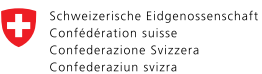


# Dealing with the Past *Series*

## The Missing and Forcibly Disappeared in Lebanon and the Politics of Dealing with the Past

### About the author

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### Introduction

Missing persons and enforced disappearances are recurrent features of armed conflict and other situations of widespread violence. Individuals may go missing as a result of combat, detention, abduction, or extrajudicial killing, leaving families without information regarding their fate or whereabouts (ICRC, 2015). While some cases are resolved within short periods of time, many remain unresolved for decades, producing enduring harm long after violence has formally ended. Enforced disappearance is thus not only a grave human rights violation, but also a practice with long-term social and political consequences.

Unresolved disappearances continue to shape conflict-affected societies worldwide. Their impact extends beyond individual victims, affecting families and communities and undermining trust in state institutions, prospects for reconciliation, and efforts to build sustainable peace. Missing and forcibly disappeared persons' (MFDPs) families are often left suspended between hope and grief, facing prolonged psychological distress alongside legal, administrative, and socio-economic challenges (ICRC, 2015). In the absence of serious efforts to determine the fate of MFDPs, the legacies of violence remain open and unresolved.

For these reasons, international human rights law and international humanitarian law<sup>1</sup> converge on state obligations to 'prevent' enforced disappearances, 'search for missing persons,' and address the consequences of

<sup>1</sup> While human rights law applies at all times, international humanitarian law (IHL), known as the law of war, applies during armed conflict.

<sup>2</sup> DwP is used as a broader framework encompassing TJ mechanisms while extending beyond contexts of formal political transition to include long-term processes of addressing legacies of violence.

such violations (ICRC, 2015). These obligations are increasingly understood as core components of broader processes commonly referred to as Dealing with the Past (DwP) or Transitional Justice (TJ), encompassing truth-seeking, accountability, reparations, and guarantees of non-recurrence (Swisspeace, 2016).<sup>2</sup> Within this framework, the search for the MFDPs and the determination of their fate are widely recognised as foundational, as they directly address victims' rights while shaping the conditions for justice, societal healing, and reconciliation in post-conflict settings.

Lebanon's experience with missing and forcibly disappeared persons is inseparable from its history of violence, particularly during the 1975–1990 war and its aftermath. More than three decades since the end of the war, the fate of thousands of individuals remains unknown, and the issue continues to expose the political, legal, and moral limits of Lebanon's post-war order. Against this backdrop, this paper centers on the question: Who are the missing and forcibly disappeared persons from Lebanon's war and related events and what political complexities have shaped efforts to address this issue? The paper sets out the relevant legal frameworks, examines patterns and practices of disappearance during and after the war, and analyses post-1990 state responses characterised by denial, silencing, and political manoeuvring.

## Defining Missing and Forcibly Disappeared Persons

### International Legal Framework

The prohibition of enforced disappearance and the obligation to determine the fate of missing persons are grounded in international human rights law and international humanitarian law. These obligations are reflected in key instruments, including the Universal Declaration of Human Rights, the Geneva Conventions and their Additional Protocols, and subsequent human rights treaties. Growing international concern over enforced disappearances culminated in the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which provides the first universally binding definition of the crime.<sup>3</sup>

Article 2 of the ICPPED defines enforced disappearance as: The arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law (ICPPED, 2006).

Central to this definition are the involvement of state agents (or actors acting with the acquiescence of the state), the deprivation of liberty, and the subsequent concealment of the person's fate or whereabouts. Enforced

<sup>3</sup> Adopted in 2006 and entered into force in 2010.

disappearance is not limited to the initial act of arrest or abduction, but constitutes a continuing violation for as long as the fate of the disappeared person remains unknown (ICPPED, 2006; Working Group on Enforced or Involuntary Disappearances (WGEID), 2011b). Reflecting its gravity, Article 5 of the ICPPED provides that the ‘widespread or systematic practice of enforced disappearance constitutes a crime against humanity.’<sup>4</sup>

In contrast, there is no single agreed upon legal definition of a ‘missing person’ under international law. The International Committee of the Red Cross (ICRC) adopts a broad humanitarian definition, referring to a missing person as an ‘individual whose whereabouts are unknown to his/her relatives’ and ‘who has been reported missing (...) in connection with 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’ (ICRC, 2009).

Unlike enforced disappearance, this category does not focus on intent, agents, or responsibility. From a humanitarian perspective, however, both missing persons and forcibly disappeared persons generate comparable suffering for families and give rise to a shared right to know the fate of their loved ones (ICPPED, 2006; WGEID, 2011a).<sup>5</sup>

International law imposes duties on states, including obligations to prevent enforced disappearance, investigate violations, bring perpetrators to justice, and safeguard against secret detention through measures such as registration of detainees and communication with families and counsel. Crucially, the ICPPED recognises the right of victims and their families to know the truth regarding the circumstances and the fate of the disappeared person, as well as the right to material and moral reparation (ICPPED, 2006).<sup>6</sup> This paper focuses on the right to truth, understood as families’ right to know whether their relatives are alive or dead, their location, to secure their release if alive, and to recover and identify their remains if deceased.

### Domestic Legal Framework

Lebanon signed the ICPPED in 2007, but has yet to ratify it.<sup>7</sup> Nevertheless, it remains bound by customary international law<sup>8</sup> and a range of international human rights and humanitarian law instruments it has ratified, including the Geneva Conventions, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture. These instruments prohibit arbitrary detention, torture, and inhuman or degrading treatment and protect the right to life, liberty, security, dignity, and recognition as a legal person before the law.

Following decades of mobilisation by families of the missing and their allies,<sup>9</sup> the Lebanese Parliament finally adopted Law No. 105 on the Missing and Forcibly Disappeared in 2018 (Law 105). The law formally recognised families’

<sup>4</sup> To reflect non-international armed conflicts involving non-state armed groups, Article 7(2) of the Rome Statute of the International Criminal Court goes further to recognize enforced disappearance as a crime against humanity also when committed ‘by, with the authorization, support or acquiescence of’ a political organization (non-state actor).

<sup>5</sup> Article 32 of the Protocol I to the Geneva Conventions; Article 24 of the ICPPED.

<sup>6</sup> Reparations are intended to recognize and repair damage. They can take different forms: financial compensations; rehabilitation; restitution; or satisfaction involving measures of more symbolic nature such as apologies, commemorations or memorials; and guarantees of non-recurrence (ICPPED articles 4 and 5).

<sup>7</sup> Lebanon is also not a party to the Rome Statute. Without ratification, the treaties are not legally binding on Lebanon.

<sup>8</sup> Customary international law is legally binding on all states irrespective of consent through treaties.

<sup>9</sup> Most notably by the Committee of the Families of Kidnapped and Disappeared in Lebanon (CFKDL), joined later by Support of Lebanese in Detention and Exile (SOLIDE) and their allies across civil society.

<sup>10</sup> The first NCMD was appointed in 2020 and its five-year term ended in July 2025. The second NCMD was sworn in on October 2025. Another article in this series will focus on the NCMD.

right to know the truth about the fate and whereabouts of their loved ones and mandated the creation of an independent National Commission for the Missing and Forcibly Disappeared (NCMD).<sup>10</sup> The NCMD is tasked with investigating cases, locating and exhuming gravesites, identifying and returning remains to families, and proposing forms of moral and financial reparation (ACT for the Disappeared, Interview, 2025a; ICRC, 2022).

While Law 105 represented a significant normative shift, its effectiveness depends on sustained political support and the full operationalisation of the NCMD. As subsequent sections demonstrate, progress both reflects and exposes the political complexities of addressing enforced disappearance in a context in which former perpetrators remain deeply embedded in the post-war order.

### Missing and Forcibly Disappeared Persons of Lebanon's 1975-1990 War

Lebanon's 1975-1990 war was marked by shifting alliances, fragmented authority, and the proliferation of armed actors, creating conditions conducive to widespread human rights and humanitarian law violations, including enforced disappearances. Responsibility for these practices was shared across Lebanese militias, Palestinian factions, and Syrian and Israeli forces, with disappearances occurring both as part of systematic campaigns and amid the chaos of military operations.

<sup>11</sup> ACT is a local human rights organization working towards clarifying the fate of the MFDPs and supporting their families.

According to ACT for the Disappeared (ACT),<sup>11</sup> 'individuals were abducted from homes, workplaces, and checkpoints,' held in detention centers, and/or extra judicially killed. Most MFDPs are believed to be buried in unmarked graves across Lebanon or at sea, while others were transferred to detention centres in Syria (ACT, Interview, 2025a).

Missing and forcibly disappeared persons came 'from all regions of Lebanon and spanned political, sectarian, ideological, and socio-economic backgrounds.' Most were civilians, and while the majority were men, women were also abducted, with the fate of many still unknown. MFDPs further include non-Lebanese nationals, such as 'Palestinian fighters, other foreign combatants or soldiers, and civilians,' (ACT, Interview, 2025a) including those 'active in diplomatic, educational, religious, medical, and press corps' (ICTJ, 2013, pp. 57-62). The practice, therefore, affected all Lebanese communities and extended beyond national boundaries.

<sup>12</sup> For example, Michel Seurat, a French sociologist who was kidnapped in 1985, his body was found 20 years later in 2005 during 'excavation work on the airport road.'

Enforced disappearance was also used as a tool of retaliation, coercion, and negotiation. During the so-called Lebanon Hostage Crisis (approximately 1982-1992), between 68 and 87 predominantly Western nationals were abducted, some later released and others found dead,<sup>12</sup> while the fate of many remains unknown (ICTJ, 2013). Alec Collett, for example, a British UNRWA employee kidnapped in 1985, was exhumed from a gravesite in Aita al-Foukhar in the Beqaa in 2009,

following sustained pressure from British authorities (Amnesty International, 2009). High-profile cases reveal both the persistence of wartime disappearances and the enduring political sensitivities surrounding burial sites, as discussed below.

Estimates of the number of missing and forcibly disappeared persons from the war vary widely. Official figures issued in 1992 cited 17,415 missing persons (Human Rights Watch, 1993, p. 1; ICTJ, 2013, p. 15),<sup>13</sup> while independent studies and civil society organisations have produced higher or lower estimates based on differing methodologies and sources (Labaki & Abou Rjeili, 1993, p. 211).<sup>14</sup> Drawing on accumulated documentation and comparative analysis, ACT estimates that ‘between 7,000 and 10,000 individuals remain missing or forcibly disappeared’ (ACT, Interview, 2025a). In the absence of serious state-led investigation—as required under international law—uncertainty over numbers has become a defining feature of the file, and the 17,415 figure remains the most commonly cited.

Beyond statistics, the missing and forcibly disappeared are individuals embedded in families and communities, whose lives have been suspended in uncertainty for decades. The scale and persistence of enforced disappearance continue to shape Lebanon’s post-war order and highlight the political stakes involved in confronting the past.

## The Missing and Forcibly Disappeared Post-1990: Amnesty, Denial, and the Politics of Closure

### Between the Right to Justice and the Right to Truth

The civil war formally ended with the signing of the Ta’if Agreement in 1989, ushering in a post-war order that prioritised cessation of hostilities over accountability. As the negotiations under regional and international sponsorship involved warring factions, most were granted amnesty and became central actors in the post-war order. This entrenched a culture of impunity and produced a model of ‘peace without justice.’ Within this context, the issue of MFDPs was treated not as a matter of rights or dealing with the past, but as a threat to the fragile post-war settlement, because addressing it risked implicating actors who constituted the post-war ruling elite.

This approach was consolidated through the adoption of the General Amnesty Law (GAL) in 1991, which pardoned most political crimes committed during the war. That said, unconditional amnesties are not consistent with best practices (ICRC, 2017; Swisspeace, 2016);<sup>15</sup> and while the GAL excluded crimes against political and religious leaders and cases referred to the Judicial Council, it still institutionalised impunity and created a hierarchy of victims, offering legal protection to political elites while denying ordinary citizens, including the families of MFDPs, access to justice or truth.

13

A report by Lebanese authorities estimating casualties from the war claimed: ‘144,240 killed; 197,506 wounded, including 13,455 who were left with permanent handicaps; and 17,415 missing.’ This number included duplicate reports as well as individuals who had been found or had returned. The report also classified 13,968 persons as ‘kidnapped and presumed dead.’ A subsequent fact-finding committee established in 2000 recorded only 2,040 cases between 1975 and 1999, based on forms submitted by relatives. However, many families were ‘unwilling or unable’ to file claims, particularly in a climate of fear and political pressure.

14

Drawing on a wide range of sources, Boutros Labaki and Khalil Abou Rjeily’s seminal study *Bilan des Guerres du Liban: 1975–1990* estimated the number of disappeared at 19,860.

15

International standards increasingly emphasize that amnesties should be accompanied by measures of truth-seeking and accountability. Under international law, amnesties should not prevent serious investigation and prosecution of international crimes, including war crimes, genocide, crimes against humanity, torture, and other gross violations.

Article 2 of the GAL also excluded ongoing or continuing crimes from its scope; and as mentioned, enforced disappearance is recognised under international law as a continuous violation until the fate and whereabouts of MFDPs are clarified (WGEID, 2011b). However, Lebanese courts have largely been unwilling or unable to pursue such interpretation, invoking concerns over ‘civil peace’ and political stability (CLDH, 2008, pp. 36–38; ICTJ, 2014, p. 11).

In parallel, the state adopted legal and administrative measures that sought to normalise disappearance without uncovering the truth. After the war, authorities announced—without independent verification<sup>16</sup>—that no detainees remained in militia custody (Kanafani-Zahar, 2011, p. 93), while laws such as Law No. 434 of 1995 allowed families to declare MFDPs legally deceased after four years (Saghieh, 2012, pp. 17–18).<sup>17</sup> Although these measures addressed urgent personal status, legal, and economic needs, they were widely perceived as attempts to administratively close the file.

Families of MFDPs resisted these strategies while recognizing the limitations of a system dominated by former warring factions. Claims for accountability were replaced with the pursuit of the ‘right to know.’ Sustained mobilisation led to the establishment of several official committees between 2000 and 2005; however, these bodies failed to conduct meaningful investigations or to clarify the fate of the MFDPs, instead promoting narratives of impossibility of identification and closure (ICTJ, 2014, p. 16; Saghieh, 2012).<sup>18</sup>

A decisive shift occurred in 2014, when the Lebanese Shura Council recognised the families’ right to know and granted access to state-held files on MFDPs. This ruling laid the legal foundation for a strategic shift for families and civil society in their advocacy, culminating in the adoption of Law No. 105 in 2018.<sup>19</sup>

### Between Israeli Occupation and Syrian Tutelage (1990-2005)

Although the war formally ended in 1990, practices of detention, enforced disappearance, and the concealment of fate continued in the context of Israeli occupation in Southern Lebanon and Syrian tutelage. These two contexts expose clear political double standards in Lebanon’s post-war approach to the issue.

Following the Ta’if Agreement, Israeli forces and their local proxy, the South Lebanon Army (SLA), maintained control over southern Lebanon until 2000. During this period, the Khiam Detention Centre became emblematic of arbitrary detention, torture, and enforced disappearance. While subsequent prisoner exchanges and the return of remains between Hizbullah and Israel—particularly after Israel’s withdrawal in 2000 and the 2006 war—led to the closing of some cases, the fate of several Lebanese and Palestinian fighters remains unknown, with some believed to be buried in gravesites in Southern Lebanon or in Israel (Amnesty International, 2011, pp. 10–11; CLDH, 2008, p. 26; ICTJ, 2013, p. 77).

<sup>16</sup> The statement was based on claims made by political parties/former militias. However, without an independent investigation, it was not possible to verify the identities of those reported MFDPs, determine their fate or whereabouts, establish where remains may be located, or clarify whether and under what conditions the families might retrieve them. Such investigative steps are central to states’ obligations under international law in cases of MFDPs.

<sup>17</sup> Also, a 2000 amendment to the Employee Law required the rights of a missing employee to be settled within 10 years.

<sup>18</sup> As noted in the ICTJ 2014 study: the 2000 committee’s public report was minimal and while recognizing the existence of mass graves, the report noted ‘the impossibility of identifying the remains (...) and denied claims that Lebanese are detained in Syria or Israel;’ furthermore, the report encouraged families to make use of Law 434 by declaring their loved ones deceased without evidence or knowledge of their fate and whereabouts. The two subsequent committees ‘did not challenge the findings of the 2000 report, undertake investigations, or even produce a report.’

<sup>19</sup> Although Law 105 enshrined the right to know and the NCMD has a truth-seeking mandate, families still retain their right to pursue judicial measures outside the scope of the NCMD/Law 105.

20  
The Ta'if agreement ushered in Syrian tutelage under regional and international sponsorship: with the presence of over 30,000 Syrian troops and an undetermined number of security services, Pax Syriana was further institutionalized through the 1991 Treaty of Brotherhood, Cooperation and Coordination, and the Defense and Security Agreement.

21  
In 1998, 121 Lebanese were released; in 2000, 54, of whom 46 Lebanese and eight Palestinians were released.

22  
The work of local organizations, such as SOLIDE, was instrumental in this; more recently, the Association of Former Lebanese Political Detainees in Syrian Prisons had documented the cases of some 622 individuals in Syrian prisons, while an emergency committee set up by Lebanese authorities also documented 725 Lebanese detainees in Syria.

23  
That said, a number of issues were raised in the law and its implementation, including low compensation, the requirement to hold a detention certificate from the ICRC, while the ICRC did not always have access to detention centers, and that convicted SLA members had received compensation.

24  
Draft laws have been presented to parliament, and different political parties at different times supported the plight of the MFD in Syria, with no tangible breakthrough in sight yet.

25  
According to the IIMP website, 'all missing persons in Syria fall under the mandate of the IIMP, regardless of their nationality, political affiliation, or the reasons for or timing of their going missing.'

26  
The Commissions were established by two presidential decrees on 17 May 2025. The relationship between them and with the IIMP are yet to be clarified.

In parallel, Syrian tutelage over the rest of Lebanon also created conditions in which enforced disappearance persisted as a tool of repression.<sup>20</sup> Between 1990 and 2005, Lebanese and Palestinian activists were arbitrarily arrested, tortured, detained without due process, and in some cases transferred to detention centers in Syria, where they were denied access to their families and the ICRC (ICTJ, 2013, p. 77). Despite repeated official denials, periodic releases of Lebanese detainees by Syrian authorities contradicted official claims that none were held,<sup>21</sup> while civil society organisations documented hundreds of cases of Lebanese missing or forcibly disappeared in Syria (ICTJ, 2013; *L'Orient le Jour*, 2025).<sup>22</sup> Here too, the absence of an official verified list has been a major obstacle, underscoring the importance of this task for the NCMD.

A striking feature of the post-1990 period is the divergent treatment accorded to detainees held by Israel and those detained in Syria. Following Israel's withdrawal, the Lebanese Parliament adopted Law No. 364 (2001), which formally recognised former detainees in Israeli prisons and provided them with compensation (ICTJ, 2014, pp. 22–23).<sup>23</sup> By contrast, no comparable legal recognition or reparations framework has been established for Lebanese detainees held in Syria, even after the withdrawal of Syrian troops in 2005.<sup>24</sup>

Former detainees and their families continue to call for a law that recognises their struggle, provides for their rehabilitation, and compensates them or the families who may still have loved ones missing. This differential treatment reflects broader political constraints: while acknowledging detention by Israel was politically feasible, addressing disappearances linked to Syrian tutelage risked implicating powerful domestic actors and destabilising the post-Ta'if order.

### Contemporary Developments (2023-2025)

Recent developments have renewed attention to the interdependence of the Lebanese and Syrian MFDP files. In 2023, the United Nations General Assembly established the Independent Institution on Missing Persons in the Syrian Arab Republic (IIMP), expanding its mandate to remove temporal limitations and allow engagement with earlier cases, including Lebanese MFDPs in Syria) *IIMP*, n.d.).<sup>25</sup>

Despite this and having already recognised the right to truth for the families of the MFDPs through Law 105, Lebanon abstained from the vote establishing the IIMP, reflecting continued political ambivalence shaped by regional dynamics and efforts at the time to normalise relations with the Assad regime (Yazbeck, 2023).

The fall of the Assad regime in December 2024 marked a critical—though fragile—turning point, opening unprecedented access to prisons, detention centres, and burial sites previously inaccessible. In 2025, as the new regime in Syria established a National Commission for Transitional Justice and a National Commission for Missing Persons (Syrian Network for Human Rights, 2025),<sup>26</sup>

27

For example, the NCMD and the IIMP signed an MOU for collaboration in July 2025.

28

The NCMD report confirmed the return of 7 individuals to Lebanon. However, most were no longer considered 'missing' prior to their release, as their families knew they were held in Syria.

29

In January 2026, 20-22 MFDPs were believed to be held in Israel without access to the ICRC, and 39 remained missing. With renewed escalation in March 2026 the number could potentially increase.

30

The Report of the 2000 Committee identified only three gravesites: one in Mar Mitr Church in Achrafieh, one in the English Cemetery in Tahwita, and one in the Martyrs' Cemetery in Horsh Beirut, in addition to recognizing that some bodies were thrown into the sea.

31

Local organizations like ACT, UMAM Documentation & Research, and Centre Libanais des Droits Humains (CLDH) have documented gravesites.

32

For example, in 2009, in Aita al-Foukhar (see above), other bodies were buried with Collett, but the Lebanese authorities ordered the gravesite to be closed without identification of the remains.

33

Both in the Bekaa: one in Mdoukha (2023), the other in Aarsal (2025).

the NCMD sought institutional cooperation with Syrian counterparts, including the IIMP (NNA, 2025).<sup>27</sup> It also led documentation efforts, in collaboration with ACT, to clarify the fate of Lebanese released from Syrian prisons (NCMD, 2025b, pp. 39, 44).

While findings point to limited returnees, they nevertheless point to gravesites near prisons and former detention centres in Syria and Lebanon (NCMD, 2025c).<sup>28</sup> The issue has since been incorporated into ongoing bilateral negotiations between Lebanese and Syrian delegations addressing refugees, detainees, and border demarcation (l'Orient Today, 2025); however, progress remains contingent on political will and sustained cross-border cooperation, as well as access to and protection of information, adequate resources, and expertise.

Most recently, the 2023 ongoing war with Israel has generated new cases of MFDPs which, together with successive episodes of violence since the end of the civil war, underscore the continued relevance of the issue beyond the war period (Bayram, 2025).<sup>29</sup>

## Gravesites: Between the Right to Know and the Politics of Exhumation

The remains of many of Lebanon's MFDPs are believed to lie in unmarked individual or mass gravesites. Gravesites constitute the most politically sensitive dimension of the MFDP file, as disclosing their location and their exhumation risks exposing wartime crimes and, by extension, the foundations of the post-1990 political order. While all communities have missing persons and would ostensibly benefit from the recovery of remains, opening gravesites threatens entrenched interests and has therefore been met with resistance.

Under pressure from families and civil society, the Lebanese state formally acknowledged the existence of mass graves for the first time in 2000. This recognition was selective and shaped by politico-sectarian considerations, with only three sites identified.<sup>30</sup> However, extensive documentation by civil society organisations indicates the presence of dozens of additional potential gravesites across the country (ACT, Interview, 2025a).<sup>31</sup> Following the Syrian withdrawal in 2005, the Lebanese Armed Forces identified the bodies of eighteen Lebanese soldiers among thirty-one sets of remains found in a mass gravesite outside the Ministry of Defence in Yarze (CLDH, 2008, p. 15).

Other cases, however, illustrate the continued political sensitivity surrounding gravesites, with some remains being dismissed as belonging to animals or to earlier historical periods, and other gravesites being closed without investigation, exhumation, or identification, reinforcing historical patterns of deliberate avoidance.<sup>32</sup> Since its establishment following the adoption of Law 105, the NCMD has been confronted with two gravesite cases;<sup>33</sup>

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Among other things, political instability and the lack of political will, a conflict-sensitive gravesites strategy, financial and forensic resources, etc. are impediments to progress. According to reports on the Mdoukha case, biological samples were taken by the NCMD (through the Internal Security Forces Central Forensic Laboratory), but identification was not achieved as Lebanon does not have a comprehensive DNA database of families of MFDPs with which to match the samples.

35

Remains identification through DNA was used in 2007 following the conflict in Nahr El-Bared Palestinian refugee camp (Tripoli) between the LAF and the Islamist group Fateh El-Islam; in 2008 in the exchange with Israel; in 2009 the ISF collected the DNA of a mother of a missing person upon her death; and as mentioned above, it was used in 2005 by the Ministry of Defence; and in 2024, DNA was collected from the remains in Mdoukha.

36

As explained by ACT, this would be different to case-based forensic practices commonly used in criminal investigations.

37

Studies and lessons learned from other contexts are available. ACT has already built on this knowledge to draft a study and recommendations for such a strategy.

both were inspected, secured, and closed, with reports made public, while exhumation and identification have been deferred pending appropriate political and technical conditions (NCMD, 2025b, 2025a).<sup>34</sup>

The gravesites file is further complicated by the interdependence of the Lebanese and Syrian MFDPs files. Many individuals who went missing during Lebanon's war were abducted, detained, or killed by Syrian forces or their proxies and may therefore be buried in Lebanon or Syria. Clarifying their fate requires access to detention records held by former authorities, witness testimonies, and forensic evidence derived from gravesite exhumation and identification processes. The opening of prisons and secret detention centres following the fall of the Syrian regime presents a critical opportunity in this regard, though, as discussed above, tangible progress remains distant and contingent on developments on both sides of the border.

Gravesites also raise significant technical challenges. Advances in forensic science have rendered earlier claims by authorities of identification impossibility obsolete (Amnesty International, 2011);<sup>35</sup> however, Lebanon continues to lack sufficient resources, a national gravesites strategy, a holistic large-scale forensic approach adapted to enforced disappearances,<sup>36</sup> and a national database of biological reference samples (ACT, Interview, 2025a).

Time further compounds these challenges, as aging family members pass away and opportunities to collect reference samples diminish. Contingent on appropriate support and resources, initiatives such as the ICRC's collection of biological samples from the families of MFDPs (ICRC, 2016) could be pursued and institutionalised under the NCMD with appropriate safeguards, forensic standards and protocols, and data protection.

Approaching gravesites furthermore entails profound conflict-sensitivity and psychosocial considerations, including the risk of re-traumatisation. ACT has emphasised the need for trauma-sensitive, victim-centred processes, which integrate Mental Health and Psychosocial Support (MHPSS) with peacebuilding work, including the accompaniment of families (ACT for the Disappeared, 2025b). As the only independent body mandated to address this cross-factional national file, the NCMD is uniquely positioned to move from a reactive approach to a holistic, evidence-based, conflict and trauma-sensitive gravesites strategy capable of fulfilling the right to truth.<sup>37</sup>

## Conclusion

The issue of MFDPs occupies a central place in Lebanon's efforts to deal with its violent past, reflecting its cross-cutting nature, sustained mobilisation by families and civil society, and the recognition of the right to know. The adoption of Law 105 and the establishment of the NCMD mark a significant departure from decades of denial and political avoidance.

38

The first NCMD has developed by-laws and internal regulations, a strategy and an action plan, a Data Protection Protocol, a legal study on the relationship between the Commission and exhumation committees, and partnerships with various domestic, regional, and international actors, etc.

Recent developments indicate that important groundwork for institutionalisation has been laid, providing a necessary—though still fragile—foundation for action.<sup>38</sup> The scale, technical complexity, socioeconomic cost, and political sensitivity of the issue of MFDPs require sustained commitment if these advances are to translate into meaningful truth-seeking.

In this context, the NCMD's immediate priorities lie in advancing its mandate in a rigorous and conflict-sensitive manner. This includes consolidating a preliminary list of MFDPs from available sources to guide investigations, maintaining close coordination with Syrian mechanisms in recognition of the interdependence of the two files, and developing a national, evidence-based, and conflict-sensitive gravesites strategy. Equally essential are inclusive outreach to families and affected communities and sustained capacity-building across the NCMD and relevant state institutions<sup>39</sup>—particularly in judicial, forensic, and security domains—to support protection, exhumation, and identification processes in line with international standards.

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These can span across the Ministry of Interior and Municipalities, the Ministry of Justice, and the Ministry of Health.

Ultimately, progress will depend on broader political engagement. Securing cooperation from state institutions, political parties, and former warring factions remains essential if truth-seeking is to move beyond managed silence. In this sense, the issue of MFDPs highlights the tension at the heart of governance in conflict-affected contexts, where demands for truth and justice confront entrenched interests. Positioned as an independent, victim-centered body, the NCMD is uniquely placed to convene stakeholders and frame engagement not as a threat to the post-war settlement, but as a national endeavor aimed at establishing shared truths, dignity, and pathways toward healing. Such an approach offers a rare opportunity to move toward a more inclusive and just reckoning with Lebanon's past.

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## LCPS

### About LCPS

Founded in 1989, the Lebanese Center for Policy Studies is an independently managed, non-partisan, non-profit, non-governmental think tank whose mission is to produce and advocate for policies that improve governance in Lebanon and the Arab region. LCPS's current research agenda focuses on: enhancing governance, informing the process of economic growth and sustainable development, promoting inclusive and effective social policies, and informing the development of policies for a sustainable environment. Four themes cut across the above areas of focus, including gender, youth, conflict resolution, and technology.

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