

Dealing with the Past *Series*

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Establishing Lebanon's National Commission for the Missing and Forcibly Disappeared

Ziad Achour

Introduction

The issue of missing and forcibly disappeared persons has long been neglected in Lebanon. Establishing the National Commission for the Missing and Forcibly Disappeared (NCMFD) under the Law on Missing and Forcibly Disappeared Persons (Law 105/2018; Official Gazette, No. 52, 2018) represents a significant shift in the country's approach. In particular, the decree appointing NCMFD members (Decree No. 6570; Official Gazette, No. 31, 2020) signals the beginning of a serious political commitment to tackling the issue according to legal standards that the Lebanese legislature laid down in response to the demands of the families of missing and forcibly disappeared persons (hereinafter 'the families') and civil society. (This essay was written at the end of the NCMFD's first term.)

It is important to examine the legal model adopted by the state to manage a distinctive public service: determining the fate of missing and forcibly disappeared persons. This model is embodied in the NCMFD, which enjoys a degree of independence unprecedented in the traditional administrative framework. This independence sets it apart from other public-law entities responsible for overseeing public services.

Before examining the challenges involved in establishing the NCMFD, it is useful to consider some of the legal concepts enshrined in Law 105/2018 that have enriched Lebanese legal literature.

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¹ Law 105/2018, Article 1: Definitions.

In addition to defining missing persons,¹ the law establishes a set of concepts that enable the NCMFD to fulfil its role as an independent national authority upholding humanitarian values, the right to truth and symbolic justice, distinct from the judicial process concerned with accountability and legal liability.

1. **Humanitarian mandate:** While judicial authorities seek to establish criminal responsibility and ensure accountability, the NCMFD's mandate focuses on humanitarian objectives: determining the fate of the missing and providing redress, independently of any political or judicial considerations.
2. **Right to know:** This fundamental, internationally recognized right enables the families to learn the fate of their loved ones and participate in the search for truth in a manner that preserves victims' dignity and protects data privacy.
3. **Reparations:** The NCMFD's mandate includes providing redress for the moral, social, and psychological harm experienced by families. This includes acknowledging their suffering and ensuring that violations do not recur.

The Concept of Public Service in Addressing Missing and Forcibly Disappeared Persons

The Lebanese legislature introduced the concept of public service into its approach to this issue. Law 105/2018 established a distinctive legal framework for addressing cases of missing and forcibly disappeared persons, while serving the public interest by fostering social cohesion. In particular, it designated the NCMFD, a public-law entity empowered to exercise the prerogatives of public authority, as the national body legally responsible for this issue.

The legislature has thus chosen to establish a public service intended to meet the needs of society as a whole, extending beyond those of the families. In doing so, it affirms its commitment to the fundamental humanitarian values and principles underlying the search for missing persons and the determination of their fate, translating that commitment into a legal obligation through the mandate of this newly created public service.

The legal status of this public service can be confirmed by examining its three constituent elements. The functional element lies in serving the public interest by determining the fate of missing and forcibly disappeared persons and protecting Lebanese society against a recurrence of this painful experience. The institutional element consists in entrusting the service to a public-law entity, the NCMFD. The legal element lies in the service being governed by a special legal regime that departs from ordinary law and gives effect to the distinctive humanitarian mandate set out in Law 105/2018.

Accordingly, this paper is divided into four sections. The first examines the NCMFD's independence and immunity, while the second focuses on the transition from law to implementation through its formation. The third details

its institutional achievements between 2020 and 2025, and the fourth presents the results of its practical work.

Section 1: Independence and Immunity

The NCMFD exercises considerable authority within the scope of the powers conferred on it by Law 105/2018 and is subject to limited oversight by the traditional constitutional authorities: Parliament, the judiciary and the government.

Parliament may exercise its powers to scrutinize the NCMFD and hold it politically accountable, as well as amend the legal regime governing the NCMFD. The judiciary ensures that it complies with the applicable legal order, from the Constitution to Law 105/2018 and the relevant regulatory provisions.

The government does not exercise traditional administrative supervision over the NCMFD, whether by approving its decisions or by intervening in its work to halt or postpone their implementation, amend them, suspend their legal effect or revoke them. Nor may it act in the NCMFD's place. Government oversight is therefore narrowly circumscribed and far more limited than that exercised over traditional decentralized bodies: territorial bodies, namely municipalities, and bodies responsible for public services, namely public institutions and autonomous agencies entrusted with managing those services.

The establishment of the NCMFD under Law 105/2018,² alongside similar independent national bodies,³ has given rise to public-law entities with legal personality entrusted with managing non-traditional administrative public services with a humanitarian and social dimension. However, the general legislation governing such entities was not adapted beforehand. The legal regime applicable to public institutions cannot accommodate the degree of independence granted to the NCMFD by Law 105/2018 or the particular characteristics of the issue of missing and forcibly disappeared persons in Lebanon (Ghosn, 2023).

The independent NCMFD represents an organizational model that goes beyond the legal traditions prevailing in Lebanon's administrative system. It also goes beyond prevailing public understanding of and attitudes towards the issue of missing and forcibly disappeared persons.⁴ Its independence is reflected primarily in its administrative and financial autonomy and the immunity it enjoys.

Administrative and Financial Independence

This independence is intended to enable the NCMFD to manage this public service free from the dominance of the government and the political forces it represents, with their ties to the country's recent history and the crises that have since unfolded in Lebanon and the wider region.

These statutory provisions underpin the legal regime governing this highly sensitive humanitarian issue. They impose obligations on the state as a public-law entity with legal personality, particularly on the government and

² Law 105/2018, Article 9(a): 'In accordance with this Law, a National Commission for the Missing and Forcibly Disappeared (referred to in this text as the Commission) shall be established with a legal personality and administrative and financial independence.'

³ These are the National Human Rights Commission, established under Law No. 62/2016, and the National Anti-Corruption Commission, established under Law No. 175/2020.

⁴ Findings of the public opinion survey on missing and forcibly disappeared persons conducted by the NCMFD in July and August 2024. Available in Arabic at: <https://ncmfd.org.lb/en/media/890/download?attachment>

Parliament. They also place obligations on the NCMFD as an independent public-law entity responsible for managing this service, while granting it prerogatives that distinguish its status from other administrative arrangements.

This independence operates at two levels. At the decision-making level, NCMFD members adopt decisions in accordance with Law 105/2018 and the NCMFD's internal rules of procedure. These decisions take effect without requiring approval from governmental or judicial authorities. At the implementation level, a dedicated executive team carries out those decisions under the NCMFD's authority and solely under its president's direction and supervision, without administrative supervision or oversight by any external body.

Immunity of the NCMFD

The NCMFD's immunity⁵ safeguards against obstruction of its work or suspension of its activities through malicious prosecutions or other criminal proceedings brought in bad faith, or through security or judicial measures that infringe its inviolability or breach the confidentiality of its data and correspondence.

Except in cases of *flagrante delicto*, such measures may not be taken against its members or staff in relation to their work for the NCMFD, either during or after their term of office or employment, without its authorization. Authorization may be granted only after the member or staff member concerned has been heard; that person may not participate in the vote.

These safeguards reflect the Lebanese legislature's underlying rationale, informed by conditions in Lebanon and the particular composition of its political leadership.

To protect the NCMFD from political coercion by the executive branch, Law 105/2018 leaves no scope for the authorities to invoke any circumstances, including states of emergency or war, as grounds for suspending or halting the NCMFD's work.

Neither the central authority, represented by the government, nor any ministry may remove an NCMFD member except on the limited grounds specified in Law 105/2018:⁶ health-related grounds or a final conviction for a felony or a misdemeanor involving moral turpitude. The government may order removal only upon a proposal from the NCMFD approved by two-thirds of its members. Removal decrees may be challenged before the State Shura Council within two months of notification of the decision.

Section 2: From Law to Implementation (Formation of the NCMFD)

Like the adoption of Law 105/2018, the formation of the NCMFD came as a welcome surprise to the families and society at large. Its members were appointed, however, amid exceptionally difficult conditions in Lebanon, notably

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Law 105/2018, Article 17:
Immunity of Members.

⁶
Law 105/2018, Article 18:
Prohibition of the Removal of
Members.

the economic crisis, the Beirut port explosion, divisions within the political class, and instability in the composition and functioning of constitutional institutions.

The NCMFD therefore worked hard to navigate this period while minimizing the adverse impact on its work, particularly to prevent Law 105/2018 and the NCMFD itself from fading from official, political, and public attention amid these crises. While awaiting more favorable conditions, the NCMFD laid the groundwork for a more promising and productive phase by engaging with the relevant bodies and authorities to appoint replacements for members who had resigned, secure the financial and human resources needed for its work, and obtain suitable premises.

Formation of the NCMFD

On 3 July 2020, Decree No. 6570 was issued, appointing the NCMFD's first members for a five-year term pursuant to Law 105/2018.⁷ This marked the formation of the first official body legally mandated to address this issue in cooperation with all partners, operating independently with defined powers and safeguards.

After some members declined their appointments and others subsequently resigned, Decree No. 6570/2020 was amended several times.⁸ The resulting vacancies left the NCMFD without the quorum required to meet for approximately ten months in total.

Meanwhile, NCMFD members agreed to wait until the two vacant seats were filled and its membership was complete. This delayed formal decision-making, particularly the election of its bureau members under Law 105/2018.⁹ The lack of official premises, a dedicated operating budget, and an executive administrative team further hampered the NCMFD's ability to begin operating formally and regularly.

The NCMFD Bureau

Following sustained efforts and pressure by NCMFD members, in cooperation with the Committee of the Families of the Kidnapped and Disappeared in Lebanon (CFKDL) and its partners, Decree No. 6570/2020 was amended to appoint two replacements to fill the vacancies left by members who had declined their appointments (Decree No. 7633; Official Gazette, No. 16, 2021, pp. 973–974).

On 9 June 2021, the NCMFD met to hold elections in accordance with Article 14 of Law 105/2018. The oldest member chaired the meeting, at which the NCMFD's first bureau was elected.

Following the election, the NCMFD president sent letters to the Presidency of the Council of Ministers, the Ministry of Justice and Parliament's Human Rights Committee, notifying them of the results. The election results were also announced through the National News Agency.

⁷ Law 105/2018, Article 10: Composition of the Commission.

⁸ Decree No. 7633 of 13 April 2021 (Official Gazette, No. 16, 22 April 2021); Decree No. 10508 of 17 October 2022 (Official Gazette, No. 46, 27 October 2022); and Decree No. 14589 of 9 January 2025 (Official Gazette, No. 1, 16 January 2025).

⁹ Law 105/2018, Article 14: Election of the Commission President and Members.

Lack of Planning and Resources

The NCMFD's first members were appointed long after Law 105/2018 was enacted. Yet the intervening period was not used to secure financial and human resources, compile data on missing and forcibly disappeared persons, establish cooperation and coordination with public authorities, or provide premises suited to its statutory mandate. This situation undermines hope and demonstrates the executive branch's failure to take its duties and responsibilities towards this issue seriously. The result was an institution that lacked planning and operational capacity and was unable to function effectively. These difficulties were compounded by the fact that its members do not serve on a full-time basis.

During the NCMFD's first term – the period covered by this study – it became clear that there was no political will to support the NCMFD and enable it to fulfil its role as the primary authority on this humanitarian and national issue.

Relations with Partners

Civil society's representation within the NCMFD, accounting for four of its ten members,¹⁰ provides vital support and ensures close ties with the civil society actors whose efforts secured the law's adoption and the NCMFD's formation. During its first term, the NCMFD therefore took care to establish structured communication and engagement with civil society and the families, while maintaining its status as the official body responsible for managing this public service. A notable example of civil society support was the provision of temporary premises at the CFKDL's offices, where the NCMFD was based until early 2024.

The NCMFD also worked to involve civil society in efforts to determine the fate of the missing and to encourage both support and critical feedback to help it fulfil its mandate. To this end, it launched several initiatives in 2024, the most sustainable and structured of which were the proposed 'National Forum for the Missing' and 'Advisory Group.'

Recognizing the lack of official support, the NCMFD lowered its expectations of public authorities regarding assistance, resources, and data sharing, given that political will was absent or, at best, the authorities were hesitant to act. It therefore turned to international partners with expertise, practical experience, and sound judgement in dealing with the past and transitional justice, particularly in relation to missing and forcibly disappeared persons.

Initially, it cooperated with the International Committee of the Red Cross (ICRC) delegation in Beirut, which provided advice and some financial support that helped establish the core of an executive team. The NCMFD also received support on several fronts from the Swiss Federal Department of Foreign Affairs (FDFA), as the NCMFD's mandate under Law 105/2018

¹⁰
Law 105/2018, Article 10.

aligns with Switzerland's political tradition of dealing with the past through humanitarian and social approaches.

The NCMFD found further expertise at the International Center for Transitional Justice (ICTJ), which has worked on the issue of missing and forcibly disappeared persons in Lebanon and many other countries. In particular, the ICTJ was the only organization that, immediately after the law was enacted, assessed the NCMFD's needs and estimated its required operating budget. The NCMFD used this assessment as the basis for preparing the formal budget it shared with the government.

Engagement with Public Authorities

It was alarming how little most relevant officials in public authorities and agencies knew about Law 105/2018, the NCMFD, its powers, and its role as the legally designated authority on this issue.

This lack of awareness required intensified outreach to explain both the law and the NCMFD's role, particularly to political, legal, judicial, and security authorities whose involvement is essential to cooperation with security agencies, the judicial police, and certain specialized technical departments. Such coordination is crucial for enabling the NCMFD to fulfil its mandate and for strengthening its institutional standing, while avoiding overlap or conflict between its powers and those of other established public authorities.

In particular, the NCMFD's success in establishing coordination mechanisms with judicial authorities substantially improved cooperation from individuals, institutions, authorities, departments, and bodies, both public and private, responsible for searching for missing or forcibly disappeared persons. This facilitated its work and helped it carry out its mandate effectively. Such coordination also helped prevent other bodies from bypassing the NCMFD's role or undermining its independence and the powers associated with its humanitarian mandate under Law 105/2018.

Engagement with the Families

Although the families were represented among its members, the NCMFD took care to create opportunities for direct engagement through a series of meetings and to invite them to key events during its term. Notably, on December 14, it addressed the families and the Lebanese public during its first press conference, held at the Press Club in Beirut to mark the fourth anniversary of Law 105/2018's enactment. This followed a period of relative stability in NCMFD membership during 2022, particularly after the most recent appointments of replacement members. The families' presence and active participation were a highlight of the event, where the NCMFD outlined the circumstances surrounding its launch, the difficulties it had encountered, and its work plan for the next phase, in the presence of its civil society partners.

The NCMFD also made a point of ensuring strong attendance by the families at the launch of its first report at the Grand Serail on 1 July 2025, recognizing them as active, direct partners in its work and achievements.

Section 3: Institutional Achievements (2020–2025)

Despite its difficult start, the NCMFD made tangible progress with the limited resources and support provided by its partners, working tirelessly to prevent setbacks and preserve its modest gains.

Foundational Instruments

Under Article 15 of Law 105/2018, one of the NCMFD's first tasks during its inaugural term was to draft and adopt detailed internal rules of procedure governing its organization and operations.

It was also required to establish its own code of ethics and high professional standards, following the same process prescribed for adopting its internal rules of procedure. These apply to all NCMFD members, staff, and other employees, representatives of associations, and anyone else who cooperates with it.

Following the election of its bureau, the NCMFD began drafting its internal rules of procedure, administrative and financial regulations, and code of conduct. This involved numerous meetings and extensive, substantive discussions among members, reflecting their commitment to allowing flexibility in meeting quorum requirements and ensuring continuity of operations despite circumstances and challenges that might arise in the future.

After adopting these regulations, and before the end of its first term, the NCMFD published its internal rules of procedure and financial regulations in the Official Gazette to make their provisions binding on third parties.¹¹ Amid concerns that members might not be appointed for the second term, this step was intended to remove potential grounds for challenging the outgoing NCMFD's continued operation in a caretaker capacity until new members were duly appointed and a formal handover took place.

In addition, the NCMFD adopted and published on its website a document setting out a code of ethics and high professional standards binding on all its members, staff and other employees, representatives of associations, and anyone else who cooperates with it in carrying out its mandate (NCMFD, 2025a). These provisions apply to members, staff, and all those who engage with the NCMFD.¹²

In parallel, the NCMFD began developing its own database of missing and forcibly disappeared persons and securing the necessary legal framework and resources. In preparation, it adopted the Regulations for the Management of the Central Records of Missing and Forcibly Disappeared Persons (NCMFD, 2025b), in accordance with Law 105/2018.¹³

¹¹ Regulatory Decision No. 1/2025 (NCMFD Internal Rules of Procedure), Official Gazette, No. 26, 5 June 2025; and Regulatory Decision No. 2/2025 (NCMFD Financial Regulations), Official Gazette, No. 26, 5 June 2025.

¹² Law 105/2018, Article 15: Internal Rules of Procedure and Code of Ethics.

¹³ Law 105/2018, Article 33: Establishment of Central Records.

Developing a Distinct Voice

It was not straightforward for the NCMFD to develop a distinct voice reflecting its own approach to the issue of missing and forcibly disappeared persons, separate from the positions of the government, political parties, civil society, and the families.

To this end, the NCMFD shaped its public discourse around its guiding principles, concerns, and safeguards. It stressed the need to work strictly within the framework of Law 105/2018 and uphold the humanitarian nature of its mandate. It made clear that it could examine the past only to the extent necessary to determine the fate of missing and forcibly disappeared persons, and that support for the NCMFD and cooperation with it must not be conditional on serving any other interests. Above all, it emphasized that the cornerstone of the legal regime defining its powers was data protection: such data must be used solely to determine the fate of the missing and must not be shared with any other party for other purposes.

Through this discourse, the NCMFD articulated its vision of Lebanon as a state founded on rights and the rule of law, where truth and justice lay the foundations for lasting peace and security. It envisaged a country where all citizens could look forward with confidence to a future free from violence, war, and enforced disappearance, with the NCMFD serving as a bridge across the divides left by past wars, a path to justice for their victims and a gateway to security for everyone.

A central concern in shaping and developing this vision was to emphasize the NCMFD's independence and its humanitarian mandate to determine the fate of missing and forcibly disappeared persons, irrespective of questions of responsibility or differing narratives of the various phases of Lebanon's war and subsequent conflicts.

Strategic Plan (2022–2025)

The idea of developing a strategic plan to guide the NCMFD's programs emerged from its members' first retreat in 2021, which provided an opportunity to lay the groundwork for future action. Building on these efforts, the NCMFD adopted its first strategic plan in October 2022. The plan centered on four main objectives to be achieved during the NCMFD's term:

1. Establish the NCMFD as the primary authority on missing and forcibly disappeared persons in Lebanon;
2. Build effective alliances to achieve the objectives of Law 105/2018;
3. Mobilize public opinion to exert meaningful influence;
4. Complete the NCMFD's institutional structure and organizational units.

Responsibility for updating and further developing the strategic plan for the next phase will lie with NCMFD members during its second term (2025–2030).

Section 4: Practical Outcomes

Events on the ground placed demands on the NCMFD that it was not yet equipped to handle. These ranged from incidents confined to particular areas and contexts to security developments at the national level, regional changes with implications for the issue, and isolated cases. Together, they tested the NCMFD's ability to implement Law 105/2018 and exercise its powers with the resources available and amid the challenges it faced.

Discovery of a Mass Grave

The NCMFD faced its first challenge in the field in August 2023, when the remains of missing persons were discovered in the cemetery of Mdoukha, a town in the Bekaa. It learned of the discovery through word of mouth. The experience revealed several anomalies, most notably that the NCMFD had not been notified by the public authorities, which were unaware of Law 105/2018 and of the NCMFD's existence as the official authority on the issue.

The NCMFD had to assess the situation and decide how to respond. One option was to conclude that it lacked the capacity and resources to take responsibility for the case, disregard the news and leave the established public authorities to act as they saw fit. Alternatively, it could seize the opportunity to assert its statutory role in practice and exercise its powers under Law 105/2018. Given the implications of the first option for the law's future and its own existence, the NCMFD decided to take on the challenge and fulfil its responsibilities despite its limited capacity and resources.

The NCMFD established close partnerships and working relationships with the relevant bodies and formed an exhumation committee for the site on 28 September 2023. It also secured information and data and took the necessary decisions.

The NCMFD subsequently issued Decision No. 61/2025 on the findings of the investigation at Mdoukha cemetery in Rashaya, resolving to:

- Approve the scientific findings of the exhumation committee;
- Acknowledge that the remains could not be identified owing to the absence of a comprehensive national database;
- Rebury the remains in their original location within Mdoukha cemetery;
- Retain the complete case file in the NCMFD's archives as an official record;
- Defer opening any further graves indicated by witnesses until there were appropriate scientific and practical grounds to proceed;
- Develop a set of standard operating procedures (SOPs) to guide future exhumations.

Circular on the Duty to Cooperate

Following exchanges and meetings with the NCMFD, the Public Prosecution at the Court of Cassation issued Circular No. 144/ص/2024 on 3 December 2024

concerning the implementation of Law 105/2018 and measures to facilitate the NCMFD's work.

The circular provided a firm basis for cooperation and coordination between the NCMFD, responsible for the humanitarian dimension, and the Public Prosecution at the Court of Cassation, responsible for criminal law enforcement. The initiative aimed to safeguard the NCMFD's interests and strengthen its institutional standing.

The circular drew on Law 105/2018 and mandatory legal rules concerning public order and human rights. It aimed to facilitate the NCMFD's work and ensure its effectiveness by securing cooperation from the judicial police and from individuals, institutions, authorities, departments and bodies, both public and private. This duty applies to those that already hold, or may subsequently obtain, data, information, or reports directly or indirectly relevant to the search for missing and forcibly disappeared persons and the determination of their fate. Such material may be obtained incidentally, at the NCMFD's request or under an assignment from it.

Israeli Aggression

Israel's war on Lebanon in September 2024 left many people dead, injured, or missing and caused widespread destruction in residential areas, disrupting the implementation of the NCMFD's plans and scheduled activities. In response, the NCMFD affirmed that its mandate extended to people who went missing as a result of the war, while continuing its work on cases of missing and forcibly disappeared persons dating back to 1975. This demonstrated the comprehensive scope of its mandate under Law 105/2018.

Given the humanitarian and national importance of the issue, the NCMFD regarded its response to war-related cases of missing persons as a real test of its mandate, independence, and role on the ground during crises. It also saw an opportunity to strengthen its standing as the national authority whose sole remit is to determine the fate of all missing and forcibly disappeared persons without discrimination. These efforts offered a further opportunity to build public trust in its work and underscore the need to strengthen its institutional capacity and financial resources so that it could fulfil its mandate effectively and sustainably.

To this end, the NCMFD wrote to the Prime Minister requesting a formal cooperation mechanism to follow up on these cases. It also held coordination meetings with the General Directorate of Civil Defense and the Government Emergency Committee to organize procedures for reporting missing persons and recovering human remains.

After military operations ceased, the NCMFD followed up on searches at damaged sites and wrote to the relevant judicial authorities to ensure that

rubble potentially containing human remains was preserved. It sought to prevent this rubble from being disturbed or moved without judicial supervision and direct coordination with the NCMFD, to protect the rights of missing persons and their families within the relevant humanitarian and legal frameworks. However, it was unable to obtain data on this group of missing persons for several reasons, including government officials' failure to take the humanitarian dimension of the issue seriously and their lack of response to the NCMFD's requests.

Regime Change in Syria

The fall of the Syrian regime in December 2024 was an unexpected regional political development that directly affected the NCMFD's work. The sight of prisoners emerging from detention facilities, particularly Saydnaya Prison, raised hopes among many of the families who considered it likely that their missing relatives were in Syria. These hopes placed a considerable responsibility on the NCMFD to respond with sound judgement and objectivity, taking care not to cause the families further distress.

In response, the NCMFD moved swiftly to take several steps within the scope of its powers:

- Establishing an internal crisis team to receive calls and collect data;
- Forming teams to interview individuals released from detention;
- Receiving calls on the 1707 hotline allocated to the NCMFD by the Ministry of Telecommunications (Council of Ministers Decision No. 2 of 17 December 2024);
- Launching an outreach and coordination campaign with civil society organizations;
- Addressing the public through a press statement on 6 December 2024 setting out its initial position on unfolding events, followed by a press conference at its temporary premises on 13 December 2024.

A government emergency committee was also established to support the NCMFD's work (Council of Ministers Decision No. 1 of 17 December 2024).

The NCMFD subsequently convened several meetings with the Government Emergency Committee at its premises to discuss the information available to the participating bodies. The NCMFD secured agreement from the participating bodies to provide it with full support and transfer their data to it, in recognition of its role as the legally designated authority on missing and forcibly disappeared persons.

Investigation into the Background of a Burial Site

On 7 May 2025, the NCMFD received information about a suspected burial site in Aqabat al-Mbayda, in the highlands around Arsal. On 9 May, an NCMFD delegation conducted a preliminary site inspection, accompanied by a forensic

team. Human bones were visible on the soil surface, alongside scattered personal belongings, confirming the presence of a burial site.

The NCMFD therefore decided to suspend any excavation or other technical work until the site and its context had been fully assessed.

On 21 May 2025, the NCMFD returned to the site to reassess the situation and take protective measures, including covering and documenting it. Both visits were coordinated with the Public Prosecution at the Bekaa Court of Appeal, with support from the forensic team and the General Directorate of Antiquities.

The NCMFD's scientific investigation and systematic follow-up drew on consistent accounts from local officials (mukhtars), residents, and security forces stationed in the area. It also examined satellite imagery showing changes at the site and when they were likely to have occurred. This work led to the following findings:

- The burial site at Aqabat al-Mbayda, in the highlands around Aarsal, contained four graves, one of which may be a mass grave;
- The remains were likely those of unidentified non-Lebanese fighters who had participated in fighting between armed factions – the Islamic State in Iraq and the Levant (ISIL) and Jabhat al-Nusra – between May 2016 and July 2017;
- Numerous makeshift graves were present in the area, although their exact number was unknown. The area is currently a military zone and had been the scene of fighting during Operation Fajr al-Jurud ('Dawn of the Outskirts').

Based on the findings, the NCMFD decided to suspend any exhumation or other fieldwork at the site and to keep it closed and protected pending further information and suitable conditions for proceeding. These conditions include adequate financial and logistical resources, as well as a political context conducive to establishing a strategic partnership with an independent Syrian body with a humanitarian mandate and expertise in the issue of missing and forcibly disappeared persons. Technical support and the necessary expertise from local and international bodies would also be required.

As part of its follow-up on the case, the NCMFD asked the Ministry of Defense and the relevant authorities to conduct a comprehensive field survey of the area to identify and map other potential burial sites.

It also recommended developing a comprehensive action plan to address the case, with the participation of the relevant Lebanese bodies, the Lebanese Army, the competent bodies in Syria, the ICRC, and the Independent Institution on Missing Persons in the Syrian Arab Republic (IIMP).

Recommendations

The NCMFD's experience during its first term and the current and future challenges it faces inform the following recommendations and proposed policies as it enters its second term (2025–2030). These recommendations aim to sustain the NCMFD's role and build steadily on its achievements:

1. Preserve the NCMFD's legacy of neutrality and independence as the foundation of its legitimacy and credibility. This requires shielding its decisions from political influence and external pressure, and reaffirming its legal, administrative, and operational independence. A clear approach must also be developed to protect it from the effects of future political shifts.
2. Uphold the humanitarian mandate as the enduring foundation of the NCMFD's work and the guiding principle for its activities, public discourse, cooperation with public authorities, partnerships with local and international bodies, and engagement with the families and civil society. All aspects of its work should reflect the NCMFD's impartial approach, grounded in rights and humanitarian principles.
3. Maintain a strict policy on personal data protection and privacy, reaffirming the NCMFD's unwavering commitment to these safeguards. Data must be used solely to determine the fate of missing and forcibly disappeared persons. Any exception or leniency would undermine the trust on which the NCMFD's moral standing rests.
4. Develop a strategic plan for the next phase, setting out a clear, practical approach to locating mass graves and establishing procedures to protect them from tampering, while ensuring enforcement of the relevant penal provisions of Law 105/2018. The plan should also take account of political changes in Lebanon and the region, making use of any opportunities they offer to strengthen the NCMFD's standing and role.
5. Keep the issue of missing and forcibly disappeared persons entirely separate from contentious matters, shielding the NCMFD from political wrangling. This issue must not be linked to political disputes that could compromise the NCMFD's neutrality or weaken its independent humanitarian role.

Conclusion

The NCMFD's first term tested its ability to establish its independence and undertake operational work amid exceptional events and changes in the security and political landscape.¹⁴ Faced with unprecedented challenges, the NCMFD had to mobilize its resources and consolidate its role as a humanitarian and legal authority handling a highly sensitive issue in volatile circumstances.

Despite these difficulties, the NCMFD demonstrated that it was more than an administrative body: it was a cornerstone of a humanitarian approach to justice, grounded in the right to know, and the acknowledgment of the suffering of

¹⁴ See the NCMFD's First Report (2020–2025). Available in Arabic at: https://ncmfd.org.lb/sites/default/files/2025-07/ncmf_annual-report_20_25_full-pdf_0.pdf.

victims and their families. Its work drew on the determination of the families, whose efforts had led to the adoption of Law 105/2018. The law provided the authoritative legal basis for addressing the issue and clearly defined the framework for the NCMFD's independence and freedom to act.

The experience also showed that personal data protection is not merely a technical matter, but an essential condition for building trust with society, public authorities, and international partners. The NCMFD's success is measured by its commitment to its humanitarian mandate and institutional independence, and by its ability to lay the foundations for a long-term national process towards truth and redress.

The achievements to date therefore mark a turning point in building a humanitarian approach to justice in Lebanon. They demonstrate that the issue of missing and forcibly disappeared persons is no longer simply an open wound: efforts to address it are moving towards a lasting institutional process centered on justice and human dignity.

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LCPS

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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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