



Photo Cover: Sit-in of the families of the missing on 13th April 2006 in front of the Saida Criminal Court during the trial of one of the kidnapers of Mohieh Eddine Hashisho.

LAW FOR MISSING & FORCIBLY DISAPPEARED PERSONS

**On behalf of the Committee of the Families of the Kidnapped and Disappeared in Lebanon.
On behalf of the Support of Lebanese in Detention and Exile SOLIDE.**

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This text would not have seen the light of day without the contribution and support of a substantial number of human rights experts, legal experts, and judges, local and international activists as well as local and international non-governmental organizations. They helped give shape to this legal text, which was drafted by lawyer Nizar Saghieh upon the request of the Committee of the Families of the Kidnapped and Disappeared in Lebanon (CFKDL) and the Support of Lebanese in Detention and Exile (SOLIDE). Their contribution came by way of offering comments and suggestions to the draft text, which seeks to uphold and integrate the international principles and standards stipulated in texts and conventions related to the issue of the missing and forcibly disappeared, whilst taking into consideration the Lebanese context in all its ramifications. We would like to express our special gratitude to Mr. Saghieh, for his unrelenting commitment and his efforts to work on developing this draft bill over its different stages, following the numerous suggestions and comments put forth by those who contributed to this effort.

We would like to extend our special thanks to: Judge Marlene el Jurr, Judge Ghada Aoun and Judge Fawzi Khamis; Member of Parliament Ghassan Moukheiber and Member of Parliament Ziad el Kadri; the Ministry of Interior; the Ministry of Social Affairs; the Lebanese Center for Human Rights (CLDH); UMAM Documentation and Research; Act for the Disappeared, the Palestinian Human Rights Organization (PHRO), Aidoun - Center for Refugee Rights, as well as the following international organizations: the International Committee of the Red Cross (ICRC), Amnesty International, Human Rights Watch, the United Nations Development Programme (UNDP), and the Office of the United Nations Office of the High Commissioner for Human Rights (OHCHR). Thanks are also due to Professor Iain Scobbie of the Hotung Programme at the School of Oriental and African Studies (University of London), who was generous with his time in reviewing the English text and offering counsel and advice.

This process started in June 2010, when ICTJ, in cooperation with Friedrich Ebert Stiftung, organized a field mission for 15 Lebanese officials and human rights activists to Bosnia-Herzegovina, where local authorities and civil society, with the help of the International Commission for Missing Persons (ICMP), were able to develop and implement a set of policies aimed at addressing the issue of the missing.

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FOREWORD

Considering that the war Lebanon went through over fifteen years (1975-1990) generated a great deal of suffering;

Considering that the acts of abduction and enforced disappearance were among the harshest and most revolting crimes that were practiced during the war;

Considering that the after-effects of these crimes continue, since the fate of victims remains unknown;

Considering that this war still exists through the demands of the families, who are looking for their loved ones who were abducted by war and who have not been returned by peace. These families have in turn become victims both of the war and of the current silence;

Considering that their loved ones have had their most basic rights violated, including those contained in the Universal Declaration of Human Rights;

Considering that the people responsible for these acts of abduction and enforced disappearance have never been held accountable, nor have they been sentenced, and considering that a law was issued granting them amnesty without even questioning them;

Considering that the political stance taken throughout successive eras and by successive governments regarding this issue has been continuously characterized by carelessness, shirking responsibility, covering for the perpetrators and marginalizing the victims;

Considering that the authorities only created commissions that were unable to carry out more than procrastination, whitewashing and concealing any information or truth;

Considering that the cause of the missing and the victims of enforced disappearances has been acknowledged in ministerial statements of the three successive governments, including the current government, with a pledge to bestow the necessary attention upon it, and to even make it a priority among the government's concerns, through the creation of a national commission, which we have been calling for, to address this issue in all its aspects;

Considering that the Presidential Oath, formulated by His Excellency President Michel Suleiman, has recognized the need to address this issue and bring it to closure in a humane way, and at the national level;

Considering that all these pledges and promises have remained to-date but ink on paper;

Considering that the two official commissions which were created in 2000 and 2001 admitted the existence of land and maritime mass graves, believing in so doing that they were closing the file of the missing without having opened even one page of it;

Considering that the Lebanese State has forgotten, or let itself forget, that most states across the world that have gone through similar wars have courageously faced the results of their wars, and have worked and continue to work to heal their wounds and cure their illness for the sake of a sound and sane future;

Considering that the right to know has become consecrated in international conventions, definitions, and in international humanitarian law;

Considering that it is the right of the families of the victims of enforced disappearances in Lebanon to know the fate of their loved ones, and whether they are alive or dead;

Considering that it is their right to know the truth about the past so that they may take charge of their present and future;

Considering that it is their right to safeguard the dignity of their victims and their own dignity;

Considering that resorting to existing Lebanese law has not proved to be an effective remedy in dealing with the cases of missing and forcibly disappeared persons; as the case of Muhieddine Hashisho best exemplifies, since the legal case filed against his abductors in court remains ongoing since 1991;

For all of these reasons, we need to reflect seriously and work towards creating a law that will address the issue of missing and forcibly disappeared persons, as has happened in many countries around the world that have gone through similar wars which have generated their own missing and disappeared persons.

The idea of creating such a law came back to us as an urgent need - as did the necessity to start working on it - during the visit to Bosnia-Herzegovina organized in 2010 by ICTJ, which is hereby thanked. Taking part in that visit as representatives of victims' families, we were able to observe the issue on the ground, and this has raised our hopes, and that of the families, that one day, soon, we will be able to see the fate of our loved ones revealed.

This draft law has now come to fruition, with the support and assistance of ICTJ, and after much examination, debate, effort, reviews, and amendments by its drafters, and by the organizations representing the victims' families and a number of local and international civil society organizations, active in human rights, as well as in the legal, social, academic and medical fields.

So let us now get on with the work.

On behalf of the Committee
of the Families of the
Kidnapped and Disappeared
in Lebanon

Wadad Halwani

On behalf of the Support of
Lebanese in Detention and Exile
SOLIDE

Ghazi Aad

PREAMBLE

In its modern history, namely during the war period (1975-1990), Lebanon witnessed an occurrence of cases of abduction and enforced disappearance. As a result, a large number of people are still missing.

After the war ended in 1991, Lebanon was not able to find an acceptable solution to the war victims and the problems they faced, particularly the missing and their families. The State avoided stirring wounds at the expense of establishing justice and seeking reparation for the victims.

Consequently, the missing, the forcibly disappeared, and their families remained victims of the past at a time when the rules of this war allowed most warlords and criminals to free themselves from it. While the victims continued to bear the consequences of this past, perpetrators remained indifferent to their ordeal.

The government later made a few limited attempts to identify the fate of the missing, namely through the creation of a commission to investigate the fate of the missing and the disappeared (2000) and a commission to receive complaints from the families of the disappeared (2001). However, these attempts did not succeed in disclosing the fate of the missing and the disappeared, neither by finding them dead nor alive.

As a result:

In accordance with the Constitution which stipulates that Lebanon is a democratic country which respects personal liberties and the right to life, and considers all Lebanese equal before the law, underscored by Lebanon's commitment to human dignity through its acceptance of the Universal Declaration of Human Rights and international covenants promulgated by the UN,

In accordance with international conventions to which Lebanon is a party, notably the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,

And in view of the determination of all Lebanese people to overcome their past and reinforce civil peace on the basis of human rights, equality and mutual recognition, which are issues that cannot be achieved by looking partially at the past or by obliterating it, but rather by joining efforts to do justice to the victims and to put an end to their continuous suffering,

It has proved necessary to draft a law to resolve the issue of the missing and to end the suffering of their families through the following:

Safeguarding the Rights of the Victims' Families and Acknowledging the Issue of the Missing and their Relatives:

In order to solve the issue of war victims it is fundamental to consecrate the right of the families to know the fate of their missing relatives, as well as other related rights pertaining to access to official documents and taking part in investigations. The declaration of these rights is a necessary act of justice that must be accomplished at any time, as well as an obligation to end the suffering of the relatives and their psychological pain.

Moreover, it has a symbolic dimension, which is the acknowledgement by the State of a cause which deeply concerns a large fraction of its people. Acknowledging these rights is founded on the principles of restorative justice, prioritizing the Right to Know, to be able to hold perpetrators accountable.

Further, in an effort to secure the Right to Know, the law shall incorporate articles to sanction those who conceal information that could help unveil the truth, not on the basis of their past acts (such as implication in acts of abduction or murder, which are covered by amnesty) but on the basis of their current concealment of information, that could put an end to the suffering of the missing if still alive, and their relatives in all cases.

Moreover, and in a bid to avoid a repetition of the past, it is necessary to increase sanctions against those responsible for crimes of abduction and enforced disappearance, by amending certain provisions of the Penal Code.

Institutions Safeguarding These Rights:

It is very important to set up an institute for collecting and documenting information, as well as establishing central records and taking practical steps to identify the location of collective graves as a preliminary measure to identifying the victims' identities. Given how sensitive this issue is, and in a bid to maintain the institution's credibility towards the families, the Bureau of this Institute shall be autonomous and structured as "an independent administrative body", formed by representatives of the relatives and of civil society, in addition to a judge and individuals appointed by ministers of category A; while taking the appropriate measures to preserve their independence.

It is essential that the Bureau performs its duties in conjunction with social work on the issue of memory and war victims. Moreover, a committee comprised of different social groups (representatives of associations of the families of the missing, NGO representatives concerned with this issue, representatives from the competent ministries, and youth representatives to link the work on memory to the future) shall be established within the Institute to follow on, study and assess the latter's activities.

Collective Graves:

The law shall lay down procedures for guarding and searching collective graves, as a preliminary for identifying the bodies interred therein. Special committees, comprised of the relatives of the missing and representatives of the local authorities, shall be formed and work under the Bureau's supervision, without interfering with the work of the competent judiciary.

LAW FOR MISSING AND FORCIBLY DISAPPEARED PERSONS

Chapter I: General Provisions

Article 1: Objectives of the Law

The present law aims to:

- Uphold the right of relatives to know the fate of the missing and the forcibly disappeared;
- Take preventive measures in order to put an end to the cases of disappearances;
- Define a missing or forcibly disappeared person and the management of his/her registry;
- Manage the tracing process of the missing and the forcibly disappeared;
- Manage the marking, protection and exhumation process of mass graves;
- Set a mechanism by which the missing, the forcibly disappeared and their relatives are treated fairly;

as well as other matters related to clarifying the fate of the missing and disappeared persons in Lebanon.

Article 2: Definitions

The terms and expressions set forth in this law and all the decrees and regulations issued for its implementation shall bear the following meanings, unless inconsistent with the context:

- "Enforced disappearance" is the arrest, detention, abduction or any other form of deprivation of liberty by public officials or by groups of individuals or persons, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law;
- "Relatives" means children of the missing or forcibly disappeared person, whether born in or out of wedlock; adopted children; dependant step-children from a current or previous marriage; a lawfully wedded partner or unwedded partner who lives with him/her in a public and permanent manner, parents including step-parents; and brother and sister as well as step-brothers and sisters;
- "Family associations" means duly authorized associations operating in Lebanon, no less than two-thirds of whose membership comprises relatives of missing or the forcibly disappeared persons, and whose primary objective is to trace these persons' whereabouts.
- "Criminal confinement" means imprisonment as a punishment for committing an offense cited in this law.
- "Minimum data" means the first and last name of a missing or forcibly disappeared person, his/her place and date of birth, the name of one of his/her parents, social status, occupation, last known address, and details relating to the circumstances of the disappearance;
- "Registry" means the centralized database for the management of tracing requests regarding the missing and the forcibly disappeared;
- A "tracing request" means the request submitted to the Institute to trace the missing or forcibly disappeared person;

- "The Committee" means any one of the groups that compose the board;
- "Forcibly Disappeared" is any person who was subject to enforced disappearance;
- "Tracing-related information" means, but is not limited to, information pertaining to an enforced disappearance, places where missing persons are found alive, information about the existence of mass graves, places of burial of missing persons, or any related information held by other persons. This information is considered public if it pertains to a missing or forcibly disappeared person who has not been identified, and is considered to be private if it pertains to a missing or forcibly disappeared person who has been identified;
- "Reliable information" means the information from which it is reasonably possible to conclude that a certain person is "missing";
- "The Institute" means the Institute for missing and forcibly disappeared persons as provided for in Chapter III of this law;
- "Missing person" means a person whose family is without news of him/her and has been reported missing, on the basis of "reliable information," owing to international or non-international armed conflict, internal violence or internal disturbances, or as a result of the intervention of any public, private or other effective authority;
- "Mass grave" means a place containing the interred remains of multiple missing persons;
- "Individual grave" means a place containing the interred remains of one missing person;
- "Close Persons" means moral entities (parties, non-profit associations) of which the missing or the forcibly disappeared was a member;
- "The Bureau" means the Bureau of the Institute;
- "The Commission" means the national commission tasked with monitoring the Institute's activities;

A missing person shall be deemed "identified" when it is clearly established that physical, inherited or biological characteristics of the remains that have been found match the physical characteristics of a missing person and the biological and inherited characteristics of his/her relatives. If the missing person is found to be alive, the identification procedure shall be carried out pursuant to the legislation in force.

Chapter II – Fundamental Rights

Article 3: Right to Know

- Families have the right to know the fate of their missing or forcibly disappeared relatives, including their current whereabouts or, if dead, the causes and circumstances that led to their death and the location of their remains.
- If the remains of a missing or forcibly disappeared person are identified, the family has the right to receive these. The realization of this right requires that mass graves be located and marked, and the interred remains be exhumed and identified.

- The declaration of death of a missing person as a result of his/her disappearance, before or after the entry into force of the present law, does not affect the rights arising under this law.

Article 4: Rights of Relatives of the Missing and Persons Close to the Missing to Access Information and Participate in the Investigations

Any relative of a missing or forcibly disappeared person and any person close to him/her have the right to access tracing-related information and participate in investigations that are not legally confidential, which are aimed at determining the fate of the missing or forcibly disappeared relative, pursuant to the provisions of this law.

Article 5: State Obligation to Provide Information if Possessed

- All State institutions shall provide the Institute with all "tracing-related information" in their possession.
- All State institutions shall provide the relatives of a missing or forcibly disappeared person and persons close to him/her with tracing-related information whenever they request this information, as per the relevant court's decision.

Article 6: Obligation to Disclose Tracing-Related Information

Any person in possession of "tracing-related information" shall fully disclose this information at the request of the Bureau or the grave exhumation committee.

Any person in possession of information regarding the existence of an individual or mass grave on real estate which he/she owns, has lived or worked in, in whatever capacity, shall disclose this information voluntarily to the Bureau as soon as the latter is created. The possessor of such information may also transmit it orally to a member of the Bureau. The Bureau member shall record this information on an official form and sign the statement, which must be co-signed by the informant. This will relieve the informant of all responsibility.

Article 7: Right of the Missing and their Relatives to Compensation

One year after this law enters into force, the cabinet shall issue, on the basis of a proposal prepared by the Bureau, an executive decree outlining the compensation mechanisms for damages incurred by the missing, the forcibly disappeared and their relatives.

The provisions of this law shall not be interpreted in any way that adversely affects the right of the relatives of missing and forcibly disappeared persons to seek remedy for prejudice and damage in accordance with the provisions of the public law.

If the Bureau receives confirmation of the disappearance of the person, a certificate stating the date of the disappearance is to be issued. A certified copy shall be submitted to any member of his/her family, or to any persons close to the missing. If a person has been missing for more than four years according to the above-mentioned certificate, the right-holders shall demand, on the basis of this certificate, all the rights to which they are entitled from any public or private institution in the case of the death – whether presumed or proven – of their missing relative.

Article 8:

Relatives of persons missing as a result of a natural catastrophe or incident shall benefit from the provisions of articles 3 to 5 above.

Chapter III – The Institute for Missing Persons

Article 9: Establishment of the Institute

- An Institute for missing and forcibly disappeared persons shall be established according to the terms set out in this law.

- The Institute shall be an independent administrative body in charge of determining the fate of the missing and the forcibly disappeared and shall consist of a **Bureau**, which shall undertake the managerial and executive responsibilities specified in this law, and a **Public National Commission** which shall act in a consultative and advisory capacity.

Article 10: Establishment of the Bureau

1- The Bureau shall be formed of a president and nine members, appointed for a four year period as follows:

- A judge of the tenth degree at least, who shall be appointed by the Higher Judicial Council, and who shall preside over the "Commission";
- An ambassador, who shall be appointed by the Minister of Foreign Affairs;
- A first category public servant, who possesses specialized competence in criminology, and who shall be appointed by the Minister of Interior and Municipalities;
- A first category public servant, who possesses specialized competence in documentation, and who is appointed by the Minister of National Defense;
- An expert in documentation designated by the Minister of Social Affairs;
- Representatives appointed by the family associations of the missing and forcibly disappeared described below;
- An expert in forensic medicine, who shall be appointed by agreement between the chairpersons of the Lebanese Order of Physicians in Beirut and in North Lebanon; in case of disagreement within one month from the date this law enters into force, the two chairpersons shall each nominate one forensic expert. An election between these candidates shall take place at the Lebanese Order of Physicians' council in Beirut and North Lebanon. The candidate who obtains a majority of the votes shall be appointed.
- A dentist with expertise in forensic orthodontology, appointed by agreement between the chairpersons of the Lebanese Dental Association in Beirut and North Lebanon; in case of disagreement within one month of the date this law enters into force, the two chairpersons shall each nominate one dentist. An election between these candidates shall take place at the Lebanese Dental Association's council in Beirut and North Lebanon. The candidate who obtains a majority of the votes shall be appointed.

- A lawyer appointed by agreement between the chairpersons of the Bar Association in Beirut and in North Lebanon; in case of disagreement within one month of the date this law enters into force, the two chairpersons shall each nominate one lawyer. An election between these candidates shall take place at the Bar Association's council in Beirut and North Lebanon. The candidate who obtains a majority of the votes shall be appointed.
- 2- The Bureau shall be established by virtue of a cabinet decree within three months from the date this law enters into force.

Article 11: Bureau Members

- The Bureau's members shall not receive instructions from any other body during the performance of their duties.
- Members of the cabinet and parliament shall not be eligible to be appointed as members of the Bureau.
- The Bureau member's time shall be fully allocated to his/her tasks for the Bureau.
- Bureau members shall receive a monthly salary equivalent to ... of the basic salary of a Member of Parliament.
- Should a designated member of the Bureau be a public servant, he/she shall retain the right to return to his/her former position in the event that it is still vacant, or to a position in a similar category if he/she has been replaced, pursuant to the provisions of the Civil Servants' Statute of 1959.

Article 12: Working Procedures of the Bureau

- The Bureau shall convene at the invitation of its president or upon the request of 30% of its members. The President of the Bureau shall call for a meeting at least twice a week.
- The Bureau shall draw up the Institute's internal statute within three months from the date of promulgation of the decree appointing the first committee. The Bureau shall ensure that the internal statute contains clauses for the protection of witnesses, and mechanisms for taking and recording their testimony. All decisions pertaining to drafting and amending the internal statute shall be taken by a two-thirds majority vote.
- All other decisions shall be taken by the majority of the Bureau's members. In the event of an equality of votes, the President shall have a casting vote.

Article 13: The Bureau's Mandate and its Budget

Pursuant to the provisions of the Code of Criminal Procedures and this law, the Bureau shall carry out all tasks and activities necessary to trace the remains of the missing and the forcibly disappeared and so determine their fate. These tasks and activities include, but are not restricted to:

- Drafting the Institute's internal statute and, if necessary, amending it;
- Receiving tracing-related requests for the missing and the forcibly disappeared and

establishing and maintaining a record of these requests;

- Collecting, processing and managing all information on the missing and the forcibly disappeared and individual and mass graves, either directly or on the basis of a specific request;
- Compelling testimony from any person who is suspected of possessing related information, and taking that person's testimony pursuant to regulations stipulated in the internal Statute;
- Creating a centralized and unified database;

- Taking all necessary measures to protect the confidentiality of this data, in accordance with the provisions of its internal statute;

- Obtaining all records concerning the missing and disappeared and inserting them into a specialized software program, and coordinating with their relatives to that effect;

- Issuing certificates identifying each missing/forcibly disappeared person;

- Locating individual and mass graves, and marking them in situ;

- Appointing members of the mass grave exhumation committees;

- Supervising the exhumation of mass graves, disinterring the remains found therein and identifying these remains;

- Collecting visible and shallow remains;

- Participating in autopsies;

- Participating in anthropology tests;

- Recommending compensation mechanisms in connection with the missing, the forcibly disappeared, and their relatives;

- Providing support to the relatives;

- Cooperating with the relevant authorities;

- Cooperating with national and international institutions and organizations committed to addressing the issue of missing and forcibly disappeared persons and where necessary, concluding agreements with these bodies;

- Organizing and providing trainings in the appropriate fields of technical expertise;
- Informing the public of the results of inquiries and corroborated facts;

- Issuing an annual report concerning the Bureau's activities, which shall include the number of persons covered by the requests and files investigated, the remains which have been identified and the declaration of their names, the number of collective or individual graves which have been investigated according to the provisions of this law;

- Disseminating awareness of the humanitarian dimension of the cases of the missing, the forcibly disappeared and their relatives;

In order to complete the tasks mentioned above, the Bureau may refer to the support of the judiciary police and the Internal Security Forces (ISF).

The Institute may also recommend that all the preliminary measures necessary be taken to set up and operate, in the event of an international armed conflict or an occupation, a National Information Bureau, as stipulated in the Geneva Convention IV of August 12, 1949, relating to the protection of civilians in times of war.

All funds necessary for the Institute to fulfill its duties shall be determined in the public budget. Donations shall be provided to the Institute in accordance with the administrative procedures in force.

Article 14: The Institute Staff

The Institute shall consist of a Secretariat which shall be responsible for outlining the staff and the number of their functions, terms of appointment and scale of salaries, in an executive decree issued by the Council of Ministers within three months from the date this law enters into force.

The Secretary General of the Institute shall bear the rank of the first category.

Article 15: The National Commission

1- Within one month from the establishment of the Bureau's Commission, the National Commission for the Follow-up of the Institute's Bureau shall be created, and consist of the following groups:

- The first group shall comprise representatives of family associations. This group shall convene to select its representative by consensus or upon the request of the oldest association. The representative shall be appointed for a period of two years;
- The second group shall comprise one representative appointed by the respective minister from each of the following ministries: the Ministry of Interior and Municipalities, the Ministry of Justice, the Ministry of Social Affairs, the Ministry of Culture, the Ministry of Education, the Ministry of Displaced, the Ministry of Foreign Affairs, and the Ministry of National Defense. The Ministry of Interior representative shall be de facto the group representative;
- The third group shall comprise representatives of Lebanese and international non-governmental organizations which have branches in Lebanon and which possess practical experience in the tracing of missing persons or legal expertise in this field. The group shall convene to select its representative by consensus or upon the request of the Bureau's President. The representative shall be appointed for a period of two years;
- The fourth group shall comprise representatives aged between 18 and 30 years old, of private and public universities, which have a student body of more than 1,000 students, and which hold yearly elections for student representatives. The students who hold the highest representative position or who have obtained the highest number of votes in university elections shall be selected to represent his/her university. In universities which do not hold elections, their representatives shall be selected based on a request made by the President of the university in January each year. Elected or ap-

pointed members shall maintain their membership for two years from the date of their election or appointment. The youngest group member shall formally invite his/her peers to elect the group's representative. The candidate who obtains a majority of the votes cast shall be appointed the group's representative for a period of two years;

2-The Secretary General of the Bureau shall receive the nominations and nomination requests from the relevant parties and shall communicate with universities, associations, heads of parliamentary blocs, and all other parties mentioned in this article, in order to establish the membership of the National Commission. Upon the formation of any and all of these groups, the President of the Bureau shall announce this decision, which shall be published in the Official Gazette and may be appealed before the Bureau within one week of its publication. The Bureau shall settle the appeals within one week of the deadline for submitting appeals.

Article 16: Obligations of the National Monitoring Commission

- The Commission shall monitor the Bureau's activities and the committees it establishes;
- The representative of each of the Committee's groups may request the Bureau's President to provide the group with information and clarifications related to any of his/her activities. The representative of each group may convene its members to discuss any activity undertaken by the Bureau, and to submit related recommendations or reports to the Bureau. Any of the groups, acting alone or in combination with one or more of the other groups, or the commission acting as a whole may hold forums, conferences or open or closed roundtables to discuss the Institute's activities;
- Each group shall submit an annual report in which it comments on the Bureau's activities. These reports may be issued individually or in collaboration with another group or groups;
- The Commission shall convene at least once a year, upon an invitation collectively issued by representatives of these groups ;
- The reports issued by the groups, annotated with pertinent comments by the Bureau, shall be published on the Institute's website.

Chapter IV: Identification and Exhumation of Individual and Mass Graves

Article 17: Seizure

Whenever evidence indicates the existence of an individual or mass grave, the Bureau shall take the necessary measures to confirm this evidence and mark the grave. In light of the evidence available prior to or following any investigation, the Bureau may decide to secure and guard the grave and, if necessary, appoint a judicial custodian to protect it. The decision shall be communicated to the relevant Public Prosecutor.

On notification by the Bureau, the owner or occupant of the location of a suspected grave shall respond to any measures ordered, pursuant to this law, to survey and protect the grave until it is exhumed.

Apart from decisions concerning the related to carrying out investigations, all decisions made by the Bureau under this Chapter may be appealed before the relevant

Administrative Court, according to the summary rules. The Administrative Court shall impose a penalty of 10 million Lebanese pounds should it decide that the appellant has acted in bad faith.

Article 18: Establishment of the Committee

- 1- Upon its securing of the grave, the Bureau shall establish a Special Committee to exhume the grave and identify the remains interred therein. These tasks are to be accomplished within ninety days from the date of the committee's appointment, and pursuant to the provisions of article 20 of this law.
- 2 - This Committee shall comprise five members:
 - a representative of the relatives, appointed by the Bureau, upon the recommendation of the family associations group;
 - an expert qualified in forensic medicine appointed by the Bureau, selected from those working in the mohafazat where the suspected grave site is located;
 - a legal expert appointed by the Bureau, selected from lawyers working in the mohafazat where the suspected grave site is located;
 - following consultations with the Head of the Municipality in which the suspected grave site is located, the Bureau shall appoint a member of the municipal council of the municipality where the grave site is located;
 - a judge of the fourth degree serving in the mohafazat where the suspected grave site is located, who shall be designated by the first president of the Court of Appeal of this mohafazat. The judge shall de facto preside over this Committee.
- 3 - The Committee may request that the Bureau extend the ninety-day deadline in which it must fulfill its duties by virtue of this law. Any decision to extend the deadline beyond this period shall be justified.

Article 19: Committee's Mandate

- Upon its establishment, and at the invitation of the Public Prosecution, the Committee shall arrange for the exhumation of the grave, the collection of any remains interred therein, and their transfer to forensic laboratories. It shall also take evidence from witnesses or any person suspected of possessing information.
- The Committee may review official documents wherever they are located, whenever these may facilitate the Committee's mandate. It shall supervise the medical and laboratory tests necessary to establish the remains' identities.

The Committee shall undertake these tasks in full independence and its work shall not be subject to any form of review.

- Should it be necessary to destroy any property in order to locate a grave, or to take measures for its protection, the Committee shall present a reasoned report justifying this to the Bureau, which shall in turn, take the necessary decisions and measures to return the property to the condition it was in prior to its excavation, provided there is no legal bar.

- Upon the completion of its investigations, the Committee shall make a comprehensive reporting about all its activities, supported by CDs, films and medical reports attesting the remains' identity. This report, and all supporting documentation, shall be submitted to the Bureau;
 - The Committee may seek the support of the judiciary police and the Internal Security Forces in carrying out its tasks;
 - The Committee may seek expert assistance in carrying out its activities, barring the right to vote.
 - Any Committee member may register a written objection in the report before it is submitted to the Bureau.
- The provisions of this law shall not be interpreted in any way that decreases the judicial prerogatives stipulated in the Penal Code.

Article 20: Identification of Remains

- 1- The Bureau shall examine the Committee's reports aimed at identifying the remains before endorsing them.
- 2- The Bureau may request that the Committee amend certain sections of the report or the work methodology, within a period not exceeding fifteen days from the date of receipt of the report. Should the Committee refuse to do so, the Bureau shall take the appropriate decision in this respect.
- 3- The Bureau shall render its decision regarding the identification of the remains, attaching the justification report in its final version and the relevant documents attesting to the remains' identity. The Bureau shall notify its decision to the Public Prosecution and to the relatives of the deceased person who may decide to object to the contents of the report within a month from the date of notification.
- 4- The Bureau shall examine this complaint within a month of the date of submission and render a decision on it.
- 5- This decision is subject to appeal before the State Consultative Council (Majlis al Shura) pursuant to summary procedures.
- 6- The Bureau shall hand over the remains to the relatives of the deceased and provide the necessary support for reburial.

Article 21:

Remuneration fees for Committee members shall be stipulated in the Institute's internal Statute.

Chapter V: Submission of a Tracing Request, Data Collection, Centralization and Protection

Article 22: Submission of a Tracing Request

- 1- Tracing requests shall be submitted to the Bureau in accordance with the provisions of this law.

- 2- A tracing request may be submitted by one of the relatives or persons close to the missing/forcibly disappeared, or any other person or concerned parties, who is able to submit the minimum data about the missing person's identity.
- 3- In the case of non-Lebanese nationals, the tracing request shall be submitted according to the provisions of this law in the following two cases:
 - If it is established that the non-Lebanese national who is missing was residing in Lebanon during the period when he/she disappeared;
 - If the party that makes the request is able to provide reliable information about the circumstances of the person's disappearance in Lebanon.
- 4- All tracing requests regarding the disappearance of any person, which were submitted to a competent State authority before this law enters into force, shall be considered acceptable and in accordance with the present law should they contain "the minimum data" required. In case the minimum required data is not provided, the party that submits the request shall provide additional information within a reasonable time period.
- 5- The tracing request shall be subject to further examination and cross-checking with all previously or currently existing official records in Lebanon. Once the request is accepted, the Bureau shall deliver a certificate bearing the number of the file related to the missing or the forcibly disappeared.

Article 23: Updating the Central Database

- The Bureau shall maintain and update the central database, which compiles the individual records for each person missing or forcibly disappeared, for whom a tracing request was submitted. These records are subject to the principle of confidentiality of personal data and related legal provisions in force in Lebanon, which shall be stipulated in the Institute's internal Statute.
- Family associations and any international organization having a branch in Lebanon, and any physical or moral person possessing a database about missing persons from whichever time period shall submit it to the Bureau, in view of unifying and complementing these records. To this effect, the Institute may conclude agreements with local or international institutions responsible for tracing the missing and forcibly disappeared persons in order to ensure the protection of confidential data deposited by these institutions.

Article 24: Collecting Official Data Related to the Statement of Absence or Death

- In coordination with the relevant State authorities, the Bureau shall obtain copies of records of lawsuits that have been filed since 13/4/1975 before any Lebanese Court, requesting a statement of absence or death of a missing person. The Bureau's secretariat shall furthermore obtain copies of all the requests for a statement of absence or death submitted from the date this law enters into force or copies of the decisions rendered in this respect by any competent courts.
- The Bureau shall receive from the Ministry of Interior and the General Directorate of Personal Status the records pertaining to the statement of death of any person missing since 13/4/1975.

Chapter VI: Sanctions

Article 25:

On conviction, in accordance with the provisions of article 5 of this law, the following shall be subject to imprisonment from --- to --- and a fine from --- to ---:

- 1- Any person who impedes access to information by any of the relatives or members of the Institute;
- 2- Any person who, without justification, is responsible for delaying or impeding access to information to any of the relatives or members of the Institute;
- 3- Any person who intentionally gives false information that misleads or impedes the tracing process of a missing or forcibly disappeared person;
- 4- Any person responsible for exposing any individual to criminal liability, or threat, or any form of intimidation when the latter inquires about the fate of a missing or a forcibly disappeared person or his/her location.

Article 26:

On conviction, any person who violates the provisions of article 6 of this law shall be liable to a period of imprisonment from 6 months to two years and fined between one million and ten million Lebanese pounds. The sanction shall be a minimum of imprisonment for one year, and a fine of 5 million Lebanese pounds, if it is established that the information provided has been misused or manipulated.

The penalty for concealing information shall be reduced to a quarter if the person in question discloses information he/she possesses within one month following the filing of criminal proceedings against him/her.

Article 27: Increase of Sanction

- If it is established that a person referred to in articles 5 and 6 is aware of the fact that the missing or disappeared person is still alive, this person shall be subject to a period of imprisonment from ... to ... years.
- If it is established that a person referred to in articles 5 and 6 committed, participated or intervened in the enforced disappearance, he/she shall be subject to a period of imprisonment from --- until --- years.

Article 28: Desecration of Mass Graves

- 1- On conviction, any person who tampers with or desecrates a mass grave with the intention of preventing identification of the remains' identity shall be subject to imprisonment from --- to --- and a fine from --- to ---
- 2- On conviction, any person who impedes the work of parties responsible for tracing requests during their investigation of individual or mass graves, or prevents them from fulfilling their duties shall be subject to imprisonment from --- to --- and a fine from --- to ---.

Article 29:

Any violation of the last paragraph of article 24 shall be sanctioned by a penalty from --- to ---.

Article 30:

In accordance with the provisions of the Penal Code, all provisions infringing or contradicting the present law shall be abolished.

Article 31:

The present law shall enter into force upon its publication in the Official Gazette.