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**From 'La Ghalib wa La Maghloob'* to the right
to truth: Enforced Disappearances, State
Amnesia and the Unsilenced Families of
Lebanon's Disappeared**

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ABSTRACT

Lebanon's 1975–1990 civil war left behind an estimated 17,415 persons missing and forcibly disappeared. Successive governments have denied the families of these victims the right to truth and justice for decades. In pursuit of the principle of 'la ghalib wa la maghloob' ('no victor, no vanquished'), the Lebanese state declared a blanket amnesty in 1991, thereby precluding any genuine transitional justice process and imposing a culture of impunity.

This thesis explores the nexus between international human rights law, transitional justice, and psychosocial consequences of enforced disappearances experienced by the families of missing and forcibly disappeared persons in Lebanon. The thesis raises two main arguments. First, analysing Lebanon's international obligations under several treaties, including the ICCPR, the ICESCR, the CAT, and the ICPPED, it critically assesses the effectiveness of the first Lebanese law on missing and forcibly disappeared persons, Law No. 105/2018, which grants families the right to know the fate of their missing relatives. Based on doctrinal legal analysis, qualitative literature review, and interviews with experts, the thesis concludes that Law No. 105/2018 was a major milestone for Lebanon's legal system; its implementation has nevertheless been greatly hindered by the ongoing lack of political will and the country's regional and domestic challenges. Second, drawing on Pauline Boss' theory of ambiguous loss, this thesis argues that legal failures by the state have created profound psychological and social consequences for families, manifesting as ongoing, unresolved grief that permeates many aspects of their daily lives. State-sponsored amnesia in Lebanon not only breaches its international obligations but also continues to cause families who have never received reparations, rehabilitation, or the truth about their loved ones to suffer long after the civil war has ended.

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CHAPTER 1 – INTRODUCTION

1.1 Motivation and Context of the Thesis

Lebanon has welcomed many ethnicities and religions throughout its history. However, uneasiness has always been present within Lebanese society due to both its sect-based political system and external interference. This led Lebanon to an atrocious civil war between 1975 and 1990, which left behind thousands of dead, wounded, missing persons and grieving families. According to statistics published by the Lebanese government in 1992, 17,415 people who had been abducted by various armed groups, Syrian and Israeli authorities during the civil war were recorded as missing.¹ However, due to the blanket amnesty that was announced in 1991, Lebanon has never undergone a genuine transitional justice process. The principle of ‘la ghalib wa la maghloob’ (‘no victor, no vanquished’) indicated that the state wanted to start a new blank chapter after the civil war. However, this official discourse also opened the path for the practice of impunity. The perpetrators went unpunished, and justice has never been served, either at the public or the individual level.

The families of the missing and forcibly disappeared have experienced one of the most severe consequences of the lack of a transitional justice process. Because transitional justice mechanisms have failed to function, these families, who have been denied the right to truth, have spent over three decades grappling with the psychosocial burden of unresolved grief, fighting legal battles, whilst also striving to build a new life for themselves in the aftermath of the civil war. How is it possible to adopt a new life while still struggling with unhealed wounds from the past? This question is important not only to families but also to Lebanese society as a whole. Given its geopolitical position, Lebanon is still caught in the midst of conflicts, both internally²

¹ ‘Lebanon: Human Rights Developments and Violations’ Amnesty International (8 October 1997) p.1.
<https://www.amnesty.org/en/documents/mde18/019/1997/en/> accessed 7 April 2026.

² Arab Reporters for Investigative Journalism (ARIJ), ‘The Battles for Bab Tabbaneh and Jabal Mohsen: Banter and Barter and Bullets’ (2 May 2013)
<https://en.arij.net/investigation/the-battles-for-bab-tabbaneh-and-jabal-mohsen-banter-and-barter-and-bullets/>
accessed 5 May 2026.

and internationally³, which means social reconciliation and healing are essential to prevent the country from falling into a new social conflict.

Built on these premises, this thesis aims to draw attention to one of the biggest problems left behind by the Lebanese civil war that remains unresolved to this day: missing and forcibly disappeared persons and their families' frozen grief. Although there is no agreed legal definition for 'missing person' under international law, in this thesis the term refers to an individual "whose whereabouts are unknown to his/her relatives and/or who, on the basis of reliable information, has been reported missing in accordance with national legislation in connection with an international or non-international armed conflict, a situation of internal violence or disturbances, natural catastrophes or any other situation that may require the intervention of a competent state authority".⁴ Enforced disappearance is defined following the Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law".⁵

The thesis has three interconnected aims. First, it aims to illustrate the psychosocial and political burden borne by the families of missing and forcibly disappeared persons in post-civil war Lebanon through the concept of ambiguous loss. Second, it analyses how these families' fundamental rights, namely the right to truth, the right to reparation, and the right to rehabilitation, are left practically unaddressed in Lebanon despite the dedicated legislation, Law

³ Justin Salhani, 'Israel's Attacks and Pressure Sowing Seeds for Division in Tense Lebanon' (Al Jazeera, 7 May 2026) <https://www.aljazeera.com/news/2026/5/7/israels-attacks-and-pressure-sowing-seeds-for-division-in-tense-lebanon> accessed 9 May 2026.

⁴ International Committee of the Red Cross, *Missing Persons and Their Families* (November 2023) p.2. https://www.icrc.org/sites/default/files/document/file_list/missing_persons_and_their_families_.pdf accessed 13 April 2026.

⁵ United Nations Office of the High Commissioner for Human Rights, *International Convention for the Protection of All Persons from Enforced Disappearance* (20 December 2006) <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced> accessed 13 April 2026.

No. 105/2018 on Missing and Forcibly Disappeared Persons, which is the first Lebanese law to recognise the right of families to know the fate of their missing relatives. In doing so, the thesis explores the link between ambiguous loss and the Lebanese state's denial of these fundamental rights to families. It argues that the lack of access to truth contributes to the persistence of ambiguous loss, while the rights to reparation and rehabilitation are essential for addressing its psychological impact. Finally, the study critically examines the underlying consequences for the Lebanese state's failure to fulfil its obligations under both national and international legal frameworks, while delineating the legal and political measures that remain indispensable to achieve justice for disappeared people. Although international and civil society organisations have brought attention to the families of missing and forcibly disappeared persons in Lebanon⁶, particularly in terms of their legal battles, the psychological, social and political stress experienced by families, their right to reparation and rehabilitation have not been sufficiently addressed. In this regard, the thesis illustrates how the legal and psychosocial consequences of the Lebanese state's failure to fulfil its obligations under international law, particularly in light of the blanket amnesty declared after the civil war in relation to cases of missing persons and enforced disappearance, have far-reaching consequences for Lebanese society today. Ultimately, the focus on the Lebanese case demonstrates the importance of the transitional justice process in post-conflict societies and the harm caused by its absence, not only legally but also psychosocially.

The thesis is situated within the studies on transitional justice. It aims to offer a new perspective to the existing literature by connecting the legal framework with the psychological concept of ambiguous loss. Transitional justice is both a practical process and an academic field that focuses on strategies for addressing past human rights violations in the aftermath of conflict or authoritarian rule. It encompasses judicial and non-judicial measures that complement each other, such as prosecutions, truth commissions, reparations, institutional reforms, and

⁶ Andrea López-Tomás, 'Lebanese Women Battle to Find Their Missing Relatives Half a Century After the Civil War Began' (International Center for Transitional Justice) (29 September 2025) <https://www.ictj.org/latest-news/lebanese-women-battle-find-their-missing-relatives-half-century-after-civil-war-began> accessed 6 May 2026.

memorialisation.⁷ The term “ambiguous loss”, central to this thesis, was introduced to the literature by Pauline Boss. It refers to a form of uncertain loss without any verification of a person’s fate. Ambiguous loss refers to two types of loss that leave people in a state of unresolved grief, with profound psychological and social effects on their lives. Type I occurs when someone is physically absent yet still present in the mind, as in cases of disappearance, abduction, missing persons or migration. Type II defines a loss when a person is physically present but psychologically absent.⁸ Numerous studies on families affected by the forced disappearance of a loved one indicate that these families experience ambiguous loss in various parts of the world, such as Mexico, Sri Lanka, Colombia, Iraq, Indonesia, and Timor-Leste.⁹ This study focuses on Type I ambiguous loss and its effects on the families of missing and forcibly disappeared persons in Lebanon.

1.2 Research Questions

The following research questions guide this thesis:

1. How far does Law No. 105/2018 fulfil the principles of transitional justice, and what explains the gap between its legal recognition and the lived experiences of families of the missing and forcibly disappeared in Lebanon?
2. In what ways does Law No. 105/2018 align with — or fall short of — Lebanon's obligations under international law?
3. How does Law No. 105/2018 address the right to reparation and rehabilitation, and what are the consequences of its inadequacy for affected families?
4. How does the limited implementation of Law No. 105/2018 perpetuate ambiguous loss among families of the missing and forcibly disappeared?

⁷ Transitional Justice in Dinah L Shelton (ed), *Encyclopedia of Genocide and Crimes Against Humanity* (Macmillan Reference USA 2004) vol 3, 1045–1047, p.1045.

⁸ Pauline Boss, ‘Families of the missing: Psychosocial effects and therapeutic approaches’ (2017) 99 (2) IRRC 519, p.521.

⁹ Global Learning Hub for Transitional Justice and Reconciliation, *The Social and Economic Impacts on Women Who Search for the Forcibly Disappeared: Summary Report* (October 2025) p.5.
<https://transitionaljusticehub.org/glhimages/content/The-Social-and-Economic-Impacts-on-Women-Who-Search-for-the-Forcibly-Disappeared-summary.pdf> accessed 10 May 2026.

1.3 Methodology

This thesis adopts a qualitative research methodology and combines legal analysis with the synthesis of qualitative literature and interview-based findings. It mainly uses doctrinal legal analysis to examine Law No. 105/2018, relevant international human rights instruments, and the obligations of the Lebanese state concerning missing and forcibly disappeared persons. A literature-based discussion of transitional justice, ambiguous loss, and the psychological impact of unresolved disappearance on families supports this legal analysis. The thesis also includes interview findings to connect the legal framework with families' lived experiences and to show how the lack of implementation affects them in practice.

Three semi-structured interviews were conducted online with experts in the field, via Zoom and Microsoft Teams. The first interview was held with Dr Carmen Hassoun Abou Jaoudé, a former member of the National Commission for the Missing and Forcibly Disappeared (NCMFD), on 14 May 2026. The second was a group interview conducted on 20 May 2026 with the ICRC Lebanon team — including Ghada Al Sayegh, Lebanon Missing File Responsible, and members of the ICRC Mental Health team who wanted to remain anonymous. The third interview was conducted with Manal Hamdoun Ghandour, Executive Director of Act for the Disappeared, on 22 May 2026. The interviews lasted approximately 40 to 60 minutes. Interview transcripts were obtained through online transcription tools. The data gathered from the interviews were subsequently organised thematically and analysed according to the following key areas: the process of missing persons and enforced disappearance in Lebanon, the struggles of families, the legislative process of Law 105, the challenges faced by the National Commission, the difficulties, gaps, and shortcomings encountered in the implementation of the law, the amnesty law and its impact on families, the experience of ambiguous loss among family members, and the prominent needs of affected families.

1.4 Structure of the Thesis

The thesis is structured as follows. Chapter One provides an introduction to the study, outlining its context, research questions, methodology, scope, and limitations, as well as an overview of its findings. Chapter Two presents the historical background of Lebanon, exploring the roots of the

civil war from the colonial period through the post-independence era, and examines the issue of missing persons and enforced disappearances during the civil war. Chapter Three presents the conceptual framework of transitional justice and the international legal framework concerning missing persons, enforced disappearances, and state obligations. It examines relevant international human rights instruments, including the ICCPR, ICESCR, CAT, and ICPPED that generates international obligations for Lebanon. Chapter Four analyses the post-war situation in Lebanon and Law No. 105/2018 on missing and forcibly disappeared persons, discussing both its content and the challenges in its implementation. Chapter Five examines the concept of ambiguous loss and its multidimensional impact on the families of missing and forcibly disappeared persons in Lebanon. Finally, Chapter Six presents the conclusion of the thesis, revisiting the research questions, highlighting wider implications from the Lebanese case, and identifying areas for future research.

1.5 Overview of Findings

The findings of this thesis demonstrate that while Law No. 105/2018 represents a significant legal achievement, it remains largely unimplemented, not due to a lack of legal clarity or institutional framework, but due to a consistent absence of political will, state commitment, and also Lebanon's unstable situation, stemming from both internal challenges and regional conflicts. The analysis shows that Lebanon has failed to fulfil its obligations under international human rights law, not due to a lack of legal frameworks, but due to an absence of genuine commitment. In terms of transitional justice, the right to truth has not been realised for any of the families; the right to reparation exists only on paper, with no compensation decree issued to date; and rehabilitation, both psychological and social, has been left almost entirely to underfunded civil society organisations and international bodies. The National Commission for the Missing and Forcibly Disappeared, though established under Law 105, has been allocated a budget so inadequate that it cannot effectively carry out its core functions. Perhaps most tellingly of all, no action has been taken on measures relating to the principle of non-recurrence that would not require financial resources, such as declaring a National Day of Remembrance or including the

civil war in school curricula. This exposes the depth of the state's unwillingness to confront its past.

The thesis also finds that this legal failure has direct and measurable psychosocial consequences. The families of missing and forcibly disappeared persons in Lebanon continue to experience ambiguous loss across multiple dimensions: mental and physical health, family dynamics, economic hardship, and social stigmatisation, and the state's inaction actively perpetuates rather than alleviates this suffering. These families are themselves victims of torture under international human rights law, yet they remain largely without institutional support.

Finally, this thesis argues that the issue of missing and forcibly disappeared persons in Lebanon has reached its current stage not because of state initiative, but despite state resistance. It is the families themselves, alongside civil society organisations and international bodies, who have driven this cause forward over decades of struggle. Yet even today, the fate of the missing and their families remains absent from the political agenda, a continued injustice that this thesis argues the Lebanese state can no longer ignore. Moreover, the fact that cases of enforced disappearance still occur in practice in Lebanon is the expected outcome of a state policy that has refused to confront its past and has instead imposed state-sponsored amnesia.

The thesis also raises an argument based on the relevant literature that the experiences of the families of missing and forcibly disappeared persons in Lebanon are not limited to Lebanon. In many countries worldwide, families are forced to fight for their right to know the truth despite the existence of both international and domestic laws; they are effectively turned into victims of ongoing torture due to the failure of states to fully fulfil their obligations under international human rights law and the significant neglect of the suffering they experience as a result of ambiguous loss, largely attributable to both international and domestic authorities. Therefore, this thesis demonstrates the inadequacy of international human rights law in addressing cases of enforced disappearance and in providing solutions to the suffering of the families affected; it also opens a discussion on the need for the concept of transitional justice, which draws its origins and development from international human rights and humanitarian law, to develop a new approach to such cases.

1.6 Scope and Limitations

One limitation of the thesis is that it relies mainly on legal sources, academic literature, reports by international and civil society organisations, and a limited number of interview findings. Due to the deteriorating security situation in Lebanon resulting from ongoing Israeli strikes, the planned fieldwork was cancelled, and primary data collection was limited to online methods and constrained by the interviewees' limited availability due to the ongoing turmoil. Consequently, the research relied primarily on secondary sources and a limited number of online interviews, rather than the more extensive in-person interviews and on-site observation originally planned. The scope of this thesis is limited to the situation of missing and forcibly disappeared persons and their families in Lebanon in the context of the 1975–1990 civil war and its aftermath. The research focuses particularly on Law No. 105/2018, the absence of an effective transitional justice process, and the psychosocial consequences of unresolved disappearance, as conceptualised through the concept of ambiguous loss. It does not aim to provide a full comparative study with other post-conflict countries, nor does it examine all aspects of the Lebanese civil war. Instead, it focuses on the relationship between legal recognition, state obligations, implementation gaps, and the lived experiences of families.

CHAPTER 2- BACKGROUND

This chapter provides the historical context that is essential to comprehend the issue of missing and forcibly disappeared persons in Lebanon. It traces Lebanon's political development from the French Mandate period through independence, examining the sectarian foundations of the Lebanese state and the internal and external tensions that ultimately led to civil war. It then turns to the civil war itself and its devastating human consequences, before addressing the specific issue of missing and forcibly disappeared persons and the decades-long struggle of their families to uncover the truth.

2.1 An Overview of the History of Lebanon

After World War I, the defeat of the Ottoman Empire led to the establishment of a French mandate over Lebanon in accordance with the Sykes-Picot Agreement (1916). Subsequently, France established Greater Lebanon under French rule in 1920.¹⁰ With this development, Lebanese society was divided into two camps. Muslims mostly positioned themselves as pro-Arabs and demanded to be part of Syria, whilst many of the Christians preferred to live under French rule and were considered pro-Western. This division incited tension between Christians and Muslims in Lebanon.¹¹ In 1926, Lebanon's confessional constitution was adopted, and the government structure was distributed along sectarian lines. The French granted the Maronites the status of head of state. The friendship between France and the Maronites dates back to the Ottoman period. At that time, the French were regarded as a major supporter of the Maronites in Lebanon.¹² It was not surprising that this relationship only got stronger during the colonial era. Maronites directly influenced France's policies in Lebanon. However, the domination of Maronites in Lebanon's administration compounded Muslims' restlessness and fuelled the friction between the two groups.¹³

¹⁰ Judy El Baba, 'Roots of Lebanon's Sectarian Politics: Colonial Legacies of the French Mandate' (2024) 58 *Politikon: The IAPSS Journal of Political Science* 27, 31 <https://doi.org/10.22151/politikon.58.2> accessed 29 March 2026.

¹¹ *ibid* p.28.

¹² *ibid* p.31.

¹³ *ibid* p.35.

By the 1930s, Maronite leaders had also begun to oppose France's exploitation of Lebanon's resources and to voice their demands for independence.¹⁴ Meanwhile, Muslim (mostly Sunni) elites were discussing making an agreement with Christians on the independence of Lebanon and abandoning the desire to be part of Syria on the condition that Christians would relinquish their support for Western intervention and adopt an Arab identity.¹⁵ Following those initiatives, an unwritten agreement was concluded between Christians and Muslims under the leadership of Lebanon's first Prime Minister Riad El-Solh and its first President Bechara El-Khoury in 1943, known today as the National Pact. Thus, Lebanon declared its independence on 22 November 1943.¹⁶

In independent Lebanon, governmental and executive positions were allocated based on religion. According to the National Pact, the president and commander-in-chief of the Lebanese Armed Forces had to always be a Maronite Christian; the prime minister a Sunni Muslim; the speaker of parliament a Shia Muslim; the deputy speaker of the parliament and deputy prime minister a Greek Orthodox Christian; and the chief of the general staff of the armed forces a Druze. Furthermore, for every six Christian representatives in the Lebanese Parliament, there were five Muslim representatives (including Druze) based on the presumption that the demographic structure will remain as it is, meaning that the Christian majority will prevail.¹⁷

2.2 The Post-Independence Period and Civil War (1975-1990)

In the wake of independence, Lebanon was trying to function and develop as a new state. However, it was also facing internal issues and external interferences. Following independence, the Lebanese economy experienced rapid growth, largely driven by investment from the

¹⁴ Farīd al-Ḥāzin, *The Communal Pact of National Identities: The Making and Politics of the 1943 National Pact* (Centre for Lebanese Studies (October 1991) p.9-10.

<https://lebanesestudies.com/wp-content/uploads/2012/03/8b844d712.-The-Communal-Pact-of-National-Identities-The-Making-and-Politics-of-the-1943-National-Pact-Farid-el-Khazen-1991.pdf> accessed 2 April 2026.

¹⁵ *ibid* p.16.

¹⁶ The Beirut, 'Independence Revisited: How Lebanon's Past Rhymes with Its Present' (The Beirut) (22 November 2025)

<https://www.thebeirut.com/article/independence-revisited-how-lebanon's-past-rhymes-with-its-present/537> accessed 30 March 2026.

¹⁷ El Baba (n 10) p.37.

Lebanese diaspora in North and South America. However, this growth was not distributed equally throughout society.¹⁸ This situation is also evident in the interviews conducted by UN Women with women who have witnessed the war. Whilst some women describe the years before the civil war as a time of extreme poverty, injustice and insecurity, others portray those years as a period of cultural and intellectual development.¹⁹ Especially, the Shia population was unable to obtain an equitable share of economic benefits and was being pushed into ghettos. This situation led the Shias to establish an economic and political movement named ‘Amal’ (hope), which is also known as ‘the movement of the dispossessed.’ This group later emerged as one of the armed factions in the civil war.²⁰

On the other hand, due to the adoption of confessionalism, the political system has become fragile and has always been prone to tension. Rather than scrutinising policies when casting their votes, citizens supported candidates who could maintain their influence in parliament. Meanwhile, the members of parliament generally acted in a way designed to please their own sectarian factions. Therefore, the essential reforms the country actually needed were largely not being implemented. Nepotism and clientelism were often encouraged by this sectarian political system, which ultimately led to the corruption of the system.²¹ The sectarian-based approach also dominated the civil society organisations in Lebanon. For instance, labour unions and youth and women’s movements aligned with sectarian sensitivities rather than national identities.²²

Until 1975, Christians accounted for 55 per cent of the total seats in parliament, and the Maronites were the single most influential group.²³ Muslim political leaders were discontented

¹⁸ Samir Makdisi and Richard Sadaka, ‘The Lebanese Civil War, 1975–90’ (2005) p.60
<<https://www.jstor.org/stable/resrep02484.7>> accessed 2 April 2026.

¹⁹ KAFA (enough) Violence and Exploitation and UN Women Lebanon, *Women from the War Generation* (October 2024) p.

²³ https://lebanon.unwomen.org/sites/default/files/2025-04/kafa_research_-_women_from_the_war_generation_en.pdf accessed 29 March 2026.

²⁰ Makdisi and Sadaka (n 18) p.60,63.

²¹ *ibid* 62.

²² Muadth Malley, ‘The Lebanese Civil War and the Taif Accord: Conflict and Compromise Engendered by Institutionalized Sectarianism’ (November 2018) 52 *The History Teacher* 121, p.122.

²³ Makdisi and Sadaka (n 18) p.61.

with this situation and demanded equal power sharing between Muslims and Christians. These demands included both having more quotas in public institutions and the parliament for Muslims and promoting Muslim participation in the private sector, which was mostly dominated by Maronites. However, the Maronites were ignoring these demands out of concern that a loss of power would jeopardise their presence in Lebanon.²⁴

Whilst Lebanon was grappling with these domestic issues, the conflict between Israel and Palestine was also having an effect on Lebanese society. The influx of Palestinians, the majority of whom were Sunni Arabs, into Lebanon was causing concern among Christians. In 1970, the Palestine Liberation Organisation (PLO) was expelled from Jordan and began to deploy in Lebanon and launch attacks against Israel from Lebanese territory.²⁵ This situation divided Lebanese society into two poles. On the one hand, Muslims were in favour of supporting the PLO against Israel and, on the other hand, Christians opposed the use of Lebanon as a base against Israel by Palestinians. While the PLO was also supported by the secular, pan-Arabist Lebanese National Movement (LNM), several clashes occurred between the PLO and Maronite Christian militia groups also known as the Phalangists.²⁶ In April 1975, Phalangists militia attacked a bus carrying Palestinian refugees, and this led to the outbreak of the civil war.²⁷

During the 15-year civil war, in which numerous armed groups of different sects and political persuasions fought, Lebanon was also occupied by Israel and Syria.²⁸ The interventions of these countries and the groups they have supported within Lebanon have varied according to their own interests. For example, whilst Syria initially supported the Maronites, it later adopted a stance against them.²⁹ Syria's 29-year occupation came to an end in 2005, 15 years after the end

²⁴ *ibid* p.62.

²⁵ Alex Gainer, Jerome Snesil and Chris Mason, *Lebanese Civil War 1975–90* (Study of Internal Conflict (SOIC) Case Studies, Study Sequence No 18, (October 2024) p.1
https://media.defense.gov/2025/Apr/07/2003683785/-1/-1/0/20250407_LEBANESECIVILWAR_1975-90_FINAL.PDF accessed 2 April 2026.

²⁶ Zakaria Mounir Mohti, *The Lebanese Civil War (1975–1990): Causes and Costs of Conflict* (MA thesis, University of Kansas 2010) p.25.

²⁷ Alex Gainer and others, *Lebanese Civil War 1975–90* (n 25) p.1.

²⁸ Ümit Çelik, 'Lebanon between Internal Conflicts and Foreign Intervention' (2012) Volume 4 Issue 1 History Studies International Journal Of History 125, 126 <https://doi.org/10.9737/hist_460>.

²⁹ Makdisi and Sadaka (n 18) p. 78.

of the civil war. Throughout this period, Syria's interference in Lebanon continued right up until the assassination of Lebanese Prime Minister Rafik Hariri. Syria's involvement was proven in the assassination of Hariri in the United Nations reports. As a result of intensifying pressure from both the international community and the Lebanese people, Syria withdrew all its troops from Lebanon on 26 April 2005.³⁰

However, during the long occupation, Syria exerted pressure on Lebanese politics, suppressed numerous journalistic activities, and forcibly detained many Lebanese and Palestinians at the checkpoints it controlled, thereby making the issue of missing persons and enforced disappearances in Lebanon even more intractable.³¹ The civil war caused the paralysis of all state institutions, leading to the collapse of the rule of law and widespread human rights violations, including the killing of civilians, unlawful detentions, and enforced disappearances.³² It resulted in the deaths of approximately 150,000 people, left hundreds of thousands injured and displaced around 3.5 million people.³³ According to the International Committee of the Red Cross (ICRC), it is estimated that approximately 17,000 people went missing after the civil war.³⁴

2.3 Missing Persons and Enforced Disappearance During the Civil War

In October 1989, the Taif Accord was ratified by the Lebanese parliament, which was brokered by the Arab League with US support and placed under Syrian supervision. Although this

³⁰ Markus Schlotterbeck, 'Lebanese Campaign for Democracy (Independence Intifada or Cedar Revolution), 2005' *Global Nonviolent Action Database* (25 February 2005; updated 15 August 2011) <https://nvdatabase.swarthmore.edu/content/lebanese-campaign-democracy-independence-intifada-or-cedar-revolution-2005> accessed 6 April 2026.

³¹ Syria/Lebanon: An Alliance Beyond the Law' Human Rights Watch (1 May 1997) <https://www.hrw.org/report/1997/05/01/syria/lebanon-alliance-beyond-law/enforced-disappearances-lebanon> accessed 6 April 2026.

³² Amnesty International, *Lebanon: Human Rights Developments and Violations* (n 1) p.1.

³³ Greenberg Research Inc, *People on War: Country Report Lebanon* - ICRC Worldwide Consultation on the Rules of War, International Committee of the Red Cross (November 1999) p.5. <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/lebanon.pdf> accessed 7 April 2026.

³⁴ International Committee of the Red Cross, *The Families of People Missing in Connection with the Armed Conflicts that Have Occurred in Lebanon since 1975: An Assessment of Their Needs* (June 2013) p.6 <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/2013/lebanon-missing-06-2013-icrc.pdf> accessed 8 April 2026.

agreement brought the civil war to an end on paper, it continued on the ground until October 1990.³⁵ The Taif Agreement did not put an end to the sectarian-based system of governance in Lebanon. However, it merely introduced a requirement for Muslims and Christians to be equally represented in parliament.³⁶ Thus, the previous representation rule in the parliament, which allocated six Christian seats for five Muslim seats, was abolished. Moreover, the agreement curtailed some of the president's powers by ending the practice of the prime minister being appointed directly by the president. In other words, the Taif Accord was a confirmation of the National Pact's confessional system, only with a few changes.³⁷

In August 1991, the Lebanese government enacted Law No. 84/91 and declared a blanket amnesty. This law covered crimes committed before 28 March 1991, including political crimes. Although it aimed to start a clean era in Lebanon, according to Article 3, the crimes committed against political and religious leaders were excluded from the amnesty law³⁸, which demonstrates the law's selectivity. General amnesty resulted in perpetrators going unpunished and justice not being served, both socially and individually. Due to the blanket amnesty, the suffering experienced in Lebanon after the civil war was left "unacknowledged" as the country was unable to undergo a genuine transitional justice process.

According to statistics published by the Lebanese government in 1992, 17,415 people who had been abducted by various armed groups, Syrian and Israeli authorities, during the civil war were recorded as missing. It was also noted that 13,968 of these were Lebanese citizens.³⁹ It is known that the majority of these individuals were killed in Lebanon, that many were handed over to the Israeli and Syrian authorities and were killed and buried there, whilst some were held

³⁵ Makdisi and Sadaka (n 18) p.59.

³⁶ The Taif Agreement (1989) art 6

https://www.un.int/lebanon/sites/www.un.int/files/Lebanon/the_tauf_agreement_english_version_.pdf 6 April 2026.

³⁷ Makdisi and Sadaka (n 18) p.78.

³⁸ Amnesty International, *Lebanon: Human Rights Developments and Violations* (n 1) p.7.

³⁹ *ibid.* p.5.

in prisons in those countries.⁴⁰ Under a law promulgated in 1995, these missing persons were officially recognised as deceased by the state.⁴¹

This decision was met with great sadness by their families. The families, whose right to the truth had been denied by the state, pursued their cause under the leadership of The Committee of the Families of the Kidnapped and Disappeared in Lebanon (CFKDL), which was founded in 1982 by the wife of a missing person.⁴² The Official Commission of Investigation into the Fate of the Abducted and Disappeared Persons was established in 2000 (the 2000 commission) as a result of the advocacy work carried out by the CFKDL over the years and the pressure it exerted on the government. This commission, which had a six-month mandate, has documented the existence of three separate mass graves. However, it informed the families that all missing persons were presumed dead and that they must declare them deceased.⁴³

Another commission that was established in 2001 required families to provide proof that their missing relatives were alive. This commission worked for eighteen months and did not publish any official report, thereby failing to fulfil families' right to know. Similarly, the commission formed in 2005 in partnership with Syria to investigate the fate of 600 missing individuals believed to be detained in Syrian prisons did not publish a report or take any meaningful action on the matter.⁴⁴ However, neither local civil society organisations (CSOs) nor international organisations such as the ICRC or International Centre for Transitional Justice (ICTJ) have given up on the cases of the missing and enforced disappearances. Whilst civil society organisations such as CFKDL, Support of Lebanese in Detention and Exile (SOLIDE), and Act for the Disappeared carried out advocacy work, the ICRC published reports, collecting

⁴⁰ Lebanese Center for Human Rights, *Enforced Disappearances and Incommunicado Detentions in Lebanon* (21 February 2008) p.5 https://www.cldhlebanon.org/HumanRightsBrie/CLDH_Enforced_Disappearance_EN_2008.pdf accessed 12 April 2026.p.5.

⁴¹ *ibid.* p.6.

⁴² Committee of the Families of the Kidnapped and Disappeared in Lebanon, 'Our Story' (n.d.) <https://cfkdl.org/our-story> accessed 14 April 2026.

⁴³ Human Rights Watch, 'Lebanon: Establish National Commission on Disappearances' (28 August 2015) <https://www.hrw.org/news/2015/08/28/lebanon-establish-national-commission-disappearances> accessed 7 April 2026.

⁴⁴ International Center for Transitional Justice, *The Missing in Lebanon: Inputs on the Establishment of the Independent National Commission for the Missing and Forcibly Disappeared in Lebanon* (ICTJ, January 2016) p.6 https://www.ictj.org/sites/default/files/ICTJ-Report-Lebanon-CommissionMissing-2016_0.pdf accessed 14 April 2026.

data such as information on the period before the disappearance and biological samples from the families of the missing and presenting it to the government. This would allow DNA matching to be carried out when the mass graves are opened.⁴⁵ In 2005, a mass grave, which is located on the land of the Ministry of Defence in Yarzeh, was exhumed. Eighteen bodies were identified through DNA analysis and handed over to their families. In 2006, under pressure from their own governments, the bodies of a French researcher and a British journalist who were kidnapped in 1985 were found. These developments demonstrated that progress on the issue of mass graves can be made if the government takes the necessary steps. Nevertheless, very few steps have been taken so far.⁴⁶

The other side of the issue is the missing persons believed to be in Syria or Israel. Although it has been confirmed by CSOs that hundreds of people were detained in Syrian prisons, the Syrian members of the commission, established in 2005, refused to provide any information on the matter. Nevertheless, following the collapse of the Assad regime in Syria in December 2024, fourteen Lebanese missing persons returned to Lebanon in 2025. It is estimated that the rest of the missing people were killed and buried in various locations within Syria.⁴⁷ As for Israel, it is known that hundreds of people were abducted and forcibly detained in Israeli prisons during the occupation. Thanks to the efforts of the ICRC, the remains of many of the disappeared have been returned to their families; however, there are still many people who were forcibly disappeared by Israel but have not yet been found.⁴⁸

In 2009, CFDKL and SOLIDE brought two suits and requested the state to protect the mass graves, whose existence was accepted in the 2000 commission report. In 2012, CFKDL and SOLIDE, with the support of the ICTJ, prepared a draft law that addresses past commissions'

⁴⁵ 'Lebanon: Collection of Biological Samples Renews Hope for Families of the Missing | International Committee of the Red Cross' (1 July 2016)
<<https://www.icrc.org/en/document/lebanon-collection-biological-samples-renews-hope-families-missing>> accessed 14 April 2026.

⁴⁶ Act for the Disappeared, *It is Our Right to Know* (Dealing with the Past in Lebanon, 2015) p.7
<https://www.actforthedisappeared.com/sites/default/files/Publications/ACT%20Publication%20It%20is%20our%20right%20to%20know.pdf> accessed 14 April 2026.

⁴⁷ Adib Nehmeh, *The Missing and Forcibly Disappeared Lebanese in Syria: What Path? What Fate?* (3 March 2025)
<https://www.annd.org/en/publications/details/the-missing-and-forcibly-disappeared-lebanese-in-syria-what-path-what-fate-adib-nehmeh> accessed 14 April 2026.

⁴⁸ ACT for the Disappeared, *It is Our Right to Know* (n 46) p.9.

wrongdoings and the successive Lebanese governments' flawed approach to 'missing and forcibly disappeared persons' under international law. The draft law also includes ongoing suffering and victimisation of families of the missing and forcibly disappeared persons, and it requests:

- 1) forming a National Commission to investigate the fate of the missing and disappeared,
- 2) exhumation and forensic identification of graves, and
- 3) punishment of individuals who committed crimes on the issue of missing and enforced disappearance and hindered the investigations or who damaged the mass graves.⁴⁹

In 2014, the State Shura Council, which serves as the highest administrative court of Lebanon, delivered a decision on the missing and enforced disappearance and acknowledged families' right to know.⁵⁰ In accordance with all these initiatives, the cases of missing and enforced disappeared persons have finally been brought to a legal level. Following years of tireless efforts by families and both national and international organisations, the Lebanese Parliament passed Law No.105 in 2018. With the enactment of this law, families' right to know and right to compensation were recognised.⁵¹ Thereafter, the National Commission for the Missing and Forcibly Disappeared (the NCMFD) was established to investigate the whereabouts of the missing and forcibly disappeared persons and provide a clear answer to their families.⁵² The scope and effect of Law 105, as well as the NCMFD's effectiveness, will be discussed in detail in Chapter 4. The next chapter will discuss the international legal framework and the obligations of the Lebanese state under the framework.

⁴⁹ International Center for Transitional Justice, *Failing to Deal with the Past: What Cost to Lebanon?* (January 2014) p.17 <https://www.ictj.org/sites/default/files/ICTJ-Lebanon-Impunity-Report-2014.pdf> accessed 11 April 2026.

⁵⁰ Christelle Barakat and Makram Ouass, *Dealing with the Past in Lebanon: Supporting the National Commission for the Missing and Forcibly Disappeared* -LCPS Policy Paper (September 2023) p.3 <https://api.lcps-lebanon.org/content/uploads/files/Missing-and-Disappeared-English.pdf> accessed 14 April 2026.

⁵¹ International Committee of the Red Cross (ICRC), *Law 105 regarding Missing and Forcibly Disappeared Persons* (ICRC National Practice in International Humanitarian Law database) (13 November 2018) <https://ihl-databases.icrc.org/en/national-practice/law-105-regarding-missing-and-forcibly-disappeared-persons> accessed 15 April 2026

⁵² Committee of the Families of the Kidnapped and Disappeared in Lebanon, *The National Commission for the Missing and Forcibly Disappeared (NCMFD)* (n.d.) <https://cfkdl.org/ncmfd> accessed 15 April 2026.

CHAPTER 3: THE CONCEPTUAL AND LEGAL FRAMEWORK: TRANSITIONAL JUSTICE AND STATE OBLIGATIONS

This chapter addresses the theoretical and legal analysis of the thesis. The first section provides a general overview of transitional justice, its principal elements, and its significance in a post-conflict society. The second section analyses treaty obligations of states under international human rights law, in particular the ICCPR, ICESCR, CAT, and ICPPED. It discusses how these instruments address the rights of missing and forcibly disappeared persons and their families in Lebanon.

3.1 The Concept of Transitional Justice

The United Nations defines transitional justice as “All processes and mechanisms involved in a society’s efforts to address the consequences of large-scale abuses committed in the past, in the name of accountability, justice and reconciliation.” Furthermore, it states ‘these processes and mechanisms may include judicial and non-judicial processes, individual criminal prosecutions, reparations, truth-seeking, institutional reforms, security vetting, dismissals, or a combination thereof, depending on the degree of international participation (or lack thereof).’⁵³ The concept of transitional justice developed to deal with post-authoritarian transitions that took place in Latin America and Eastern Europe in the late of 1980s and early 1990s.⁵⁴ However, some studies argue that the roots of transitional justice date back to the Nuremberg Trials following World War II.⁵⁵ Transitional justice as a concept offers a comprehensive framework for states and societies to tackle the legacies of large-scale human rights violations. It serves as an impetus for change in divided societies and also provides a model for victims to compensate for their losses in every aspect of life. Societies that have gone through conflicts or lived under authoritarian regimes lose

⁵³ United Nations, *Guidance Note on Transitional Justice: A Strategic Tool for People, Prevention and Peace* (2023) (October 2023) p.2
<https://peacemaker.un.org/sites/default/files/document/files/2024/03/202307guidancenotetransitionaljusticeen.pdf>
accessed 19 April 2026.

⁵⁴ International Center for Transitional Justice, *What is Transitional Justice?* (2009) p.1.
<https://www.ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf> accessed 20 April 2026.

⁵⁵ United States Holocaust Memorial Museum, ‘Transitional Justice Efforts after the Holocaust’ (n.d.) p.1
https://vault.ushmm.org/adaptivemedia/rendition/id_114c9c915307d723e77cab5a0d5d2d7834b9f7f4 accessed 20 April 2026.

trust in one another and in state institutions. Transitional justice mechanisms also play an essential role in re-establishing peace among people and restoring their trust in the state.⁵⁶

Transitional justice operates in highly complex situations where political and opportunistic interests often take the lead, and clear examples of real success are pretty rare.⁵⁷ Despite that, in both academic and political fields, transitional justice is considered an essential part of addressing historical injustices and establishing a new democratic state. However, the principles of transitional justice cannot be uniform or rigid, given the complexities of the contexts in which it operates. As transitional justice is employed in various scenarios, its most defining feature is its versatility. Nevertheless, a crucial problem persists: political leaders tend to exploit the transitional justice mechanism to further their own political agendas.⁵⁸ The UN Security Council highlights that, in some cases, leaders tend to misuse the transitional justice process to strengthen their power in the country rather than uphold the rule of law. It also warns its experts working in this field to be cautious about this risk.⁵⁹ On the other hand, the scope of transitional justice is expanding, as specific groups such as Indigenous people and Afro descendants have been resorting to transitional justice to demand recognition of their historical roles and reparations for their suffering over the course of a history of injustice. Therefore, in recent years, there has been a growing argument within the academic field that the scope of transitional justice should not address only civil and political rights but also should point to economic, social and cultural rights.⁶⁰

While the concept of transitional justice has developed through the influence of human rights law, particularly the four principles of international human rights law, it has also been shaped by efforts to eliminate impunity following severe human rights violations. According to

⁵⁶ *ibid.*

⁵⁷ Felipe Gómez Isa, Gorka Urrutia Asua and Teri Murphy, 'The Road from Transitional Justice to Reconciliation: Reflections and Challenges. Introduction to the Monograph' (2025) 16 *Deusto Journal of Human Rights* p.14 <https://doi.org/10.18543/djhr162025> accessed 16 April 2026.

⁵⁸ *ibid.*

⁵⁹ United Nations Security Council, The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (Report of the Secretary-General, 23 August 2004) UN Doc S/2004/616, 8.

⁶⁰ *ibid* 15-16.

the United Nations Human Rights Office of the High Commissioner (OHCHR), these four principles are:

- 1) the state's obligation to investigate and prosecute alleged perpetrators of gross violations of human rights and serious violations of international humanitarian law,
- 2) the right to know the truth about past abuses and the fate of disappeared persons,
- 3) the right to reparations for victims of gross violations of human rights and international humanitarian law, and
- 4) the state's obligation to prevent, through different measures, the reoccurrence of such atrocities in the future.⁶¹

Transitional justice involves different mechanisms that guide states through the process of transitioning to democracy after mass atrocities and human rights breaches, such as prosecution, truth-seeking and memorialisation, reparation and institutional reform. These judicial and non-judicial measures recognise the rights of victims and promote accountability while limiting the culture of impunity.⁶² In 1997, Louis Joinet, the UN Special Rapporteur on impunity, presented a report on impunity. This report identified four tenets for addressing past human rights violations, which were subsequently acknowledged by the UN Commission on Human Rights as core pillars for dealing with past wrongdoings. These are: a) the right to truth, b) the right to justice, c) the right to reparation, and d) the guarantee of non-recurrence.⁶³ 'The right to know' has been developed by the UN bodies over time and is now more commonly

⁶¹ Office of the United Nations High Commissioner for Human Rights, *Rule-of-Law Tools for Post-Conflict States: National Consultations on Transitional Justice* (United Nations 2009) p.5
https://www.ohchr.org/sites/default/files/Documents/Publications/NationalConsultationsTJ_EN.pdf accessed 20 April 2026.

⁶² International Center for Transitional Justice, 'What Is Transitional Justice?' (n.d.)
<https://www.ictj.org/what-transitional-justice> accessed 20 April 2026.

⁶³ swisspeace, *A Conceptual Framework for Dealing with the Past: Holism in Principle and Practice* (swisspeace Essential February 2016) p.8.
<https://www.swisspeace.ch/assets/publications/downloads/Essentials/7bdf926517/A-Conceptual-Framework-for-Dealing-with-the-Past-Essential-16-swisspeace.pdf> accessed 20 April 2026

articulated as ‘the right to truth’.⁶⁴ As transitional justice mechanisms serve to realise these rights for victims and societies, it is worth briefly discussing them.

a) The Right to the truth includes both individuals’ and societies’ rights to access the truth in the wake of past conflicts and human rights violations.⁶⁵ Although this principle was connected to the right of missing and disappeared people and their families to know the truth about their relatives’ whereabouts subsequently its scope expanded and began to be applied to promote accountability in transitional justice processes following human rights abuses.⁶⁶ The right to the truth is emphasised in international human rights treaties and recognised in court verdicts. While this right can be used to support prosecution mechanisms, the state is still obliged to establish the truth, even when such mechanisms cannot be implemented. For instance, an amnesty law does not exempt the state from keeping the families of missing and disappeared persons informed about their relatives’ fate.⁶⁷

The UN Human Rights Committee has acknowledged the right to know the truth for families of forcibly disappeared persons. It regards the deprivation of families of this right as amounting to psychological torture and ill-treatment.⁶⁸ According to the OHCHR, the right to the truth is non-derogable and cannot be limited. The Working Group on Enforced or Involuntary Disappearances considers the right to know the fate of disappeared persons to be an absolute right.⁶⁹ The right to truth is conceptually valuable in many respects. It prevents the distortion of the truth and its future denial or misinterpretation through archiving historical records. Recognising the suffering experienced by victims helps restore their dignity, raises awareness of atrocities, and supports individual and collective healing processes, thereby contributing to reconciliation.⁷⁰ The right to truth can be implemented through international and national

⁶⁴ Office of the High Commissioner for Human Rights, *Study on the Right to the Truth* (UN Doc E/CN.4/2006/91, 8 February 2006) 4.

⁶⁵ *ibid.* p.11.

⁶⁶ Marloes van Noorloos, ‘A Critical Reflection on the Right to the Truth about Gross Human Rights Violations’ (2021) 21 Human Rights Law Review 874, 875–876.

⁶⁷ *ibid.* p.877-878.

⁶⁸ OHCHR, *Study on the Right to Truth* (n 64) p.9.

⁶⁹ van Noorloos, (n 66) p.880.

⁷⁰ *ibid.* p.886

criminal tribunals, truth commissions, fact-finding investigations by human rights institutions, and historical projects that shed light on past human rights violations.⁷¹

b) The right to justice is also guaranteed by international human rights and humanitarian law, obliging states to prosecute and punish the perpetrators of human rights violations through independent, impartial, and fair trials. These laws impose this duty and preclude declaring blanket amnesties for torture, genocide, war crimes and crimes against humanity⁷². According to the UN Security Council, the UN norms do not allow amnesties for these crimes, even if the intention is to bring peace.⁷³ The right to justice can be realised through international and hybrid tribunals, as well as national prosecution processes. However, examples of successful national prosecutions are few, since either states are unwilling to prosecute their own citizens or they lack the capacity to do so.⁷⁴ According to Article 41 of the UN Charter, the Security Council is authorised to take action against threats to peace and acts of aggression. Thus, the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia were established by the Security Council to prosecute those responsible for genocide, war crimes and crimes against humanity during armed conflicts in these regions.⁷⁵ In 1998, the International Criminal Court was established by the Rome Statute. The purpose of the court is to eliminate impunity, prevent the recurrence of conflicts, and replace temporary ad hoc tribunals with a permanent international court.⁷⁶ The UN Security Council emphasises that establishing justice in a post-conflict situation not only helps address past abuses but also fosters reconciliation in society and contributes to preventing recurrences of post-conflict situations. Moreover, it is highly substantial for sustaining peace and stability.⁷⁷ The prosecution process also contributes to individuals' psychological recovery. The testimonies of those who served as prosecutors at both

⁷¹ OHCHR, *Study on the Right to Truth* (n 64) p.13-14.

⁷² swisspeace, *A Conceptual Framework*, (n 63) p.9.

⁷³ United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, (n 59) p.5.

⁷⁴ swisspeace, *A Conceptual Framework*, (n 63) p.9,10.

⁷⁵ 'International Tribunals | Security Council' (n.d.)

<<https://main.un.org/securitycouncil/en/content/repertoire/international-tribunals>> accessed 22 April 2026.

⁷⁶ 'Establishment of an International Criminal Court - Overview' (n.d.)

<<https://legal.un.org/icc/general/overview.htm#>> accessed 22 April 2026.

⁷⁷ United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, (n 59) p.1-2.

the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) indicate that seeing their stories addressed in formal trials provides partial consolation to victims and contributes to individuals' healing process. It also brings peace to society. In this respect, prosecution is a duty and a protective measure towards victims, historical memory and against forgetting.⁷⁸ Argentina is a great example of the importance of the right to justice. An amnesty law was adopted in Argentina in the 1980s, after the end of the military dictatorship. However, it was abolished in 2003. Since then, the country has undergone many trials in the name of justice and has experienced its most democratic era.⁷⁹

c) The right to reparation: Reparations are intended to acknowledge, remedy, and alleviate the suffering of victims in the wake of gross human rights violations. Reparations are considered more victim-centred than other transitional justice mechanisms. Acknowledging the suffering endured by victims through reparation both mitigates their pain and helps to restore their dignity. Furthermore, by exposing perpetrators' wrongdoing, the right to reparation contributes to social awareness and helps prevent the repetition of past atrocities and injustices.⁸⁰

The duty to protect is the first and most essential duty of states under international human rights law. If a state fails to protect its citizens from mass violations, it is obliged to compensate the victims with reparations. However, this compensation should not be considered as financial assistance alone, as it is insufficient to aid the victim's healing process.⁸¹ According to the UN General Assembly, the remedies should be adequate, effective, timely, and accessible for victims.⁸² The UN Basic Principles on the Right to a Remedy and Reparations set out the right to reparation across five dimensions.⁸³

⁷⁸ David Mendeloff, 'Truth-Seeking, Truth-Telling, and Postconflict Peacebuilding: Curb the Enthusiasm?' (2004) 29(1) *International Security* 355, p.359.

⁷⁹ Kathryn Sikkink and Carrie Booth Walling, 'The Impact of Human Rights Trials in Latin America' (2007) 44 *Journal of Peace Research* 427, p.434.

⁸⁰ L Moffett, 'Transitional Justice and Reparations: Remediating the Past?' in C Lawther, L Moffett and D Jacobs (eds), *Research Handbook on Transitional Justice* (Edward Elgar 2017) 377, p.377–380.

⁸¹ Asia Justice and Rights, *Transitional Justice Handbook* (December 2021) p.81 https://justiceresources-mm.com/wp-content/uploads/download/Transitional%20Justice%20Handbook_Dec%202021%20L.pdf accessed 24 April 2026.

⁸² UN General Assembly, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' GA Res 60/147 (16 December 2005) UN Doc A/RES/60/147, p.4–5

⁸³ *ibid* p.7

1) Restitution entails restoring the victim to the situation before the human rights violations occurred. It includes the restoration of liberty, the enjoyment of human rights, identity, family life, and citizenship, the return to one's place of residence, the restoration of employment, and the return of property.⁸⁴

2) Compensation must provide redress for any measurable financial damage which stems from international human rights and humanitarian law violations to the extent of the damage suffered. It includes physical or mental harm, opportunities and rights lost as a result of the violations suffered, such as employment, education, material (livelihood or potential livelihood, expenses incurred for legal assistance), medical and psychological and social services, and moral damages.⁸⁵

3) Rehabilitation encompasses medical, psychological, legal and social services, as well as education. Rehabilitation provides mental and physical support to both victims and communities, giving them the opportunity to reclaim their lives. Chile has established an exhaustive rehabilitation program for victims of the dictatorship. They have provided medical, psychosocial, and financial support to families who are victims of human rights violations.⁸⁶

4) Satisfaction is a comprehensive concept that includes several measures, such as: acknowledging the facts and sharing them transparently with the public while protecting families' safety, investigating the fate of the missing and ensuring that the deceased are buried in accordance with their families' traditions, the interrogation and trial of the perpetrators, an official public apology that acknowledge the state's responsibility for past wrongdoings by doing

⁸⁴ *ibid.* p.7.

⁸⁵ *ibid.*

⁸⁶ United Nations Human Rights Council Special Rapporteur on Truth, Justice, Reparation and Guarantees of Non-Recurrence, *Contemporary Perspectives on Transitional Justice Issues (2018–2021): User-Friendly Version* (January 2022) p.16–17

<https://www.ohchr.org/sites/default/files/2023-01/Contemporary-perspectives-SR-Truth-01-2022-User-Friendly.pdf>
accessed 24 April 2026.

so, restoring the rights and dignity of the victims and their families and declaration of a memory day in honour of the victims.⁸⁷

5) Guarantees of non-repetition are a concept that appears in both Louis Joinet's Impunity Report and the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation. This tenet must be implemented through state institutional reforms to prevent future violations, such as establishing an independent judiciary and developing institutions aligned with international human rights standards. Moreover, no individual responsible for human rights violations should be allowed to retain their position within the state.⁸⁸

According to the UN Special Rapporteur's report, applying these mechanisms alone cannot ensure success, as no single mechanism is sufficient. Therefore, a comprehensive approach should be adopted in the transitional justice process to achieve a lasting peace in post-conflict societies.⁸⁹

Overall, transitional justice is not a magic pill that will instantly undo past wrongs and end suffering. There is no one-size-fits-all formula for every society. The principles above offer a roadmap that each society can adapt to its own culture and values, enabling it to come to terms with its past and build a more just system. For this roadmap to lead societies towards a just order, it must not be advanced solely through external support; rather, everyone from state actors to civil society organisations and ordinary citizens must embrace this map and move forward in collaboration.⁹⁰

3.2 Treaty-Based Obligations

International human rights law not only defines the rights to which individuals are entitled through the norms and principles examined in the previous section but also specifies the obligations arising from those rights and identifies the duty-bearers responsible for fulfilling

⁸⁷ UN General Assembly, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation' (n 82) p.8.

⁸⁸ UN Special Rapporteur (n 86) p.2.

⁸⁹ United Nations Human Rights Council, *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff* (UN Doc A/HRC/21/46, 9 August 2012) <https://docs.un.org/en/A/HRC/21/46> accessed 25 April 2026, p.7.

⁹⁰ ICTJ, *What is Transitional Justice?* (n 62).

them.⁹¹ Accordingly, states have obligations as duty-bearers under international human rights instruments. These obligations are classified as negative and positive obligations. Negative obligations require states not to interfere with the enjoyment of rights, while positive obligations require states to protect rights from violations by third parties. In this sense, whilst negative obligations require the state to respect these rights, positive obligations require it to act and implement measures to protect them.⁹² Enforced disappearance constitutes one of the gravest violations of human rights, affecting not only the direct victim but also extending profound harm to their families and communities. Thus, the issue of forcibly disappeared persons and their rights, as well as their families' rights, is addressed under different international human rights instruments and their specific articles; the obligations of state parties are also determined under these instruments, such as the ICCPR, the ICESCR, the CAT, and the ICPED. Each of these instruments will be discussed briefly, as they are highly relevant to the case of enforced disappearances during the Lebanese Civil War and to the Lebanese state's obligations.

The International Covenant on Civil and Political Rights (ICCPR)

Article 6 of the ICCPR⁹³ states that all human beings have an inherent right to life, which must be protected by law, and that no one shall be arbitrarily deprived of their life. In terms of enforced disappearance, if the victim is missing, the obligation of the state, under Article 6, is to create a positive obligation to investigate cases of enforced disappearance as a means to protect individuals from threats to their life. The Human Rights Committee has indicated that states have a duty to take reasonable measures to protect persons whose lives are in danger.⁹⁴

Under Article 7, there is an unqualified prohibition on torture and cruel, inhuman or degrading treatment or punishment.⁹⁵ According to the Human Rights Committee, the act of enforced disappearance constitutes many violations of Article 7, such as the prolonged period of

⁹¹ Dinah Shelton and Ariel Gould 'Positive and Negative Obligations' in Dinah Shelton (ed), *The Oxford Handbook of International Human Rights Law* (OUP 2013) p.542.

⁹² *ibid.*

⁹³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

⁹⁴ Human Rights Committee, 'General Comment No:36: Article 6: Right to Life' (2018) CCPR/C/GC/36, para 23.

⁹⁵ ICCPR (n 93) art 7.

detention in isolation, uncertainty about what has happened to the individual, and the conditions of detention in secret.⁹⁶ Moreover, the Committee also considers the anguish and psychological distress experienced by the relatives of a disappeared person to constitute a violation of Article 7.⁹⁷

Under Article 9, every person has a right to liberty and security; it is unlawful to be arrested or detained without lawful justification.⁹⁸ According to the Human Rights Committee, state parties have an obligation to take appropriate measures to protect individuals against abduction or detention by third parties.⁹⁹ The act of enforced disappearance is a continuing violation of Article 9 because it is performed in a manner that results in the deprivation of liberty without any legal or lawful justification, lack of judicial supervision or notification to the courts, denial of access to legal counsel, and no acknowledgement of having been detained or how long one will be detained.¹⁰⁰

The International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 10 of the ICESCR defines the family as the natural and fundamental group unit of a society and states that families should receive all possible protection and assistance.¹⁰¹ Enforced disappearance undermines the family unit and places overwhelming psychological, social, and economic burdens on the rest of the family.¹⁰² In light of this article, it can be said that the state has an obligation to protect the family unit and should take steps to reunite it in the event of a disappearance. Moreover, in the event of a family member's disappearance, the remaining family members must be provided with the necessary social, psychological and legal support.

⁹⁶ Human Rights Committee, *Mezine v Algeria* (2008) CCPR/C/106/D/1779/2008/Rev.1 para 8.5.

⁹⁷ *ibid* para 8.6.

⁹⁸ ICCPR (n 93) art 9.

⁹⁹ Human Rights Committee, 'General Comment No:35: Article 9: Liberty and security of person' (2014) CCPR/C/GC/35, para 7.

¹⁰⁰ *ibid* para 11,12.

¹⁰¹ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

¹⁰² Manon Bourguignon, Muriel Katz and Alice Dermitzel 'Traumatic traces of enforced disappearance through generations' in Maria Giovanna Bianchi and Monica Luci (eds), *Psychoanalytic, Psychosocial, and Human Rights Perspectives on Enforced Disappearance* (Routledge,2024). p.216.

Article 12 of the ICESCR recognises ‘the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.’¹⁰³ The Committee on Economic, Social and Cultural Rights affirms that states have an obligation to take positive measures to provide specific health services for vulnerable and marginalised groups, and the healthcare staff must be trained to recognise their needs.¹⁰⁴ Those who have gone missing and been forcibly disappeared, along with their families, can be classified as ‘vulnerable groups’ who have endured prolonged uncertainty and psychological trauma along with social stigmatisation. In this regard, states have an obligation to provide special physical, rehabilitation and psychological support for the families of missing and disappeared persons and also people who reappeared.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Article 1 of the CAT defines torture as any act by a public official that causes extreme pain or suffering, intentionally inflicted for the purpose of extracting information, as punishment, to intimidate or coerce an individual, or to discriminate against them.¹⁰⁵ The Convention prohibits not just torture, but also any other type of cruel, inhuman, or degrading treatment or punishment (CIDT). While the Convention does not provide a separate definition of CIDT, Article 16 obligates State Parties to prevent acts that constitute CIDT regardless of whether they fall within the definition of torture outlined in Article 1.¹⁰⁶ The two forms of treatment are distinguished largely by the extent and severity of suffering, the motivation behind the treatment, and the level of state involvement. Despite the restrictions on what constitutes ‘torture’ contained within Article 1 of the CAT, there is still an avenue for attributing state responsibility if there is a failure by the state to exercise due diligence in preventing, investigating, punishing and/or providing redress for acts of ill-treatment committed by non-state actors. This obligation is derived from

¹⁰³ ICESCR (n101) art 12.

¹⁰⁴ Committee on Economic, Social and Cultural Rights, ‘General Comment No 14: The Right to the Highest Attainable Standard of Health (Art 12 of the International Covenant on Economic, Social and Cultural Rights)’ (11 August 2000) UN Doc E/C.12/2000/4, para 37.

¹⁰⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85, art 1.

¹⁰⁶ *ibid.* art 16.

articles 2, 12, 13, and 16 of the Convention, and is repeatedly affirmed in the jurisprudence of international human rights bodies.¹⁰⁷

Article 14 of the CAT affirms the right of victims of torture to obtain redress, fair and adequate compensation and as full rehabilitation as possible. The article also stipulates that if the victim dies because of torture, their dependents shall be entitled to compensation.¹⁰⁸ The CAT Committee considers that article 14 applies to all victims of torture and acts of cruel, inhuman or ill treatment or punishment.¹⁰⁹ According to the Committee, the term ‘redress’ refers to a comprehensive set of measures, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.¹¹⁰ Moreover, the Committee defines victims as any person who has suffered physical or mental harm, emotional distress, economic loss, or serious violations of fundamental rights because of acts or omissions that constitute breaches of the Convention, regardless of whether the perpetrator is identified or prosecuted. The term also extends to immediate family members and dependents of the direct victim, as well as individuals who suffer harm while intervening to assist or prevent such violations.¹¹¹

In the case of enforced disappearances, international human rights instruments have acknowledged that both disappeared individuals and their family members may be subjected to torture or CIDT¹¹² as a result of the prolonged uncertainty of their fate, the lack of information as to the whereabouts of the individual and the severity of pain and suffering on the individual and their family members caused by the ongoing situation and state inaction.¹¹³

¹⁰⁷ The CAT (n 105) art 2,12,13,16.

¹⁰⁸ *ibid.* art 14.

¹⁰⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ‘General Comment No 3: (Article 14 of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)’ UN Doc: CAT/C/GC/3, para 1.

¹¹⁰ *ibid.* para 2.

¹¹¹ *ibid.* para 3.

¹¹² UN General Assembly Res 47/133 (18 December 1992) UN Doc A/RES/47/133, art 1(2).

¹¹³ Human Rights Council, ‘Report of the Working Group on Enforced or Involuntary Disappearances’ UN Doc A/HRC/16/48 ‘General comment on the right to the truth in relation to enforced disappearance’ (26 January 2011) para 4.

International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED)

Article 1 of the ICPPED affirms that no one should be subjected to enforced disappearance and states that it cannot be justified under any circumstances, including war or the threat of war, internal political instability, or any other public emergency.¹¹⁴ Enforced disappearance is defined under Article 2 as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorisation, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.¹¹⁵

Article 3 of the ICPPED obliges states to take appropriate measures to investigate the act of enforced disappearance and to bring those responsible to justice.¹¹⁶ Article 6 asserts that any person who commits, orders, solicits, or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance should be held criminally responsible and compliance with an order, whether issued by civilian, military, or other authorities, cannot constitute a ground for acquittal for this offence.¹¹⁷

Article 24 of the ICPPED defines a victim as ‘the disappeared person’ and any individual who has suffered harm as the direct result of an enforced disappearance.¹¹⁸ In this regard, the families of enforced disappeared persons are considered as victims. This article also establishes the right to know the truth regarding the circumstances of disappearance, the right to be informed during and after the investigation and the fate of the disappeared persons and obliges the state to take measures to search for disappeared persons, and, in the event of death, locate and return their remains to their families.¹¹⁹ Article 24 mandates comprehensive reparations for victims,

¹¹⁴International Convention for the Protection of All Persons from Enforced Disappearance (adopted 20 December 2006, entered into force 23 December 2010) 2716 UNTS 3 art 1.

¹¹⁵ *ibid* art 2.

¹¹⁶ *ibid* art 3.

¹¹⁷ *ibid* art 6.

¹¹⁸ *ibid* art 24.

¹¹⁹ *ibid*.

including restitution, rehabilitation, satisfaction, compensation, and guarantees of non-repetition.¹²⁰

3.3 Lebanon and International Legal Obligations

So, where does Lebanon stand with regard to the above-mentioned international frameworks? Lebanon ratified the ICCPR and the ICESCR on 3 November 1972 and the CAT on 5 October 2000. Therefore, the Lebanese state has an obligation to fulfil the duties set out in these instruments, as explained above. Lebanon also signed the ICPPED on 6 February 2007, but has not yet ratified it¹²¹. However, it still has the duty to fulfil this convention's obligations under international law, namely according to article 18 of the Vienna Convention on the Law of Treaties, which determines that a 'State is obliged to refrain from acts which would defeat the object and purpose of a treaty when (...) it has signed the treaty'.¹²² Although Lebanon is not a party to the Vienna Convention on the Law of Treaties, this instrument is widely considered declaratory of international customary law and is therefore generally applicable to all international agreements.¹²³ In this regard, Lebanon as a state also has a duty to refrain from acting contrary to the purpose of the ICPPED.

However, despite being a party to the relevant international legal framework, Lebanon has failed to fulfil its legal obligations regarding missing and enforced disappearances following the civil war. The enactment of the Amnesty Law has prevented the prosecution of perpetrators responsible for enforced disappearances. Although enforced disappearance is recognised as an ongoing crime under international human rights law and is not covered by the Amnesty Law,¹²⁴

¹²⁰ *ibid.*

¹²¹ Office of the United Nations High Commissioner for Human Rights, 'UN Treaty Body Database' (n.d.) https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=96&Lang=EN accessed 11 May 2026.

¹²² Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331 (VCLT) art 18.

¹²³ Karl Zemanek, 'Vienna Convention on the Law of Treaties' (*United Nations Audiovisual Library of International Law*, 2009) <<https://legal.un.org/avl/ha/vclt/vclt.html>> accessed 11 May 2026 p. 1 and 3.

¹²⁴ United Nations Working Group on Enforced or Involuntary Disappearances, *General Comment on Article 4 of the Declaration on the Protection of All Persons from Enforced Disappearance* (Office of the High Commissioner for Human Rights) (n.d.) https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/GeneralCommentsDisappearances_en.pdf accessed 4 June 2026, para 58.1.

Lebanese prosecutors were reluctant to issue a ruling in this regard in court.¹²⁵ During our interview with the former member of the National Commission for the Missing and Forcibly Disappeared (the NCMFD), Dr Carmen Hassoun Abou Jadoude stated that as warlords responsible for enforced disappearance have taken up positions within the state apparatus by availing themselves of the Amnesty Law, prosecutors had no courage to prosecute any case regarding enforced disappearances. Therefore, prosecutors in Lebanon have tended to dismiss cases on the grounds of insufficient evidence or by invoking the amnesty law.¹²⁶ The remainder of this thesis will examine in detail the reasons for and consequences of Lebanon's failure to fulfil these legal obligations.

¹²⁵ Nour El Bejjani Nouredine and Anna Myriam Roccatallo, *Dead at the Root: Systemic Dysfunction and the Failure of Reform in Lebanon* (International Center for Transitional Justice, December 2020) https://www.ictj.org/sites/default/files/ICTJ_Briefing_Lebanon_Governance_2020_EN.pdf accessed 4 June 2026.

¹²⁶ Interview conducted by the author with Dr Carmen Hassoun Abou Jadoude, former member of the National Commission for the Missing and Forcibly Disappeared (NCMFD) (online interview, 14 May 2026).

CHAPTER 4: A LEGAL RESPONSE TO UNRESOLVED LOSS: POST-WAR LEBANON AND LAW NO. 105/2018

Lebanon has failed to fulfil its legal obligations under international law to hold the perpetrators of enforced disappearances to account, including to grant the families of the missing and enforced disappeared persons their right to reparations, or to take steps that meet the requirements of the principle of non-recurrence. This chapter examines the reasons and consequences of the Lebanese state's reluctance to address the issue of missing persons and enforced disappearances focusing on the post on the social and political developments in post-civil war context in Lebanon. Although more than thirty years have passed, the issue remains unresolved. It is not a crime committed by a specific group at a specific location. Because it has occurred in various places and involves both domestic and foreign actors, it cannot be addressed from a single perspective. As Chapter 2 discussed, disappearances occurred due to political, religious and personal motivations during the civil war; and they took place at diverse locations such as checkpoints, streets, homes and battlefields. There are also different perpetrators behind these cases, and the families harbour varying suspicions regarding the fate of their loved ones. Whilst some families believe their relatives were killed after being abducted and buried in mass graves, others suspect they were sent to Syria or Israel and were being held in prisons there. Moreover, the appointment of numerous war criminals to political positions in Lebanon in the wake of the general amnesty law has made resolving this issue increasingly challenging over the years.¹²⁷

4.1 Post-war Amnesty and Lack of Transitional Justice Process in Lebanon

The Taif Accord and the general amnesty law of 1991 have become main examples of the complete indifference to human rights and humanitarian law in Lebanon. The perpetrators were rewarded with new positions in parliament and the security forces.¹²⁸ For instance, some militia leaders responsible for crimes of arbitrary detention during the civil war were appointed as

¹²⁷ ACT for the Disappeared and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), *MHPSS Guidelines for Working with Families of Missing Persons* (2025)p.12 https://www.giz.de/en/downloads/giz2025_en_MHPSS-Guidelines_for_Working_with_Families_of_Missing_Persons.pdf accessed 16 May 2026.

¹²⁸ ICTJ, *Failing to Deal with the Past: What Cost to Lebanon?* (n 49) p.4.

government ministers.¹²⁹ These assignments cannot be interpreted only as unfortunate decisions as they corrupted the system from its inception. It has left families who resorted to domestic courts to seek justice with doors slammed in their faces, since it has become almost impossible to find an independent judiciary in Lebanon.¹³⁰ Courts mostly rejected the official complaints of missing and forcibly disappeared persons due to the pressure judges face from politicians, or the judges themselves displayed a partial stance on the matter.¹³¹ In other words, Lebanon as a state ignored its duty to prosecute and deprived the civil war victims of their rights under international law.

Another example showing the selective and discriminatory face of the amnesty law is excluding South Lebanon Army (SLA) members from the general amnesty. During the civil war, the SLA served as a protector of Israel's buffer zone and cooperated with it. The Lebanese parliament did not allow the SLA members to be pardoned under the amnesty law, and they have been tried for their affiliation with Israel. During the hearings, very little time was given to the perpetrators to defend themselves (an average of seven minutes per person), and as a result, they were sentenced according to their ranking in the organisation.¹³²

Since Lebanon has failed to fulfil its duty to prosecute, it has not been successful in dealing with the other pillars of transitional justice, namely memorialisation and truth seeking, either. The Taif Accord has stipulated that “the government shall develop new curricula which strengthen the sense of nationhood.”¹³³ In accordance with this clause, the government published new textbooks and curricula in 1997.¹³⁴ However, the civil war was hardly mentioned in the textbooks.¹³⁵ This led each pupil to learn the history of the civil war from the perspective of their religious community.¹³⁶ This situation can be considered dangerous for a nation in many respects,

¹²⁹ Amnesty International, *Lebanon: Human Rights Developments and Violations* (n 1) p.6.

¹³⁰ ICTJ, *Failing to Deal with the Past: What Cost to Lebanon?* (n 49) p.9.

¹³¹ *ibid* p.11.

¹³² *ibid*.p.10.

¹³³ ‘The Taif Agreement’ (n 36).

¹³⁴ Maha Shuayb, ‘Human Rights and Peace Education in the Lebanese Civics Textbooks’ (17 February 2015) 12(1) *Journal of Peace Education* p.135 <https://doi.org/10.1177/1745499914567823> accessed 9 April 2026.

¹³⁵ *ibid* 146.

¹³⁶ Qantara.de, ‘History of the Lebanese Civil War: Coming to Blows over a School Textbook’ (14 April 2012) <https://qantara.de/en/article/history-lebanese-civil-war-coming-blows-over-school-textbook> accessed 9 April 2026.

as it exacerbates polarisation and creates a basis for new conflicts, making reconciliation among the people impossible. For instance, even though civil society organisations seek to build a collective memory through their documentation work, and artists from various disciplines strive to do the same through their art, the government's failure to make an effort to establish a unifying national memory has led to attempts by different groups to impose their own narratives as the sole true history, thereby creating divisions within society.¹³⁷

Furthermore, the Taif Accord addressed reparations solely in relation to the return of displaced persons and committed to enacting legislation to safeguard victims' rights.¹³⁸ In Lebanon, where approximately 30 per cent of the population was displaced following the civil war, several organisations have been involved in the process, and new bodies such as the Ministry of the Displaced (MoD) and the Central Fund for the Displaced have been established.¹³⁹ Although the right of return has been recognised, the state has never acknowledged its own responsibility for these displacements apart from individual apologies, such as apology and acceptance of responsibility by Walid Jumblatt. Ironically, Jumblatt was responsible for many of the displacements in Mount Lebanon and was later appointed Minister for the Displaced. The programme has been criticised for being poorly planned and unsustainable because it focused solely on the restoration of physical structures whilst disregarding the socioeconomic dimension of the principle of restitution. For example, returnees faced high unemployment in the region, making it difficult for them to sustain their livelihoods there.¹⁴⁰ The programme also faced allegations of corruption, as the number of homes listed as funded on paper was approximately twice the number actually funded by the programme. The perception that the programme did not treat all groups equally also caused problems amongst the communities. Whilst the southern part of Sidon had been 80 per cent completed under the programme, the people of South Lebanon who had previously migrated to Beirut due to the Israeli occupation could not be evacuated, both because the areas were under occupation and due

¹³⁷ Uneins, 'Archiving Memory in Lebanon – 50 Years After the "Civil War"' (29 August 2025) <https://uneins-mag.de/impulse/uneins-impulse-libanon/archiving-memory-in-lebanon-50-years-after-the-civil-war/> accessed 10 April 2026.

¹³⁸ 'The Taif Agreement' (n 36).

¹³⁹ ICTJ, *Failing to Deal with the Past: What Cost to Lebanon?* (n 49) p.20.

¹⁴⁰ *ibid.*

to the problem of mine-contaminated land; consequently, the people of Beirut also were unable to return to their homes. Moreover, North Lebanon and Bekaa were excluded from the government's restitution plan.¹⁴¹

On the other hand, the situation in ethnically mixed regions, where mutual clashes had taken place during the civil war, was creating difficulties for returns, and the approach to these issues tended to focus on temporary solutions rather than being victim-centred. For example, in villages in Mount Lebanon where Druze and Christians had lived together before the war and where mutual massacres took place during the civil war, steps were taken to reconcile these groups. However, to avoid new conflicts, the voices of the victims were silenced, and their right to file a suit was taken away¹⁴². It is hardly reasonable to believe that this process, in which victims' rights were disregarded and their suffering went unacknowledged, would serve to foster reconciliation and lasting peace between the two groups.¹⁴³

Although institutions have been established to enforce the stipulations of the Taif Accord, the government of Lebanon has been ineffective in ensuring the repatriation of displaced persons. Even though adequate funding has been provided, surpassing earlier estimates, 20 per cent of displaced persons have returned home, while only 9 per cent have been adequately reimbursed, leaving them with no choice but to spend their own money to rebuild their homes.¹⁴⁴ The principle of non-discrimination is one of the cross-cutting principles of international law. However, many of the procedures implemented after the Civil War were both inadequate and discriminatory. For instance, whilst the Lebanese government enacted Law No. 364 to pay compensation to detainees held in Israeli prisons following Israel's withdrawal in 2000 (even though the amount of indemnities was not enough and conditions for compensation entitlement were problematic), this procedure was not applied to detainees in Syrian prisons.¹⁴⁵

¹⁴¹ibid. p.21.

¹⁴² ibid.

¹⁴³Conciliation Resources, *Reconciliation, Reform and Resilience: Positive Peace for Lebanon* (Accord 24, 2012) p.46–48 https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/Accord24_Lebanon_ENG_0.pdf accessed 7 April 2026.

¹⁴⁴ Madhav Joshi, Jason Michael Quinn and Patrick M Regan, 'Annualized Implementation Data on Comprehensive Intrastate Peace Accords, 1989–2012' (2015) 52(4) *Journal of Peace Research* 551–562.

¹⁴⁵ ICTJ, *Failing to Deal with the Past: What Cost to Lebanon?* (n 49) p.23.

Additionally, the Lebanese government has approached the issue of rehabilitation solely from the perspective of physical disabilities, but has failed to address the psychological rehabilitation aspect. Through the Ministry of Social Affairs, it has provided disability cards to individuals and certain social services through civil society organisations. However, this service is not a programme specifically designed for those injured and disabled as a result of the civil war; people with disabilities who were victims of the war have been included in a programme which was already in place.¹⁴⁶

As a result of these gaps in faithful implementation for a true social reconciliation, the general amnesty law is often referred to in the literature as “state-sponsored amnesia”.¹⁴⁷ The state’s pardoning of war criminals whilst disregarding victims’ rights, and rewarding them with new positions, has not only entrenched a culture of impunity within Lebanese society but has also hindered both social reconciliation and individual healing amongst a population whose right to the truth has been denied and whose suffering has gone unacknowledged. The government was under the mistaken impression that it could heal the wounds of the civil war through amnesty. However, the victims’ testimonies show that, even years later, they still feel that the war is not over and there is an ongoing tension within society, so whenever any dispute happens between communities, there is fear of turning back to war times. This is concrete proof of the lack of reconciliation within society. There is also consensus among people that sectarian-based clientelism has persisted and increased since the civil war, and this constitutes one of the major problems facing society.¹⁴⁸ Ordinary citizens often must seek political connections within their own sects to access basic services, which in turn fuels the adoption of a sectarian rather than a national identity within society. This can be interpreted as a consequence of the lack of institutional reforms in the country after the civil war.

The testimonies of the new generation that all debates are futile without access to the truth demonstrate that, years on, Lebanon still needs truth and justice. The trauma of war shaped

¹⁴⁶ *ibid* p.24

¹⁴⁷ Pro Peace, ‘Dealing with the Past’ (n.d.) <https://www.propeace.de/en/lebanon/dealing-past> accessed 13 April 2026.

¹⁴⁸ International Center for Transitional Justice (ICTJ), *Focus Group Report: Youth and Transitional Justice in Lebanon*-ICTJ (October 2014) Executive Summary p.2. <https://www.ictj.org/sites/default/files/ICTJ-Lebanon-FocusGroup-Report-2014.pdf> accessed 13 April 2026.

the attitudes of the first generation, which in turn influenced the second. For instance, according to the ICTJ focus group study, one woman who suffered during the war sadly noted that her constant state of fear had harmed her children. Another woman lamented depriving her daughter of her right to education by not sending her to a region predominantly inhabited by the opposing sect.¹⁴⁹ It can be seen that the people are still paying the price for Lebanon's failure to carry out its transitional justice process after the civil war, both at a societal and an individual level.

4.2 Law No. 105/2018

The 15-year civil war in Lebanon left behind a devastating humanitarian crisis that continues to this day. As already discussed in Chapter 2, 17,415 people had disappeared during the civil war.¹⁵⁰ Following that, in 1995, the Lebanese government enacted Law No. 443, officially declaring all the missing persons dead. This law generated great sadness among the families of missing and forcibly disappeared persons, and they refused to be silenced and persisted in their right to know the fate of their loved ones. Following a 36-year struggle, with the support of civil society and international organisations, the families finally succeeded in securing passage of Law No. 105/2018 on Missing and Forcibly Disappeared Persons by the Lebanese parliament.¹⁵¹ Founder of the Committee of the Families of the Kidnapped and Disappeared in Lebanon (CFKDL), Wadad Halawani had witnessed the passage of the law in parliament. She describes the moment as the most historical session of the Lebanese parliament, and she adds, “the moment the law was enacted, it was met with big applause. However, some members of parliament looked extremely nervous, opposed certain articles, and feared the upcoming punishment process for war's wrongdoings”.¹⁵²

Article 1 of Law 105 gives a legal definition of the missing and forcibly disappeared persons and family members. According to paragraph three of the article, a child born in or outside of marriage, an adopted child, or stepchild who was supported by the missing or forcibly

¹⁴⁹ *ibid.* p.14-26.

¹⁵⁰ Amnesty International, 'Amnesty International Report 2006 – Lebanon' (23 May 2006) <https://www.refworld.org/reference/annualreport/amnesty/2006/10534> accessed 12 May 2026.

¹⁵¹ *ibid.*

¹⁵² Wadad Halawani, 'Human Rights Lab on Enforced Disappearance (in Lebanon and Syria)' (online lecture, Arab Master's programme in Democracy and Human Rights – ArMA, 11 May 2026).

disappeared person, the spouse, parents, or stepparents, brother or sister of the missing or forcibly disappeared person, and their children are considered family members. The article also provides a legal definition of the close parties and associations representing family members.¹⁵³ Under Law 105, tracing requests can be submitted not only by family members but also by close parties, concerned persons with minimal information about the missing person, and, in certain cases, by institutions or entities working on issues related to missing and forcibly disappeared persons. In this regard, this law encompasses the entire society.¹⁵⁴ The other important point is that Law 105 does not stipulate a specific time period regarding accepting tracing requests. Thus, its scope covers all missing persons cases, regardless of any link to past armed conflicts.¹⁵⁵

Article 2 of the Law 105 recognises the families' right to know the fate of their loved ones and recover their remains, while Article 3 acknowledges the families' right to be informed and to access information about all processes regarding the search for the missing and forcibly disappeared persons, and Article 4 stipulates to treat all families should be treated with respect, in accordance with the principle of non-discrimination.¹⁵⁶ Article 5 recognises the right to compensation, both moral and financial, for missing and forcibly disappeared persons and their families. Furthermore, it stipulates that compensation will be determined by a decree issued within one year of Law 105's entry into force, based on the recommendations of the National Commission and the Minister of Justice. Article 5, paragraph 3, states that if the Commission finds sufficient evidence to declare a person missing, it issues an official document confirming the declaration. If one year has passed since the disappearance of the person in question, as recorded in this document, family members can claim financial rights, including salaries, through a court decision.

Additionally, under Article 6, individuals, institutions, and authorities are obliged to share any information they hold regarding missing and forcibly disappeared persons and burial sites

¹⁵³ Law No 105/2018 on Missing and Forcibly Disappeared Persons (Lebanon, 30 November 2018) art 1.

¹⁵⁴ International Committee of the Red Cross (ICRC), *Guide to Law No 105 on the Missing and Forcibly Disappeared Persons* -ICRC 24 January 2022 p. 12,25.

https://www.icrc.org/sites/default/files/document_new/file_list/210923_icrc_law105_booklet_eng_a5_rs.pdf accessed 13 May 2026.

¹⁵⁵ *ibid* p.13.

¹⁵⁶ Law 105 (n 153) art 2,3,4.

with the National Commission. Furthermore, all competent authorities, including the Ministries of Justice, Health, Social Affairs, and Interior Affairs, are required to cooperate with the Commission on matters within their remit and to do so within thirty days of the law coming into force. The competent authorities should also take the necessary measures to prevent actions that might hinder search processes of the missing and forcibly disappeared persons.¹⁵⁷

One of the vital articles of Law 105 is Article 9. This article determines the establishment of the National Commission. According to Article 9, the National Commission has legal personality and is an independent body in terms of administration and finances.¹⁵⁸ Article 10 states that the Commission shall consist of ten members appointed by a decree issued by the Council of Ministers and the members serve a non-renewable five-year term. The Commission members comprise a university professor, a forensic doctor, two judges, two lawyers, two human rights activists, and two members of the associations representing family members.¹⁵⁹ Article 20 affirms that the Commission can form sub-committees to fulfil specific tasks, such as a committee specialised in supervising mass graves. According to Article 23 of Law 105, the Commission receives an annual financial allocation from the Presidency of the Council of Ministers. This budget must cover all the Commission's expenses and activities. The Commission shall also have its own bank account at the Central Bank, which is part of the state treasury accounts.¹⁶⁰

The main mission of the Commission is to search for missing and forcibly disappeared persons, find out what happened to them, and provide clear answers to their families to help end their suffering. To do this, the Commission has several important powers. It can build a complete database of missing persons and keep this information in a secure central system. It is also responsible for protecting places where remains might be found, including mass graves, and can stop any construction or digging that could damage these sites. The Commission sets rules for the proper recovery of human remains and works with security agencies when needed. Finally, it

¹⁵⁷ *ibid.* Art. 6.

¹⁵⁸ *ibid.* art. 9.

¹⁵⁹ *ibid.* Art 10.

¹⁶⁰ *ibid.* Art. 23.

must share its findings with the public, publish an annual report on its work, and provide recommendations to the government on how to achieve justice for victims and their families.¹⁶¹

Law 105 also includes punitive provisions for offences relating to enforced disappearances. Article 37 states that anyone who planned, committed, helped, or participated in an enforced disappearance shall be punished with 5 to 15 years of imprisonment with hard labour and a fine between 15 and 20 million Lebanese Pounds.¹⁶² Furthermore, according to the other articles of Law 105, the individual shall face sanctions if they provide false information, intimidate families of missing persons, interfere with or damage burial sites/directory evidence, or obstruct an investigation relating to graves. Under Lebanese law, prison sentences for such crimes range from six months to three years, and fines shall also be imposed.¹⁶³

Overall, the promulgation of Law No. 105/2018 was a breakthrough event in Lebanon's recent history. In Wadad Halawani's words (Founder of the CFKDL), "When the law passed, it made us feel as if those victims had finally received some recognition, which would give their families the right to live like everyone else after 36 years of suffering".¹⁶⁴ In addition to recognising families' rights to know and to reparation, this was the moment to help break the culture of 'forced amnesia' adopted by successive Lebanese governments and address other issues arising from the Lebanese Civil War.¹⁶⁵

¹⁶¹ Committee of the Families of the Kidnapped and Disappeared in Lebanon, 'The National Commission for the Missing and Forcibly Disappeared (NCMFD)' (n 52).

¹⁶² Law 105 (n 153) Art. 37.

¹⁶³ ICRC, *Guide to Law No 105 on the Missing and Forcibly Disappeared Persons* (n 154) p.29.

¹⁶⁴ Université La Sagesse, 'Session 6, Video 4: Interview with Wedad Halawani', *Dealing with the Past – the Missing and Forcibly Disappeared in Lebanon* (3 March 2022) <https://mooc.uls.edu.lb/en/course/14> accessed 4 May 2026.

¹⁶⁵ Alexi Touma and Mira Zagbhour, *Truth, Dignity, and Justice: The Case of the Missing and Forcibly Disappeared in Lebanon* -Issam Fares Institute for Public Policy and International Affairs, American University of Beirut (September 2020) p.2. https://aub.edu.lb/ifi/Documents/publications/policy_briefs/2019-2020/20200710_the_disappeared_english.pdf accessed on 15 May 2026.

4.3 Challenges in Implementation of Law No. 105/2018

The establishment of the National Commission for the Missing and Forcibly Disappeared (the NCMFD) represents a turning point in addressing the issue of missing persons and enforced disappearances.¹⁶⁶ The NCMFD was established for the first time on July 3, 2020, approximately two years after the promulgation of Law 105, by Lebanese Council of Ministers Decree No. 6570.¹⁶⁷ Its duty was to investigate the fate of missing and forcibly disappeared persons. However, throughout its five-year mandate (2020–2025), it faced an extremely complex and unstable political environment at both national and regional levels, limited resources, and structural, legal, and administrative obstacles. Thus, it affected the implementation of Law 105 in the field.¹⁶⁸

The NCMFD has faced many financial and administrative issues stemming from political instability. Firstly, under Article 23 of Law 105, they needed to open a bank account with the Central Bank as part of the state treasury accounts. However, against the backdrop of an unstable political and economic climate, characterised by an economic crisis, the Beirut port explosion on 4 August 2020, and a period of over two years without a president, during which the Council of Ministers acted as a caretaker government, the Commission was unable to open its bank account until mid-2023.¹⁶⁹ Furthermore, two months after the publication of the decree establishing the Commission, two of its members declined their appointments, and it was not until 13 April 2021 that two replacements were appointed. However, after a few months, four more members of the Commission resigned. As new members of the Commission are appointed by the Council of Ministers by decree, in accordance with Article 16 of the Law, this vacancy remained unfilled for a long time due to the aforementioned political instability, which hindered the NCMFD's ability to commence its work.¹⁷⁰

¹⁶⁶ Barakat and Ouais, *Dealing with the Past in Lebanon* (n 50) p.3.

¹⁶⁷ Committee of the Families of the Kidnapped and Disappeared in Lebanon, 'The National Commission for the Missing and Forcibly Disappeared (NCMFD)' (n 52).

¹⁶⁸ National Commission for the Missing and Forcibly Disappeared, *First Report 2020–2025* (2025) p. 11. (Arabic original; AI-assisted (DeepL) translation).

¹⁶⁹ Barakat and Ouais, *Dealing with the Past in Lebanon* (n 50) p. 7.

¹⁷⁰ *ibid.*

Due to financial constraints, the Commission does not have an office and has held many of its meetings in cafés or at the CFKDL's office.¹⁷¹ The Commission's lack of a central office prevented it from collecting the data necessary to conduct its work. Given the legal requirement under Law 105 that data held by various national and international authorities be centralised by the Commission, this information needed to be stored in a secure, central location.¹⁷² After repeatedly raising the issue of the office with government officials, who failed to take action, the CFKDL allocated the Commission a temporary office in 2024 to enable it to carry out its work. The Committee was able to procure the necessary equipment for its office through the state budget, as well as support from the ICRC and the CFKDL.¹⁷³ It is also noted in our interview with Dr Carmen that the allocated budget is very limited for the Commission's activities;¹⁷⁴ the government's allocation is only 10 per cent of the Commission's requirements.¹⁷⁵ To worsen the situation, under Article 24 of Law 105, the Committee may receive donations from sources outside the state only by decree issued by the Council of Ministers. Due to the state's cumbersome bureaucracy, the Committee could only receive indirect or non-financial support in addition to its annual budget.¹⁷⁶

There are many other hurdles that the Commission is facing regarding mass graves and the process of exhumation. Political disagreements and specific technical issues, such as a lack of forensic laboratories, databases, and specialised equipment, are among these barriers. While Law 105 was enacted to facilitate the process of locating missing and forcibly disappeared people legally, the process of exhumation remains inconsistent and underdeveloped. For example, the Mdouha dig in the West Bekaa region exemplifies these technical and financial difficulties. This project is regarded as one of the first projects of the Commission directly tackling the problem of potential mass graves. On 24 August 2023, having learned from the media of the existence of a mass grave in Mdouha, Western Bekaa, the Commission contacted local authorities and members of the judiciary. However, it was found that the members of the judiciary and local authorities

¹⁷¹ NCMFD, *First Report 2020–2025* (2025) (n 168) p14.

¹⁷² Barakat and Ouais, *Dealing with the Past in Lebanon* (n 50) p. 8.

¹⁷³ NCMFD, *First Report 2020–2025* (2025) (n 168) p.27.

¹⁷⁴ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126).

¹⁷⁵ NCMFD, *First Report 2020–2025* (2025) (n 168) p.42.

¹⁷⁶ Barakat and Ouais, *Dealing with the Past in Lebanon* (n 50) p. 7.

were unaware of Law No. 2018/105. The Commission members explained the law and its relevant provisions to the authorities, requesting that the grave site in question be protected and sealed, and issued a decision to establish an excavation commission, thereby complying with the provisions of Law 105.¹⁷⁷ During our interview, Dr Carmen explained that three bodies believed to belong to a Palestinian armed group were discovered during the excavation work. However, no family members contacted the Commission regarding the bodies. As the Commission lacked the technical staff and equipment necessary to conduct identification, no exhumation took place; the three bodies were reburied, and the area was placed under protection.¹⁷⁸

The Committee also suffered from a lack of forensic facilities and financial resources to create a forensic expert group. Ghada Al Sayegh, the ICRC Lebanon Missing File Responsible, states that the ICRC is providing support to help the NCMFD become more effective. It is building NCMFD's capacity in its forensic and data units. However, the absence of a forensic unit in Lebanon has meant they have had to start from scratch. Apart from the ICRC and the Swiss Embassy, which support cases involving missing persons in Lebanon, no other organisations are involved; therefore, alternative donors are needed to accelerate progress.¹⁷⁹ In addition, the lack of state protection for potential burial sites poses a threat of further loss and decomposition. It is known that buildings have been constructed over numerous mass graves and that bodies exhumed during excavations have been dumped in other areas using excavators and being covered again with soil.¹⁸⁰ It is also noted that the state has taken no steps to prevent this, even after the promulgation of Law 105. Therefore, the NCMFD takes its own precautions. As is known, the Ministry of Culture visits the area before construction work to check for artefacts of archaeological value. The NCMFD has contacted the Ministry, requesting that it notify the Committee if it comes across any mass graves during its inspections.¹⁸¹

¹⁷⁷ NCMFD, *First Report 2020–2025* (2025) (n 168) p.24.

¹⁷⁸ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126).

¹⁷⁹ Interview conducted by the author with the International Committee of the Red Cross (ICRC) Ghada Al Sayegh, Lebanon Missing File Responsible (online interview, 20 May 2026).

¹⁸⁰ Carmen Hassoun Abou Jaoude, PhD, 'Human Rights Lab on Enforced Disappearance (in Lebanon and Syria)' (online lecture, Arab Master's programme in Democracy and Human Rights – ArMA, 29 April 2026).

¹⁸¹ Carmen Hassoun Abou Jaoude, PhD, 'Human Rights Lab on Enforced Disappearance (in Lebanon and Syria)' (online lecture, Arab Master's programme in Democracy and Human Rights – ArMA, 4 May 2026).

In addition to financial and technical hurdles, there are political obstacles. According to the Act for the Disappeared, the Committee has carried out a study to identify the locations of mass graves. They have hesitated to publish findings for fear that former fighters who are responsible for those crimes might destroy the graves to remove evidence.¹⁸² However, eventually, the study was published.¹⁸³ Article 37 of Law 105 holds perpetrators and accomplices in cases of enforced disappearance accountable. However, the NCMFD's mission is humanitarian, and taking measures to enforce accountability falls outside its mandate. To resolve this issue, during our interview, Dr Carmen suggested establishing dialogue with political parties (including those that were part of the war) and the military. She highlights that the NCMFD needs support and cooperation from all segments of society to achieve its aim, not only from families and civilians but also from political parties. She reflects on the reality in Lebanon that many areas are controlled by political parties, making it impossible to do their work without cooperation: "If you try, they put obstacles in your way and do not allow you to do the exhumation. Therefore, building a dialogue is essential at this point". She adds that the military and political parties also have missing people, so the NCMFD's work would benefit them as well.¹⁸⁴ Manal Hamdoun Ghandour, the executive director of Act for the Disappeared, also mentioned during our interview that the war ended with the Amnesty Law, and that all the warlords became the people in charge of the country. They took positions in the government and parliament. Thus, they did not face any responsibility for any crime they committed. However, the families of the missing and enforced disappeared persons insisted on their right to know; thus, they insisted on accountability. However, in her view, accountability is not always about imprisonment; granting families their rights and establishing dialogue between the perpetrator and the families could be considered a form of accountability.¹⁸⁵

¹⁸² Kathy Gilsinan, 'The Desperate Search for Lebanon's Mass Graves' (The Atlantic, 22 April 2018) <<https://www.theatlantic.com/international/archive/2018/04/lebanon-civil-war-burial-missing/558632/>> accessed 16 May 2026.

¹⁸³ Act for the Disappeared, 'Investigation into the Fate of Missing and Protection of Gravesites' (Act for the Disappeared) (n.d.) <https://www.actforthedisappeared.com/promote-right-know/projects-with-youth/investigation-fate-missing-and-protection-gravesites> accessed 16 May 2026.

¹⁸⁴ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126).

¹⁸⁵ Interview conducted by the author with Manal Hamdoun Ghandour, Executive Director of Act for the Disappeared (online interview, 22 May 2026).

Moreover, article 37 of Law 105 has led to divisions among the actors involved. On the one hand, the CFKDL clarified that their priority is to know the fate of their loved ones and to have closure, and they are not prioritising accountability.¹⁸⁶ In Wadad Halawani's, the president of the CFKDL, words: "Political parties are part of the problem of mass graves, they are also responsible for this crime, but what we want is having information about the fate of our loved ones, not to start a new war or put them in jail, not because we are afraid of them but because we want to put our daily struggles to an end".¹⁸⁷ On the other hand, the Lebanese Centre for Human Rights (CLDH) considers accountability essential to creating a fair society.¹⁸⁸ At this point, I find it profoundly necessary to quote Lebanese novelist and public intellectual Elias Khoury's words, which well explain the importance of exhuming the graves in terms of victims and also punishing the perpetrators: "What is needed is not to take revenge on the perpetrators, unless knowledge itself constitutes the punishment, and it does. Knowing the fate of the missing and exposing the mass graves will allow the dead to rest in their graves and our memory, but will also punish the perpetrators on both the moral and political levels".¹⁸⁹

Another issue with the implementation of Law 105 is reparations. Article 5 stipulated that moral and financial compensations will be determined according to a decree issued within one year of the entry into force of Law 105. However, the state has not issued a decree on this matter until today.¹⁹⁰ The new president of the NCMFD, Joseph Samaha, explained that the NCMFD submitted a proposal dedicated to reparations to the Council of Ministers. The proposal includes moral compensations, such as the declaration of a National Day of Remembrance and building a monument in memory of the victims of disappearances and killings. As financial compensation, the NCMFD suggested the provision of tax relief and symbolic payment to families of missing and forcibly disappeared persons. Samaha concluded that demanding a substantial payment is

¹⁸⁶ Saskia Huijgen and Alexi Touma, *Civil Society Organisations' Involvement in the Case of the Missing and Forcibly Disappeared People during the Lebanese Civil War* (Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, n.d.)

³ <https://www.aub.edu.lb/ifi/Documents/The-case-of-the-missing-and-the-forcibly-disappeared.pdf> accessed 16 May 2026.

¹⁸⁷ Halawani, *Human Rights Lab* (n 152).

¹⁸⁸ Huijgen and Touma (n 186) p.3.

¹⁸⁹ Act for the Disappeared, *Don't Let My Story End Here* (Act for the Disappeared) (n.d.) p.4

<https://www.actforthedisappeared.com/sites/default/files/Publications/Fushat%20Amal%20-%20small.pdf> accessed 16 May 2026.

¹⁹⁰ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126)

not feasible given Lebanon's economic circumstances. The Lebanese economy cannot sustain this. The government may even argue that the Lebanese economy has been undermined by the compensation paid to families.¹⁹¹

In fact, families have already been subjected to blame and marginalisation over the years. The NCMFD did not receive any answer from the state regarding the reparations proposal. Joseph Samaha concluded by saying that the value of Law 105 lies not only in helping society remember what happened in the past, but also in its many important articles that are essential to building a just future. Still, the public sector has not implemented these articles because politicians are not willing to financially and economically support the missing and forcibly disappeared persons, who are not a priority on their agenda.¹⁹² During our interview, Ghada Al Sayegh mentioned that the issue of compensation will take a long time because first, the mass graves should be opened, bodies should be identified, and families should receive their answers regarding the fate of their loved ones. Without identifying bodies, the families' compensation cannot be determined.¹⁹³

On the other hand, under Article 33 of Law 105, any legal entity or ordinary person that holds a database related to a missing person shall submit this information to the NCMFD.¹⁹⁴ It is known that the ICRC has collected approximately 2000 biological samples and 3000 ante-disappearance questionnaires from the families of missing and forcibly disappeared persons.¹⁹⁵ However, in our interview Dr Carmen mentioned that the ICRC did not agree to submit these data to the NCMFD.¹⁹⁶ Similarly, Ghada Al Sayegh explained that the ICRC is currently preparing to handle and transfer data related to families of missing persons. She emphasised that these data were originally provided by the families themselves, who trusted the ICRC to protect and preserve such sensitive information, particularly because its misuse could affect their security. At the same time, the ICRC has been supporting the NCMFD in becoming

¹⁹¹ Joseph Samaha 'Human Rights Lab on Enforced Disappearance (in Lebanon and Syria)' (online lecture, Arab Master's programme in Democracy and Human Rights – ArMA, 11 May 2026).

¹⁹² *ibid.*

¹⁹³ Author's interview with Ghada Al Sayegh (n 179).

¹⁹⁴ Law 105 (n 153) art 33.

¹⁹⁵ Barakat and Ouais, *Dealing with the Past in Lebanon* (n 50) p.2.

¹⁹⁶ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126)

more operational by assisting in the drafting of its bylaws, book of records, and regulations, as well as in the establishment of its data unit and data management information system. According to Ghada Al Sayegh, once the NCMFD has the necessary capacity to properly manage and protect the data, the information will be transferred to them, hopefully by the end of 2027.¹⁹⁷ Furthermore, under Article 6, state institutions are also obliged to disclose information to the NCMFD.¹⁹⁸ When the NCMFD began its duties, it sent emails and letters to all institutions, requesting that they submit any information they held to the commission. However, they did not receive an adequate response. For example, the Ministry of Defence did not transfer its data to the NCMFD.¹⁹⁹

4.4 Concluding Remarks

This chapter has examined the reasons and consequences of the absence of a truth-seeking process after the Lebanese civil war. Overall, the experts agree that Law 105 complies with the principles of transitional justice. As regards the right to justice, it is considered that families who approach the issue with due regard to the country's political reality should rather focus on the right to know rather than on accountability, to safeguard families' rights, whilst promoting dialogue. However, there have been very few developments of a robust and sustainable process within Lebanon to search for the fate of missing and forcibly disappeared persons. The NCMFD still faces numerous challenges, including an unstable political climate, reluctance among government officials, financing issues, structural problems, a lack of forensic expertise, fragmented data, and poor coordination. Nevertheless, the NCMFD's commitment to the issue, alongside that of family and civil society organisations, continues to offer hope for the future. Without shedding light on the truth, Lebanon lacks a nationally agreed-upon history, thereby making healing as a society impossible. However, an ideal transitional justice mechanism works to create a new societal accord after mass atrocities. As Saadeh argues, due to the lack of transitional justice in Lebanon, each sect memorialises the war according to its own perspective, and this leads to constant tension within society.²⁰⁰

¹⁹⁷ Author's interview with Ghada Al Sayegh (n 179).

¹⁹⁸ Law 105 (n 153) art 6.

¹⁹⁹ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126)

²⁰⁰ Ryan Saadeh, 'On Justice Denied: Interrogating Amnesty and Amnesia in Post-Conflict Lebanon' (23 November 2021) *Yale Journal of International Affairs*

Chapter 5: AMBIGUOUS LOSS AND ITS IMPACT ON FAMILIES OF MISSING AND FORCIBLY DISAPPEARED PERSONS IN LEBANON

This chapter examines the lack of transitional justice from the perspective of families through utilising the concept of ambiguous loss. Ambiguous loss is a type of loss that a person can experience in their lifetime, leaving them in an uncertain situation. It captures the psychosocial impact of living with the ambiguity of losing a beloved one. Living with uncertainty can be tormenting, as life moves on while part of you remains in the past. According to Boss, those in this situation seek closure and would rather accept the news of their loved ones' deaths than live with uncertainty.²⁰¹ The difficulty of ambiguous loss is not only not having information about one's loved one but also not having official or social verification, such as a death certificate or a burial ceremony.²⁰² Therefore, these people's sorrows remain unacknowledged, leaving them to live with frozen grief. When a loss is unacknowledged, people often struggle to find social support mechanisms. This leaves them to endure their pain alone, making them feel detached from social life. It ends up in a profound sense of despair and trauma.²⁰³ This chapter first discusses the concept of ambiguous loss in detail and then the psychological, social, financial, and physical effects of ambiguous loss in Lebanon. The chapter pays particular attention to the uneven gendered impact of ambiguous loss on women, from mental and physical harm to social stigmatisation that spreads over decades.

5.1 Ambiguous Loss

Ambiguous loss can damage a family's structure when its members are uncertain about how to fulfil their roles. For example, a woman whose husband has gone missing may struggle with her role as a spouse and may not know how to present herself in the community, either as a married woman or a widow. Furthermore, in some cases, children may take on the role of the absent parent. This can cause children to feel confused about their place within the family. The

<https://www.yalejournal.org/publications/on-justice-denied-interrogating-amnesty-and-amnesia-in-post-conflict-lebanon> accessed 10 April 2026.

²⁰¹ Pauline Boss, *Ambiguous Loss: Learning to Live with Unresolved Grief* (Harvard University Press 1999) p.5.

²⁰² *ibid* p.6.

²⁰³ Mary Bunn, Gina Samuels and Craig Higson-Smith, 'Ambiguous Loss of Home: Syrian Refugees and the Process of Losing and Remaking Home' (2023) 4 *Wellbeing, Space and Society* 100136 p.2.

<https://doi.org/10.1016/j.wss.2023.100136> accessed 28 May 2026.

well-being of the individual and the family is being adversely affected by increasingly unclear family dynamics.²⁰⁴ Ambiguity leaves the family socially paralysed. They may feel hesitant to take a new step in their lives or make new decisions. For example, moving to a new city or even to a new house may be a difficult decision for them, in the hope that the missing person may return to their last known address. Furthermore, it is common for families of missing persons to postpone their family rituals or celebrations to an unknown date.²⁰⁵ On the other hand, in some cases, type I loss can catalyse type II loss (see the introduction for definitions of type I and type II). For instance, in a family where one parent goes missing, the other parent may neglect their children's care while searching for their missing spouse. Furthermore, the exhausting nature of the process may lead the living parent into depression. In such situations, the children have one physically absent parent, whilst the other is emotionally absent.²⁰⁶

Family members coping with an ambiguous loss often experience symptoms of depression and anxiety, as well as psychosomatic disorders.²⁰⁷ Psychosomatic disorders manifest as chronic physical pain, numbness, difficulty concentrating and sleeping, and persistent fatigue and weakness. Physical medical examinations in such cases reveal no findings to explain the symptoms, and it is usually concluded that they are of psychological origin with a devastating effect on the cognitive processes through which people perceive life²⁰⁸. As a result of living with ambiguous loss, people lose their belief that the world is a just and safe place, leaving them unsure how to make sense of it.²⁰⁹

All over the world, people are abducted or forcibly disappeared during wars and armed conflicts or are gone missing in natural disasters and air and sea accidents. In almost all such

²⁰⁴ Pauline Boss, *The Context and Process of Theory Development: The Story of Ambiguous Loss* (Journal of Family Theory & Review, 8(3), September 2016) 269–286, p.270. <https://bhekisisa.org/wp-content/uploads/2023/07/The-Context-and-Process-of-Theory-Development-The-Story-of-Ambiguous-Loss-Boss.pdf> accessed 1 May 2026.

²⁰⁵ *ibid* p.273.

²⁰⁶ Pauline Boss, 'Ambiguous Loss in Families of the Missing' (2002) 360 *The Lancet* s39, s39 <[https://doi.org/10.1016/S0140-6736\(02\)11815-0](https://doi.org/10.1016/S0140-6736(02)11815-0)>.

²⁰⁷ *ibid*.

²⁰⁸ Burak Duruk and Özlem Sertel Berk, 'Fonksiyonel somatik sendromlar ve DSM-5: Zihin beden yaklaşımı açısından bir değerlendirme' (2019) 3(2) *Klinik Psikoloji Dergisi* 116–128, p.117 <https://doi.org/10.5455/kpd.26024438m000013>.

²⁰⁹ Boss, *Ambiguous Loss* (n 201) p.39.

cases, relatives of the missing feel the need to bury their loved ones, or at least part of their remains, even if they know they are dead.²¹⁰ According to Boss, this need can be explained both socially and psychologically. Funeral ceremonies help people begin the grieving process and facilitate healing by bringing the bereaved together with their social circle and providing them with support.²¹¹ In some cultures, for example, it is customary for a person to observe forty days of mourning following the burial, after which they are encouraged to start a new life. During this time, the bereaved receive support from their community. However, in cases of missing persons, the bereaved are deprived of the opportunity to begin the mourning process by holding a funeral service, as well as access to social support mechanisms. A second reason is the need for tangible evidence in order to come to terms with the loss cognitively. This evidence is typically the missing person's body and seeing it laid to rest.²¹² Relatedly, according to Bowlby's attachment theory, a person can only properly say goodbye to someone with whom they have formed a bond if they feel they have fulfilled their duty towards that person, thereby coming to terms with the loss, for example, through a burial ceremony. The testimony of a woman whose husband went missing in the 9/11 attacks serves as an example of this: she would be willing to find and bury even a single fingernail of her husband's; otherwise, she would live with a sense of guilt for the rest of her life.²¹³

The families of missing and disappeared persons are also exposed to marginalisation and stigmatisation by society in some cases. With the suspicion that this person had forcibly disappeared because they were involved in illicit activities, the family may also be viewed with suspicion and face exclusion from their social circle. For these reasons, many family members of missing persons state that they hid the fact that a family member was missing when applying for jobs. Many also noted that their social circles had drifted away from them, including other family members.²¹⁴

²¹⁰ Pauline Boss, 'Ambiguous Loss Research, Theory, and Practice: Reflections After 9/11' (2004) 66 *Journal of Marriage and Family* 551–566, p.561.

²¹¹ *ibid* p.561-562.

²¹² *ibid*.

²¹³ *ibid*.

²¹⁴ Geert E Smid, Margriet Blaauw and Lonneke I M Lenferink, 'Relatives of Enforced Disappeared Persons in Mexico: Identifying Mental Health and Psychosocial Support Needs and Exploring Barriers to Care' (2020) 18 *Intervention Journal of Mental Health and Psychosocial Support in Conflict Affected Areas* 139,

On the other hand, when a family cannot find out what has happened to a missing family member but still has to try to carry on with their lives, they are often accused of not loving that person enough or of abandoning them. When families are confronted with not only the uncertainty of their situation but also social stigma, they experience a significant psychological burden. As a result, the majority of the family members experience psychological disorders such as depression, post-traumatic stress disorder (PTSD) and anxiety, which in some cases may lead to suicide.²¹⁵

Another devastating psychological and mental effect is living with uncertainty. Those who have no information about the fate of their loved ones are constantly exposed to stories of the torture and ill-treatment suffered by disappeared persons and are forced to consider the possibility that the same could have happened to their own loved ones. These images inflict deep wounds on the mind, eventually distorting their perception of reality and leaving them unable to distinguish between actual events and figments of their imagination. In some cases, the victims' accounts reveal conflicting perspectives and elements that may resemble features associated with schizophrenia in their perception of the world, which is linked to this mental fragmentation.²¹⁶

According to Boss, the first step in coping with ambiguous loss is to accept the uncertainty of the situation.²¹⁷ Families need professional help from a therapist to understand what they are experiencing as 'ambiguous loss' differs from other forms of loss. Boss notes that naming the process they are going through in an uncertain situation has a comforting effect on people.²¹⁸ She also suggests that organising family meetings under the supervision of a therapist can help family members with different reactions to the situation listen to and understand one another. This helps to maintain healthy family dynamics. She also emphasises the importance of family members working together in search efforts in cases of missing persons and enforced

p.144 https://pure.rug.nl/ws/portalfiles/portal/147451347/Smid_et_al_2020_Disappearances_Mexico.pdf accessed 30 April 2026.

²¹⁵ M G Bianchi, 'Enforced Disappearances and Torture Today: A View from Analytical Psychology' (03 April 2023) 68 *Journal of Analytical Psychology* 327, p.330. <https://doi.org/10.1111/1468-5922.12901> accessed 2 May 2026.

²¹⁶ *ibid* p.331.

²¹⁷ Boss, *Ambiguous Loss* (n 201) p.106.

²¹⁸ *ibid* p.109.

disappearances. People need to realise that they have tried every possible way and have no other options left is a realisation of the loss.²¹⁹ Finally, families should not be imposed a single approach dealing with unresolved grief, nor should they be pressured to find closure; instead. It should be acknowledged that the process is challenging and painful, and that work should focus on strengthening individuals' coping mechanisms and acceptance.²²⁰ However, as the next section discusses, none of these options are available to the families in Lebanon.

5.2 Ambiguous Loss Among Families of Missing and Forcibly Disappeared Persons in Lebanon

*'The relationship with my mother changed a lot. I do not know if it became worse, but I remember that whenever she cooked for us, we ate her tears with the food, because she never stopped crying.'*²²¹

This quote comes from a brother of a missing person in Lebanon and explains the effect of ambiguous loss on families' psychology and dynamics. Enforced disappearances were used as a weapon by various militias, Syrian and Israeli forces, and state actors during the civil war in Lebanon.²²² As discussed in the previous chapter, Lebanon as a state failed to uncover the fate of the missing and enforced disappearances, and in doing so, contributed to an ongoing crime and created new victims of the war²²³, namely the families of the missing and forcibly disappeared persons.²²⁴ The families have been waiting for answers regarding the fate of their loved ones for over three decades now. Their lives were suddenly cut short and shattered by uncertainty, and they found themselves trapped in a tormenting and never-ending state of ambiguous loss.

²¹⁹ *ibid* p.110-112.

²²⁰ Boss, 'Ambiguous Loss in Families of the Missing' (n 206) p.s40.

²²¹ ICRC, *The Families of People Missing in Connection with the Armed Conflicts that Have Occurred in Lebanon since 1975: An Assessment of Their Needs* (n 34) p.6.

²²² Amnesty International, *Lebanon: Human Rights Developments and Violations* (n 1) p.5.

²²³ UN Women and Legal Action Worldwide, *Ba'adon: The Legal, Medical, and Psychological Needs of the Families of the Disappeared* (December 2021) p.10

https://lebanon.unwomen.org/sites/default/files/2022-08/Needs%20assessment%20report-Families%20of%20Missing%20and%20Disappeared%20-%2031.3.22_1.pdf accessed 18 May 2026

²²⁴ Hereinafter referred to as 'the families'.

The lived experience of families in Lebanon transcends the psychological dimension, becoming a multilayered struggle. The multidimensional struggle of the families can be examined in terms of mental and physical health, as well as economic, social, and legal-administrative dimensions. The studies conducted with the families in Lebanon demonstrate that the majority of families suffer from anxiety, general fatigue, unhappiness, insomnia, and persistent headache. They link their symptoms directly to uncertainty about their loved ones.²²⁵ Furthermore, the families grapple with feelings of self-blame and guilt, along with emotional and physical burnout, while they are searching for their loved ones.²²⁶

The feeling of guilt appears in different situations in the victim's experience. In a study published by ACT for the Disappeared on the families of missing persons in Lebanon, a wife of a forcibly disappeared person expressed her sense of guilt when she thinks she does not make enough effort to search for her husband if she does not invest her full time in searching for him. Meanwhile, when, as it were, she spends all her life tracing her husband, she feels guilty for neglecting her children. Even years after their loved one's disappearance, families may still feel guilty about accepting that their loved ones have died. When they go about their daily lives and feel as if they have forgotten their loved one, they are overcome by guilt once again. This keeps them trapped in the same emotional state they were in during the first few days after the incident.²²⁷ In another testimony from the online course 'Dealing with the Past: The Missing and Forcibly Disappeared in Lebanon', the mother of a missing person from Lebanon describes that since 1983, the family has been searching for her son. Even now, when she sits inside the house and hears a knock on the door, she feels hope that her son might come back. She says that she never truly accepted that he had died, adding, "I tell my other children that 'I will never forgive you if I die and you do not continue searching for your brother'".²²⁸

²²⁵ ICRC, *The Families of People Missing in Connection with the Armed Conflicts that Have Occurred in Lebanon since 1975: An Assessment of Their Needs* (n 34) p.14.

²²⁶ ACT for the Disappeared and GIZ, *MHPSS Guidelines for Working with Families of Missing Persons* (n 127) p.37-40.

²²⁷ *ibid* p.37,38.

²²⁸ Université La Sagesse, 'Session 7, Video 3: The Impact of Disappearance and Loss on Women: Dr. Carmen Hassoun Abou Jaoude (10 October 2025) <https://mooc.uls.edu.lb/en> accessed 15 May 2026.

The psychological impact on families of a life spent oscillating between hope and despair over the past 43 years is extremely devastating. In this situation, there can be neither peace, consolation, nor mourning without tangible proof of death.²²⁹ This suffering is considered to be equivalent to torture. During our interview, Manal Hamdoun Ghandour also states that the families are the victims of torture in Lebanon because they suffer from insomnia, panic attacks, depression, nightmares, and eating disorders. Until today, they have acquired many emotional and psychological issues that have continued with them all through these 40 years.²³⁰ It is therefore fair to say that families in Lebanon are also victims of torture.²³¹ Living under such intense psychological pressure always has a negative effect on one's physical health. In some cases, in Lebanon, some family members, mostly older family members, develop chronic diseases in the wake of these incidents.²³² In other cases, the siblings of missing people said that not knowing what happened to their sibling had contributed to the death of their parents.²³³

The intertwined dimensions of living with ambiguous loss manifest themselves in different ways. Not only does it affect the mental and physical health of family members, but it also damages family dynamics and can result in domestic violence. The study published by UN Women and Legal Action Worldwide presents the testimony of a missing person's sister, which is a striking example of this situation in Lebanon. She explains that her brother's disappearances affected her father's mental and physical health extremely. He had prostate surgery and, due to his health condition, suffered from urinary incontinence. Subsequently, his mental health significantly deteriorated, and he began to suspect his wife and became violent towards her. The middle-aged woman's body could not withstand physical injury, so she lived a miserable life.²³⁴ Changing family dynamics have frequently affected children's lives as well. According to the study published by Act for the Disappeared, one Lebanese child, after his father's disappearance,

²²⁹ *ibid.*

²³⁰ Author's interview with Manal Hamdoun Ghandour (n 185).

²³¹ UN Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances: General Comment on the Right to the Truth in Relation to Enforced Disappearance* (n 113) para 4.

²³² ACT for the Disappeared and GIZ, *MHPSS Guidelines for Working with Families of Missing Persons* (n 127) p.37.

²³³ ICRC, *The Families of People Missing in Connection with the Armed Conflicts that Have Occurred in Lebanon since 1975: An Assessment of Their Needs* (n 34) p.14.

²³⁴ UN Women and Legal Action Worldwide, *Ba'adon: The Legal, Medical, and Psychological Needs of the Families of the Disappeared* (n 223) p.36.

as the eldest son, felt obligated to fill his father's shoes. He dropped out of school to avoid burdening his family's finances while at the same time providing his mother with invaluable emotional support. Rather than being able to meet age-appropriate needs, he was overwhelmed by a burden that would have caused a child significant psychological distress.²³⁵ This situation had various psychological effects on the mother. It caused the mother, who was raising her children on her own, to harbour anger towards her missing husband; however, she also felt guilty about this and directed it towards other matters.²³⁶ The traumas of Lebanese families are also amplified by the search process. Family members are forced to travel to dangerous places where they may encounter violence and may even receive threats. Distressing images, including mass burial sites, are frequent experiences for these families. Generally, families received no support from authorities during these difficult times.²³⁷

Ambiguous loss has also affected families' community relations. During our interview, the ICRC Mental Health Team stated that one of the biggest problems is the rupture in family relationships. Not knowing or not agreeing about the fate of the missing caused isolation from the family members, usually from their parents. For instance, the mother of the missing person positions the missing person as a key component of the family by gradually withdrawing from the rest of the family. The families are often not able to decide what to do because in every decision they have been taking, they are taking into consideration the possibility that the missing person will come back. This ambiguity immobilises the families.²³⁸

Another dimension that families experience is social exclusion, marginalisation, and stigmatisation. The studies carried out with families show that many families stated that their relationships with relatives, neighbours, and colleagues were damaged for unknown reasons.²³⁹

²³⁵ ACT for the Disappeared and GIZ, *MHPSS Guidelines for Working with Families of Missing Persons* (n 127) p.38.

²³⁶ *ibid.* p.37

²³⁷ ACT for the Disappeared and GIZ, *MHPSS Guidelines for Working with Families of Missing Persons* (n 127) p.39.

²³⁸ Interview conducted by the author with the International Committee of the Red Cross (ICRC) Lebanon Mental Health Team (online interview, 20 May 2026).

²³⁹ ICRC, *The Families of People Missing in Connection with the Armed Conflicts that Have Occurred in Lebanon since 1975: An Assessment of Their Needs* (n 34) p.14.

According to information obtained from my interview with Manal Hamdoun Ghandour, a section of society viewed families with missing or forcibly disappeared relatives in a different light. They believed that the missing person had been abducted because he/she had done something wrong. Some regarded these families as ‘not respectable’ and were unwilling to marry into them or offer them employment.²⁴⁰ Many families were forced to withdraw from social life for various reasons. For instance, in a testimony obtained from the online course platform ‘Dealing with the Past – the Missing and Forcibly Disappeared in Lebanon’, the wife of a missing person stated that after her husband went missing, people used to come to her house frequently, not to support her, but to find out whether the rumours were true or not. She felt that the people around her exploited her. Therefore, she decided not to open the door to anyone.²⁴¹ Thus, the families developed a sense of mistrust towards others. Furthermore, in some cases, the families stopped talking to people outside the family, because most people did not understand their situation. It made them angry when others told them to give up hope or said things like “may he/she rest in peace.” They also felt cut off from the world because they could not relate to the everyday matters that other people cared about.²⁴² Meanwhile, the very same society that told families to give up was judging them when they tried to enjoy life.

The families also experienced marginalisation at the hands of the Lebanese state. Following the announcement of the Amnesty Law, the state asked the families to stop searching for their missing relatives. However, the families under the leadership of the CFKDL refused to accept this and continued their fight to find out the fate of their loved ones. Consequently, families were accused of disrupting social peace and attempting to start a new war and were marginalised and subjected to discrimination. During this period, they received threats from both official institutions and militia groups.²⁴³ During our interview, Dr Carmen stated that the state resorted to numerous strategies to stop the families. When the Lebanese government enacted a law to declare all the missing persons dead (Law No. 443), the state also amended the inheritance

²⁴⁰ Author’s interview with Manal Hamdoun Ghandour (n 185).

²⁴¹ Université La Sagesse, *Session 7, Video 3: The Impact of Disappearance and Loss on Women* (n 228).

²⁴² ACT for the Disappeared and GIZ, *MHPSS Guidelines for Working with Families of Missing Persons* (n 127) p.37.

²⁴³ Halawani, *Human Rights Lab* (n 152).

law.²⁴⁴ According to Lebanon's Personal Status Law, inheritance law is linked to each citizen's religion or sect.²⁴⁵ This means a Muslim-Sunni citizen must follow a different inheritance procedure than a Christian Maronite citizen. At the same time, the period required for a missing person to be declared dead and for the rest of their family members to be entitled to inherit used to vary from religion to religion, but was, at a minimum, 10 years. Following the amendment, all religions and sects agreed to reduce the minimum required period to four years, except for the Druze community.²⁴⁶ Dr Carmen revealed during our interview that the period was reduced to four years so that it would cover those who went missing during the war, as well as victims of enforced disappearance. This way, families could access their missing relatives' bank accounts or inherit their property and assets. It was a strategy designed to silence these families.²⁴⁷

Another issue that families face is financial stress. The studies conducted with the families in Lebanon state that in the Lebanese context, the vast majority of people who went missing were men. As a result, many families lost their breadwinners. 72% of the missing people were employed and earned income through daily labour. Only 10% of the missing were unemployed, and the rest were students.²⁴⁸ As a result of the loss of the household breadwinner, some children had to drop out of school and work to support their families. In the long run, this led them to earn lower income than they would have if they had a higher education.²⁴⁹ The report published by ICRC clearly documents the case of a daughter of a missing man. After the father went missing, their mother had a stroke and was hospitalised. She never regained her health, and the family struggled with severe financial issues. Therefore, two siblings left school because they could not cover their education expenses.²⁵⁰ Another woman whose father and brother went missing speaks about the harsh reality of her family's situation in the report published by Legal Action Worldwide and UN Women. In her words: "My father was kidnapped and most probably

²⁴⁴ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126)

²⁴⁵ United Nations Democracy Fund, 'Equal Personal Status Law in Lebanon' (UNDEF) (11 January 2021) <https://www.un.org/democracyfund/en/news/equal-personal-status-law-lebanon> accessed 19 May 2026.

²⁴⁶ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126)

²⁴⁷ *ibid.*

²⁴⁸ ICRC, *The Families of People Missing in Connection with the Armed Conflicts that Have Occurred in Lebanon since 1975: An Assessment of Their Needs* (n 34) p.16.

²⁴⁹ *ibid.*

²⁵⁰ *ibid.* p.15.

killed, my brother as well. My sister and I became the breadwinners of our family. My brother once ate from the garbage because we were in a very tough financial situation. The war had the most negative impact on us. From a psychosocial perspective, I suffer from insomnia because of the war. I go to sleep at 9:30 in the morning every day and wake up at 11:30. I sleep for two hours only.”²⁵¹ According to the study published by the ICRC, carried out with the families, family members who noted that their physical illnesses had increased due to psychological stress stated that this placed an additional financial burden on them. More than half of the families interviewed for the study reported receiving regular treatment, and that this was a significant financial burden, even for those with health insurance.²⁵²

One of the cruellest aspects of the financial difficulties faced by families was that some people took advantage of them while they were searching for their missing relatives. Whilst families were struggling to find out the fate of their loved ones, some individuals were demanding money in exchange for news of their missing relatives or offering to sell items supposedly belonging to them. Many families paid these people to receive news of their loved ones, even though they were unable to meet their own daily needs.²⁵³ During our interview, Dr Carmen pointed out that the families most affected by this situation are those whose loved ones are held in Syrian prisons. It was estimated that 700 people had been forcibly disappeared in Syrian prisons. In the 1990s and 2000s, some of these individuals were released and returned to Lebanon. Consequently, these families believed their loved ones might still be alive until the fall of the Assad regime. In addition to the costs of years of travelling back and forth to Syria, these families were exploited until December 2024 in order to arrange visits with their loved ones or provide information. This is because disappearance and enforced disappearance constitute a major issue in Syria and were instrumentalised by the previous regime.²⁵⁴ According to Dr Carmen, these families held out hope that their loved ones were still alive until the end of 2024. Following the fall of the Assad regime, everyone in prison was released, and these families

²⁵¹ UN Women and Legal Action Worldwide, *Ba’adon: The Legal, Medical, and Psychological Needs of the Families of the Disappeared* (n 223) p.38.

²⁵² ICRC, *The Families of People Missing in Connection with the Armed Conflicts that Have Occurred in Lebanon since 1975: An Assessment of Their Needs* (n 34) p.17.

²⁵³ *ibid* p.16.

²⁵⁴ Author’s interview with Dr Carmen Hassoun Abou Jadoude (n 126)

hoped their loved ones would eventually return, but no one did. Some of the families travelled to Syria to try to find their loved ones in the detention centres and prisons but returned to Lebanon disappointed. Facing this situation after years of waiting in hope was a huge psychological blow for them, and these families were in desperate need of psychological support, particularly during that period.²⁵⁵ One tragic example of the suffering faced by families in Lebanon concerns a mother of a missing person who was blackmailed by a man promising to provide information about her son in exchange for money. When she was unable to continue paying for the (false) information, she was killed by him.²⁵⁶

One of the obstacles that families face is legal and administrative issues. There are plenty of cases where the wives were unable to access their missing husbands' bank accounts or sell their property. This is because a death certificate was required to complete these procedures. However, women who did not have definitive proof that their husbands had died refused to declare them deceased. Therefore, they could not access or manage their husbands' bank accounts or property.²⁵⁷

5.3 Gender-Based Analysis of Ambiguous Loss in Lebanon

Although most of the missing and disappeared were men in Lebanon, the disappearances had a particular impact on women.²⁵⁸ The psychosocial, economic, and legal barriers faced by families have had an even greater impact on women, due to Lebanon's patriarchal constitution and societal order. The difficulties families faced during the search process have been described above. However, another aspect of the ambiguous loss and search process is its gendered nature. During our interview, Dr Carmen also revealed that "when there was a missing person in the family, they were often afraid to send male family members to police or militia headquarters to search for them, for fear that that family member might also be forcibly disappeared. For this

²⁵⁵ *ibid.*

²⁵⁶ Université La Sagesse, 'Session 7, Video 2: What Does the Gender Perspective Mean? (10 October 2025) <https://mooc.uls.edu.lb/en> accessed 15 May 2026

²⁵⁷ ICRC, *The Families of People Missing in Connection with the Armed Conflicts that Have Occurred in Lebanon since 1975: An Assessment of Their Needs* (n 34) p.16.

²⁵⁸ UN Women and Legal Action Worldwide, *Ba'adon: The Legal, Medical, and Psychological Needs of the Families of the Disappeared* (n 223) p.31.

reason, it was often the women who went to these places. However, they were subjected to numerous abuses and humiliations at these centres; they went anyway, accepting the risks”.²⁵⁹ The social stigmatisation and marginalisation experienced by women is a harsh reality. According to Dr Carmen “the families generally are exposed to social stigma in Lebanon, but it felt heavier against women because of patriarchal norms. When the wife of a missing person takes part in social life, for example, by attending a wedding or a celebration, they are judged by society, and ultimately these women end up feeling guilty and become isolated from society”.²⁶⁰ In a case documented by Act for the Disappeared, the wife of a forcibly disappeared person was having difficulty presenting herself in public. She was unsure if she was a spouse or a widow after all these years. She suffers from stigmatisation because she sometimes considers returning to her old life or building a new one, which she also feels guilty about wanting.²⁶¹ Furthermore, women fighting to find out the fate of their missing loved ones were also subjected to social stigma by society. When women gathered in public spaces to demand their right to know, people told them they should be ashamed of raising their voices in the street and that, as women, their place was in the home. The president of the CFKDL, Wadad Halawani, states that: “We went through all forms of physical and emotional violence: sexual harassment, emotional blackmail, extortion or life threats.”²⁶²

During our interview with Manal Hamdoun Ghandour, another striking aspect of social stigma has emerged in cases where the missing persons were women. In these cases, families refused to search for the missing family member and tended to sweep the matter under the carpet. This was because rumours that the missing women had been subjected to sexual harassment were leading to these families being further marginalised by society. Consequently, many families with missing women chose not to pursue these cases and preferred not to speak about their missing loved ones at all.²⁶³ According to the study conducted by UN Women and

²⁵⁹ Author’s interview with Dr Carmen Hassoun Abou Jadoue (n 126)

²⁶⁰ *ibid.*

²⁶¹ UN Women and Legal Action Worldwide, *Ba’adon: The Legal, Medical, and Psychological Needs of the Families of the Disappeared* (n 223) p.38.

²⁶² Soha Fleyfil and Africa de Robert, ‘Who Says Women Should Sit and Cry?’ [Pro Peace](#) 19 August 2022 accessed 19 May 2026.

²⁶³ Author’s interview with Manal Hamdoun Ghandour (n 185).

Legal Action Worldwide with the families in Lebanon, women also began to be the income earners for their families after losing male relatives to death or disappearance.²⁶⁴ In the online course platform ‘Dealing with the Past – the Missing and Forcibly Disappeared in Lebanon’, Dr Carmen asserts that women whose husbands went missing faced many challenges related to providing a livelihood for their families. These responsibilities increase especially when the mother is unemployed or lacks a profession or academic qualification that allows her to work. These women were forced to seek employment to support their families in a very limited labour market that tends to favour men.²⁶⁵ During our interview, Ghada Al Sayegh confirmed this point that, “the women had to fill the place of mother and father simultaneously, which placed a heavy burden on them”.²⁶⁶ Manal Hamdoun Ghandour also stated that “many women also found that, when they wanted to work to support their families, they were prevented from doing so by their own families and communities. This was because, in their opinion, it was not suitable for a woman to work. Their situation was made even more challenging as a result”.²⁶⁷ The testimony from the online course ‘Dealing with the Past: The Missing and Forcibly Disappeared in Lebanon’, given by a woman whose husband went missing, in which she recounts in tears having to borrow money to buy a cucumber after her daughter asked for a sandwich, is a harsh example of the financial difficulties faced by the women.²⁶⁸ Another woman reported being refused permission for her son’s surgery because her husband’s signature was required. Another mother stated that when she needed an official document for her children, she was told it could be issued only to the legal guardian. If there were no father, either the mother or the father’s brother would have to be present.²⁶⁹

5.4 Discussion and Concluding Remarks

Based on the interview conducted with Dr Carmen, the psychological support process should cover every stage, right up until the loved ones are found and laid to rest with dignity. However,

²⁶⁴ *ibid.*

²⁶⁵ Université La Sagesse, *Session 7, Video 3: The Impact of Disappearance and Loss on Women* (n 228).

²⁶⁶ Author’s interview with Ghada Al Sayegh (n 179).

²⁶⁷ Author’s interview with Manal Hamdoun Ghandour (n 185).

²⁶⁸ Université La Sagesse, *Session 7, Video 3: The Impact of Disappearance and Loss on Women* (n 228).

²⁶⁹ *ibid.*

she draws particular attention to two specific points. The families' input is required during the process of exhuming graves and identifying the bodies. This can be a deeply distressing experience for them, so they must receive psychological support at this stage. Furthermore, in some cases, it may not be possible to locate the remains. It is essential to be honest with these families as well, but psychological support remains crucial to help them cope with this situation.²⁷⁰ During our interview, Dr Carmen stressed that the NCMFD decided to create a psychosocial support unit for families. However, they have not yet created it due to a lack of staff and budget. According to her, families in Lebanon do not have sufficient access to psychological support. NGOs need regular funding to provide consistent psychological support, but this is not always available. At the same time, however, some families in Lebanon are reluctant to seek psychological support because they fear social stigma. They say, 'I will heal once I find out the fate of my loved one.'²⁷¹

Ghada Al Sayegh also mentioned during our interview that families had been deprived of psychological support for years due to social stigma. She also added that even the ICRC was stigmatised in Lebanon; she says that whenever our organisation organises an event on missing persons, we encounter the same reaction. People say, "They died 40 years ago; are you still talking about missing persons?" However, according to her, families have a serious need for psychological support, and those benefiting from the ICRC's psychological support program are seeing positive changes and encouraging other family members to join as well. Ghada Al Sayegh referred to one woman she had encountered through the program to illustrate the benefits observed. She explained that the woman, whose son was missing, had joined a psychosocial group support program, and that even she herself had noticed the change from the outside. This person, who had previously remained silent during the sessions, had gradually begun to speak about her son and the pain she had experienced. She also reported a change in her mindset; after years of avoiding social events, she had decided to attend them again following the program.²⁷² This example demonstrates the importance of psychological support for families.

²⁷⁰ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126)

²⁷¹ *ibid.*

²⁷² Author's interview with Ghada Al Sayegh (n 179).

During our interview, the ICRC Mental Health Team stated that, as part of the routine monitoring process, psychometric tools are administered at the beginning and end of sessions to assess families' distress and functioning and to measure changes throughout the program. According to the interviewee, the findings generally indicate that more than 75 per cent of beneficiaries show improvement in both distress and functioning.²⁷³ These findings provide important evidence of the benefits of psychological support for families and highlight the need to establish comprehensive programs that reach all families. During our interview, Ghada Al Sayegh stated that Lebanon is unfortunately experiencing never-ending economic and political crises, as well as external aggression. Following Israel's recent attacks, many people have been displaced. Consequently, missing persons and their families are not a priority for anyone.²⁷⁴

Overall, this chapter has revealed that the ambiguous loss experienced by families of missing and forcefully disappeared people cannot be understood through just one dimension. There are psychological, financial, physical and gendered dimensions of ambiguous loss. The lack of support from state actors intensifies the interaction between these dimensions, triggering them in ways that increase the families' traumatic experiences. Based on the analysis of the interviews conducted with the family members in this chapter, it can be said that the families' most fundamental and urgent need is to uncover the fate of their loved ones and to be able to bury them with dignity. During our interview, Manal Hamdoun Ghandour stated that according to a 2020 study by Act for the Disappeared, the families' most pressing needs are the right to know the truth and financial support, which are tied for first place. However, the financial difficulties faced by the families have been exacerbated by Lebanon's economic and political crisis and Israel's recent attacks. Many families of the missing and disappeared were also displaced following Israel's attacks. Amid the state's reluctance and Lebanon's never-ending crisis, as this chapter has illustrated, the need for psychological support for families to tackle ambiguous loss is not among priorities.²⁷⁵

²⁷³ Author's interview with the ICRC Lebanon Mental Health Team (n 238)

²⁷⁴ Author's interview with Ghada Al Sayegh (n 179).

²⁷⁵ Author's interview with Manal Hamdoun Ghandour (n 185).

CHAPTER 6- CONCLUSION

The nexus between law, psychology, and transitional justice is nowhere clearer than in the case of Lebanon after the civil war, given the plight of families of missing and forcibly disappeared persons. By linking the theory of ambiguous loss to the legal aspects of Law No 105/2018 and international human rights law, this thesis has aimed to demonstrate that the issue of unresolved disappearances is not merely a failure in the application of the law; it is also an ongoing state-sanctioned humanitarian crisis. This chapter brings together the thesis's findings. It summarises the key arguments developed across the preceding chapters and answers the four research questions. It then draws broader lessons from the Lebanese case for transitional justice theory and practice beyond Lebanon, before identifying areas for future research.

An understanding of the country's complex context should begin by highlighting Lebanon's political and historical background. The confessional political system of Lebanon, characterised by its colonial background and external intervention, was the major cause of a fifteen-year civil war in Lebanon from 1975 to 1990. This war resulted in more than 17,000 missing and forcibly disappeared persons, kidnapped by militias as well as military forces from Syria and Israel, and also by state actors. Instead of dealing with this problem, the Lebanese government adopted an amnesty law in 1991 that offered amnesty to perpetrators, awarded them positions in politics, and also declared all of these missing persons to be dead in 1995. In doing so, the state has chosen impunity over accountability and amnesia over confrontation. This choice obstructed the transitional justice process and left families without answers, deprived them of their right to know, and denied them the possibility of mourning.

In light of the above context, this thesis has analysed expectations regarding Lebanon's handling of enforced disappearances from the perspective of international human rights law. From the point of view of the ICCPR, ICESCR, CAT, and ICPPED, it is clear that enforced disappearance constitutes a gross and continuous violation of many fundamental rights, including the right to life, the prohibition of torture, and the right to freedom. It affects not only the individual who has disappeared, but also their family members, who are also recognised as

victims under international law. The state's obligations are clear: to investigate, establish the truth, provide reparations, and ensure that it does not happen again. So far, Lebanon has failed on all of these counts. The promulgation of Law No. 105/2018 constitutes one hard-earned exception to this trend of failure. Following decades of advocacy work carried out by victims' families and civil society organisations alike, the Lebanese parliament recognised the right of the families to find out about the fate of their missing members and created the National Commission for the Missing and Forcibly Disappeared. However, as the thesis has illustrated, this promise of law has not been fulfilled in practice. Indeed, the NCMFD was created without an office of its own, with no more than 10% of the required budget allocated to it, without forensic capabilities, and amid political interference and negligence. The right to reparation outlined in Article 5 of the law has never been executed. No compensation decree has ever been issued.

This is the exact gap that links the law to the human reality addressed by the thesis. Through Pauline Boss's theory of ambiguous loss, a pain derived from not being able to know if one's loved one is dead or alive, the thesis has argued that the families of the Lebanese missing persons have remained in a frozen grief state for more than four decades. The agony that these families have endured goes beyond mere psychological distress; it also comes in the form of persistent physical ailments, disintegrated familial relations, poverty, discrimination within communities, and the everyday humiliation of having a non-existent situation within a legal context. This multidimensional agony has been confirmed by interviews with a representative of civil society, a former member of the Commission, and ICRC employees.

The first question this thesis has asked was whether Law No. 105/2018 genuinely fulfils the principles of transitional justice, and why such a wide gap persists between what the law promises and what families actually experience. The answer, in short, is that the law reflects the principles of transitional justice in its design but falls far short in its delivery. It acknowledges the right to truth, establishes a body specifically mandated to search for the fate of missing and forcibly disappeared persons and provide answers to their families, and includes punitive provisions for those who obstruct or interfere with that process. All of which align with

international transitional justice frameworks, but a law does not implement itself. The political environment in which Law 105 was born is shaped by decades of impunity, where former warlords hold government positions and accountability remains a threat to those in power. These structures have ensured that the law's implementation remains selective, underfunded, and slow. This challenge is further compounded by the relentless accumulation of crises that Lebanon has faced: a devastating economic collapse, the Beirut port explosion of 2020, years without a functioning president, ongoing displacement caused by Israeli attacks, and a political system so consumed by its own survival that the fate of 17,000 missing persons barely registers on its agenda. In this context, the gap between legal recognition and lived experience is not accidental.

By virtue of being a state party to the ICCPR, ICESCR, and CAT, and a signatory to the ICPPED, Lebanon is clearly bound to certain duties: investigating cases of enforced disappearance, to provide information to the affected family members and relatives regarding the fate of their loved ones, and to ensure that the bodies are handed over so that their loved ones can be buried with dignity and respect, thereby enabling them to go through a healthy grieving process, and offering appropriate redress and reparation. It is fair to say that, in many respects, Law 105 constitutes the formal recognition of Lebanon's international obligations. However, the actions of the Lebanese government show a very different picture: the Ministry of Defence has not provided data to the Commission; there is no decree for compensating the families concerned, although it had to be passed by the end of the first year since the adoption of the law; finally, the NCMFD's budget is insufficient for its activities. This is not simply an administrative failure but an indication of how Lebanon fails to meet its responsibilities under international law, leaving families in a legal limbo that the law itself was meant to resolve.

On the question of reparation and rehabilitation, the picture is perhaps the most disappointing. Article 5 of Law 105 recognises the right to both moral and financial compensation yet remains unimplemented years after the law's passage. The NCMFD submitted a reparations proposal to the Council of Ministers, one that was already modest in its financial demands given Lebanon's economic collapse and received no response. However, rehabilitation processes are also inadequate since the psychosocial support component within the NCMFD that

was envisaged has not yet materialised, and psychological support for the family is still limited, sporadic, and dependent on NGO funds, which cannot be guaranteed either. The implications of such a gap are significant, since reparations are more than financial. When the state refuses to compensate, it is also refusing to admit responsibility, and that refusal keeps wounds open. Perhaps the most revealing indicator of the state's reluctance is not in what it spends money on, but in what it makes no expenditure at all. The NCMFD proposed the declaration of a National Day of Remembrance for the victims of disappearance, a symbolic gesture requiring no budget, no forensic expertise, no political negotiation. It was met with silence. Similarly, decades after the civil war's history remains barely present in school curricula, leaving each new generation to learn about it through the lens of its own sect rather than a shared national memory. These developments reveal that Lebanon's reluctance to reckon with its past is not only related to economic incapacity.

One of the crucial questions the thesis has asked was: How does the limited implementation of Law No. 105/2018 contribute to the perpetuation of ambiguous loss among families? The Lebanese government has done very little in any serious sense to solve the problem of the families of the missing and forcibly disappeared persons. Whereas Law No. 105/2018 was undoubtedly crucial from a legal perspective, its inadequate implementation and inability to deliver tangible benefits to affected parties doom it to failure. As no explanation has been given by the state authorities, the families cannot find peace of mind. Unable to grieve appropriately without the appropriate funerals, they cannot find comfort. Without reparations, their suffering cannot be acknowledged. Without psychological help, they are stuck in their pain. The human toll exacted by this situation is immense. These are families who have suffered for more than four decades, holding onto hope amid moments of despair. There are mothers who still feel a rush of hope every time there is a knock on the door, almost four decades after their sons disappeared. Some women cannot fully participate in public life, whether as wives or widows. There are the children who left school to earn money and, in doing so, lost the chance to reclaim their educational future. There are the women who were abused at militia checkpoints and state institutions merely for daring to inquire about their missing spouses. The structures of families have been broken down, and the impact is beyond measure, where fathers, whose mental

breakdown due to his son's abduction made him resort to violence within the home, resulted in a family trapped in a vicious loop of compounded trauma. Families were taken advantage of, with people asking for payments for any information they had on the missing persons, exploiting the desperation of families at a time when they could hardly meet their most basic needs. One instance involved a woman being murdered by an extortioner who repeatedly demanded money from her in exchange for purported information about her kidnapped son, falsely claiming that he could provide news of his whereabouts. They are the direct consequences of a state's failure to fulfil its obligation under international human rights law. The UN Human Rights Committee and the Working Group on Enforced or Involuntary Disappearances have noted that the state inflicts torture on families of missing persons by withholding information about their fate. In Lebanon, this torture is measured not in months or years, but in generations. The families are not merely relatives of the missing; they are victims too.

And yet, the interviews conducted for this thesis reveal that the picture is not entirely without hope. As Dr Carmen noted, the families today are somewhat more hopeful than in previous years, not because the state has demonstrated greater commitment, but because they have developed trust in the NCMFD and its members.²⁷⁶ This sentiment was echoed by Wadad Halawani, founder of the CFKDL, who stated that the NCMFD represents the families' real source of trust, not the state. This distinction is significant. After decades of state indifference and obstruction, the families' hope is not directed at Lebanese political institutions; it rests with the NCMFD and the civil society organisations that have stood beside them throughout this process. Whether that hope can be sustained ultimately depends on whether the state chooses to provide the political and financial support the NCMFD so urgently needs.²⁷⁷

However, as a distressing yet unsurprising reality, enforced disappearance is not merely consigned to Lebanon's civil war. Human Rights Watch report shows that during the Covid-19 pandemic, the Lebanese Military Intelligence committed crimes, including enforced disappearances and torture, against civilians protesting lockdown restrictions and deteriorating

²⁷⁶ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126)

²⁷⁷ Halawani, *Human Rights Lab* (n 152).

economic conditions. Among those held in incommunicado detention and subjected to torture was a 15-year-old child.²⁷⁸ During our interview, Dr Carmen stated that another aspect of justice for the families is seeing that such tragedies are not repeated.²⁷⁹ However, the recurrence of these crimes is another sign that the Lebanese state has never genuinely committed to confronting the past and drawing lessons for the present and future.

The case of Lebanon ultimately speaks to a challenge that extends far beyond its borders. Although, international human rights law provides clear obligations: states must investigate, tell the truth, provide reparation, and ensure non-recurrence and domestic laws increasingly reflect these standards yet, across Brazil, Spain, Mexico, Guatemala, and Lebanon alike, the same pattern repeats itself: Laws are enacted, commissions are established, rights are formally recognised, and then left without the political will or resources to make them real.²⁸⁰ For instance, Spain passed its Historical Memory Law in 2007 but provided no state support for exhumations for those people who disappeared under the dictatorship and did not allocate funds to continue exhumation work until 2020, with the aim of preserving evidence to aid the identification of victims and perpetrators.²⁸¹ Moreover, in many contexts, it is the families themselves who bear the burden of seeking justice and searching for the remains of their loved ones, filling the void left by state institutions, as has been the case in Guatemala, Argentina, Mexico²⁸², and Lebanon. Therefore, it is fair to say that the existence of legal frameworks tells us very little about whether justice will be delivered.

Another reality that Lebanon has painfully brought to light is that existing frameworks, both international and national, are not designed to address the full reality of loss experienced by affected families. The psychosocial, economic and cultural dimensions of ambiguous loss are not

²⁷⁸ Human Rights Watch, 'Lebanon: Tripoli Detainees Allege Torture, Forced Disappearance' (30 March 2021) <https://www.hrw.org/news/2021/03/30/lebanon-tripoli-detainees-allege-torture-forced-disappearance> accessed 28 May 2026.

²⁷⁹ Author's interview with Dr Carmen Hassoun Abou Jadoude (n 126)

²⁸⁰ Nicholas Dempsey, Reena Sarkar and Richard Basset, 'Analysing the Impact of Legal and Procedural Frameworks on the Socio-Cultural and Political Dynamics of Extrajudicial Killings and Forced Disappearances' (2025) 366 *Forensic Science International* 112305, p.3.

²⁸¹ *ibid.* p.6.

²⁸² *ibid.*

priorities for legal instruments and protocols; they are treated not as the very essence of justice for affected families, but as secondary matters. Decades of efforts to establish international norms have failed to bridge this gap. These situations demonstrate that what is needed is not only a new approach to ensure the more effective implementation of existing frameworks, but also one that places the psychosocial reality of families at the centre, rather than at the margins of transitional justice, and acknowledges that the experience of ambiguous loss extends far beyond what current legal frameworks can address.

Overall, this thesis has sought to contribute to the literature by bridging legal analyses of enforced disappearances with the psychosocial reality of ambiguous loss experienced by affected families in Lebanon, and by demonstrating the limitations of existing frameworks in fully capturing the lived experience of ambiguous loss and raising awareness of the ongoing victimisation of the families in Lebanon. Research conducted during the thesis process has shown that, in the Lebanese context, the repercussions of the issue of missing and enforced disappearance have been felt most acutely by women, albeit to varying degrees and dimensions, because both society and the constitution serve a patriarchal system. Lebanese women who have initiated and pursued the demand for justice on the frontline continue to bear this burden to this day. The thesis has offered a glimpse into the struggles of women in Lebanon who are grappling with ambiguous loss, as well as their simultaneous struggles with society and the state. Therefore, I strongly recommend that the problems faced by Lebanese women due to loss and enforced disappearance, and the discrimination they endure while suffering from ambiguous loss, be addressed as a separate and more dedicated research topic in future studies.

For this reason, this thesis concludes with a tribute to those who are victims of disappearance and enforced disappearance cases, and in particular to the women who, through their resilience, courage, and unwavering commitment to justice, deserve recognition and respect.

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