolving Parliament, thus blocking the election of a new President and the enactment of the agreement into law. The attempt failed. Two presidents were elected, but Aoun refused to relinquish power. He was later relieved of his command and condemned the Lebanese Forces for not supporting him. On January 30th 1990 a major Lebanese Forces-Lebanese Army confrontation erupted, leaving both sides vulnerable, severely dividing Christians and dealing a blow to their position in the country's sectarian power balance. The Syrians took advantage of and moved against Aon, forcing surrender. The international community condoned the Syrian attack because of Syria's participation in the Desert Storm coalition, bridging the gap between the Syrian regime and the international community (Traboulsi, 2007:240). When Syrian troops joined the US-led coalition against Iraq, “this precipitated a new Syrian-U.S. understanding that not only gave

Syria the green light to move against General Aoun but also appeared to tacitly acknowledge Damascus's special interest in Lebanon.” (Zahar, 2002)

Another very important aspect of Ta'if that has a direct effect on the issue of the disappeared is how the agreement clarified the nature of relations between Lebanon and Syria. Upon the forcible removal of General Aoun, Syria effectively became the external implementer of Ta'if and the agreement's implementation strategy reflects Syrian priorities, introducing the period of “Pax Syriana”. Syria used its new position as implementer of the Ta'if Agreement to negotiate a number of bilateral coordination and cooperation agreements with Lebanon spanning every conceivable domain from security to labor. The terms of these agreements effectively tie Lebanon to Syria's definition of its own strategic and military interests. For example, in 1991, Lebanon and Syria signed a treaty called Brotherhood, Cooperation and Coordination. This set the terms for Syrian control of the country and so state institutions such as the judiciary and the army were under Syrian control. Pro-Syrian forces handpicked senior military security chiefs and the military was transformed into a patronage network (Kovras, 2017:145). Syria also re-interpreted the provisions of the Ta'if Accord pertaining to the withdrawal of its armed forces from Lebanon. Whereas the accord provided for redeployment of the Syrian troops within a two-year period ending in September 1992, the Syrian interpretation is that this withdrawal is contingent upon the implementation of sweeping deconfessionalization in Lebanon.

Although confessional compromises emphasized by Ta'if are meant as temporary measures until full deconfessionalization is effected, no steps have been taken in this direction. Ta'if has actually further institutionalized confessionalism. While sectarian balance and equal sectarian representation replaced Maronite hegemony, it essentially created a

system whereby Lebanon has three presidents, a ruling *troika* (Karayem, 1997) Each of these three individuals still perceives himself as the representative of his community and engages in strengthening his position and enhancing power vis-à-vis the others. This results in frequent paralysis of decision-making. Individuals committed to the livelihood of a particular representation system will never simultaneously work to eradicate it, ultimately delaying Syrian withdrawal and ensuring the system persists to this day.

The Ta'if agreement was accompanied by General Amnesty Law No. 84/91 of August 26th, 1991, pardoning all crimes that were committed before that date, including crimes against humanity and those that seriously infringed human dignity, but excluding crimes committed against religious or political figures. Another notable exclusion was no protection would be given for the crime of collaborating with Israel. It was seen to make sense to issue a general amnesty law from a perspective of social reconciliation and civil peace and silencing the question of responsibilities was seen as necessary.

However, is the general amnesty law to blame for the silence of the state? Partly, yes, but Iosif Kovras gives a more nuanced approach to the issue of Lebanese state silence. Amnesty laws deprive families of access to legal instruments and work to incorporate those responsible for the disappearances into party politics. However, this is different in Lebanon. What about disappearances not covered by the amnesty law? The amnesty law in Lebanon only covers crimes committed during the war, but enforced disappearance continued well after the war's official end. In fact, disappearances are considered a "continuous" crime and thus should not even be covered by the amnesty law at all. This invocation of the legal argument that disappearances are ongoing crimes was used by families in Chile, Argentina and Cyprus, yet it did not work in Lebanon (Kovras, 2007:146)

This can be seen in the example of Najat Hashisho. Her husband, Muhieddine was “abducted from his home in broad daylight and in front of all his family members, by force, on September 15th, 1982”. In January, 1991, after 9 years of individual efforts to search for her husband had led nowhere, Mrs. Hashisho filed a lawsuit against three persons she had identified as the kidnappers. After close to 23 years, in 2013, the Criminal Court of South Lebanon issued its decision, concluding that there was insufficient evidence against the suspects (Maalouf, Maalouf, 2015). 23 years of meticulous work by Mrs. Hashisho was deemed insufficient, not that the judiciary had conducted any investigation. Her case is one of only two known cases that have been brought before the judiciary by individual family members.

Another example outside the scope of amnesty is that of Samir Geagea, leader of the Lebanese Forces at the time. He was prosecuted for assassinating the leader of the National Liberal Party, Dany Chamoun in 1994. Assassination of a political leader is not covered by the amnesty law and the crime took place after the law was passed, regardless. Even with the prosecution of such a high profile figure and leader of a militia behind many disappearances, it did not open the window to any further legal action and actually further polarized Lebanon. At the time, Amnesty International criticized the politicized nature of the trial, accusing Lebanon of selectively targeting those who opposed the Syrian presence (Amnesty International, 2004).

Kovras also points to the minimal level of security and stability as a factor. With these absent, there was a fear on the part of the families that demands for truth would put the missing in danger, if they were still alive. SOLIDE - Support of the Lebanese in Detention

and Exile- would request that family members register names of those they believe to be alive inside Syria. Jihad Aad tells me that “Before they left (Syria) we had only about 100-150 names, after they left we had 700...because they were afraid”. This fear was justified. The Ta’if Accords did not take the needed steps to dilute the power of those responsible for heinous crimes during the war. An embedded security apparatus of militias and warlords remained intact and even flourished after transition. An example of this uninterrupted security apparatus is the ongoing use of disappearance after the official “end” of the civil war. The already mentioned treaty of Brotherhood, Cooperation and Coordination, in addition to the continued involvement of outside actors involved in disappearances exacerbated the security regime. Amidst all this, intelligence services were not only unable to deter human rights violations, but even facilitated the transfer of kidnapped to Syria. This continued until, at least the year 2000 “We thought that the arrests stopped or slowed down after 1998, but unfortunately, some people were arrested even in the year 2000” (Eid, 100). The embedded security apparatus weakened and destabilized the state while also preventing families from speaking out. Those who did were branded disturbers of the fragile peace.

This fear was also an obstacle because it has prevented the broader society from supporting the families’ cause. Different Lebanese communities did not show any serious interest in pressuring ex-combatants to reveal the truth about their acts during the war. Many of the ex-militiamen who were Active during the years of the Civil War were elected by the members of their communities as members of Parliament and municipalities and successive national and local elections that took place after the war. Furthermore, the position of the Lebanese clergy and each religious community has represented another obstacle to revealing the truth. Many clergymen were actually involved during the war and often supported and

sponsored ex-militiamen who committed atrocities. They also try to provide protection to ex-combatants who were directly responsible for the disappearance of many Lebanese during the war. (Ouaiss, Rowayheb, 2015)

Security is also crucial the issue of mass graves, Identifying graves presupposes a level of safety to convince perpetrators – who are often the sole eyewitness to a kidnapping or murder- to reveal possibly incriminating information. In post-1990 Lebanon, this was simply absent.

Assaad Chaftari's experience speaks to this issue well. Assaad al-Chaftari was a senior intelligence officer of the Lebanese Forces. In many instances, he would decide what happened to prisoners. In 2000, he became the first person in Lebanon to openly apologize for his role in the war and asked for forgiveness. Today, he is active in organizing for his NGO "Fighters for Peace ", which brings former combatants together to raise awareness about past violence, through city tours, plays, workshops and outreach programs. He states that he does indeed have information regarding mass graves, as have many other ex-fighters, but will not but are not yet ready to reveal this information. The fear of being considered a traitor by their community, or the fear of retribution is a strong factor pushing them to hide the truth. He will only reveal information to a national commission. "Before having a national solution for this (disappeared), I am not ready to do anything. You can try to put pressure on me as much as you want, it's useless." (Kovras, 2017:144)

This is not just an issue in Lebanon. In Bosnia and Herzegovina, the information leading to location of graves used by the commissions came from a variety of sources, such as survivor testimony, witnesses, perpetrator confessions, military and paramilitary records, among others. Witnesses have been key there to providing information for mass grave

locations (Handson, Rizvic, Parsons, 2015). However, without the proper channels in place to allow for this information to come to light, it's useless, and in Lebanon time is passing, witness accuracy decreases, people die and geography is altered.

This treatment of the issue of mass graves points to the state's rationale. The rationale for not opening any files related to the issues has been the same since 1990 and follows the same logic as the Ta'if regime: being permanently aware of the specter of war that looms within Lebanese society and politics, and a desire to keep the status quo. A quote from the head of the 2000 commission, Abu Ismail, justifying why the mass graves should be kept as they are found are revealing: "I don't think this issue should be touched. After all, what good would it do? What use would it be to dig up thousands of bones? Why? (...) I don't see a need to exhume the bodies and stir up emotions all over again (...) we considered it inappropriate to address the subject too deeply because of its sensitivity. So, we chose to dispense it" (Comaty, 2019:117).

Lack of democratization of domestic institutions post-conflict is another factor. It is quite common in the immediate aftermath of a negotiated transition for silence to dominate public discourse. In the long term, however, the gradual process of democratic consolidation strengthens democratic institutions which, in turn, provide truth seekers with the necessary tools they require. It is true that Lebanese civil society in general and the relatives of the disappeared in particular have been proactive, and yes, they have mobilized to seize all available opportunities, but the tools at their disposal have been limited, thus limiting the impact of such efforts. The politicization of the Lebanese judiciary is instrumentally deployed by political elites to curtail the freedoms of their opponents, with judges arbitrarily appointed. The judiciary in Lebanon is dependent, politicized and opaque. A leading figure

of SOLIDE describes the problem: “The lawyers, the bar association and the judges are also afraid to raise this issue because most lawyers (associations) belong to political groups so if one group would like to raise this issue, two or three other groups will not accept it. So they put it aside and they don't work on it. " Lebanon is a country of compromise and you have to compromise Justice. I would say the first victim in Lebanon is Justice” (Kovras, 2017:147). It isn't just fear and politicization that blocks the judiciary from working efficiently; the judicial system itself has been described as “ archaic and procedurally slow...” and that It is overburdened by frivolous lawsuits primarily due to the fact that fees and expenses ordered to be paid by the plaintiff in case he/she loses are insignificant As a result of these factors, some cases have dragged for decades (Maalouf, Maalouf, 2015)

Conclusion:

The fact that Lebanon, today, is a post-conflict society, and not post-authoritarian is important for this discussion. The obstacles faced by post-conflict societies trying to address the problem of the missing are greater than those in post-authoritarian states. The weakness of state institutions, the feeble infrastructure and the priority of boosting economic recovery and accommodating the demands of survivors often become obstacles. In post-authoritarian settings, state institutions may be weakened but they are not usually annihilated. Also, in the aftermath of state-repression, relatives have more institutional tools available, including the media; they also have better economic prospects and access to political parties to introduce their demands into the political agenda, something absent in Lebanon with political parties working against the families and the media censorship as an extension of the Syrian security state. As we can see, advancing the issue of the missing and disappeared was a grueling task, with an uninterested and even hostile state apparatus, as well as select institutional obstacles

that would block even the most sympathetic of state representatives and hamper the work of the most determined family members.

In addition to this, Lebanon was still very much a warzone in the south, occupied by Israel until 2000 with hundreds of prisoners still in al-Khiam, and facing armed resistance. The Qana Massacre very much emphasized this. In April, 1996, during “Operation Grapes of Wrath”, a sixteen day assault on Lebanon, Israel shelled a UN refugee compound in Qana, killing 106 Lebanese civilian refugees and wounding hundreds more, with UN observers claiming that the firing patterns were too precise to be accidental. (Volk, 2010:117). This attack revealed the “post-war”, Beirut-centered bias of both Western and some domestic reporting on Lebanon. Simply an end to widespread and unhinged death and destruction in the capitol is not enough to declare “peace”. For some, the occupation and attacks like this also justified Syria’s presence in Lebanon as a counter-balance and birthed new ruling elites in Lebanon today, specifically Hezbollah. Ta’if mandated the disarming of all militias, but Hezbollah, with Syrian backing, kept their weapons on the pretext that they were not a militia, they were “the resistance”. A successful resistance forced Israel out of Lebanon on May 24th, 2000, liberated al-Khiam prison on the 25th, with “Liberation Day” being declared a national holiday. Hezbollah enjoyed pan-Arab and internal Lebanese praise for this, yet many feel their role ended on May 25th, 2000 – or 2006 - since their success would solidify Hezbollah’s place in the top echelons of the ruling elite years later. Next, I will analyze how the factors discussed in this chapter were taken up and framed by the families, social movement actors, state institutions, and transnational processes of mobilization -- with a particular focus on dialectics of memorialization and amnesia.

3) Resisting Amnesia and Silence

When talking about a policy of “forgetting”, or “amnesia”, a few points must first be made. One is better off refraining from suggesting that Lebanon’s official policy of post-war silence and denial represents a kind of “collective amnesia” or that “silence and forgetfulness have become part of the national culture”(Young, 2000). These attempts at amnesia were top-down efforts and was not only the by-product of Syrian influence in Lebanon, but rather a tacit agreement among the majority of Lebanese political leaders, ex-militia leaders and ex-combatants, not to reveal the truth about the missing and disappeared due to the high likelihood that they would found responsible for the killings, massacres, kidnappings and disappearances during the war. The state and political society were preoccupied with reconstruction and reinvigorating political institutions and the security sector. This created a gap in addressing the war that the families and civil society was eager to fill and wasted no time doing it (Barak, 2007). This was a clear attack on the Lebanese people, recognized since the days after the war’s end. “The real pollution is about changing people...When there is an assault on memory and culture, you change the form and substance of people...its environmental death. Our sense of belonging, our spirituality, our upbringing, our relationships with each other...we are undergoing a new attack which is tearing us apart and fragments us” (Suspended Dreams, 1992). The massacre at Qana also assisted in this, as the domestic outrage compelled the Lebanese to re-experience the full range of emotions from the civil war, and the social deficits of forced amnesia became apparent to many.

In this chapter I will discuss how families of the missing and disappeared, and civil society in general, challenged this policy in the 1990’s until 2005, how the state responded, as well as showing how the families acted as the hub for the formation of a intersectional and

broad Lebanese coalition challenging not only the state with regards to the missing and disappeared, but how they challenged the broader memory politics at work in post-war Lebanon, and attempting to facilitate the process of reconciliation.

As stated in the previous chapter, the amnesty law of 1991 was an attempt by the Lebanese state to brush the war under the rug and move forward. Following the end of war, and picking up after the passing of the general amnesty law, the Committee, fully aware of the risks in calling for punishment decided to call for the state to begin serious investigations into the fate and whereabouts of their loved ones, as well as the state to declare them dead, if an inquiry found that to be the case (McManus, 2017) shifting responsibility to the state, bypassing the expensive and complex procedures necessary for a legal confirmation of death, as well as unlocking other benefits such as inheritance procedures, property transfers and compensation (Young, 2000). The government feared a collective declaration of death might open up a Pandora's box of wartime recrimination, so it moved to finally resolve the issue. After the general amnesty law, the state passed Law No. 434 in 1995, specifically around the disappeared. This law allowed the relatives of the disappeared to legally declare the disappeared relative as deceased if they had been missing for over four years. Most of the families refused to use this legal remedy since they did not want to declare the disappeared dead without any proof of death or information about their whereabouts, and although Lebanese politicians presented this law as a solution to the matters of inheritance, marriage, and other civil rights issues, it was clearly a means to silence the issue and push responsibility onto the families, forcing them to "kill" their loved ones. Deadlock ensued. This is exactly as it happened in Argentina. "In an effort to set itself apart from the earlier period of repression, the government passed a law on the Presumption of Death because of

Disappearance in September 1979. The law gave the families the opportunity to declare their disappeared relatives dead and, in this way, to deal with the pending legal, bureaucratic and financial issues. Most families perceived the law as an attempt to cover up the problem” (Kovras, 2017:65)

Unlike family associations in contexts such as Argentina, where the issue of the disappeared played a prominent role in the larger national struggle for social and political justice, the Committee had to find strategic ways to draw public attention to its struggle for information. Many intellectuals, artists, and civil-society activists fought the logic of forgetting advocated by the government, arguing that the past had to be dealt with so that the nation could heal. They sought to keep the memory of the war alive and, along with it, the issue of the missing and disappeared, and so in 1999, the Committee decided to widen the public base of its campaign and began working with legendary Lebanese activist Paul Ashqar to establish “Friends of the Committee”. With the support of memory activists, religious leaders, journalists, film makers, and numerous NGOs and student and labor unions (McManus, 2017), they launched a campaign under the slogan “Min haqqina an na’rif” (It is our right to know). Following Paul’s advice for a more pragmatic approach, the Committee adopted a new approach, demanding the government establish a national inquiry commission, provide social services to the families and the establishment of April 13th as a national day for the disappeared, as well as a war monument in central Beirut.

In the late 90s, SOLIDE began utilizing international channels earlier on than the groups. After treaties signed between Lebanon and Syria, as well as Lebanese refusal to admit there were Lebanese detained in Syria, and the fear amongst people of saying otherwise, it was difficult to maintain its activities. In late 1996, Ghazi Aad arranged a

meeting with a group of mothers who would later be known as ‘the Mothers of October 13 Soldiers’ - soldiers missing since the battle between Michel Aoun and the Syrian army mentioned in chapter 2. Until then, the mothers had met informally in private homes to exchange information about their progress in contacting Syrian officials on behalf of their sons who had disappeared on October 13, 1990. The meeting between Aad and the mothers launched a new phase for both SOLIDE and the families of the detained soldiers, increasing the framing of their activism in the language and practices of human rights (Shaery-Yazidi, 2020)

In this phase of Syria’s strict grip over Lebanon, Aad proposed a limited form of public engagement for the mothers: he would help the families share their files with human rights organizations and facilitate their visits to the human rights sections of embassies. The mothers accepted this plan, since it did not involve confronting local state authorities and consequently risking trouble with Syrian military security. The mothers would benefit from the contacts SOLIDE had already established, and the activists would benefit from having the families themselves speak about their ordeals. The families would present evidence of their sons’ disappearance to prove the authenticity of the cause, and SOLIDE would provide the institutional framework for the mothers’ telling of their stories. (Shaery-Yazidi, 2020)

Unlike SOLIDE activists, who were known for the politicized nature of their activism, these mothers—middle-aged women without obvious economic or political ambitions—could not be dismissed on ideological grounds. Instead, they became symbols of truth, trustworthiness, and authenticity. Like many spaces, politics is a gendered space, a masculine sphere; consequently, the public activism of these otherwise ordinary women, much like that of the *Madres de Plaza de Mayo* in Argentina was tolerated by the security

forces. Their message gained wider acceptance because they were mothers and grandmothers. This was true for the Mothers and Grandmothers in Argentina, the Mothers of October 13th Soldiers, and it was true in wartime for Wadad and the CFKD. After Adnan was kidnapped, and in the early days and years of the formation of the Committee, street protests were a common tactic. In the 80s, Wadad Halwanni met with President Amine Gemayel at the presidential palace. Her clothes stained with soot after she and the mothers and sisters of the missing had closed the checkpoints on the frontline between East and West Beirut by burning tires. On that day, Dar al-Fatwa's Mufti escorted her to the presidential palace to meet with the president, after authorities informed him that a "tiny" woman was behind the smoke of burning tires at the crossings. When a meeting between Gemayel and Halawni was facilitated, Gemayel said to her: "So it is you who's blocking the roads?" (Legal Agenda, 2019). Wadad is oftentimes described as "petite", even from favorable publishing, as a way of highlighting the truly "massive" power and will she has. The "innocence" of women is a universal concept. Unlike the mothers in Argentina, however, the mothers of the Lebanese soldiers, specifically, did not organize and take to the streets on their own but rather merged with an existing group of activists within a political party framework. This depoliticization and work with the mothers as the public face was not just to make maneuvering the local Lebanese space easier; international human rights organizations, such as Amnesty International and Human Rights Watch required it if there was to be collaboration. (Shaery-Yazidi, 2020)

In 1997 an event with the FIDH was held in Paris by the *Association for the Defence of the Rights of Lebanese Detainees in Syria*. Two representatives from SOLIDE and five relatives went to the event, which was the first time they took the issue outside of the

country. One of those invited was Sonia Eid, head of the Committee of The Families of Lebanese Detainees in Syrian Prisons and the mother of Jihad Eid, who was kidnapped in Lebanon and has been detained in Syria since 10/13/1990. Sonia had received assurances from a former prisoner released through the mediation of former Minister Elias Hobeika, that jihad is alive in a Syrian prison. Sonia reported that her son was imprisoned in Damascus, in Palestine branch No. 235 and that in 1991 she was able to see him before being transferred with others to another prison (Eid, 103). During this trip she and others met with French foreign ministry officials, with EU Parliament officials in Brussels and finally to Geneva to meet with the UN Human Rights Committee to present the issue of Lebanese detainees in Syrian prisons (Eid, 148). In March, 1998 the European Parliament adopted a resolution asking all members to raise the issue of Lebanese detainees in Syria with the Syrian government. That same month, 121 Lebanese detainees were released from Syria, only four of whom had been on SOLIDE's original list. This proved that the authorities were lying and that the issue was much larger than originally thought.

The State Reacts:

From 2000 - 2005, three national commissions on the missing and disappeared were formed. The combined work of the family associations, as well as recently elected Prime Minister Salim El-Hoss' sympathies toward the issue pressured the government to form the first official national commission on January 21st, 2000. The "Committee of Inquiry for the Investigation of the Fate of All the Kidnapped and Missing" – *Lijnat tahqiq rasmwiyya li-l-istiqla 'an masir jaml' al-makhtufin wa'-lmafqudin*. Henceforth, "the 2000 Commission"

Only months later in July 2000, a three page summary report was published and the results were not positive. This short deadline itself served as a signal that the Lebanese government only wanted to rid itself of this file. Following a compilation process and a breakdown of the files submitted by the relatives of kidnapped and missing persons, the Commission estimated the number of the victims at 2,046 and concluded that all persons whose names were recorded in the report are dead, in addition to announcing the existence of a small number of mass graves across Lebanon, only recognizing 3 mass graves, all in official cemeteries. (Legal Agenda, 2014, Umam, 2010). The families protested the results, decrying the report as a death sentence for the cause and that their loved ones were still alive in Israeli and Syrian jails. The report was also criticized as another way the state was trying to silence this cause and keep open discussion of the war taboo. Criticism was also made due to it being handled entirely by the state security apparatus. What ultimately killed the report, however, was the release of 54 Lebanese citizens from Syria in January, 2001, of whom some were declared dead in that same 2000 commission. In the aftermath of this embarrassing discrediting of the 2000 Commission, and under continued pressure by the families, the Lebanese authorities had no other choice but to create another inquiry commission.

In my meetings with Ghassan Halwani, son of Wadad, he tells me that the decision to only recognize mass graves that were already under official cemeteries was politically strategic, but it prevented the families from properly relating with the space and the space was deprived of its significance. “It's the power of the invisible...we haven't related yet with the fear... We don't understand the materiality of what's there, so we don't understand our relationship to them”. Ghassan recalls a trip the Committee took to the gravesites listed in the 2000 report: They took a bus and they went to each of the sites where the mass graves were

located..they went and they did the same gestures as the ones they do in a demonstration...and you don't know what to do, so the only thing they did is the same things that they would do anyway” - at a normal demonstration.

Ghassan states that a mass grave holds a certain authority, the space has its own authority, but with the focus being on graves in already established cemeteries, the relationship with death and the body changes and that authority is not felt. These are spaces where people have prayed for the dead - the known dead. It is known to whom these bodies belong. Even at the cemeteries, you wouldn't know where to look down, just that they are there, as if pointing to a forest and telling the families, they are buried there somewhere. For Ghassan, the decision to only reveal mass graves located in official cemeteries, as well as the specificity of the cemeteries also created a discourse where “the mass grave lost its materiality as a crime site and lost all its horrors; It was even deprived from the horrors. It's about deprivation. “When I saw the families there, they didn't have any agency to feel or to act or to think”. The people and the graves were deprived.

The 2001 Commission: The Disappeared for whom there are reasons to believe that they are still alive.

In January 2001, a commission chaired by Fouad Saad, Minister of State for Administrative Reform, was set up to shed light on the fate of the disappeared, “in those cases where evidence suggests that they may still be alive.” The Commission was charged with collecting requests by citizens who wish to enquire about their missing relatives whom they believe to be still alive. The Commission's mandate was therefore neither to review the conclusions reached by the previous commission nor to re-open the dossier of the

disappeared and the missing. Rather, it consisted in only examining those cases of disappearance for which there was evidence certifying these individuals as still alive. What could the families hope to expect from this commission? The commission had neither the mandate of inquiring about the executions that took place in Lebanon, Syria and Israel, as well as no demands for the return of the bodies. Moreover, with regard to the disappeared about whom there was reason to believe they were still alive, responsibility was placed upon the families to prove that their kidnapped relatives were alive. There would be no enquiring about this information from the commission itself. The commission did list 97 persons that were believed to still be alive in Syrian prisons, but did nothing about it. We know this figure of 97 to be far lower than what organizations, such as SOLIDE estimate. (CLDH, 2008)

The Joint Lebanese-Syrian Commission of 2005

In 2005, the joint Lebanese-Syrian Commission was created with the mandate of investigating the Lebanese missing in Syria and the Syrians missing in Lebanon. The Commission's term was extended from three months until December 31, 2007. Of course, nothing came of this. It simply faded. Like its two predecessor commissions, the Joint Lebanese-Syrian Commission was not a genuine inquiry commission, as the Lebanese half the Commission did not actually lead any investigation. It merely transmitted the list of names to the Syrian half and for some of the disappeared, provided documents certifying their existence in Syria. The Syrian half of the Commission is mandated with investigating these individuals and making a determination as to whether they are still in detention in its prisons. Syria, who is accused of still having at least dozens of live Lebanese detainees, or now dead, is put in charge of determining the fate of those individuals who have been held in detention, incommunicado, for years, by Syria. Syrian authorities refuse to admit that they

detain Lebanese citizens and the Lebanese authorities make no challenge to this. (CLDH, 2008)

Remember Not to Return:

Between 2001 and 2005, the movement for public memory really took off. A big challenge came with the Memory for Future conference held in Beirut on March 30th and 31st, 2001. The argument of the conference was a simple one: memory of the war had been swept under the rug and must be brought out to see the light of day. Speeches and statements made during the conference were collected and translated into Arabic, English and French in “Memory for the Future”, edited by Amal Makarem, an activist and journalist very active in memory debates in the 2000’s. In her introduction, Amal states “It is because “the past doesn’t want to pass, and because it erects walls between us, that a seminar entitled Memory for the Future was held...” The conference brought together a large number of concerned intellectuals, including journalists, activists, academics and lawyers, with representatives from other countries with contentious memories of civil conflict, like Rwanda, Germany and South Africa (Haguolle, 2010:198). By comparing Lebanon to other post-conflict settings, the hearings achieved a fresh look at the Lebanese case that had been missing in the Lebanese debate. The negative implications of consolidated amnesia became clearer when seen in the light of other nations’ struggles. At the same time, the gathering created a momentum for Lebanese critical of the amnesia to work together. After the conference, Amal closed by writing: “A breach has been opened, however great the difficulties that await us” (Makarem, 2001). The greatest difficulty continued to be not just the amnesia but the messy and confused nature of the war itself. No matter how much optimism and goodwill is invested in pursuing an open debate, the Lebanese Civil War remains a painful chapter in

Lebanese history, experienced and viewed by Lebanese in diverse ways. Memory is neither automatically edifying nor gratifying. It is for this reason that much of the memory debate was centered around not only that the war should be remembered - a vague declaration. Nobody actually forgot the war - but what exactly should be remembered, what should be forgotten, and how to remember, all within a critical scope.

After 2001, the movement for commemoration of the war was becoming more organized and drawing in a larger proportion of cultural and political life. Some of the organizers of the Memory for the Future conference founded “Association Memoire pour l’Avenir”, an association of intellectuals concerned with the war. Notable names involved with the association were novelist Alexandre Najjar, journalist Samir Kassir, urban sociologist Maha Yahya, and historian Ahmed Beydoun. After the 2001 conference, the Alliance was ready to step it up with a national campaign. With the help of the Committee of the Families of the Kidnapped and Disappeared, they staged the most ambitious campaign for commemorating the war yet to be in Lebanon under the name Tandhakir ma Tan’ad (Remember Not to Return), a reference to the song by Ziad al-Rahbani, son of iconic Lebanese singer Fairouz.



1.

Setting aside goals deemed not politically feasible, the Association adopted the idea of a national commemoration. This alliance between the CFDK and the Association was mutually beneficial. Wadad and the Committee had been fighting for this cause since 1982, with less than desired results. There have, and continue to exist, a host of forces that fought to ensure their failure, but their size also played a role. The number of relatives of the disappeared is objectively large, yet small in comparison to the number of people who lost relatives, were wounded, suffered mentally from the war etc. When the plight of the families of the disappeared was coupled with the existing counterculture against amnesia, the issue

began to resonate more and became more of a public issue, relatively to before. The Committee's involvement also benefited the Association and the larger campaign. Wadad and veteran activists like Paul Ashqar played a large role in the peace movement during the war and were involved in organizing peace demonstrations that crossed the Green Line between East and West Beirut in the 80's. Their extensive connections to groups and individuals in Lebanese society, culture and media guaranteed the campaign broad publicity (Haguolle, 2010:200). As long as leading politicians continue to hide the truth about the kidnapped and disappeared, it was argued, relatives of the kidnapped and disappeared would still be living the war. As Wadad told me, "On 13 of April, we remember the war so that we don't repeat it. As long as the cause of the "disappeared" remains open, the war has not ended" For many, their predicament was, in turn, seen as a symptom of a national crisis. However, exactly who views this as an interconnected and national crisis needs to be addressed.

It is no secret that most of those who make up these organizations and who participated in conferences and campaigns are of a leftist, intellectual and secular corner, whose unifying message targeted the divisiveness of sectarianism and the rising sectarianism in society. As I said in chapter 2, the Ta'if Agreement did not reduce confessionalism as was said it would, but increased it. The amnesty law built upon that polarization. As we know, the amnesty law did not pardon crimes committed against religious leaders and personalities, contributing to the creation of what Nizar Saghih of the Legal Agenda tells me he calls the "Charismatic State", where the state ends up as just a number of leaders and their followers. This also contributed to what Saghih calls a "spectralization" - or fragmenting - of the memory of war, which transforms the memory of the victims. Memory of a collective tragedy, experienced by all Lebanese is transformed from an element that unites everyone

under a unified national memory to a memory focusing on the heroes and champions of the war, confined to the sect and party. This is weaponized by leaders whenever their legitimacy may be threatened. (Legal Agenda, 2020). Memory of the war, and therefore memory of the disappeared, is not wholly national for many. A drive through Lebanon will show that outside of the state, political parties remember the war on their own terms. Party flags everywhere, murals and memorials, all with the faces of martyrs, religious leaders and party leaders; sometimes accompanied by a message to them or a quote of theirs- all marked with party insignia.

I attended a number of events that follow this selective and exclusive memory. The largest was an event on August 31st in the city of al-Nabatiyeh in south Lebanon to commemorate the disappearance of Lebanese-Iranian Shi'a leader Imam Musa al-Sadr, whose status has only been elevated to mystical proportions since his disappearance. Musa al-Sadr is credited with the rise in social status of the Lebanese Shi'i population and he is the founder of the very large and influential Lebanese political party, Amal on July 6th, 1974, who went on to be very active in the war. On August 25th, 1978 al-Sadr and two companions, Sheikh Muhammad Yaacoub and journalist Abbas Badreddine, departed for Libya to meet with government officials at the invitation of Muammar Gaddafi. The three were last seen on August 31st and it is widely believed that Gaddafi had them killed.

Why was this event an example of selective and exclusive memory? This event happens every year and is put on by Amal for supporters of Amal to celebrate Amal and remember al-Sadr, although which is the dominant motivator isn't exactly clear. The headline speaker is Nabih Berri, current leader of Amal and the Speaker of the House of the Lebanese

Parliament - these crossovers are significant. In the week(s) leading up to the event, the Amal flag, banners of al-Sadr and his quotes are all over Beirut and the highways down to the south of Lebanon. On the day itself, when driving south, vans, buses, any vehicle taking people to the event flew the Amal flag and van and bus windows had pictures of al-Sadr taped on. The event itself is quite the spectacle; thousands of people and flags, part music playing, motivational speeches, the face and al-Sadr and his companions, on buildings, and even al-Sadr and Amal gifts for purchase.



2.

This is an Amal Movement celebration, and at the same time a Shi'i Muslim event. The families of the missing and disappeared do not attend these events, organizations like the ICRC also do not. These party memorialization events, remain exactly that, party events. This is why the broad coalition building done by the families and civil society is so important. It represented a unified challenge to state amnesia efforts and the continuation of a unified, national discourse that began when Wadad made her initial radio call in 1982.

Assassination of Rafiq al-Hariri:

The case of the missing and disappeared, as well as debates on memory took on new form in 2005. On February 14th, 2005 Prime Minister Rafiq al-Hariri was assassinated; killed by a car bomb in Beirut. In the aftermath of Hariri's death, Beirut saw major public protests as well as a shift in public rhetoric - people began speaking more of justice and truth than peace and stability. Mass public protests after Hariri's death were the biggest instances of civil society mobilization in decades. The end result of these mass protests was the passing of UN Resolution 1559 and the full withdrawal of Syrian troops from Lebanon on April 30th, 2005, although even this was influenced by regional politics. The United States supported and backed the resolution due to Syria's support for forces fighting the US in Iraq; a complete departure from the US' support for Syria in Lebanon due to its favorable stance regarding Iraq in the 90's.

The public protests after Hariri's death led to a realignment of political elites that solidified into two new political blocs: the March 14th Movement and the March 8th

Movement, better known as “the Opposition”. On either side, politicians that few would have expected to find common cause began working together. The most prominent parties of the March 14th alliance are the (Sunni) Future Movement, the (Druze) PSP and the (Maronite) Lebanese Forces. During the war the latter two waged many battles against each other. On the side of March 8th (Shiite) Amal and Hezbollah joined forces, along with most of Lebanon’s left-wing and Arab nationalist parties that draw members from all corners. Amal and Hezbollah had been strong enemies during the war and were rivals for the same Shiite designated seats in parliament. Michel Aoun also returned from exile in France to head the newly formed Free Patriotic Movement.

For the first time in its history, Lebanon’s Maronite community was publicly split into pro- and anti- government camps. Lebanon’s political elites had transformed the traditional Sunni-Maronite divide into a Sunni-Shiite divide. This political pact was supported by a politics of memory that acknowledged joint Muslim and Christian sacrifice for Lebanon, as well as elite post-civil war agreements to let bygones be bygones. After 2006, Lebanon’s elite were divided in such a way that the established politics of memory was used by one political camp to discredit the other, while one side would promote its own martyrs and narratives of sacrifice. The March 14th movement claimed to be inheritors of the National Pact and of politics of memory that emphasized ethno-religious difference as part of Lebanon’s identity. On the other hand, Hezbollah generated its own politics of memory that emphasized resistance (against the US and Israel). Martyrs remained central in each of the two memory projects. (Volk, 2010:162)

Not only were the protests important for the restructuring of public memory, March 8th vs March 14th was important for the case of the missing for two reasons. Some

Prominent Lebanese political leaders, such as Walid Jumblatt and Saad al-Hariri (son of Rafiq al-Hariri) would emphasize their victimization at the hands of the Syrian regime, yet kept their distance from the issue of the disappeared. Them and other March 14th figures had close ties to Ghazi Kan'an, head of Syrian Military intelligence from 1982 to 2002, his successor Rustum Ghazali (who had led Syrian intelligence in Beirut) and Abd al-Halim Khaddam, Syrian foreign minister and vice president from 1970-1984 and 1984 to 2005 respectively. A big blow to the families came in 2006 with the signing of a Memorandum of Understanding between Aoun and Hezbollah (leader of the pro-Syrian March 8th Alliance). Many Lebanese soldiers under Aoun were captured by the Syrians and so the families hold him responsible for their fate. Thus, neither of the two largest political movements to come out of post-Syrian withdrawal Lebanon have put the issue of the disappeared on their agenda. (Shaery-Yazidi, 2012)

The withdrawal of Syrian troops from Lebanon gave the families hope that at least some information would come to light about the missing. However, 15 years has passed since the withdrawal, making the argument that the Syrian occupation was *the* sole obstacle to the political resolution of this issue moot. 2005 also acts as the beginning for a change in tactics on the part of the families, signaling the start of a new chapter in the cause. Three turning points for the movement take place.

Turning Point:

On April 11th, 2005, mere weeks before the Syrian withdrawal from Lebanon, Ghazi Aad and the mothers of October 13th stationed a tent outside the UN ESCWA building in downtown Beirut, beginning a permanent sit-in, demanding that their cause be taken more seriously. Speaking with Ghassan Mokheiber, ex-member of Parliament, he told me the story

of how the tent initially came to exist, as he was heavily involved in it being set up in the first place. Ghassan has been engaged in political action around many topics challenging the postwar order and has been an incredible fighter for this cause and a strong, invaluable ally for the families of the missing and disappeared going back to at least the 90's, in the immediate postwar years.

“The story of the movement is an amazing story to be told. How we went from oblivion, from nobody really speaking about disappearances, or if they did it was only those disappeared by Israel and/or detained in Israel that were on the screen (Television). But anything else - militias, Syria was a no go”, he says. There were a number of turning points that Ghassan points out for the movement. With regards to media attention, a turning point was a TV program on Kalam al-Nas by Marcel Ghanem. “That was the very first time and it signaled the beginning of the movement's entrance into the mainstream”. The next two turning points go hand in hand; they were a march in downtown Beirut together with the 14th of March movement and the establishment of the permanent protest tent.

“Ghazi Aad was heading the march and I had become a member of parliament by then, and I had immunity and I was sneaking the demonstrators to the square in my car with a parliamentary pluck. I remember we had plotted to take parliament square and It was the only time when parliament square was squatted by demonstrators, and that was a demonstration for the disappeared. The way it happened is that we were marching down the street going to the main square - in Sahat al-Birj- and I had agreed with Ghazi that I would go towards parliament and they would open the gate and then they would storm the gate, and that's what happened. I went to parliament as a parliamentarian, and we stormed the gate; they couldn't stop me. We took over Sahat al-Nijmeh for the disappeared for 24 hours”.

The next turning point was the establishment of the protest tent. When news about the Syrian army's impending withdrawal began to spread in early 2005, the Committee of the Families of the Disappeared argued that the best strategy would be to hold a demonstration at the Masnaa border crossing as the Syrian tanks left Lebanon, when the gaze of both local and global media would be focused on the border area. Other mothers felt that this would not necessarily support the implementation of UN Resolution 1559 and that their priority should be to involve the local UN authorities in the matter of their missing sons. The majority leaned toward a demonstration in front of the UN headquarters in downtown Beirut. In an interview between Ghazi Aad and Roschanack Shaery-Yazidi, Ghazi recounted:

On April 8, we paid a visit to a sympathetic employee at the UN ESCWA office in Beirut. He suggested a more radical tactic: Activists should erect a tent in front of the UN building and announce a permanent sit-in there with the mothers. On the evening of April 9, I called Sonja and another mother and asked them to meet me on Monday, April 11, at noon in front of the UN headquarters. The day before the action, I faxed press agencies, called politicians, and invited the directors of other nongovernmental organizations to attend a press conference on Monday at noon in front of the UN ESCWA office. At the appointed time on Monday, April 11, the press was in attendance, as were two MP deputies, Ghassan Moukheiber and Nimatallah Nasr; the NGO leaders Wadih al-Asmar and Marie Donne; and Elie Abouaoun of the Arab Fund. Sonja and other mothers from the Committee of the Families were also present. The mothers and the SOLIDE activists declared that they would be undertaking a sit-in of indefinite duration until the government met two main demands: the full implementation of UN Resolution 1559 and the establishment of an independent commission of inquiry to determine the whereabouts of the Lebanese who had gone missing during the Syrian occupation of Lebanon.³⁶ (Shaey-Yazidi, 2020)

“That was the first tent, the longest standing tent, and it was for the disappeared. That got special authorization from the *Muhafiz*, who was a friend. That's how it got installed there” (Ghassan). I then asked Ghassan why the tent had not simply been removed by the authorities, and he continues: “We had approval from the *Muhafiz* very early on and it had made its way into the ethos of people (and become iconic) so removing the tent would be like removing the cause and it was a no go”. The tent acted not only as a political statement, but a social space where the families would gather, socialize, connect and form new memories.

Relatives would gather for the day, eating lunch, drinking coffee and receiving visitors in the form of journalists, researchers. None other represented the tent as a home for the mothers like Odette Salem.

In 1985, West Beirut, Odette had prepared lunch for her two children, Richard, 22 and her daughter, Marie-Christine, who was 19. They did not come home that day and never did. Having lost her husband to a heart attack in 1982, the toll on her was strong, but she never stopped searching. On May 16th, 2009, while crossing the street to the tent she was struck by a car and killed. In 2009, Wadad Halwani made a beautiful, short tribute film to her entitled "*The Last Picture While Crossing*". Commenting on the connection between Odette and the tent, Wadad states:

"Since the day the sit in started in April 2005, you never left the tent. It became your home, you became responsible for managing its affairs, you became the leader of the tent. When you felt the tent would go on for long, you furnished it, as if a true home. You equipped it with a fridge, heater, ventilator, and a toilet. You became the lady of the tent and we became your guests. You took care of all of us and inquired about those who didn't show up. So many times I stopped by the tent upon your persistence, just to get a kiss or to pick up my share of your cooking" (The Last Picture, 2009)

Since its setup, the tent served as a space for the enactment of social drama. "It was a place of pilgrimage more than protest, but most of all it became a place where all memories and emotional baggage of the families landed in the form of a permanent sit-in to express existence and resistance to the system" (Comaty, 2019:78). Not just existence - showing that they exist and their cause exists- but that the disappeared also still exist. The permanent display of images of the disappeared give them a life of sorts. The tent acting as a permanent home, with a permanent display of the missing and disappeared creates a strong bond between missing and family. Perhaps this permanence is what brought people to the tent.



3.



4.

In the case of Odette, Wadad believes so.

“Perhaps you came to the tent to be close to your children at all times, so nothing could take your attention from them. You brought them with you (pictures of her children), you placed them next to those who now exist in pictures. Just like them, your life revolved around pictures - you took photos with them, you shared your meals with them, you slept and woke with them, sharing the same residence. Odette, we miss you and those in the pictures miss you too.” (The Last Picture, 2009)

Odette’s death, while not the first or last, represents the urgency needed on this issue - after decades of struggle, mothers are dying without answers. In the final scene, Wadad gives a global message, showing the shared struggles mothers of the disappeared all over face, highlighting six mothers. “Odette, this is my symbolic greeting to you, and through you, to all the mothers of kidnapped children here in Lebanon and anywhere else in the world, and to all the mothers who passed away before the return of their children, before they knew what happened to them. Some died of grief, some were killed after the perpetrators blackmailed them and sucked their every last penny. Some committed suicide because they could tolerate living following their children’s disappearance”. Oum Nabil Abou al-Hayja - Palestine; Nayfeh Najjar Hamadeh - Lebanon; Lola Robinio - Argentina; Fatima Rouissi - Morocco; Khadija Noory - Algeria; Odette Adeeb Salem - Lebanon. (The Last Picture, 2009) The tent remains as a permanent object, yet has faded and reverted to temporary usage for significant dates and events since Ghazi’s death in 2016.



5.

The Crime in Reconstruction:

Amnesia was not only pushed through legislation, but was also the aim in the actual reconstruction of Beirut. For this reason, critics of state-sanctioned amnesia aimed much of their anger at the reconstruction project and the person of Rafiq al-Hariri. Because of downtown's former symbolic and practical role as a mediating space for the Lebanese, the reconstruction process attained a symbolic meaning, a united Lebanese people rising from the ashes - Beirut is called the Phoenix, as popular legend says it was destroyed and rebuilt seven times throughout history. The project was conducted by *Solidere* (Société Libanaise pour le Développement et la Reconstruction de la Centre Ville de Beyrouth), a private company whose main shareholder was Rafiq al-Hariri and who helped conceive of the plan. Hariri mobilized public resources for private sector projects and applied his personal vision

for Lebanon to the economic machinery of Solidere. Downtown in this way emerges as an impressive physical manifestation of the Lebanese officialdom's vision of Lebanon's past, present and future. Solidere and the reconstruction relate both to general concepts of reconciliation, as well as specifically the missing and disappeared.

Two films address the reconstruction by Solidere. Famous Lebanese playwright and theater actor, Rafik Ali Ahmed, speaking in 1992 in the film "Suspended Dreams", addresses the "attack" on memory and on the nation from above, as well as early reconstruction plans, grand in their advertised design, as unable to facilitate healing. In "Erased, ___ Ascent of the Invisible", Ghassan Halwani looks at the rebuilding of downtown Beirut, as well as the changes to the city in the years after, and how the crimes of the war are hidden.

From the very onset of the Lebanese civil, informal practices of waste dumping in open pits or by the sea were frequent. One notable site was the Normandy bay. The massive Normandy dump was transformed in the 1990s after the war into the "Beirut waterfront district," one of, if not the most luxurious and prestigious space in Beirut today. However, it was not just normal waste that was being tossed here; it was a known site for dumping bodies. Everything thrown into the sea is the material that was used for the reconstruction. "The war is there, the bodies, the destroyed buildings, the war is there" If you look at it, you (would) say this is the Lebanese civil war in Beirut, and possibly more than in Beirut", Ghassan Halwani tells me. Continuing after the initial rebuilding years, reconstruction hid the war from view. In Beirut's intermittent spurts of postwar prosperity, reconstruction efforts have resulted in countless towering office buildings and luxury apartments. "Do you know how many mass graves you're stepping on when you walk through Beirut? Parking lots are mass graves here." (ATLNTC, 2018)

For Ghassan, this reconstruction was a second crime, a crime perpetrated in peacetime, separate from the crimes during the war. He wants this to be conveyed in the film, but he also wants to send a message to the new generation growing up in Beirut, and this is where I see his challenge towards state sponsored amnesia: “It - the film - also is very much related to the question of generations, like this new generation that is about to inherit the city. I've been struggling for a long time to inherit, but we are not allowed to inherit it [yet]; we will inherit. So you know, there's one sentence in the film that is not in Fusha - Modern Standard Arabic - but in a spoken Lebanese dialect. It says ‘when you're going from Hamra to Mar Mekhayel you will pass by two or three mass graves, depending on the road you take’. This is a very specific sentence for a very specific audience in a very specific language. It's marked by being said in the Lebanese dialect...since these two areas are the areas of the young generation”. This is his challenge to amnesia, this message to today’s youth. Ghassan tells me “I am aware of certain atrocities and visible atrocities. So I relate to spaces with the consideration of these atrocities". I believe this to be a mindset he wants adopted by the current and future generations.

If the reconstruction of downtown Beirut was an attempt at reconciliation, it failed. It did not take the people into account, specifically, there was a disconnect between the new buildings and the Lebanese people. “Sixteen years of destruction, now they want to rebuild the city, what about me? What about the destruction within me? How will my confidence as a human be restored? There is still an alienation between the outer form and the inner substance. How will I ever feel at one with this building, which they will build of glass and aluminum? Just as the village peasant wears clothes which merge with and reflect their surroundings, the city must merge with the land and environment. Just as they reconstruct

these buildings, they must help us regain confidence and become whole” (Suspended Dreams, 1992)

Conclusion:

The families’ challenge to the state is a clear one: you don’t want to talk about it or do the work? We will do it for you. While the cause of the missing and disappeared is certainly a unique one, it is not isolated, as the families themselves have demonstrated, their cause is connected with others in Lebanon and should be - even if not wholly embraced yet - as a national cause. This tackles what has been possibly a key obstacle.

Maroun Kisirwani and Michael Humphrey argue that the fact that the fate of the disappeared largely remains the personal concern of grieving relatives and not the public basis for reconciliation and justice is symptomatic of the extent to which neither the dead nor the disappeared of Lebanon’s Civil War have been redeemed nationally. Death and other losses resulting from war must be constituted as meaningful for social and moral renewal to occur. The recovery of the disappeared is integral to the reconstitution of national community, citizenship and law. In Lebanon, the problem of the disappeared is closely connected to the larger problem of redeeming all of those who died in the Lebanese Civil War. The identity of the dead and disappeared remains either sectarian or familial, but not national. Prime Minister Rafik Hariri made an attempt at closure of the issue by collectivizing the disappeared as “martyrs of Lebanon”, But it was a hollow gesture because of the failure to resolve the issues of sectarianism, political patronage and accountability in public life (Kisirwani, Humphrey, 2001) This is in contrast to the disappeared in Argentina, who are collectively seen as national representations of a violent dictatorship.

By filling in the gap left by the state sponsored “amnesia”, the families and civil society were pushing their own, collective reconciliation strategy that challenged the amnesia and the obstacle presented by Kisirwani and Humphrey. The recognition of the struggle as interconnected is crucial, as Wadad tells me “Equality among citizens is the beginning of the end of the war. Reconciliation from above is a big lie. What we need is reconciliation among the people”. Society knowing the truth about the missing and disappeared is key to this, according to Halwani. “Successive governments have accused us of pouring salt into old wounds...but the whole of society needs to know the truth because it is the only way forward to real reconciliation” (Arab Weekly, 2019)

The social movement building done by the families over the decades paid off not just with the passing of Law 105, but with the start of a revolution, or intifada, in Lebanon on October 17th, 2019. Some say revolution, some call it an Intifada, but the Lebanese street chants “*Thawra*” - revolution. This revolution began late night October 17th, 2019, ironically as I was coming out of a meeting to establish the *Forum for Memory and Future: Towards a Healed Memory for Lebanon*. This revolution is a rejection of everything that has been discussed thus far - the sectarian system, the neo-liberal clientele state, the theft of Lebanon’s wealth, destruction of its environment, corruption leading to a lack of functioning basic services like 24/7 electricity and water, and the existence of electricity generator mafias. Issues related to health, education and basic rights; all of it. Under all of this, was a rejection of the warlords, political elite and external actors that have facilitated the plunder of Lebanon, hence the revolution’s slogan “kilun ya’ani kilun” - all of them means all of them. These are the systems and the actors that have worked to block the families of the missing and disappeared from learning anything about their loved ones, and which have robbed

Lebanon and the Lebanese of a future. It was being firmly rejected by the largest mobilization and gathering of people in Lebanon since 2005, with millions of people across all parts of the country protesting, chanting against the system and the warlords. In my time there during the first 1-2 months, in downtown Beirut - a space that outprices most Lebanese was being filled with people. Food, T-shirts, flags and other items were being sold outside jewelry and foreign fashion stores. War architecture and other public spaces were being reclaimed and occupied, with most younger Lebanese entering these spaces for the first time in their lives, with movie screenings, information sessions and graffiti art were present. Solidarity with ongoing struggles in Iraq, Sudan, Palestine, Egypt, Syria, and Chile were present in the slogans, some of which have their beginnings in Syria and Egypt, as well as posters and graffiti. In Martyr's Square, a tent city was erected, alongside tents for virtually every civil society organization in Lebanon.

The connection between this revolution and the foundations built by the families of the missing and disappeared has been shown, yet direct connections are also made by the families themselves. Commenting on the tents in Beirut, Wadad Halwani says that the "Our tent that has been in the Gibran Garden Khalil Gibran since 2005 has generated the tents of October 17th". (Legal Agenda, 2019). Speaking to me after a protest, Wadad made the most direct connection yet. Famous Syrian poet Nizar Qabbani once wrote " Revolution is born from the womb of sorrows". Wadad tells me, speaking on behalf of the families that "We are the womb of the revolution".

4) Internationalization of the Cause

Since the 1980's, there has been limited involvement by international organizations/actors in peace building activities in Lebanon. In the previous chapter I discussed how the families began turning to the international community, but this new phase of internationalization really accelerated beginning in 2005 after the assassination of Prime Minister Rafiq al-Hariri, the Syrian withdrawal from Lebanon, and the establishment of the protest tent. In this chapter, I want to start by explaining this shift, then the adoption of international human rights language and norms in the pursuit of the “right to know”; the beginning of a project to form Law 105, the establishment of a DNA bank by the ICRC, the local politics around DNA and mass graves, as well as the introduction of alternative narratives from within Lebanon.

During the war and prior to the Syrian army's withdrawal, the families, lacking effective legal recourse, acted as what Rosschanack Shaery-Yazdi calls *Informal Lawyers* (Shaery-Yazidi, 2020). By this, she means that the families relied on their cultural knowledge rather than on formal legal avenues to search for their abducted relatives (she specifically mentions Syria as the example here, but this informal searching would have been used by many others). This reliance on local cultural experience included informal networking, identifying influential Syrian officers, cultivating Lebanese patron-client relations, crossing national borders, paying patrons and messengers, gathering documents of varying types to prove that their disappeared relatives were in fact detained in Syria, and finding creative ways to counter the disappearance of the victims from state records and private and public attention. This follows a similar pattern as that of the Mothers and Grandmothers in

Argentina - grassroots investigative work which morphed to include an international dimension to tackle specific obstacles.

After the Syrian army's withdrawal in 2005, families grew increasingly weary of the search and turned away from the putative patrons in whom they had invested such hopes. Instead, they directed their efforts to lobbying for their cause by allying themselves with human rights activists, who appealed to discourses of trauma and victimhood in order to alleviate the suffering of the relatives of the disappeared. The search eventually developed into a transnational project whose goal was the enforcement of international humanitarian law to find missing individuals and to define and frame the duties of the Lebanese state in the search for the abductees. They sought to work more formally within the legal system instead of counting on informal patrons or on state officials who had repeatedly failed them.

The tent itself acted as a start point for this new international phase. Lyna Comaty analyzes the deeper importance of this tent, not only looking at the tent itself, but the importance of space with regards to its location. During the war, spaces used by the families to mobilize and express demands were happening in many locations, such as the demarcation line, religious institutions, or the parliament, but in 1990, spaces started to become reclaimed and mobilizations were concentrated around mass grave sites and the National Museum. "Spaces sought to inscribe the issue of the disappeared in the local sphere, and position it as a local political issue" (Comaty, 2019:76). For example, The Committee held conferences at the press syndicate, while SOLIDE held press conferences at Hotel Alexandre, a hotel in the neighborhood of Achrafieh in East Beirut that became a symbol of opposition to the Syrian army's presence in the post-conflict period. For many years, the spaces of commemoration contained potential sites of mass graves and the press syndicate. In early 2000, when they

encountered the reconstruction of the city and specifically of downtown Beirut, the families drew their attention there as a space of mobilization. After 2005, the sentiment of reclaiming the city grew when it became a question of reclaiming the state after the Syrian withdrawal.

Establishing a permanent presence, then, outside the ESCWA building in the Gibran Khalil Gibran garden is significant - a space built by *Solidare*. Placing the tent by the UN, in the capital of Lebanon, became a symbol of a local issue being inserted into the international sphere and the internationalization of tactics. Wadad states “For too long we went from door to door looking for them, for too long our paths were blocked. This is why the families set up the tent in front of the United Nations building. Perhaps the world would care. Their country didn’t, neither for them nor its 17,000 missing citizens” (Suspended Dreams, 2009). To make up for the shortcomings of the state, the families at the tent were calling for protection, international discourse and its ability to dictate how things ought to be. This remains true to this day. The families not only turned away from the state that had failed them, but by adopting a human rights and legal lexicon connected the issue of the missing and the disappeared to the global and national reputation and integrity of Lebanon. Wadad speaking outside the tent, in front of the UN on August 30th, 2019, the International Day of the Disappeared, regarding the implementation of Law 105:

We want a body that resembles and resembles our missing. We want it to be at the level of the issue, the level of our torments and the nobility of our struggle that we protected from the germ of division. We want a body outside sectarian and political quotas. We want a body that is formed according to international standards and which has the competence, experience and integrity to carry out this extremely delicate...task. We want a body that believes in the necessity of closing a file of the most heinous remnants of war and opening the door to real reconciliation...Accelerating the formation of the independent national commission to uncover the fate of missing and forcibly disappeared persons according to internationally approved standards will not only serve as a gift to the victims and their families, but will also restore confidence in the state and its institutions, and restore Lebanon's reputation in relation to human rights after its image has been shaken in the world. After the body completes its

mission, we want it to be said: ‘Yes, this is what was still possible in Lebanon ... Yes, this is still possible in Lebanon, under the supervision of the Lebanese state’

Further signifying the connection between the cause and the international are two plaques dedicated to Ghazi Aad (1) and Odette Salem (2) on the wall at the entrance to the UN.



1.



2.

Adoption of Human Rights and International Language:

Not only an adoption of human rights rhetoric, but a shift towards legal actions also characterizes the internationalization of the cause in Lebanon. The tactics used in Lebanon have their origins in Latin America, particularly Argentina. Due to the systemic disappearance of persons in 1970's and 80's Latin America, relatives were operating in a legal vacuum and the crime of enforced disappearance was so novel that legal frameworks of the time could not define it and had difficulty addressing it. Families had to invent new tools, and with support from transnational human rights advocacy groups, they were key in the creation of new legal frameworks now central to transitional justice and human rights debates, including key legal norms, such as the "right to know" (Kovras, 2017:113). The emergence of the right to truth as an undisputed norm is inextricably linked to the issue of disappearances, especially the struggle of families in Latin America. These tactics influenced the Lebanese strategy, but it is also clear that a universal humanitarian vocabulary is being deployed.

The Right to Know:

Article 2: The Right to Know

Family members and close parties have the right to know the fate of their missing or forcibly disappeared family members and relatives, their whereabouts, the location of their detention or abduction, and the location of their remains, which they shall also be entitled to obtain. This right also includes burial site location, collection, exhumation, and examination of remains, and determining the identity thereof. – Chapter 2: Basic Rights and Obligations. Law 105 (Umam,2019)

After the assassination of Hariri, there was a shift in public opinion from "peace and stability" to "justice and accountability". This shift in opinion was taken advantage of by the families and they rode the wave demanding answers for their cause. A key figure in the legal strategies they pursued was Nizar Saghieh, co-founder and director of Lebanese NGO *The Legal Agenda*. The Legal Agenda is a critical and multidisciplinary non-governmental

organization, based in Lebanon. It monitors and analyzes law and public policy in Lebanon, specifically, and the Arab region, generally.

Speaking with Nizar at the Legal Agenda office, he says that at this time, he and the families began strategizing and thinking about how, and if, the situation of the families could be improved through the judiciary. “Can the judiciary be used as an arena for rationale debate about the missing?” In 2009, these efforts began. The strategy that Legal Agenda used was to have family associations pursue civil and administrative cases, rather than criminal. As stated previously, the 2000 commission revealed the existence of multiple mass grave locations in Lebanon and so the strategy in 2009 was to request the Shura Council -Council of State -, Lebanon’s highest administrative judicial authority to annul the tacit decision by the Prime Minister’s Office that declined a previous request for the full copy of the investigations done in the 2000 commission and to have the state hand over all documents to them. As Nizar put it, another aim here would be to bring cases against landlords of land which graves occupy in order to have the graves protected until such time they can be uncovered. They went to the administrative court because they wanted to make multiple cases in front of many judges to improve their chances. A second objective was to obtain recognition of “the right to know”, as it was nowhere to be found in Lebanese laws at the time. “We know that through the judiciary, it is impossible to solve the problem of the disappeared, but also know it might be possible to have a rational debate” If the “right to know” were obtained, they could go to the state and say “we are not asking for a favor”. For Nizar, having such debates also prepares Lebanon to be ready in the event that graves are to be uncovered. Legal Agenda, the CFKD and SOLIDE went to the courts to request the entirety of the 2000 Commission in accordance with the right to know. However, the judges stated that such a right does not exist in

Lebanon. Part of Nizar's argument was pointing to other countries, such as Bosnia and Iraq, among others that do have such a right, and that this right is based in other such rights as the right to life or not to be tortured - rights that are already recognized in Lebanon and so the government has an obligation to provide information and truth.

“By not revealing information, the government was accused by the judiciary of torturing families”, Nizar tells me This fight to obtain this right took many years, but on March 4, 2014, the Council of State made its decision regarding the 2009 request. The “right to know” was acknowledged, but the government of the Prime Minister refused to deliver the full 2000 commission, as it may be “dangerous”. The families then staged weekly sit-ins in front of the PM's office and by September 20th 2014, a copy of investigations done in 2000 was released. However, upon examination, it was evident that no serious investigation was done and the documents were of little value.

By pursuing the “Right to Know” and delinking truth from criminal prosecution, Nizar, Wadad and Ghazi were taking a page right out of the Argentinian playbook, looking at the “truth trials” of the early 90's. Amnesty laws prevented the possibility of prosecuting perpetrators of the dirty war. Yet, the families, with the support of lawyers from the *Center for Legal and Social Studies (CELS)*, managed to delink investigations concerning disappearance from the prospect of indictment. The court accepted that irrespective of the duty to prosecute, the state had an obligation to investigate. Nizar's strategy of acknowledging the issue of disappearance would not be resolved by the judiciary, yet still engaging with the judiciary for a “rationale debate” mimics that of the director of CELS: “The impossibility of pursuing authors of these crimes did not mean simply closure of any kind of judicial intervention...the right of the relatives to know the final destiny of their loved ones and the right of society to know in detail the methodology used by the military

dictatorship to exterminate tens of thousands of Argentine's. It was this need to know that was presented to the courts, pleading the "Right to Truth". (Kovras, 2017)

One factor that allowed this to happen sooner in Argentina was that in the Argentinian case, and Latina American in general, families had the assistance of regional political and legal bodies; bodies that have been absent in the Middle East. In Latin America, the regional jurisdiction of the *Inter-American Court* has contributed to the creation of wider forums to encourage regional demands for action and legal innovations that permit investigations in spite of amnesty laws. In Argentina, for example, a law enacting the *Inter-American Convention on Enforced Disappearance* as the right to 'truth trials' - without prosecution - kept the issue of the disappeared before the courts. There is no equivalent to such bodies in the Middle-East, such as the *Organization of American States* or the *Inter-American Court* to oblige Middle Eastern states to enforce international conventions and agreements. In the case of Lebanon, Syria was the peace broker and had confirmed its dominance over Lebanese affairs to promote its own political and security interests. Having said this, Syria's distrust of international legal and diplomatic agreements is understandable. How many 'roads to peace' in the Middle East are littered with unenforceable UN resolutions, unprosecuted war crimes and uninvestigated human rights violations. (Kisirwani, Humphrey, 2001)

In this same year, 2009, Nizar began drafting a law with the *International Center for Transitional Justice* (ICTJ). The real end goal from the start was a law of sorts after all, and this draft law was based on the "right to know" and outlined what institutions would need to be created to achieve this right. The draft law was the final phase of a project carried out between 2009 and 2012. Coordinated by the ICTJ and financed by the European Union, the Embassy of Switzerland, and the Friedrich Ebert Foundation, the project "*Lebanon's*

Unaddressed Legacy: the Missing and the Families' Right to Know” was developed. The main objectives of the project were the drafting of a legal mechanism to lobby for the application of the right to know, as well as setting up an *Institute on the Missing*, which would enable a national process of investigations and exhumation of mass graves (Comaty, 2019:176). According to Nizar, it was “actually the first draft law of its kind in the Arab world. There is one in Iraq, but it is limited to mass graves and what to do with them” (Nizar). Iraq’s ‘Law on Protection of Mass Graves’ was passed in 2006 by Iraq’s Ministry of Human Rights. The law formulates four aims: (1) to protect the graves from unauthorized disturbance; (2) to provide legal regulations for mass-grave investigations and their legal consequences; (3) to preserve and protect evidence to identify victims; and (4) to identify perpetrators and collect evidence to prove responsibility (Klinkner, 2017). It is also the only law listed on the ICMP’s website concerned solely with mass graves. For Nizar, independence was crucial. “We have a big concern regarding independence of the committee – in Bosnia there was a political will to uncover bodies. This doesn't exist in Lebanon and so they wanted this committee to be truly independent. They succeeded in [creating] one of the first independent administrative committees in Lebanon. There are only two!”

The project was inspired by the Bosnian experience of institutionalizing the issue of the missing. Under the patronage of the Bosnian ministry of human rights, the first step of the project was a study trip to Bosnia and Herzegovina. Bosnia was regarded as an interesting comparative case for the way it handled the issue of the missing, notably by voting in a law on the missing in 2004. Hosted by the *International Commission for Missing Persons* (ICMP), participants met with associations of families and the *International Criminal Tribunal for the former Yugoslavia* (ICTY), and visited the Institute for the Missing, which

was set up as a requirement of the BiH law. The underlying objective of the trip was to create a platform where committees and civil society representatives working on the issue could meet informally with political actors, parliamentarians, and ministry representatives. The hope was to induce a process of recognition of each other, a way to stimulate debate between political representatives and the committee of families, to generate empathy and to engage actors in a negotiation process similar to that in the BiH (Comaty, 2019:177) The final stage of the project was the draft law that went on to be published in 2012, inspired by the International Convention on the Protection from Enforced and Involuntary Disappearance, the BiH law on the missing, and the Iraqi law on missing people and on the protection of mass graves. Another purpose of the trip was to examine ICMP's unique DNA-led process of identification, and to learn about the social and political steps taken in Bosnia and Herzegovina regarding identification of the missing.

As Ghassan Mokheiber tells me “For most of us, it was the first time we looked at the way that identification of the remains happened with the DNA, and we looked at ways where a country [took the managing of its disappeared file very seriously] very seriously looked at ways to manage its disappeared file.” The IMCP had offered to take care of the DNA gathering and housing process, but that would mean housing the samples outside Lebanon, which was not what the Lebanese team or the families wanted. The ICRC had also offered to take care of the process and house the samples in their office in Beirut. The families decided to sign on with the *International Committee of the Red Cross* (ICRC) in order to house the samples in Lebanon. As well will see, this came with some strings attached.

DNA, Forensics and Justice - Argentina to Lebanon

Before going into DNA, forensics and their utilization in truth telling in Lebanon, I want to talk about exactly how these tools moved from pure science into the realm of justice and international human rights. This origin has its place in Argentina and its success helped export these tools globally. In 1984 exhumations began and it became a point of contention between the Mothers and Grandmothers. The Mothers rejected exhumations as a government plan to cover up the issue. Coupled with the policy of “presumption of death”, this was perceived to absolve the government of any political, legal and moral responsibility. Mothers were afraid exhumations would depoliticize the issue and deviate from the central objective of the group, which by 1984, had become punitive justice for the perpetrators. However, the Grandmothers became strong supporters of exhumations. They were not only searching for their children but also their grandchildren. Exhumations would be able to verify if their grandchildren were dead (buried with their mothers) or alive, in which case they would begin searching. This support for exhumations would lead to the creation of the genetic tools at our disposal today. For families of the dead, human remains also provide evidence that challenges state denial of atrocity and can provide evidence for prosecutions (Moon, 2012)

In the early 1980’s, the Grandmothers were curious about advancements in genetic sciences and were wondering if it would be possible to use those tools to establish grandpaternity/maternity without the presence of the biological parent. Their travels to the United States and the pressure they put on the scientific community led to a breakthrough. The American Association for the Advancement of Sciences (AAAS) in Washington sent a delegation to Argentina in 1984. Key members included Dr. Mary Claire King, who would later develop the grandpaternity/maternity test, Chilean geneticist Christian Orrego, Eric

Stover - one of the pioneers of forensic science, and Clyde Snow - one of the world's leading experts on forensic anthropology, and whose testimony would be instrumental in Argentinian courts. The creation of the grandpaternity test would mark one of the first interventions by science into human rights and one of the first scientific tests developed as a result of layperson advocacy. This led to the establishment of one of the first genetic data banks in the world in 1985. (Smith, 2016; Moon, 2012)

As we know, today in Lebanon, the main goal of the families is to know the fate and/or location of the disappeared and missing. Much of this information is hoped to be gained from the exhumations of mass graves throughout Lebanon and the use of DNA identification, however this process had not been allowed to happen in the post-war environment, and to this day. So how do DNA and the wider forensic approach work in Lebanon today? While the stronger focus on DNA and forensic approaches to truth are more recent in Lebanon, DNA identification has been employed in the past, albeit a very small number of times and only so recently.

In November of 2009, DNA testing confirmed that remains exhumed in the town of Aita al-Foukar in the Bekka Valley, East Lebanon were those of British Journalist Alec Collet, who was kidnapped in 1985 from a car in Beirut. At the same site, a second body of a younger person was found, but not identified. The discovery of Alec Collett's remains shows the inadequacy of steps taken by the Lebanese authorities to reveal the fate and whereabouts of Lebanese, Palestinian and other nationals, abducted by armed militias or subjected to enforced disappearance by Lebanese, Syrian and Israeli forces. The apparent inability of the Lebanese authorities to identify the second body highlights their failure to establish a database of DNA samples from family members of those who went missing. At this point in

time, not only was there no DNA bank in Lebanon, but the efforts were seen as “impossible” as one general describes. In discussion with General Salim Abu Ismail, who headed the first national commission on the disappeared in 2000, Wadad Halwani states “ We’re not asking for the impossible here, we’re saying open the graves. If they have been killed, we want their bodies.” General Salim responds: “Just because we found some bones somewhere doesn’t make it a mass grave. There are many of them, the country is full of them. You know, we have taken some bones and had a doctor do DNA tests and we could not determine anything. You’d have to get samples from all these bones and from everyone who has lost someone. It’s impossible.” (Lanterns of Memory, 2009)

This is not the only case of remains being recovered in Lebanon. There have been a small number of graves uncovered, but they have either been reburied, denied to be graves, not made public, or uncovered with a lack of care and professionalism. However, it is the specifics of which remains, or known persons - alive or dead- , exactly, have received this treatment that has highlighted Lebanon’s hesitation and fear of properly addressing this issue. According to Amnesty International, “the only mass grave where the Lebanese authorities have completed exhumations and DNA tests was next to the Ministry of Defence in al-Yarze. The remains of 24 military personnel were discovered in November 2005, seven months after the withdrawal of Syrian forces from Lebanon. President Michel Suleiman, then the army commander, formed a committee to conduct the DNA tests. The body of Johnny Nassif, a Lebanese soldier who went missing on 13 October 1990, was the latest to be identified by these tests on November 11th. He was among 10 soldiers said to have been killed during or after clashes with Syrian forces. The remaining 14 bodies belonged to Lebanese soldiers killed in the early to mid 1980s” (Amnesty International, 2009). The

authorities have shown a lack of will to uncover the mass graves, and when it has happened, a lack of care This again directs families to the international arena, as Wadad Halwani states:

“We need a true national commission in which we are represented as committees with experts who can search for and produce a real and complete map of the graves and where they are located within Lebanon to determine where they are. This is like 1,2,3 steps; there are international norms set by the UN and human rights groups, there is the ICRC that can offer experts and who can teach us. There is Amnesty International and the International Center for Transitional Justice and many experts who can help, even for free so we can open these mass graves in the proper way” (Lanterns of Memory, 2009). It is around this time that the CFKD and SOLIDE also join forces to call for a national commission.

In Lebanon, the lack of political will, or political paralysis even when/if there is will, is not the only obstacle to local efforts; there is also a lack of independent medical expertise within forensic science in Lebanon, and despite the high number of mass graves in Lebanon, the country has “no forensic archaeologists”. Analyzing Lebanon’s general forensic science capabilities is helpful. Forensic scientists need to be competent in the science of the CSI process - the collection, testing and evaluation of the evidence - and should have a good understanding of the legal criminal process. However, until recently there were no private forensic advisors as all the forensic science experts in Lebanon were government employees (members of the ISF - Lebanese Intelligence) and were not even required to have a forensic science degree. In 2010, the Lebanese Ministry of Justice created a new public category of expertise called ‘forensic science Expert’, which - as of 2015 - had only one certified member (Maalouf, Maalouf, 2015)

This is not unlike the situation in Argentina at the time. Prior to the arrival of the AAAS delegation, the early days of transition saw botched and unprofessionally done exhumations. In Argentina, there was a lack of personnel trained in recovering skeletal remains, and in universities there was a disassociation of scientific disciplines - traditionally focused around medicine - from possible applications in the forensic field. Remains would be

only partially recovered, bones were damaged, relevant items like bullets would be either discarded or not recovered, bodies would be mixed together and graves would be uncovered with bulldozers. (Fondebrider, Scheinsohn, 2015) As Snow says, “ They were losing evidence, which is as bad as being accomplice to a crime. Every bone, every tooth can tell you something” (Smith, 2016)

Where Argentina differs from Lebanon is what happens as a result of this. Upon arrival, Snow set up an intensive 5-week workshop on practices of “identifying human skeletal remains”. Due political insecurity in the early years after transition, established local experts and other professionals were hesitant to participate, however about 20 local undergraduate students of anthropology and archaeology from the University of Buenos Aires (*Universidad de Buenos Aires*) and the University of La Plata (*Universidad de La Plata*) did show up and went on to form the Argentine Forensic Anthropology Team (EAAF) (*El Equipo Argentino de Antropología Forense*) in 1984 - the first forensic anthropology team in the world. The EAAF became the most prominent international organization dedicated to post-conflict identification, developing an explicit ethical and collaborative approach to human identification. Snow and the EAAF went on to do the exhumation work. Exhumations became the only instrument to support with hard evidence the existence of the crime, and challenge the military’s official line that the disappeared had fled the country. (kovras, 2017:72, Moon, 2012; Fondebrider, Scheinsohn, 2015) This is exactly what happened.

President Alfonsin decided that only the top brass of the military junta would be punished, ignoring lower-ranking officers. Originally the military tribunals took lead, but were reluctant to deal with the issue and so the government turned to civil courts. In

December 1985, nine leaders of the military junta were convicted for past human rights abuses, most related to the crime of disappearance. For the very first time, dictators were tried in a national court on charges of violating human rights. Without the substantiated evidence and the testimony of Clyde Snow on incriminatory evidence from graves, such quick and effective human rights trials would not have been possible. In Lebanon, even if an existing political will at the state level existed, the expertise to properly exhume graves on a large scale was lacking, prompting more calls for international assistance. It took much longer, but Lebanon too moved to a new phase.

Enter the ICRC:

In a report entitled “*The Missing in Lebanon and their Families: Activities of the International Committee of the Red Cross in Lebanon 2018*” much of the ICRC’s work is detailed, with most information related to DNA collection and identification of the missing. One part of the identification process is the collection of “*Ante-Disappearance Data*”. This is provided by those who knew the missing person before they disappeared, people who last saw the individual, as well as people with information about the circumstance of disappearance. This data can take the form of any important documents, such as medical or dental records or photographs. This information is collected using a questionnaire, about 60 pages in length and can take anywhere from 1-2 hours to fill out. Since 2012, ante-disappearance data for 3,000 missing persons has been collected with efforts ongoing. Along with Ante-Disappearance Data, the ICRC also collects *Biological Reference Samples (BRS)* from families of those missing between 1975-1990 and it is important that this is collected quickly, as this is an aged group of people in many cases. The most common method for

collecting data is saliva swabs. Since 2015 around 1,500 samples from families of missing persons have been collected, which represent around 800 missing persons.

As of 2015, the ICRC has been collecting BRS independently, but they have been in discussions with the Lebanese authorities regarding the potential involvement of the Internal Security Forces (ISF) alongside the ICRC in the collection and storage of BRS, and supporting the ISF with training and equipment. This is meant to help the Lebanese authorities start “assuming their responsibilities” even before the creation of a national commission. When a national commission is established the samples and the Ante-Disappearance Data will be handed over to the commission. However, there are conditions. The ICRC will only do so under the condition that the commission is effectively independent, trustworthy, “works for an exclusively humanitarian purpose to clarify the fate of all Missing people in Lebanon”, and deals with the information in its custody in compliance with international standards on the protection of individual data and with the best interest of the families. A memorandum of understanding was signed with the ICRC that “the committee that will be established will not act for justice. It will only act for truth and impliedly for reconciliation, but it will not act for justice” So the position of the ICRC was essentially “we can only help you if there's no justice component to the project”, says Mokheiber

Speaking to the Senior Missing Program Officer at the ICRC, they tell me “We are not against prosecution, right to truth.... prosecution is the right for every person. It's not for ICRC to say it's not the right of the families” Rabab says. “But we always recommend that it be part of a parallel path and not within the same process”. This is, for them, a more practical approach, as pushing for prosecution may jeopardize the entire project. “ So we say give the

right to know to the families and then if a family on a personal basis wants to go and open a case, that's the right of the family to do it". However, we know this to be an almost impossible feat, even if a case makes its way to court.

It is not surprising that the ICRC has this purely humanitarian stance. This approach follows the historical context within which the ICRC emerged. For more recently established bodies, such as the ICMP, justice has historically been at the core of their activities. The ICMP was tasked to deal with ethnic cleansing at the height of "liberal peace" where accountability was seen as the holy grail of peace building. The ICMP's distinctive feature is that its humanitarian and forensic objectives are seen as identical. However, In Lebanon, families have been denied the most basic truths regarding their missing, and so for many families, these humanitarian efforts are seen as justice. In a 2012 report by the ICRC entitled "*The Families of People Missing In Connection with the Armed Conflicts that have occurred in Lebanon since 1975: An Assessment of their Needs*", families were asked what justice would mean for them. "70% of the interviewees stated that the government should give them the truth about the fate and whereabouts of their loved ones...and they also wanted concrete recognition of the suffering of those left behind."

This is all an unusual role for the ICRC. Typically The ICRC's forensic experts are usually not directly involved in forensic investigations. They may do so in specific situations, including as neutral intermediaries in situations of armed conflicts or at the request of state authorities, communities and families, albeit for purely humanitarian purposes, always with the consent of the authorities in charge. (Tidball-Binz, Hofmeister, 2015). However, Lebanon the ICRC operated with an expanded and enriched mandate. Translating the right to know to an emotional need provided the humanitarian imperative necessary for the ICRC to expand

its operations. The passage of time aging of most relatives, coupled with the perception that the Lebanese authorities were part of the problem, motivated the ICRC to devise a proactive agenda and a decision was made to circulate to circumvent the state work directly with families. “After so many years of nothing, we decided to substitute ourselves for the national authorities” (McManus, 2017)

As is the case in Lebanon, the EAAF and the Grandmothers began doing the work of identification outside state authority. During the Cold War conflicts in Latin America state criminological services were most often allied with repressive forces, often falsifying data and colluding with repressive forces to bury victims in unmarked graves. In Argentina, family members described receiving boxes with bones or bone fragments from the government stating that these were the bodies of their missing children and indicting them for crimes against the nation. Thanks to the forensic analysis of the newly formed teams, these remains were proven to be false. By taking up the technologies of the state - investigations, location and exhumation of remains, post-mortem documentation of violence, and individual identification - the families and the EAAF highlighted the failings of the state to meet its most basic responsibilities to its citizens (Smith, 2016). One may look at the difference in exactly who is assuming the role of the state and raise concern about the possible sidelining of the families in Lebanon. However it does not seem that the ICRC is attempting to dominate the cause and the process, making clear the responsibilities of each acting party. The Senior Missing Program Officer, Rabab el-Khattib tells me “What ICRC is doing is...preparing the ground for this commission. We are gathering, we are trying to gather the needed information, such as "ADD" Ante- disappearance and BRS. We are trying to build the capacities of the authorities in matters of forensics and we stand ready to support

whenever asked. But at the end it is the responsibility of the Lebanese authorities to look for the missing, and not for ICRC”

Like the ICRC, other NGOs saw the state as an obstacle and decided to act. *Act for the Disappeared*, a local Lebanese NGO formed in 2010 and have been independently working on tracking mass graves. Since 2015, ACT have worked to locate burial sites throughout Lebanon and plot them on a password-protected digital map. The map is assembled using information from open sources, hundreds of interviews with family members, witnesses and former fighters. Color-coding is used to show where a mass grave, checkpoint, detention center, armed fight, or the last known location of a missing person. Burial sites are rated on three dimensions: the credibility of the information that led them to the site, the political sensitivity of the mass grave-if found to be connected to a group that’s still in power in Lebanon, it receives high marks for sensitivity-and the risk that the site will be destroyed. Burial sites that are deemed at high risk of destruction are often located in areas under construction development. When visited, they found the site was now underneath a luxury condo. Many graves in Lebanon have been destroyed and built on. So far, Act for the Disappeared’s secret database has information on nearly 2,200 missing people and 112 mass-grave sites. Of the burial sites logged in the database, dozens are documented in detail, their locations confirmed by multiple sources, including witnesses and news stories. However, they have not publicized the map. “We fear that there will be intentional destruction of graves if we release information without proper protection [for the sites]”(Atlantic, 2018). Despite the current protections given by the amnesty bill, there is a worry that if the map of mass-grave sites became public, former fighters could try to destroy the very evidence the map is intended to protect. This work of linking routes – checkpoints, detention centers,

grave sites – are not just for the sole protection of the sites themselves, but can also help reveal the fate of a missing person.

Human Rights and Victimhood:

With the shift to the international community and an adoption of human rights rhetoric and strategies, the mothers were also made into victims. Victim's not just of as a result of surviving war and fighting for the disappeared, but victims because they *must* be victims in order to receive assistance from the human rights world towards which they have turned. And they must become these victims, even if the designation does not always come from themselves. Even if one doesn't think themselves a "victim", they must make reference to this sorry state they are in if they wish to have their claims heard. In Lebanon, humanitarianism, human rights and concepts of victimhood have found resistance from local subjects. To showcase this, I will draw attention to a yearlong series of transitional-justice workshops held in Lebanon, 2008-9, organized by the ICTJ and Umam Documentation and Research that brought together local actors within Amnesty International, Human Rights Watch, the International Center for Missing Persons, and the International Committee of the Red Cross. One of the aims of the was to establish the figure of the victim and the language of trauma and human rights that sustains such a figure. Details of the workshop come from accounts by Shea McManus (McManus, 2017)

At the workshop, during the session allotted for families Wadad Halwani did not speak as a victim, instead emphasizing the accomplishments of their We Have a Right to Know campaign. Ghazi Aad joined, stating that they could improve upon the previous campaign. "We will continue our work, continue shouting" he said but specified " The case

should be defended in partnership with international organizations, not by them”. After this, a representative from the ICTJ expressed concern. “I can see a real fatigue among [the family associations], who have been the main torch bearers for this issue”. Halwani responded “we are not tired of trying. We will never be tired!”. However, the representative later returned to comments about their “fatigue”.

It's a very important point because it's not only a question of fatigue. While they have done an incredible amount of work, it's incredibly difficult for them. They are in a traumatized state, and to continue this fight is at a great cost. There are recognized limitations to what they can do alone, so to bring in the rest of civil society is quite crucial

In contemporary politics, the figure of the trauma victim wields immense force, eliciting sympathy and support through a language of morality and the power of affect. This is part of what made the tent so powerful. Although useful, this new vocabulary can be used to enable other actors to sideline the families; not fighting, but simply engaged in the process designed to help them.

I also experienced a display similar to this in Beirut while attending an ICRC event held at Beit Beirut on August 29th, 2019. It wasn't about fatigue, but more, perhaps unconsciously, overshadowing local action. The event was a panel discussion on “Lebanon's Missing persons, Law 105 and current challenges” which was followed by the inauguration of Room 105, an interactive exhibition on clarifying the fate of Missing persons in Lebanon. Among those on the panel were Christophe Martin, ICRC head of delegation, Dr. Rabih Chammay, head of the mental health program at the Health Ministry, Anis Moqaddem, representing the families, Nizar Saghieh, and Ghassan Mokheiber. At the end of the event, thanks were given to the panel and the work of the ICRC. During the Q&A session, Wadad stood to speak.

I would like to thank all the friends and the contributors to this symposium ; and I would also like to say that “Wadad Halwani” was mentioned in this session more than once. Without offending anyone...there seems to be a total absence of the struggle of the families of the missing over period of 37 years. Without the struggle of the families - every single one of them - over the course of 36-37 years, this law would not have seen the light. I am thankful to be here with every wife and those still alive, and those who left..each one had their own contribution and without them we would not have arrived at where we are today.

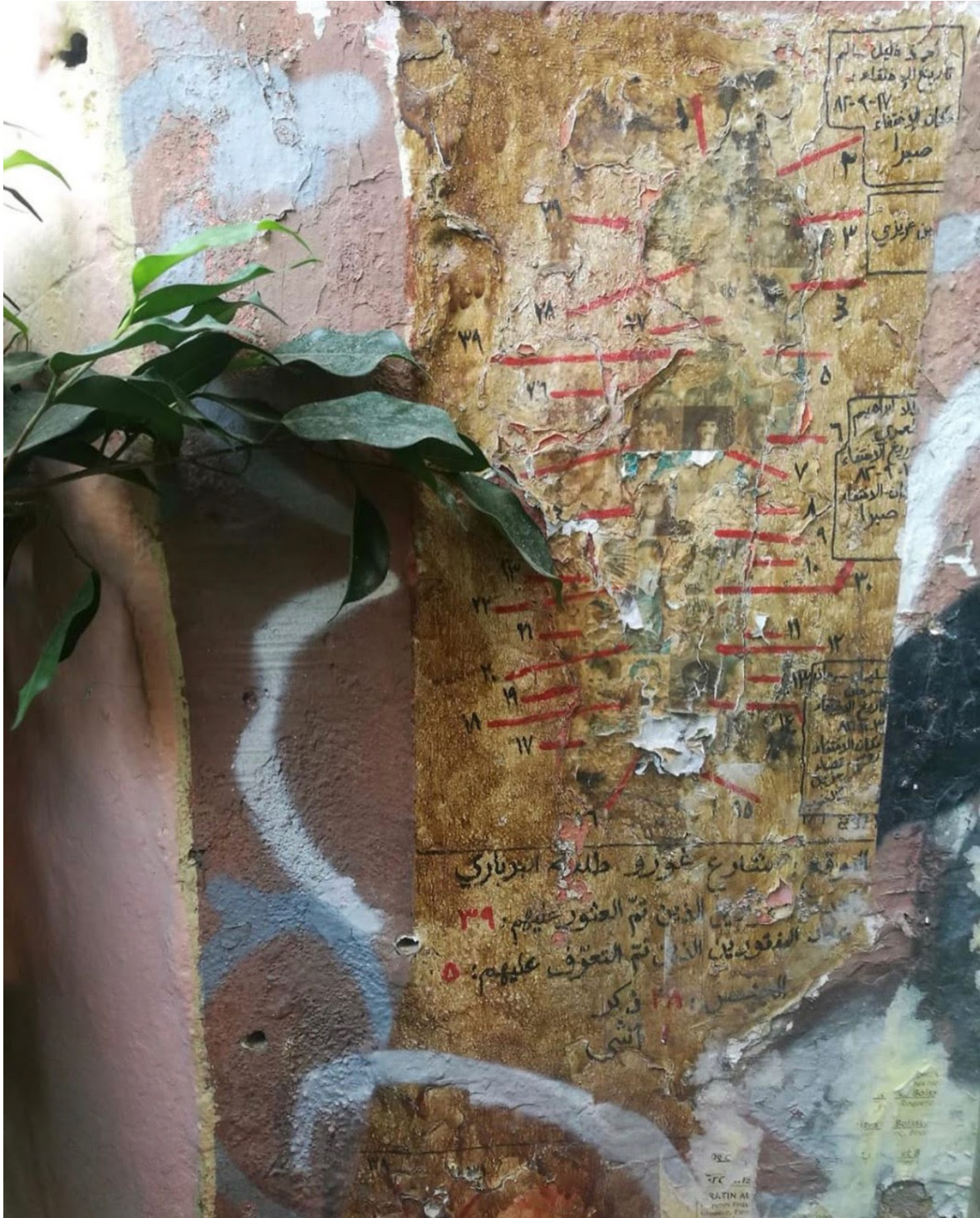
As Wadad and Ghazi showed in their public remarks, the labeling as “victim” is not without its challengers. Wadad’s son, Ghassan Halwani also wants to challenge the prevailing discourses of today in his film *Erased __Ascent of the Invisible*. The film is based on a true story involving himself.

A Different Discourse:

In his studio, Ghassan tells me the story behind his push to create the film. In 2007, he was walking down the street in Beirut and noticed a poster on the wall. He stops, backs up and sees a photo of his father, torn apart in the middle of a mosaic of faces. He witnessed his father being kidnapped in 1982 from their home. As he recalls, seeing his face on this wall “was a very violent moment and it was the first time [seeing] this person who is supposed to be my father...it was the first time I [saw] him in a public space” Looking at this photo with no walls to contain them and people walking around, it was “very contradictory to how I normally spend time with him. It’s [usually] a very intimate moment where I choose, but nobody told me someday you will be struck in the middle of the street”. He then takes a pencil out and “without thinking” begins “healing” the missing parts of the torn photo. “I looked at this poster and I looked at what I did and I felt like a monster was unleashed in me because suddenly I turned around and I saw the street [was covered in] this poster”.

He left the poster until returning in 2013, unable to forget about it. “Basically what was annoying me was the discourse, the problem of discourses” Ghassan tells me that “ the

only discourse that has been existing for all these years was the discourse of the struggle, the struggle of the mothers”. For him, this discourse made it so the mothers became part of the system and the authorities allowed by the authorities, waiting for them to die and hoping the cause dies with them and their children do not inherit their same energy and the discourse of struggle. “And suddenly there is the arrival of the discourse of the NGO, which is a discourse of human rights or a discourse of memory. And for me, this was horrible. For me, it (human rights) was born somewhere [else]”. While recalling the Summer 2006 war between Hezbollah and Israel - which saw much of Beirut leveled and over 1,000 Lebanese civilians dead - “I’ve witnessed human rights. I witnessed it in 2006. From the first bomb, there were already ships ready to deliver to help. They needed war”. He feels that there is a “complete absence of the political local discourse on the disappeared” and wishes to “plant the seeds” for such a discourse. This influences his film. “Most of the films that were done on the missing [are from] the point of view of the families. I’m not taking testimonies, I’m talking about the missing and I’m talking about how they exist in the city. Images are used to create narratives and it’s the visible [that is] being used to create a narrative. So how would the invisible [possibly create] a narrative itself? For Ghassan, his goal is to give rise to another narrative, giving the invisible the right to a narrative. I went to Gemmeize in Beirut to find one of the posters and see the state of them today.



3.



4.

Conclusion:

However useful this notion of intervention on behalf of victims, post-conflict intervention and strategic use of human rights can be further critiqued. A number of questions come to mind; What responsibility does the international community have for turning these people into victims in the first place? What value is the right to truth - post conflict - in a world where the right to safety and life remains of little importance?

While the families adopted a more depoliticized, rights discourse, they did this strategically, out of a necessity that reflected local realities, and they managed to achieve many victories. Having said this, the questions raised above are not lost on the families at all. In Wadad's film tribute to Odette, she points the finger at the UN and the international community. "Odette, do you remember how much you made the tent your home? I think you enjoyed the garden the most. You planted a mint stem and it grew to be a garden. It could supply the entire UN staff in the building next to you. You certainly did not ask Ban Ki Moon's permission to grow the garden, nor consulted with him on that. Why bother? He did not ask about you to start with, he never cared" (The Last Picture, 2009)

I believe these critiques to be necessary and productive. I am fully aware of the lack of bargaining power the families in Lebanon may have in dictating how the process played out; 45 years since the war's end, the political realities of Lebanon, lack of domestic forensic expertise, and desperation surely forced their hand on many contentious issues. I do not believe that had the families seen a more preferable path that would achieve the same results, they would choose against it. Regardless, critiquing discourse and narrative is necessary, even without an alternative strategy. These critiques may act as the basis of policy down the road. A possible, usable and effective political narrative would take time to form and join the

larger narrative, and we know that with time, realities on the ground can shift, as was in the case in Argentina.

After the initial trials in 1985, thousands of complaints were filed leading to the military staged provocative incidents, but the prospect of a military coup was shut down by pro-democracy protests. Regardless, the government decided it had enough evidence to end the endless wave of trials and in 1986 enacted the *Punto Final* (Full Stop) law, allowing only 60 days to bring a case to court. In 1987, it passed the Due Obedience Law, exculpating lower-ranking officers for obeying orders. This of course frustrated families. Things became more difficult with the election of President Menem. In 1989 he issued pardons to military leaders to quell the multiple military uprisings against accountability measures. As we know, this led to the Grandmothers pushing for the truth trials without prosecution, the origins of the “right to truth”. And by the mid-2000s, amnesty was revoked and hundreds of perpetrators were in jail (Kovras, 2017:74,78). It will be interesting, then, to see how realities on the ground change in Lebanon over the coming years, but we cannot know until the process of exhumations begins, at the very least

Indeed, the history of the missing and their families in Lebanon appears as one of gradual disempowerment that accompanies the increased involvement of international experts in the triumphs of the language trauma, suffering, and human rights. In this, “victimhood” comes into play. “Victimhood” is the point of relay through which are interlinked cohorts of experts, local and international organizations, national and international laws, judicial institutions, forensic science, and archiving techniques. It is both constraining and enabling. While it may prevent certain action, it opens up new lines to pursue. This is clear in Lebanon, where strategic litigation and claims of a “right to know” on

the part of “victims” offered the judiciary an opportunity to assert its authority, acknowledging the families’ right to know and also securing access to long-withheld information by releasing the findings of the 2000 commission. The moralizing humanitarian discourse allowed the families to act.

However, “victimhood” and “suffering” also bring to mind a pitiful image and connotation that I would never ascribe to the families. While they may take advantage of strategic vocabulary, it is not who they are. Wadad herself makes this clear when speaking outside the UN on August 30th, 2019, the International Day of the Disappeared, regarding the implementation of Law 105.

In 2018, the Law on Missing and Forced Disappearance was passed in Lebanon. The date of its passing coincided with the 36th anniversary of the birth of the Committee of the families, however this is but a remarkable coincidence and certainly unintentional. We were not given the law as a gift, we grasped it, working through the years, and every year losing mothers and fathers before burying their children.

“We have waited so long, we have endured a lot, but we have never ceased to demand knowledge of the fate of our loved ones who were stolen from us. We did not and will not abandon them, we did not and will not bargain at their expense. We did not and will not calm down before the law is implemented”.

5) Passing of Law 105: Law on Missing and Forcibly Disappeared Persons

The passage of Law 105 marks the culmination of transitional justice in Lebanon, addressing one of the longest ignored of the war's legacies. It shows the combined influence of local and global forces, and the importance of memory for all aspects of Lebanon's political future. At the same time, however, Law 105 marks the limits of delayed and partial justice in Lebanon. As I have discussed thus far, much time has passed, geography changes, family members and eyewitnesses die, their memory hazes, political obstacles have time to grow, while new ones are added, and accountability is forced to be strategically sidelined, not necessarily due to an objection to it. These failings can also be seen in the current economic crisis in Lebanon.

Through my meeting with ex-Parliamentarian Ghassan Moikeiber, this chapter will be telling the story of how Law 105 came to pass, how it almost failed, and reactions to the law by relevant actors. Before this, there are key historical markers to outline. An outline of the committee member requirements, as well as updates on the selection process will follow. Finally, reactions to the law; its positives and negatives, as well as thoughts on its implementation will be discussed.

Key Dates:

On December 12th, 2011, MP Hikmat Deeb submitted a draft law to the Lebanese Parliament to establish a "National Independent Office for Forcibly Disappeared Persons in Lebanon." This is a separate law from the one drafted by Nizar and the ICTJ. This one was submitted in the midst of a disagreement over usage of the terms "missing" and "victims of enforced disappearance", complicating the process. The law drafted by Nizaar and the ICTJ

ended up using both and was released in February 2012, but was not picked up by the Parliament. Instead the minister of justice proposed a draft decree for the establishment of an independent national information-gathering commission. On April 16th, 2014, to mark the 39th anniversary of the wars in Lebanon, then MP's Ghassan Moukhayber and Ziad al-Kadiry held a joint press conference in parliament where they announced the submission of a draft law to "establish an official entity which would have all the needed prerogatives to handle the issue (of missing and forcibly disappeared persons) so that we reach a day where we bring back those alive (among them) and even the remains of those who are dead." On April 20th, 2015, which coincided with the commemoration of the 40th anniversary of the "wars", the Human Rights Committee of the Lebanese Parliament merged the draft laws submitted by MPs Himat Deeb and by Ghassan Moukhayber and Ziad- al-Kadiry into a single document. On April 13th, 2018, the 43rd anniversary of the start of the "wars", Wadad and CFKDL registered a petition, signed by 5,000 citizens, titled "National Petition in favor of adopting the Disappeared Persons Law" at the General Secretariat of the Lebanese Parliament. On May 9th, 2018, the Administrative and Justice Committee of the Lebanese Parliament adopted the draft law, allowing it to be submitted to parliament for discussion and eventually voted on (Umam, 2019).

The voting was not a smooth process, as Ghassan Mokheiber revealed details about how this law was almost killed before passing a vote and that the bill was voted on in a "very unusual way, probably the only bill that was voted in this way". Much work had been put into getting the law ready for voting, however, elections had snuck up and suddenly members of parliament would not come to committee meetings. "So what did we do? There was this extra effort between Wadad and myself to lobby for members to come for quorum.

Otherwise everything would have to be started all over again” With the deadline of elections coming very close, Ghassan had told the head of the law committee that although it was campaign time, they would get him a member, so he called for the meeting to vote the bill as they had prepared it in subcommittee. In a last minute sprint, Wadad had called members, Ghassan had called members and they rounded them up “as we would round up cats” and called for the meeting twice, but they were always short of quorum by one member. Then, elections happened and many members of parliament lost their seats, including Ghassan. “I was no longer a member of parliament and this bill was not voted” Ghassan had lost his seat, but they were all still members of parliament for two weeks following the election results. They agreed to convene the committee within this two weeks period. “And we said, ‘okay, those of you that are not important anymore, that's [this is] your opportunity to do something in life. Come for the meeting’”. They ended up voting the law in extremis and sent it to the plenary. Otherwise, in the new parliament, the effort would have to start from zero. “It wouldn't have happened”, he tells me. Even when it was debated in plenary, there was practically nobody to defend the text because most of the members didn't have a clue what was inside them. They debated over the inclusion of one article that almost caused this bill to be not voted- article 37, which established the crime of enforced disappearance. However, this was a crime that only operates for the future, not for the past.

Article 37: Any instigator, perpetrator, accomplice, or accessory in an enforced disappearance shall be punished by imprisonment with hard labor for five to fifteen years and fined between fifteen million Lebanese Pounds and twenty million Lebanese pounds

This article is part of Chapter VI: Punitive Provisions and are followed by articles 38-40, with article 40 detailing punishment for tampering with burial sites. Article 37 caused controversy with members stating this is not what was agreed on and this law is not what it was said to be. Even Wadad and many organizations in the movement distanced themselves

from the article, saying they had nothing to do with it and it should be removed. “But by a miracle, it was left in because this article only provides for the future, not for the past”. I then asked him if the fact that it was a future proof article is what ultimately allowed for the bill to be passed. Ghassan said it only passed because “the dynamics of the discussion [were] we cannot afford not to vote for it”. MPs wanted to delete it, but then Akram Chehayeb who represented the PSP (Progressive Socialist Party) stated, "Okay, you're happy with it. We're all criminals". So there was an amazing line of argumentation over this article about how they are all criminals and they all go down. Akram, in a bravado attitude said, "Look guys, it's not that my argumentation is that I have anything to hide. He was effectively saying, "we are all criminals, so let's keep it, we're all criminals. Let's keep it and not delete it”.

So why add an article that could potentially kill the bill? This article was added because Lebanon having to ratify the UN convention against enforced disappearance had to criminalize enforced disappearance. When Ghassan was chairing this committee, and with support of the representative of the minister of justice, said, "Well, we have to provide something for the future. We're not coming in with a law on disappearance every day. So let's do it good once and for all". And we came up with this new definition of the crime of enforced disappearance, according to the UN convention on the prevention of enforced disappearances. But the intention, and the intent as lawyers is that this law provided for the future and that it had nothing to do with the role of the committee. It's a separate modification of the criminal code.”

Members of the National Commission:

As of this moment, the process of choosing 10 members for the national commission is still active. The composition is as follows: **1)** Two members shall be appointed from six former judges in honorary positions nominated by the Supreme Judicial Council; **2)** Two members from six attorneys with experience in the penal code, human rights law, or common law nominated equally by the Beirut Bar Association and the Tripoli Bar Association; **3)** One member from three college professors specializing in human rights or public freedoms nominated by the Lebanese University Board of Deans; **4)** One forensic doctor shall be appointed upon agreement between the two presidents of the Lebanese Order of Physicians in Beirut and North Lebanon. If an agreement cannot be reached within one month of the entry into force of this law, each president shall nominate one forensic doctor, and the two names will be voted on in both councils of the Order in Beirut and Tripoli. The doctor with the highest number of votes from both councils; **5)** Two members from twelve human rights activists nominated by the Human Rights Parliamentary Committee, based on previous nominations submitted by human rights and civil society organizations. Each candidate should be recommended by at least three Lebanese associations; **6)** Two members from twelve activist associations representing families of the missing and forcibly disappeared by the Human Rights Parliamentary Committee, based on nominations presented by these concerned associations. Each candidate should be recommended by at least three Lebanese associations. The concerned associations mentioned in this clause are associations operating in Lebanon with at least one quarter of their membership consisting of family members of missing or forcibly disappeared persons, and whose objectives include working on enforced disappearance and missing persons during the war (Umam, 2019) (Chapter 3: The National

Commission for the Missing and Forcibly Disappeared in Lebanon- Section 2: Organization of the Commission- Law 105)

There are updates on the selection process, however, which were given at an ICRC event I attended on August 29th, 2019, discussed in chapter 4. Judge Jean Azzi, speaking on behalf of the Ministry of Justice, gave a brief update:

“Names for members have been submitted by all concerned entities detailed above. In October, we sent out a list of 10 suggested candidates by his excellency to the General Secretariat of the Council of Ministers, where by the list included the names of four women and the topic is set on hold awaiting to be included in the agenda. Thereby, we have undertaken the rightful steps for the fulfillment of the process of formulation”

The judge stressed the inclusion of four women in this list multiple times. This could be to give a sense of legitimacy to the selection process, something “modern”. This decision could have also been made with the families in mind, since the vast majority of those who have someone missing and who have been struggling to advance this cause have been women.

Justified Optimism?

Why is there so much enthusiasm surrounding this law and the coming national commission? As I have discussed, Lebanon has seen the formation of a number of national commissions that went nowhere, be it intentional or due to circumstance. What makes Law 105 and its new national commission different? One key difference is the international backing, be it through actual international actors or the utilization of international rights rhetoric and norms in the text. The previous three commissions resulted in nothing, so perhaps with the new, expanded backing and the passage of time, a superior outcome is on its

way. Another reason this new law may be more helpful is simply that it is more comprehensive. This can be seen when discussing mass graves. As we know, graves have been uncovered, but were either covered up or done without much planning and the methods were unacceptable to the families. Uncovering a grave and not knowing how to proceed can have very negative consequences for the whole process. Rabab from the ICRC states that this is a big reason they were pushing for a law; “...the law gives the whole process. If you open a mass grave tomorrow and you don't have a legal framework, you don't have the expertise, you don't have the people to work on the side, what do you do”?

There are also examples of it being used already during the protests in the months after the start of the October 17th Uprisings. According to Nizar Saghieh from the Legal Agenda, the security services secretly detained several protesters. The Lawyers Committee defending the detainees was then forced to deal with this issue under the assumption that this represented enforced disappearance, and not a standard detainment. The Lawyers Committee then resorted to Law 105 in order to force the disclosure of the whereabouts of the detainees (Legal Agenda, 2019)

However, a unique barrier to beginning opening up graves may create more paralysis - choosing where to start digging. A member of Lebanese NGO ACT for the Disappeared states “If you open mass graves in Lebanon obviously it will point out the responsibility of one or another militia group. If you dig graves in the Christian part of Beirut it's a way of highlighting the responsibility of Christian militias” (Kovras, 2017:144), and vice versa. Ghassan Mokeiber elaborates, “In what mass graves should the inquiry begin? “There are burial grounds all over Lebanon, in every area once under control of an armed group.

Choosing where and how to exhume these graves will require wisdom and courage,” (Arab Weekly, 2019).

All of this hopeful optimism for the law banks on the law actually being implemented and showing results, and not everyone is so hopeful, including Wadad, and rightfully so. I asked her if she believes the law will be implemented and she was very blunt: “There are families who don’t mention the names of their missing ones, there are families who have already done funerals for their loved ones ...Law 105 is the outcome of the effort of the families of the missing. I am not very optimistic that the law will be implemented, but we have no choice, no other means. I need to invent hope.”

However, pessimism and doubt are also understandably present. Lockman Slim, founder of the *Umam Documentation and Research* center considers the passing of the law a testament to its weakness. “ That a political authority with blood-drenched hands actually voted on this law just means that it doesn’t fear its consequences. It knows very well that, as with so many issues in Lebanon, the law will simply remain ink on paper.” (Arab Weekly, 2019). He doubts the law’s ability to spark collective introspection into “what led them into a bloody war” in the first place.

In the wake of the October 17th Revolution, others also see the law as too tame. In the wake of the October 17th revolution, there are also those who say it is not enough and a more radical path should be taken. Carmen Hassoun Abu Joudeh from the American University of Beirut says that “a more radical path ends the state of fear and the sufficiency of the right to knowledge... the solution is to raise the slogan of accountability again and not be satisfied with the right to know” (Legal Agenda, 2019)

Conclusion:

Mapping out this long road to the passing of law 105 is not easy, for at least three reasons. **1)** The law passed twenty-seven years after the end of the civil war **2)** Those twenty-seven years were characterized by a conflicting dynamic. On the one hand, tireless efforts were made by the families of the disappeared, supported by civil society organizations contending that ignoring the war's legacies is inexcusable and must be dealt with to overcome the past. On the other hand, policy makers continued to reject this advocacy, claiming that meeting the demands of the families would undermine Lebanon's "peace"; **3)** The law tackles an issue that Lebanon failed to address after the war ended. As dealing with enforced disappearance is a key legacy of war, this law sets a precedent, theoretically, to tackle other overlooked issues. (Umam, 2019)

The passage of Law 105 marks a big milestone in the ongoing process of transitional justice in Lebanon, addressing one of the longest ignored of the war's legacies. It shows the combined influence of local and global forces, and the importance of memory for all aspects of Lebanon's political future. At the same time, however, Law 105 marks the limits of delayed and partial justice in Lebanon. While there is reason to be hopeful about the law, there is much longer precedent of inaction in Lebanon on this issue. While it is a more fleshed out and solid law and should form a stronger national commission than in the past, there is no promise it will be implemented, and if it is, done properly. Lebanon is also facing its worst economic crisis since the civil war, with a complete collapse in sights. One might argue that this would cause individual priorities on the ground to shift, yet Lebanon has faced crisis after crisis since 1990, both the result of predatory international politics and Lebanon's

own mafia state and the families of the disappeared have remained undeterred. This is not at all an attempt to romanticize resilience, something nobody should ideally have to be in their lifetime, but it points to the fact that the families and civil society recognize that they cannot afford to lose focus, as their cause directly addresses the root causes of their forced state of “resilience”. Just as the Lebanese state has a precedent of inaction, the families and the Lebanese have a precedent of consistent action. The argument I put forward in my introduction that justice in Lebanon is a process and not an isolated end result stands true – the families of the disappeared have hit many milestones over the decades and will continue to do so. Law 105 is a big achievement, but another aspect to the process of justice has been the building of social movement coalitions, which I, as well as Wadad and others argue, helped birth the revolution on October 17th, perhaps the largest yet public rejection of the entire Lebanese system and ruling elite. Justice as an ongoing process has been at work in Lebanon, it is at work in Lebanon and will continue to be at work. It has, however, been slow and, unfortunately, it seems the end is not yet within sight.

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