

**“They raped us in every possible way,
in ways you can’t imagine: Gendered Crimes
during the Lebanese Civil Wars”**



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Legal Action Worldwide - LAW is an independent, non-profit organisation comprised of human rights lawyers and jurists working in fragile and conflict affected areas in the Middle East, Africa, and South Asia. LAW works to bring justice to individuals and communities that have experienced human rights violations and abuses, with a particular focus on gender equality and gender-based violence, accountability and the rule of law, transformative justice, and natural resource exploitation.

This report focuses on female survivors and victims of gendered crimes during the civil war. LAW provides legal information, legal assistance, and psychosocial support, to empower and enable victims and survivors, their families, and relatives of the disappeared, to express their experiences and to address their legal and psychosocial needs.

LAW uses the terms victim and survivor throughout this report to refer to individuals who have directly experienced or witnessed a violation or abuse. Both terms are used as LAW recognizes that not all victims are survivors. Some do not survive the violation or abuse, while others do survive but identify as a victim, not a survivor.

Trigger Warning: This report contains graphic descriptions of sexual violence (including rape and genital mutilation) that may be upsetting to readers.

Please note, the names of participants, locations and parties present have been removed.

Photo Credit: Lea Skayem – April 2021

LAW has obtained consent of all persons photographed in this report.

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This report is dedicated to the victims and survivors of gendered crimes from the Lebanese Civil Wars.¹ In particular, we are grateful to those who confided in us about the sexual and gender-based violence they suffered and witnessed. If they have the courage to speak out, then we must have the courage to share their stories.

¹The name Lebanese Civil wars is used because of the involvement of different massacres/clashes between 1975 and 1990, it was not a single continuous event.

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📷 Lea Skayem – April 2021

"They raped us in every possible way, in ways you can't imagine:
Gendered Crimes during the Lebanese Civil Wars"



“Snipers would shoot the people going to the well to get water. Once I went to the well, there was a pregnant woman there who wanted to get water. She was shot and fell in the well. She was from the camp. We stopped drinking from the well because of the corpse inside.

~ ”
73-years-old woman

“They threw babies in the air and shot them in front of their mothers, then they raped the mothers and killed them.”

~ ”
49-years-old
academic

“Female victims do not tell their stories; they need protection if they decide to do so. People consider girls as a shame if they get raped or harassed, because they are the “honour” of the family.”

~ ”
46-years-old woman

“My wife and I were fleeing from our house, and a woman was screaming. [...] She was laying on the ground and two men were raping her. Her mouth was mutilated in an inhuman manner. Her family was stopped at the wall and then shot. One of her children was kidnapped.”

~ ”
70-years-old man

“Officers forced me to take off my Hijab. They electrocuted my nipples. Female officers would torture me by forcing me to kneel on rocks for hours. Male officers threatened to rape me. They touched my breasts and genitals. When I was on my period, they hit me on my stomach and told me they did not want me to reproduce”.

~ ”
52-years-old woman

“Sometimes, they would tie a girl onto two cars and go in opposite directions. I saw a girl who had died after they did this to her. She was 12 or 13 years old.”

~ ”
72-years-old woman



“[My father] became violent at home, there was always aggression and stress at home. He used to pressure us a lot.”
~
58-years-old woman

of

Survivors

“I saw five girls hanging from trees. They were from the same family. [...] They were raped and then killed and thrown into the trees.”
~
63-years-old woman

“The militia tortured me by forcing me to strip naked and take off my hijab.”
~
56-years-old women

““
“I feel mentally and physically ill. I suffered from insomnia and was scared a lot. I used to imagine that they wanted to kill me. I was paranoid. I was nervous and I still am, so I have problems in my stomach now.”
~
52-years-old woman

““
“I saw about 19 young girls aged between nine and 15 years old being escorted to the camp. They were in an indescribable state. They had blood stains all over their clothes and legs. They were raped with bottles. [...] I saw a man who was crying [...]. He told me that two of them were his daughters and that the younger one was not there because she had died. She had been raped with a bottle, and the bottle broke inside her...”
~
75-years-old woman

““
“They electrocuted her breasts and beat her till she fainted. They also put cigarette butts out on her chest.”
~
49-years-old woman

“If you saw the truth and witnessed it then did not testify to it, it is as if you had never seen it.”

“إذا شاهدتَ الحقَّ وعاينتَهُ ولم تشهَدْ له، فكأنَّك لم تشاهدْهُ ولم ترْه”

Charles Malek

Executive Summary

This report sets out, for the first time, the shocking truth of gendered crimes against women and girls during the Lebanese Civil Wars 1975-1990. Our preliminary investigation found that state actors, state and non-state aligned militias perpetrated sexual and gender-based violence (SGBV) on a significant scale including rape, gang rape, mass rape, genital mutilation, sexualized torture, killings of women and girls after rape and abductions. Decades of collective amnesia, ‘Lebanese resilience’ and ‘shaming of victims’ has silenced victims and survivors of SGBV. These women and girls (and family members who witnessed these crimes) are double victims – first the sexual violence inflicted upon them and then the total and utter failure to hold individuals and state agents accountable for these grave violations or even acknowledge what has happened.

“They raped us in every possible way, in ways you can’t imagine: Gendered Crimes during the Lebanese Civil Wars” sets out in detail the findings of a preliminary investigation and research undertaken by LAW on gendered crimes perpetrated during the Lebanese Civil Wars. The report sets out the applicable national and international legal framework; gendered crimes perpetrated between 1975 and 1990; and patterns of gendered crimes, within the wider context of the Lebanese Civil Wars. Within these sections, the report identifies systematic patterns of SGBV prevalent throughout the 15 years and the impact of the gendered crimes on the interviewees’ lives. Finally, we discuss the culture of impunity and total lack of accountability with respect to gendered crimes committed during the Lebanese Civil Wars, and issue key recommendations to meet the needs of victims and survivors.

LAW collected a large quantity of primary and secondary information on gendered crimes during its preliminary investigations and research leading up to the preparation of this report. We reviewed 44 relevant documents; interviewed 36 victims and eyewitnesses from eight geographical locations; conducted six focus group discussions with 59 women; conducted 150 online quantitative surveys and interviewed 23 experts including academics, journalists, lawyers, and psychologists. A strict methodology was followed which is set out in Section III. In cases of sexual violence, where a second independent source of information was unavailable, LAW accepted the direct testimony of the victim/survivor in line with the interviewers’ own observations. Otherwise, LAW considered the case or incident corroborated when it obtained three eyewitness or victims’ first-hand account which it assessed as credible and as consistent with what was known about the incident or the established patterns of similar incidents in the area, and in line with the interviewer’s own observations. For many victims and survivors, our interviews were the first time they had ever spoken to anyone about what happened to them. When asked why they had not spoken about what happened to them, they said ‘no one ever asked.’



147

Women offered psychological support



287

Women given legal information



94

Women given legal assistance



13

Women given legal representation

NB: Information following interviews carried out.

Multiple challenges were faced during preliminary investigation and research, including COVID 19 and total lockdowns; cultural stigma associated with speaking about gendered crimes of; fear of reprisals, passage of time; and the economic/political crises of the country. It should also be noted that this report focuses on the experience of women and girls only. It is recommended that further investigation and research be conducted with men and boys, and LGBTQI+ individuals, to gather a complete picture of the scope and scale of gendered crimes committed during the Lebanese Civil Wars.



Five Key Findings:

1. **Sexual and gender-based violence:** LAW found that SGBV was systematically perpetrated by multiple state actors, state and non-state aligned militia, including rape, gang rape, mass rape, genital mutilation, sexualized torture and humiliation including electrocution of breasts and genital area, forced nudity, and forced prostitution. Rape was used as a method of war to persecute persons from particular communities, to humiliate them, to break their resistance, and to emasculate members of the family.¹ During sieges and massacres, women and girls were divided according to their nationality. In many cases, perpetrators killed women and girls after raping them. Women and girls were raped in their homes and in the streets and in front of their family members, after which they were killed.² Rape with foreign objects, in particular with glass bottles, was common, and in many cases resulted in death of the victim. A 75-years-old woman said:

"I saw about 19 young girls aged between nine and 15 years being escorted to the camp. They were in an indescribable state. They had blood stains all over their clothes and legs. They were raped with bottles. [...] I saw a man who was crying [...]. He told me that two of them were his daughters and that the younger one was not among them, because she had died. She was raped with a bottle and the bottle broke inside her."

Women and girls were forced to have sexual relations and/or sexual relationships with armed state and non-state aligned militiamen in exchange for food or protection, and prostitution networks were also established for the use of militiamen. Both situations, given the coercive environment, are likely to constitute rape.

Sexualised torture was perpetrated in detention centres, at checkpoints, and in the streets during sieges and massacres. In detention, male officers electrocuted victims' nipples, breasts, and genital areas, and intensified physical assaults when victims were menstruating. Women and girls as young as 12 years-old had their legs tied to two cars, which were driven in opposite directions, wrenching the victim in two from the crotch up, and resulting in death. Women were also killed in this way, but with militiamen holding the legs of the victim and wrenching them apart.

2. **Killing and abduction of women, girls and infants:** Women, girls and infants including pregnant women and fetuses were killed by state actors, state and non-state aligned militia. These crimes were perpetrated during massacres, sieges, at checkpoints and on the streets, often at night when militiamen would enter victims' homes and kill entire families. They were killed based on where they were from, in front of family members, and in retaliation/retribution for other incidents.

Pregnant women and nursing mothers and infants were killed during certain incidents during the Civil Wars. In some cases, pregnant women's abdomens were cut open, and infants were killed in front of their mothers by being thrown in the air. One witness, who was 20-years-old at the time, said:

"I saw [the militia] killing a woman who was breastfeeding her infant."

Women, girls, and infants were also abducted by state actors, state and non-state aligned militia, predominantly from their homes, at checkpoints and on the streets. An 80-years-old survivor recalled:

"Some women were abducted and taken to [location]. Even nuns were kidnapped. More than 15 women and girls were kidnapped from [location]. They said they were interrogated about soldiers."

3. **Enforced disappearances of male family members** had a gendered impact on women and children, with negative economic, social and security implications. Largely, men were forcibly disappeared by armed state and non-state aligned militia, however women were also subjected to disappearances. Victims went missing from hospitals, detention centres, checkpoints and from the streets. With men constituting the vast majority of the missing, detained and disappeared persons, women and girls suffered in three ways: (1) the loss of a family member; (2) the loss of the breadwinner; (3) threat to personal safety. Families had to flee from Lebanon fearing threats to their safety. Families were also extorted for money, by people claiming to have information on the whereabouts of their family member, but which they did not have.
4. **Family violence:** Women and girls suffered increased family violence including beatings, verbal and sexual abuse by husbands and male family members. Increased violence occurred within families that were forced into inadequate living conditions, due to displacement. Victims also attributed increased family violence to the stress of the conflict environment, and trauma. A 58-years-old woman remembered how the war changed her father:

"During Black Saturday, my father was a survivor. He came from Jordan. They were executing people and they took him from the bus. One person knew him and asked the armed men to leave him alone. Our family name saved him. He was also

arrested at a checkpoint once. But after this, he became violent at home, there was always aggressiveness and stress at home. He used to pressure us a lot. Outside the house, he was very afraid. He used to be very motivated, but he changed."

- 5. Role of women in the militias:** Women and girls played an important role as part of state aligned and non-state aligned militia, predominantly in non-combatant roles. Women and girls in the militias often joined at a young age, motivated by ideology, a want to protect their community, and to break out of traditional gender roles. Women and girls in the militias were at increased risk of gendered crimes both from opposing militias and from militiamen in their own militias. A woman who joined a non-state aligned militia before she reached the age of 20 said, *"I was less than 20 years old. I was responsible for women. I was the one trying to provide medical support for people. I used to bring bread and was subject to many threats. I saw a lot of corpses and I was depressed"*. Despite being part of the groups, women were often subjected to threats of sexual violence.

The impacts of conflict differ depending on gender. Lebanon is no exception to this rule. LAW found the gendered impact of the Lebanese Civil Wars to be multi-faceted, with significant repercussions for women and girls. Women and girls have borne the brunt of violations, including SGBV as well as a wide spectrum of violations of their basic economic and social rights against the backdrop of existing gender inequality. They also suffer the gendered impact of enforced disappearances of male family members. Importantly, the gendered impact of the series of wars also had a devastating impact on personal and family lives, leading to opportunistic acts of sexual abuse, domestic violence, and long-lasting psychological and physical damage.

The gendered crimes committed during the Lebanese Civil Wars constitute grave breaches of international humanitarian law, namely, Common Article 3 of the Geneva Conventions. The breaches are in relation to subparagraphs 1(a) and 1 (c) which prohibit: "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and, "outrages upon personal dignity, in particular humiliating and degrading treatment".

Total impunity has been granted to state actors, state and non-state aligned for gendered crimes committed during the Lebanese Civil Wars. And unfortunately, little to no progress has been made to hold perpetrators accountable to date. Access to justice for the crimes committed during the Lebanese Civil Wars, and for gendered crimes in particular, has been non-existent. This is a direct result of Lebanon's 1991 General Amnesty Law No. 84/91 (the Amnesty Law), which granted amnesty for most crimes committed during the conflict, including all crimes against civilians.³ According to the survey conducted by LAW, 99 percent of all respondents stated that they do not support the Amnesty Law.⁴ The Amnesty Law is the foundation for the impunity that has characterised the post-conflict era in Lebanon, but it is not the sole reason for survivors' inability to access justice.

To date, no individuals have been held accountable for the widespread gendered crimes committed during the Lebanese Civil Wars. LAW found that the obstacles to accountability in Lebanon for gendered crimes, and SGBV, are multiple. Some obstacles are legal, and others are cultural. The Government has yet to acknowledge the scope and scale of gendered crimes perpetrated during the Lebanese Civil Wars, or to show the political will and courage to effectively address the crimes committed.

The people of Lebanon deserve both peace and justice, and both truth and freedom from fear that such atrocities will recur. The despair of today's Lebanon was borne from the ashes of the Lebanese Civil Wars and only by truly understanding the past can we find a way into a brighter future. Fully acknowledging these crimes, through truth-seeking and accountability processes, would be an essential step toward each of these goals.

Antonia Mulvey

Executive Director
Legal Action Worldwide (LAW)

Recommendations

In light of the findings regarding the deep and continuing impact of gendered crimes on during the Lebanese Civil Wars, LAW recommends the following:

1. Expand the provision of legal and psychological support services to victims and survivors of gendered crimes, aiming to resolve the long-term legal issues and psychological impact by increasing access to high-quality services.
2. Increase documentation of women's experiences of gendered crimes during Lebanese Civil Wars in order to counter the male-dominated narrative of the Civil Wars and amplifying survivor and victims' voices. Document sexual violence committed against men during Lebanon's civil wars.
3. Promote truth-telling including through disseminating the findings and recommendations of the gendered crimes research and other complimentary research to a wide range of audiences, including youth, through panels, university lectures, social media campaigns, roundtables, and discussions.
4. Utilize documentation and truth telling to contribute to an environment that is conducive to women's role in truth-seeking, reconciliation, justice, and peacebuilding. Enhance collective healing by truth telling and memorialization of the Lebanese Civil War through a survivor – centered approach and community-based activities.
5. Empower the National Commission of the Missing and Forcibly Disappeared in Lebanon by providing it with information and evidence gathered and support it in the collection of further evidence, to pursue acknowledgement, recognition, and apology to victims and survivors of gendered crimes and other violations and abuses perpetrated during the Lebanese Civil Wars.

Acronyms

ARF	Arab Deterrent Forces
ASBP	Arab Socialist Baath Party
CAT	Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
CEMAM	Centre d'Etudes pour le Monde Arabe Moderne
CIHL	Customary International Humanitarian Law
DFLP	Democratic Front for the Liberation of Palestine
GC	The Geneva Convention
HRW	Human Rights Watch
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
ICTJ	International Center for Transitional Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
INGO	International Non-Governmental Organization
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ISF	Internal Security Forces
KII	Key-Informant Interviews
LAA	Lebanese Arab Army
LAF	Lebanese Army Forces
LAW	Legal Action Worldwide
LNM	Lebanese National Movement (front of leftist, pan-Arabist and Syrian nationalist parties and organizations)
LCP	Lebanese Communist Party
LF	Lebanese Forces
MP	Member of Parliament
MNF	Multinational Force
NM	National Movement
NGO	Non-governmental organization
NLP	National Liberal Party (Tigers)
OACL	Organization of Communist Action Lebanon
PRCS	Palestine Red Crescent Society
PFLP	Popular Front for the Liberation of Palestine
PFLP-GC	Popular Front for the Liberation of Palestine - General Command
PHRO	Palestinian Human Rights Organization
PLA	Palestinian Liberation Army
PLO	Palestinian Liberation Organization
PNO	Popular Nasserist Organization
PSP	Progressive Socialist Party
SGBV	Sexual and Gender-Based Violence
SLA	South Lebanon Army
SOLIDE	Support of Lebanese in Detention and Exile
SSNP	Syrian Social Nationalist Party
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UNIFIL	United Nations Interim Force in Lebanon
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees in the Near East

Victims and Survivors

LAW uses the terms victim and survivor throughout this report to refer to individuals who have directly experienced a violation or abuse. Both terms are used as LAW recognizes that not all victims are survivors. Some do not survive the violation or abuse, whilst others do survive but identify as a victim, not a survivor.

State, State aligned, and non-State aligned militia

LAW has adopted these terms to refer to the different parties present during the 1975-1990 Civil Wars.

State: An official state actor.

State aligned militia: An armed militia group not officially affiliated with a State, but which is ideologically or politically aligned with a State present during the Civil Wars.

Non-state aligned militia: An armed militia group not officially affiliated or ideologically or politically aligned with a State present during the Civil Wars.

Background

Lebanon has undergone successive periods of armed conflict with a period of Civil War from 1975 until 1990, which involved a range of state actors, state and non-state aligned militia; two parallel occupations by Israel and Syria and a string of high-profile assassinations. According to the International Committee of the Red Cross (ICRC), 75% of Lebanese citizens personally lived through the armed conflict with 96% of citizens having been affected in some way, whether personally or through the wider consequences of the armed conflict. The Lebanese Civil Wars caused over 100,000 civilian deaths and approximately 17,000 disappearances.

*According to the
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The Ta'if Agreement formally ended the Lebanese Civil Wars. Approved by the Lebanese Parliament in November 1989, the agreement is based on two axes. First, internal reforms, including power-sharing, participation, identity, political and socioeconomic reform, sovereignty, and internal security. Under the power-sharing agreement, the Lebanese political system has a sectarian division of constitutional powers and administrative positions, guaranteeing the representation of certain groups.⁵ Second, external relations to the Arab-Palestinian conflict and to Syrian relations. In 1991, a general amnesty law (the amnesty law) was passed which excluded the prosecution of war crimes and created discriminatory and unequal legal protections based on status. As a result, violations and abuses against ordinary citizens cannot be prosecuted under the law. The amnesty law does not, however, apply to crimes committed against political and spiritual leaders, foreign diplomats, or those referred to the Justice Council. In addition, there have been a series of further selective amnesty laws since 2005. As such, Samir Geagea, leader of the Lebanese Forces, was convicted of several assassinations and granted special amnesty in 2005 under Law 677. Members of Parliament accepted and signed another amnesty for the Sunni Dinnieh and Majdal Anjar Group - Islamic militant group which had clashes with Lebanese Armed Forces between 1999 and 2000, leaving 14 soldiers and 24 militants dead.⁶ In 2006, Lebanon signed but did not ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

To date, accountability for the human rights violations and abuses committed during the Lebanese Civil Wars has largely been absent and the use of transitional justice mechanisms in Lebanon has been limited. As Lokman Slim⁷ and Monika Borgmann, founders of UMAM Documentation and Research in Beirut, have argued, *“the civil war is a taboo in Lebanese society.”*⁸ The political elite does not have an interest in truth and accountability, and Lebanese civil society has remained too weak to demand this in a meaningful way. The post-war regime has implemented a form of collective amnesia through a policy of “forgive and forget”, while only a minority has had the courage to point out that superficial forgiveness fails to bring about a peaceful future and leads to further outbreaks of violence, whether explicit or latent.

In November 2018, the Lebanese Parliament passed Law 105 to set up an independent and non-discriminatory National Commission with a humanitarian mandate to investigate the fate and whereabouts of people who went missing or were forcibly disappeared in Lebanon (the National Commission). Whilst the National Commission is yet to be established, it provides a “window of opportunity” to address Lebanon’s violent legacy. The revolution of 17 October 2019 has contributed to this window of opportunity to address the past. Significantly, women were at the forefront of protests and called for the recognition of their rights and of other marginalized groups.

It is against this background that LAW was commissioned by UN Women to undertake a preliminary investigation into the trends of gendered crimes perpetrated by different armed groups during the Lebanese Civil Wars. The project commenced in June 2020 and was completed in May 2021. Until this report, the extent of gendered crimes committed during the Lebanese Civil Wars had been unknown. The report is informed by the stories of many women and men who survived the Lebanese Civil Wars. LAW aims to truthfully share their stories and the impact that the Lebanese Civil Wars have had on their lives. We are grateful to every individual who shared their story with us in spite of the long-lasting trauma.

Methodology

This report is the result of a ten-month preliminary investigation and research into gendered crimes during the Lebanese Civil Wars. The information gathered for this report has been obtained by LAW's national and international legal team, in coordination with partner organisations the Committee of the Families of the Kidnapped and Disappeared in Lebanon, and Justice without Frontiers. We are grateful to the Committee of the Families of the Kidnapped and Disappeared in Lebanon for assisting us in the identification and introduction to the families of the disappeared, and to Justice without Frontiers for support in research and interviews in the preparation of this report.



Collection of information:

The information in this report was gathered through:

- Desk review of 44 items of literature on the subject, including reports by the UN, INGOs, and national NGOs, academic literature, and media reporting.
- Review of the current applicable laws in Lebanon including the Constitution; domestic legislation; international human rights, criminal, and humanitarian law; and customary international law.
- 6 focus group discussions with 59 women (40 Lebanese, 19 Palestinian) and 9 men (all Lebanese). Individuals were selected based on nationality and sect, and included Lebanese Christians, Lebanese Muslims, and Palestinian Muslims.
- 150 quantitative surveys with Lebanese women (69%), Palestinian women (29%) and Syrian women (2%).
- 36 in-depth interviews with survivors of the war, Lebanese (54%) and Palestinian (46%).
- 23 interviews with experts including academics, journalists, lawyers and psychologists, Lebanese (60%) and Palestinian (40%).

150
Quantitative surveys with Lebanese women (69%), Palestinian women (29%) and Syrian women (2%).

In undertaking this research, the principles below were followed:

- **Do No Harm:**
The Do No Harm rule was applied throughout the research. All effort was made to ensure that no participant or prospective participant was exposed to further harm as a result of the research undertaken. All steps were taken to avoid or minimise any adverse effects of the intervention, including the risk of exposing people to increased danger or abuse of their rights;
- **Openness and transparency:**
The purpose of the interviews and how information gathered will be used was made clear to all interviewees;
- **Reliability and independence:**
Every effort was made to verify information collected and conclusions arrived at and to seek to confirm its findings with a variety of sources;
- **Voluntary participation and informed consent:**
All interviewees and participants in this research were informed about its purpose and how it would be used before they gave consent to participate. No interviewee was paid for their involvement in this research. All interviewees consented to having their accounts included in the report;
- **Broad participation:**
The report sought to interview as wide a range of relevant stakeholders and beneficiaries as possible, in addition to the legal aid providers;
- **Confidentiality and anonymity:**
Survivors interviewed as part of this research were not named in the report and their right to privacy, dignity and confidentiality has been respected.

Context: The Lebanese Civil Wars

Note: The contextual background below is not intended to be an exhaustive account of events from this period, but rather a summary of the contextual backdrop against which gendered crimes, detailed in chapter VII, occurred. Only those events and incidents of sufficient gravity and relevance for the purposes of this report, and that could be verified, have been included. No inference should be made that the events included are the only or most important events from this period.

Following the establishment of Israel and its conflict with its Arab neighbors in 1948, over 100,000 Palestinians sought refuge in Lebanon

In the summer of 1943, two Lebanese leaders, Maronite Christian, Bechara Al-Khoury, and Sunni Muslim, Riad al-Solh, agreed to create a unified government that represented the interests of Christians and Muslims alike, forming Lebanon as an independent state.⁹ Since its independence, Lebanon's history has been marked by social justice insurrections, political divides, inter-sectarian hostilities, and unstable relations with neighboring countries. The political, economic, social, ideological, and religious factors that fueled the internal frictions intersected in 1948 with the disagreements over issues of regional politics and strategic alliances including the establishment of Israel, the Palestine-Israel Conflict and Arab nationalism.

With the establishment of Israel, over 100,000 Palestinians sought refuge in Lebanon.¹⁰ Some of these refugees formed armed resistance movements to contest Israel and govern their respective refugee camps in Lebanon. In 1969, Emile Bustani, representing Lebanon, and Yasser Arafat, representing Palestinian groups, signed the Cairo Agreement, which officially condoned the Palestinian Liberation Organization's (PLO) activities in Lebanon, including its use of Lebanon to attack Israel.¹¹ The Cairo Agreement followed years of fighting between Palestinian militants and the Lebanese army and preceded continued clashes that increasingly involved independent Lebanese-Christian militias.¹² By 1974, Palestinian militant groups had grown in size and power, and were fighting across Lebanon as well as fielding Israeli land and air raids on a weekly basis.¹³

As conflict between Israel, Palestinian groups, and various Lebanese forces grew, so too did political rifts between conservative Christians and disenfranchised Muslims. In late February 1975, Lebanese fisherman in the port city of Saida, led by popular Sunni Muslim politician, Maaruf Saad, were demonstrating against the formation of new protein company chaired by Christian leader and former president, Camille Chamoun.¹⁴ During the demonstrations, an exchange of fire between the protesters and Lebanese Army resulted in the death of Maaruf Saad, leading to violence in south Lebanon between civilians and the army.¹⁵

On 13 April 1975, suspected Palestinian militants attempted to assassinate Pierre Gemayel, founder of the Christian Kataeb party, also known as the Phalangists, killing three civilians and Gemayel's bodyguard.¹⁶ Hours later, Kataeb gunman stopped a bus carrying Palestinians not far from the location of the Gemayel assassination attempt and murdered its 27 passengers.¹⁷ In the following hours and days, fighting broke out across Lebanon between Christian militias on one side and Lebanese Leftists, Muslims, and Palestinians on the other.¹⁸

As a result, the Lebanese Civil War broke out following years of sporadic violence, a deepening of divisions within the political spectrum, and a gradual fracturing of a fragile state structure built on the 1943 National Pact.

During the time of the Lebanese Civil Wars, women's rights were not equal to men's, signifying gender inequality in both political and private spheres. While Lebanon became one of the first countries in the region to accord women equal rights to participate fully in politics in 1953, women's political participation was minimal.¹⁹ Women were excluded from Parliament until 1991 (with the exception of the six-month tenure of Mirna Bustani in 1965).²⁰ In 1995, UNICEF reported on the condition of women concluding:

*"Women are usually excluded and marginalized at various levels including a) discrimination against women in... existing laws. b) in norms, habits, traditions, and social culture. c) political discrimination especially... in the real participation in political leadership and decision-making positions at all levels. d) economic discrimination regarding attaining production resources, type of jobs, salaries and... participation in the economic process. e) statistical discrimination where there is a need for specific information on women."*²¹

Legal Framework

This section examines international and national laws protecting the rights of victims and survivors applicable in Lebanon during the Civil Wars. The section explores rights of the victims of gendered crimes under Lebanese law, protections afforded under the domestic penal and criminal laws, legal barriers in accessing the rights and protections, and finally, protections under international law.

A. National Law

Lebanese Constitution

The Lebanese Constitution sets out a commitment to human rights in its Preamble, stating that:

*Lebanon is also a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception.*²²

International law entitles all individuals to the rights and freedoms that exist as a matter of convention or custom, without distinction of any kind, such as race, colour, sex, language, religion, political affiliation, national or social origin, birth or other status.

Article 7 of the Lebanese Constitution states that all Lebanese shall enjoy civil and political rights equally.²³ The constitution establishes explicit guarantees against arbitrary deprivations of liberty,²⁴ as well as interference with private property.²⁵ Article 9 of the Constitution enshrines the right to freedom of conscience and religion, while Article 13 establishes the right to freedom of speech and assembly.²⁶ Substantively, the Lebanese Constitution does not limit the enjoyment of civil and political rights referred to in Article 7 to those enumerated in the text of the constitution.

Accordingly, Article 7 must be interpreted, in light of the Preamble, as incorporating the rights and freedoms guaranteed by the Universal Declaration of Human Rights (“UDHR”).

In terms of the availability of rights contrary to principles of international law, Article 7 of the Lebanese Constitution, limits the enjoyment of civil and political rights to Lebanese individuals only. The religion and nationalities of victims of gendered crimes committed during the Lebanese Civil Wars vary. Individuals interviewed by LAW’s team include persons from Lebanon, Palestine, and Syria. International law entitles all individuals to the rights and freedoms that exist as a matter of convention or custom, without distinction of any kind, such as race, colour, sex, language, religion, political affiliation, national or social origin, birth, or other status.²⁷ Accordingly, states are obliged to secure recognition and respect for the human rights of all individuals within their territory or jurisdiction.

Lebanese Laws on Gendered Crimes

Ordinarily, the gendered crimes covered under the scope of this report would be listed under the Lebanese Penal Code (the Code). The laws protect the right to life under various provisions establishing felonies and misdemeanors against human life and physical integrity.²⁸ Article 190 of the Lebanese Penal Code establishes liability for harmful acts that result from negligence, reckless, or a failure to comply with laws and regulations.²⁹

Similarly, the Lebanese Penal Code categorizes gendered crimes including rape outside of marriage;³⁰ rape against minor;³¹ rape of a virgin;³² abuse of authority or official position to have sexual intercourse with a minor aged between 15 and 18 years old;³³ coercing another person, by violence or intimidation, to commit or endure an obscene act.³⁴ The Lebanese Penal Code also prohibits lewd or obscene acts against minors.³⁵ Importantly, it provides that anyone who seduces a woman or a girl under the age of 21, even with consent, to gratify the sexual needs of others, will be punished by imprisonment for a minimum term of one year and a fine.³⁶

Previously, the Penal Code stated that if the perpetrator of one of the crimes marries the victim, the sentence against the perpetrator is suspended.³⁷ While the Lebanese Parliament abolished this law, Articles 505 and 518 include reduce penalties against a rapist who marries the victim.³⁸

Lebanese Law on Enforced Disappearances

In relation to enforced disappearances, the Beirut Bar Association reported to the UN Human Rights Committee in April 1997, “no existing legislation or bilateral treaty allows such conduct.”³⁹ Noting this, in 1997, Human Rights Watch reported, “Moreover, victims do not benefit from the protection of the law. There are no effective official government mechanisms - in Lebanon or in Syria - for families to learn of the whereabouts of their relatives and to seek legal remedy.”⁴⁰

In 2018, Lebanon enacted a new law (Law No. 105/18) relating to enforced disappearances. Law No. 105/18 enables the formation of a national commission with a mandate to investigate individual cases of disappearances, locate and exhume mass graves, and enable a tracing process which could bring some measure of closure to the thousands of families who have been in a state of frozen grief for far too many years.⁴¹ Law No.105/18 entitles family members of the missing and forcibly disappeared persons to moral and material compensation, as determined by a decree issued by the Council of Ministers based on the proposal of the Ministers of Finance and Justice based on the recommendation of the Commission.

Law No.105/18 entitles family members of the missing and forcibly disappeared persons to moral and material compensation...

Amnesty law

Despite the existence of domestic law criminalising and penalising gendered crimes, particularly those covered under this report, they are inapplicable for the purpose of crimes committed during the Lebanese Civil Wars. On 26 August 1991, the Lebanese Government issued the General Amnesty Law No. 84/91 (the Amnesty Law) effectively giving general amnesty to crimes committed by parties to the Lebanese Civil Wars. The Amnesty Law grants general amnesty for crimes committed before 28 March 1991. The nature of crimes includes “political crimes” (as specified in the Penal Code Articles 196-199), the Military Penal Code (Articles 107-171), the Law on Munitions and Explosives (Articles 72, 73, 75, 76, 77 and 78) and subsequent amendments to these laws.

The Amnesty Law excludes certain crimes from the general amnesty. These are defined by Article 3 as crimes against external state security, crimes sent to courts before the law had come into force, fraud and bankruptcy, forgery of foreign or domestic currency and its sale, forgery of official documents, and crimes relating to the theft of antiquities. However, perhaps the most important exception under Article 3, states that the amnesty does not cover “crimes of the assassination or attempted assassination of religious figures, political leaders, and foreign or Arab diplomats”.⁴² Effectively, the Amnesty Law includes crimes committed against civilians.⁴³

The UN Office of the High Commissioner for Human Rights noted “United Nations officials, including peace negotiators and field office staff, must never encourage or condone amnesties that prevent prosecution of those responsible for serious crimes under international law, such as war crimes, genocide and crimes against humanity, or gross violations of human rights, such as extrajudicial, summary or arbitrary executions; torture and similar cruel, inhuman or degrading treatment; slavery; and enforced disappearance, including gender-specific instances of these offences, or that impair victims’ right to a remedy, including reparation, or victims’ or societies’ right to the truth.”⁴⁴ Importantly, examples from Argentina and Chile show that amnesties in the context of atrocious crimes are unlikely to be sustainable.⁴⁵

The UN Human Rights Committee’s concluding observations on the report presented by the Government of Lebanon in July 1996, and considered in April 1997, criticized the Amnesty Law, stating that: “The Committee notes with concern the amnesty granted to civilian and military personnel for human rights violations they may have committed against civilians during the Lebanese Civil Wars. Such a sweeping amnesty may prevent the appropriate investigation and punishment of the perpetrators of past human rights violations, undermine efforts to establish respect for human rights, and constitute an impediment to efforts undertaken to consolidate democracy.”⁴⁶

B. International Law

International law is an additional source of law, beyond domestic law, which allows for individuals and states to be held accountable for breaches of the laws of war and for violations and abuses of human rights. International law can be (imprecisely) divided into international humanitarian law (“IHL,” the law of war), international human rights law (“IHRL,” law concerning attacks on civilians), and international criminal law (“ICL,” law concerning individual criminal accountability for breaches of IHL and IHRL). Due to the insufficient protections afforded by domestic Lebanese law, this report has reviewed international law applicable at the time of the Lebanese Civil Wars. Article 2 of the Lebanese Code of Civil Procedure asserts the primacy of the provisions of international treaties over the provisions of ordinary law, stating that:

Courts must comply with the principle of hierarchy. If the provisions of international treaties conflict with the provisions of ordinary law, the former shall take precedence over the latter in the field of application. Courts may not declare the legislative authority acts void due to the non-compliance of the ordinary laws with the constitution or the international treaties.⁴⁷

International treaties ratified by Parliament take precedence over domestic legislation (ordinary law). However, where there is a conflict between ratified treaties and the Constitution, constitutional law takes precedence.⁴⁸

It is possible for international armed conflicts and non-international armed conflicts to occur simultaneously on the territory of the same state. This was the case in Lebanon...

International Humanitarian Law

International Humanitarian Law (IHL), also known as the law of war, applies to situations of armed conflict. The Geneva Conventions and international customary law are the primary sources of IHL. However, different provisions and norms of IHL apply to international and non-international armed conflicts, and the nature of the conflict therefore determines, in part, the relevant IHL. Moreover, it is possible for international armed conflicts and non-international armed conflicts to occur simultaneously on the territory of the same state.⁴⁹ This was the case in Lebanon, thus the body of applicable norms of IHL differed between incidents within the conflict period. The IHL that applied to incidents within what would be deemed a non-international armed conflict, is significantly less extensive than that which applied to incidents within what would be deemed an international armed conflict.⁵⁰

The application of IHL in the context of the Lebanese Civil Wars is thus complicated by the necessity of determining which acts within the period of 1975-1990 were associated with international and non-international armed conflicts. The International Committee of the Red Cross (ICRC) frequently determines whether a conflict is an international or a non-international armed conflict. However, LAW has been unable to find publicly available determinations by the ICRC as to which situations in the conflict period represent these different categories of armed conflict.

This report will not attempt to identify the specific situations within the conflict that represent international and non-international armed conflicts. It will instead discuss IHL as it applies to the two categories of conflict in Lebanon.

Non-international armed conflict

For the purposes of the IHL discussed in this report, a non-international conflict requires:

1. Hostilities which reach a minimum level of intensity. The use of the state armed forces, rather than police forces, against insurgents fulfills this requirement.

2. A minimum level of organization among non-state armed groups.⁵¹ Such forces must have a command structure and a capacity to sustain military operations, and a concomitant capacity to implement the obligations of IHL.⁵²

International armed conflict

The IHL relating to international armed conflicts applies:

*to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.*⁵³

The ICRC notes that “[a]ny difference arising between two States and leading to the intervention of armed forces is an armed conflict.”⁵⁴ Additionally, under the Geneva Conventions, the total or partial occupation of the territory of a High Contracting Party, even if that occupation meets with no resistance, also represents an international armed conflict.⁵⁵

The Geneva Conventions

Non-international armed conflict

The core IHL rules - which apply to both internal and international armed conflicts - are found in Article 3 common to the four Geneva Conventions of August 12, 1949 (Common Article 3).⁵⁶ In the context of the Lebanese Civil Wars, it is often difficult to determine when the conflict situation represented an international armed conflict. However, there is no question that the conflict rose, at a minimum, to the level of a non-international armed conflict. Common Article 3 of the Geneva Conventions, which establishes the minimum degree of protection owed to persons taking no active part in hostilities in all armed conflicts, is clearly applicable to the Lebanese Civil Wars. Common Article 3 states:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;*
- (b) taking of hostages;*
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;*
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.*

*(2) The wounded and sick shall be collected and cared for.*⁵⁷

The language of this provision does not explicitly reference rape and other forms of conflict-related sexual violence. However, the ICRC has noted that state practice and subsequent treaty law indicate that “violence to life and person” including cruel treatment and torture and “outrages upon personal dignity” include rape and other forms of sexual violence.⁵⁸

International armed conflict

Additionally, Geneva Conventions I-IV fully apply to acts that occurred as part of the conflict between Lebanon and other states, including acts perpetrated by groups acting as state proxies.⁵⁹ Among the protections included in the Geneva Conventions are that civilians and persons hors de combat (persons who are incapable of performing their combat duties during war) must be treated humanely,⁶⁰ that the murder of civilians and prisoners of war is prohibited,⁶¹ and that torture, cruel or inhuman treatment and outrages upon personal dignity, in particular humiliating and degrading treatment, are prohibited.⁶²

Protocol II to the Geneva Conventions, relating to the protection of victims of non-international armed conflicts, is not applicable. Lebanon did not ratify Protocol II, which concerns non-international armed conflicts, until 1997.⁶³ The Protocol therefore does not apply to acts committed during the Lebanese Civil Wars.

Customary International Humanitarian Law

Customary international law is an additional source of relevant law. Customary international law is comprised of binding rules that come from “a general practice accepted as law” and that exist independently of treaty law.⁶⁴ Compared with treaty law, it is more difficult to identify customary international law because it does not emerge from a single source. Following a ten-year study of international humanitarian law,⁶⁵ the International Committee of the Red Cross (ICRC), which serves as the guardian of international humanitarian law⁶⁶, published a database of customary international humanitarian law (CIHL) which identified rape and other forms of sexual violence as a war crime in the context of both international and non-international armed conflicts.⁶⁷ However, this study was completed by the ICRC in 2005 – fifteen years after the end of the period discussed in this report. Thus, it is possible that some of the rules identified by the ICRC had not yet become customary during the period of the conflict. Nevertheless, the study represents an authoritative statement of CIHL as it now exists. Identification of contemporaneous CIHL, applicable in the 1975–1990 period, is beyond the scope of this report.

Humane Treatment

According to the ICRC, there exists in customary international humanitarian law a requirement to treat civilians and persons hors de combat humanely which applies to both international and non-international armed conflicts. The requirement was recognised in pre-Geneva Conventions codes and instruments, including the Hague Regulations, and its existence as CIHL is firmly attested by the universal ratification of the Geneva Conventions.⁶⁸ Although the precise meaning of ‘humane treatment’ is not explicated in any instrument, it is understood that all other provisions relating to the treatment of civilians and persons hors de combat, when taken together, give expression to this requirement.⁶⁹

Murder

A prohibition against murder of civilians and persons hors de combat also exists under ICHL. The ICRC notes that this norm is established by state practice and the universal acceptance of the provision in treaty law.⁷⁰ The norm applies in both international and non-international armed conflicts.⁷¹

Torture and Cruel, Inhuman or Degrading Treatment

Torture, cruel or inhuman treatment and outrages upon personal dignity, in particular humiliating and degrading treatment, are prohibited under CIHL.⁷² The existence of the crime of torture is evinced by universal acceptance of relevant treaty law – in particular, the Geneva Conventions – and consistent state practice, as demonstrated by prohibitions on torture in the military manuals and domestic legislation of many states.⁷³

Rape and other Forms of Sexual Violence

Rape is also a violation of CIHL. Although the ICRC notes that, although Common Article 3 of the Geneva Convention does not explicitly prohibit rape, its prohibition of “violence to life and person,” including “outrages upon personal dignity” is inclusive of rape and other forms of sexual violence.⁷⁴ It also notes that the Fourth Geneva Convention requires parties to protect women against “rape...or any other form of indecent assault”.⁷⁵ The ICRC also notes that the presence of a prohibition on rape and indecent assault in many military manuals – and the designation of rape as a war crime in a large number of those manuals – also indicates that rape is prohibited under customary international humanitarian law.⁷⁶

Protection of Women

Furthermore, under CIHL, women are entitled to certain specific protections—in addition to those provided to men – based on their unique needs in the context of armed conflict.⁷⁷ The ICRC characterizes these additional protections as arising from the “specific needs of women” relating to “*the prohibition of sexual violence*”, as well as “*the obligation to separate women deprived of their liberty from men*”.⁷⁸ In the context of non-international armed conflicts, the ICRC suggests that Common Article 3 implies, though its language “requiring respect for the person and honour of each, prohibiting violence to life, health and physical and mental well-being, prohibiting outrages upon personal dignity, including humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault, and requiring the separation of women and men in detention”, an obligation to pay particular respect to the needs of women.⁷⁹ The ICRC also identifies such an obligation in the military manuals⁸⁰ and domestic legislation of many states,⁸¹ as well as in resolutions by the UN Security Council,⁸² the Economic and Social Council,⁸³ and the UN Commission on Human Rights.⁸⁴

Enforced Disappearance

A prohibition on enforced disappearance also exists in CIHL. Although no humanitarian law treaties use the term “enforced disappearance”, existing prohibitions – including the prohibition of arbitrary deprivation of liberty, the prohibition of torture and other cruel or inhuman treatment, and the prohibition of murder – prohibit enforced disappearance when taken together.⁸⁵ Additionally, in both international and non-international armed conflicts, parties are required under CIHL to register persons deprived of their liberty and to take all feasible measures to account for persons reported missing as a result of armed conflict and to provide the families of such persons with information as to their fate; the intent of these rules is to prevent enforced disappearances.⁸⁶

International Human Rights Law

International Human Rights Law (IHRL) governs the obligations of states towards citizens and other individuals within their jurisdiction. Between 1971 and 1972, Lebanon acceded to three international human rights treaties:

- The International Covenant on Civil and Political Rights (ICCPR);
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD); and
- The International Covenant on Economic, Social and Cultural Rights (CESCR)⁸⁷

In doing so, it accepted the obligation to uphold the protections guaranteed under the treaties. These instruments were thus binding on Lebanon during the period of the conflict. Lebanon did not ratify any additional human rights treaties before the conclusion of the Civil Wars. Of these treaties, the ICCPR is the most relevant to the acts discussed in this report. This report will thus discuss the civil and political rights which Lebanon was obligated to respect during the relevant period.

The International Covenant on Civil and Political Rights

Under Article 2 of ICCPR, every State is obligated to ensure that all individuals within its territory and subject to its jurisdiction exercise civil and political rights irrespective of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.⁸⁸ Article 6 establishes an absolute guarantee against arbitrary deprivations of life, protecting individuals from acts or omissions that are intended, or may be expected to cause, their premature or unnatural death arbitrarily.⁸⁹ Deprivation of life involves a life-terminating harm or injury. The deprivation can be intentional, or foreseeable and preventable.⁹⁰ It can be caused by an act or omission. Importantly, the guarantee extends beyond actual injury to encompass bodily and mental integrity and threats to life.⁹¹ States are bound to respect the right to life which means, at minimum, refraining from engaging in conduct that would result in an arbitrary deprivation of life. In addition, states must take appropriate steps to ensure that individuals within their jurisdiction enjoy the right to life, which means exercising due diligence to protect the lives of individuals against deprivations. A failure to exercise due diligence to prevent, punish, investigate, or redress the harms caused by private persons or entities gives rise to a violation of the right to life by the state. This means that the right to life extends beyond the actions of the state to protect against deprivations of life caused by private persons or entities whose conduct is not attributable to the State.⁹² Article 7 of prohibits “*torture or cruel, inhuman or degrading treatment or punishment*”⁹³ Act of sexual violence perpetrated by agents of the state represent violations of this provision.⁹⁴ Moreover, article 4 of the ICCPR explicitly states that the article 6 guarantee against arbitrary deprivations of life and the article 7 prohibition of torture and cruel, inhuman, or degrading punishment is non-derogable.⁹⁵

International Criminal Law

Under international criminal law, individuals can be held criminally responsible for committing, attempting, assisting in, facilitating, or aiding and abetting the commission of international crimes: war crimes, crimes against humanity, and genocide.⁹⁶ This body of law governs individual criminal responsibility – rather than state responsibility – for international crimes. It should be noted that a failure to act may, in certain circumstances, represent an international crime; the doctrine of command responsibility holds that a commander of an armed force—who may be a military or civilian leader – can be held criminally responsible for international crimes committed by subordinates.⁹⁷

International criminal law has rapidly developed since the end of the Lebanese Civil Wars. This evolution is significant because, under the principle of *nullum crimen sine lege*, codified in

States must take appropriate steps to ensure that individuals within their jurisdiction enjoy the right to life

article 15 of the ICCPR, an individual cannot be prosecuted for an act that did not constitute a crime at the time of its commission.⁹⁸ Nevertheless, clear principles of international criminal law existed in the 1975-1990 period. The Charter of the International Military Tribunal (better known as the Nuremberg Tribunal) represents a codification of the principles international criminal law as it existed in the mid-20th century. The Geneva Conventions, discussed supra, also set out the laws of war, grave breaches of which represented international crimes. Additionally, the statutes of the International Criminal Tribunal for the former Yugoslavia (ICTY), established in 1993, and the International Criminal Tribunal for Rwanda (ICTR), established in 1994, although they are not authoritative sources of international criminal law with respect to Lebanon, may be referenced for the purpose of understanding the principles of international criminal law as they existed shortly after the end of the Lebanese Civil Wars.

The Charter of the Nuremberg Tribunal

The 1945 Charter of the Nuremberg Tribunal recognised individual criminal responsibility for three categories of crimes: crimes against peace (the crime of international aggression), war crimes (including “murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity”), and crimes against humanity (“murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population [...]”).⁹⁹ The Charter of the Nuremberg Tribunal identified “leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes” as subject to individual criminal responsibility.¹⁰⁰

The Geneva Conventions

As discussed above, grave breaches of the Geneva Conventions are criminalized in the context of both international and non-international armed conflicts under Common Article 3. Moreover, the Geneva Conventions are generally applicable to the parts of the Lebanese Civil Wars that represent an international armed conflict; however, because Lebanon did ratify Additional Protocol II until 1997, many equivalent acts, when perpetrated as part of the non-international armed conflict in Lebanon, did not represent cognizable crimes under contemporaneous international criminal law.¹⁰¹ Nevertheless, many of the acts discussed in this report appear to represent the grave breaches of international humanitarian law prohibited under Common Article 3, and thus represent war crimes even in the context of a non-international armed conflict.

The Statutes of the ICTY and ICTR

The definitions of international crimes contained in the statutes of the ICTY and the ICTR are somewhat similar. The definition of genocide is identical in both statutes.¹⁰² The two statutes’ definition of crimes against humanity is almost identical, article 3 of the ICTR statute stating:

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

- (a) Murder;*
- (b) Extermination;*
- (c) Enslavement;*
- (d) Deportation;*
- (e) Imprisonment;*
- (f) Torture;*
- (g) Rape;*
- (h) Persecutions on political, racial and religious grounds;*
- (i) Other inhumane acts.¹⁰³*

The sole difference between the definitions in the two statutes is that the Statute of the ICTY does not include the words “on national, political, ethnic, racial or religious grounds”.¹⁰⁴ The greatest difference between the statutes is found in the definition of war crimes. Articles 2 and 3 of the Statute of the ICTY define war crimes. Article 3 sets out grave breaches of the Geneva Conventions of 1949 – including, inter alia, willful killing, torture or inhuman treatment, torture or inhuman treatment, and unlawful deportation or transfer or unlawful confinement of a civilian – as war crimes.¹⁰⁵ Article 3 then additionally sets out violations customary international humanitarian law – including use of poisonous weapons or other weapons calculated to cause unnecessary suffering, attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings – as war crimes.¹⁰⁶

However, the statute of the ICTR only sets out “serious violations of Article 3 common to the Geneva Conventions[...]and of Additional Protocol II” as war crimes.¹⁰⁷ These crimes include “[v]iolence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment” and “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.”¹⁰⁸ This difference emerges from the rapid international recognition of the independence of the states of the former Yugoslavia, allowing the wars in the former Yugoslavia to be recognised as international armed conflicts, whereas the conflict in Rwanda was (during the period covered by the mandate of the ICTR) considered to be an internal armed conflict. The respective statutes reflect the different prohibitions which apply in international and non-international armed conflicts.

Individual Criminal Responsibility for Crimes against Humanity by Armed Groups

Many crimes committed by members of non-state groups during the conflict clearly represent violations of IHL—war crimes—and should be prosecuted as such.

An additional consideration is the evolution of international law with respect to the obligations of armed groups. Since the 1990s, non-state armed groups – particularly where they exercise control over territory – have been increasingly recognized as having duties under international human rights law.¹⁰⁹ However, the issue of *nullum crimen sine lege* arises with respect to individual criminal responsibility for these actions in the relevant period. Nevertheless, many crimes committed by members of non-state armed groups during the conflict clearly represent violations of IHL – war crimes – and should be prosecuted as such.

Lebanon’s Duties to Victims

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (the Guidelines) lays down guidelines on upholding state accountability and providing remedy to victims of human rights violations.¹¹⁰ It lays down:

“The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

1. *Take appropriate legislative and administrative and other appropriate measures to prevent violations;*
2. *Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;*
3. *Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and*
4. *Provide effective remedies to victims, including reparation, as described below.”¹¹¹*

Therefore, states have the obligation to take judicial, administrative, legislative and any other measures to provide access to justice to victims of violations of international human rights and humanitarian law. This includes holding perpetrators accountable for their actions.

Duty to investigate and prosecute

A state is bound to prevent or deter arbitrary deprivations of life, such as unlawful killings, by enacting and enforcing provisions of criminal law to punish perpetrators. A necessary corollary to the duty to prevent deprivations of life, therefore, is the duty to investigate incidents involving loss of life in order to establish the facts leading to the loss of life, to ascertain whether an arbitrary deprivation of life has occurred, and to assign responsibility.¹¹²

Victims and next of kin must be able to participate in the investigation to the extent necessary to safeguard his or her legitimate interests.¹¹³ The state is under an obligation to disclose relevant details about the investigation to victims and next of kin, including information contained in case files.¹¹⁴ They should be afforded legal standing in the investigation, which allows them to present new evidence, suggest investigative steps that are necessary, and assert their interests and rights throughout the process.¹¹⁵ To ensure effective participation by victims and next of kin, investigating authorities should take all necessary steps to ensure their physical and psychological wellbeing and privacy, and to protect them from intimidation and harassment.¹¹⁶

Public scrutiny over the investigation or its results is required to the degree necessary to secure accountability in practice as well as theory, to maintain public confidence, and to avoid the appearance of collusion.¹¹⁷ States are obliged to make public information about the investigative steps taken and the investigation's findings, conclusions and recommendations.¹¹⁸ This is subject only to absolutely necessary redactions justified by a compelling need to protect the public interest or the privacy and other legal rights of directly affected individuals.¹¹⁹

Rights of victims

Lebanon is obligated to ensure effective remedies by competent judicial, administrative, or administrative authorities for the violation of rights guaranteed under the ICCPR, UDHR and the Arab Charter on Human Rights.¹²⁰ The right to judicial remedies of victims cannot be limited even where persons acting in official capacity violated the rights of victims.¹²¹

A core principle in international law is that reparations must fully repair the harm caused to the injured party (*the principle of "resitutio in integrum"*).¹²² The harm can be material or moral.¹²³ Material damage includes losses that can be easily subjected to valuation in financial terms, such as loss of property or livelihood. Moral damage refers to consequences in terms of individual pain and suffering, such as the loss of loved ones or family members, or simply the invasion of a fundamental right.¹²⁴ In international human rights law, moral damage includes emotional and mental harm.¹²⁵

Considering the lack of awareness on the legal rights and avenues, it is recognized that ensuring the right to speedy and effective legal remedy requires accessibility to the means to achieve such remedies.¹²⁶ In particular, women encounter numerous barriers requiring states to take additional measures to ensure that women, who are the victims of enforced disappearance, have access to the means to achieve their rights.¹²⁷

For instance, a gender perspective in relation to the right to truth should uncover how enforced and involuntary disappearances have affected women on both the individual and collective levels.¹²⁸ States are obligated to give full access to information available and to employ all measures necessary to ensure that women have knowledge, including with respect to procedures on how to request information.¹²⁹

The Preamble to the Basic Principles noted that reparations to victims of violation of international human rights and international humanitarian law includes restitution, compensation, and rehabilitation.¹³⁰ The International Law Commission (ILC) recognizes restitution, compensation, and satisfaction, either singly or jointly as forms of full reparation.¹³¹ It is important to draw distinctions between the terms and the rights covered under each form of reparation. In addition, the report also outlines the term "satisfaction", yet another form of reparation recognized by the Basic Principles.

A state is bound to prevent or deter arbitrary deprivations of life, such as unlawful killings, by enacting and enforcing provisions of criminal law to punish perpetrators.

The International Law Commission (ILC) recognizes restitution, compensation and satisfaction, either singly or jointly as forms of full reparation.

Restitution

Restitution is a measure restoring the status quo of a victim that existed before the commission of a crime. In cases of serious rights human rights violations and international crimes, restitution is often difficult, if not impossible. The Basic Principles enumerate some clear-cut cases of restitution, such as the restoration of liberty, citizenship, employment and private property.¹³² An example of restitution in human rights adjudication can be found in the Inter-American Court of Human Rights' judgment in the Loayza Tamayo case, where the Court ordered the restoration of Tamayo's liberty, as well as her former job and salary.¹³³ For its part, the ICC has taken the view that restoration is aimed at the restoration of the individual's life, and can include returning the victim to their family, returning their home or personal property to them, or providing continuing education.¹³⁴

Compensation

The International Law Commission noted that compensation includes material losses (loss of earnings, pensions, medical expenses, etc.) and non-material damage (pain and suffering, mental anguish, humiliation, loss of enjoyment of life and loss of companionship or consortium).¹³⁵ The ILC noted that the State is under an obligation to compensate for the damage caused insofar as the damage is not made good made by restitution.¹³⁶

Rehabilitation

In the Basic Principles, rehabilitation is said to include medical and psychological care as well as legal and social services.¹³⁷ Moreover, in defining compensation, the principles suggest that an award should cover the cost of medicines and medical services, as well as psychological and social services.¹³⁸ The ICC has enumerated a similar list of rehabilitative measures, including: the provision of medical services and healthcare; psychological, psychiatric and social assistance to support those suffering from trauma; and legal and social services.¹³⁹

Satisfaction

Satisfaction is an exceptional reparatory measure that becomes applicable when restitution and compensation are unable to fully address the harm that has been suffered by the injured party. Satisfaction may take the form of a simple acknowledgement of the breach of an obligation, a formal expression of regret, or an apology.¹⁴⁰ The ILC's Draft Articles presuppose that such breaches cause non-material damage that warrants the making of an apology, or formal guarantees with regard to future conduct.¹⁴¹

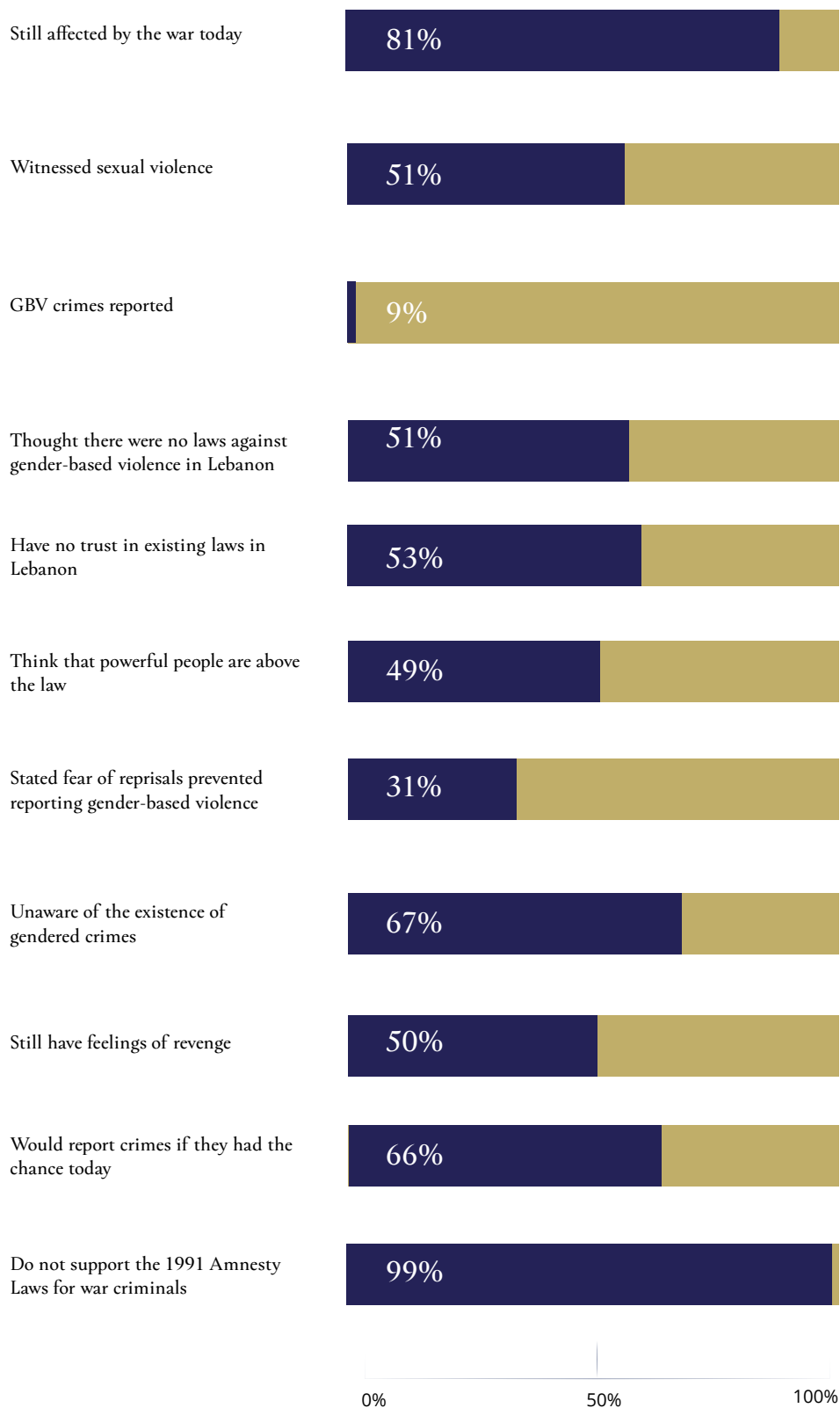
The Basic Principles set out a list of measures that can be undertaken in satisfaction of the harms suffered by the injured party.¹⁴² Some of these measures directly address the dignity of survivors, such as the need to verify the truth of the injuries suffered as result of gross violations, and to make public disclosure of the same.¹⁴³ Similar measures include the construction of a memorial or trust fund to the benefit of survivors, the making of a formal apology, or a public declaration restoring the survivor's dignity and reputation.¹⁴⁴ Other measures are more indirect, such as the need to include an accurate account of the violations that have been committed in future official training programmes.¹⁴⁵



According to the Basic Principles, the guarantee of non-repetition should include the adoption of specific measures intended to ensure that similar violations do not occur in the future, such as: ensuring effective civilian control over security forces, ensuring judicial and administrative procedures satisfy internationally recognized standards of fairness and due process, strengthening the independence of the judiciary, and educating law enforcement and military officials on human rights and humanitarian standards.¹⁴⁶

Key Statistics from LAW

142 individuals took part in a survey pursuant to this report and were asked about their experience of the Lebanese Civil Wars. The following statistics are an indication of the impact, both at the time and continuing today, of those wars:



Patterns of Gendered Crimes

During the preliminary investigation and research, LAW found five distinct patterns of gendered crimes perpetrated by state actors, state and non-state aligned militia who were parties to the Lebanese Civil Wars. LAW's five key findings are:

1. **Sexual and gender-based violence:** Rape, gang rape, mass rape, genital mutilation, sexualized torture and humiliation including electrocution of breasts and genital area, obscenity, forced nudity, and forced prostitution were perpetrated by armed state actors, state and non-state aligned militia men against women and girls.
2. **Killing and abduction:** Women, girls and infants including pregnant women and foetuses were killed and abducted by armed state actors, state and non-state armed militiamen.
3. **Gendered impact of enforced disappearances:** Enforced disappearances of men had a gendered impact on women and girls with negative economic, social and security implications.
4. **Family violence:** Women and girls suffered family violence including beatings, verbal and sexual abuse by husbands and male family members due to the prolonged psychological effects of the wars.
5. **Role of women in the militias:** Women and girls played an important role as part of armed militia groups in various non-combatant capacities.

The following sections provide an overview of the gendered crimes experienced and witnessed by persons interviewed by LAW.

A. Sexual and Gender-Based violence against women and girls

Rape and other forms of Sexual and Gender-Based Violence (SGBV) took place on a large scale throughout the Lebanese Civil Wars. SGBV against women and girls includes rape, gang rape, mass rape, genital mutilation, sexualized torture, and humiliation including electrocution of breasts and genital area, forced nudity, and forced prostitution. SGBV was perpetrated by state actors, state and non-state aligned militia.

One victim described the range of crimes committed against women and girls¹⁴⁷ when fleeing her home. The 63-years-old woman said:

In many cases, women and girls were killed after they were raped.

“My husband was abducted during a massacre. After Basbir Gemayel’s assassination, I saw five girls hanging from trees. They were from the same family. This was in a small forest in Beirut. They were raped and then killed and thrown on trees.”¹⁴⁸

In many cases, women and girls were killed after they were raped. The exact number of women and girls subjected to rape and other forms of SGBV is not known. However, the following sections present patterns of sexual violence perpetrated by parties throughout the duration of the Lebanese Civil Wars. This section also explores opportunistic acts of sexual violence facilitated by the wider context of the Lebanese Civil Wars.

Rape:

The Rome Statute defines rape as “an invasion or penetration committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment.”¹⁴⁹

Interviewees reported that rape against women and girls was committed throughout the duration of the Lebanese Civil Wars by different perpetrators.¹⁵⁰ Rape was used as a method of war to persecute persons from particular communities, to humiliate them, to break their resistance, and to emasculate male members of the family.¹⁵¹ Women and girls were raped in their homes and in the streets. In most cases, perpetrators killed women and girls after raping them, making it difficult to locate victims and survivors. In some cases, women were raped in front of their family members, after which they were killed.¹⁵²

One witness who worked with the ICRC described seeing the naked dead bodies of women in 1976. The victims were bleeding between their legs, and their genitals were mutilated.¹⁵³ He said:

“I was volunteering with the International Committee of the Red Cross to transport dead bodies, and I saw the dead bodies of three women. I assume they were raped because they were naked and had blood between their legs. I also saw dead bodies of a young woman from a well-known family and her infant son. I recognized the woman. She was raped and butchered. Her genitals were mutilated with gunshots. I also saw another girl who was raped and killed. They left the girls’ bodies completely naked.”¹⁵⁴

Another witness who was a war photographer in 1982, photographed the dead body of a woman inside a house. The woman’s clothes were lifted around her waist and her underwear pulled down indicative of sexual violence, possibly rape.¹⁵⁵ He said:

“I am a war photographer, and I went cover a massacre. I saw the corpse of a woman or girl in her house. Her underwear was pulled down and her legs were up in the air. I have her picture. I went to another house and saw an entire family killed.”¹⁵⁶

Another woman who was present in 1976 told LAW:

“I saw the slaughter of children, men, and women. I heard women screaming. Near the church, I saw two men in olive green uniforms with red lines, raping two women, and heard them screaming. I managed to escape and hid. Later, I fled the area by boat. I saw a one-month-old infant drown in the sea.”¹⁵⁷

Rape with foreign objects:

Women and girls were also subjected to rape with foreign objects including glass bottles. This constitutes rape under international law.¹⁵⁸ An ex-fighter, aged, reported seeing dead bodies with Pepsi bottles inserted into their vaginas, in 1976.¹⁵⁹ Another woman aged 65, who was a relief worker, described seeing a group of 19 young girls,¹⁶⁰ and recalled a conversation with a survivors’ father. She said:

“I was volunteering in 1976. We were providing food and other essential supplies and I saw about 19 young girls aged between nine and 15 years old being escorted to the camp. They were in an indescribable state. They had blood stains all over their clothes and legs. They were raped with bottles. I saw a man who was crying and weeping, he was extremely distressed. I asked him what was going on and he told me that these girls had been raped with bottles and were being taken to the hospital. He told me that two of them were his daughters, and that the younger one was not among them because she had died. She was raped with a bottle and the bottle broke inside her. She suffered from a lot of bleeding and passed away. His daughter who died, was 9 years old.”¹⁶¹

Rape with glass bottles was reported by many interviewees. A 51-years-old woman whose brother was abducted during the massacre said:

“They used to rape the girls with bottles. Some people went to get food or water but got killed or kidnapped.”¹⁶²

A 63-years-old man recalled seeing multiple dead bodies of men and women:

“The dead bodies of men had their genitals cut off and the dead bodies of women had Pepsi bottles stuffed between their legs.”¹⁶³

During a focus group discussion hosted by LAW, one woman said:

“They used to take women, especially the beautiful ones and strip them naked. They did this to my cousin’s wife. Some women were killed, and some were subjected to rape and sexual violence. My mother and other family members witnessed women being raped with bottles.”¹⁶⁴

Sexual relations in conflict and forced prostitution constituting rape

Women were also forced to have sexual relations or sexual relationships with armed state and non-state aligned militia in exchange for food or protection.¹⁶⁵ In the context of a conflict, sexual relations or sexual relationships between civilians and members of an armed group is likely to constitute rape as the environment vitiates any perceived or actual consent.¹⁶⁶

Two interviewees spoke about prostitution networks set up for the use of state and non-state aligned militia.¹⁶⁷ A 75-years-old woman described a network established next to the school where she worked in 1982. She said that “undercover agents from [state-aligned groups] would try to take girls to work with them for prostitution. One of our neighbours took other girls to work with her in this network.”¹⁶⁸

A 46-years-old sociologist and social worker with a UN agency described the age group of women and girls who were involved in forced prostitution networks. She said:

Women and girls were also subjected to rape with foreign objects including glass bottles. This constitutes rape under international law.

“There was no age limit. There were many girls who had to pay the price. There were girls aged 14 and 16. One girl was aged eight and her mother knew about this, but she could not do anything because the father was imprisoned, and she could not provide for the children. The pimp also took the sons who were aged five and six at the time. All of them would get raped.”¹⁶⁹ She continued, “there was a girl who had sex with [a non-state aligned militiamen] to protect herself.”¹⁷⁰

In addition to rape, there are multiple incidents of women being threatened with rape. A female journalist recalled an incident in 1981, “I was the only female reporter during a press conference for [an armed group]. There was only one woman combatant. During the conference, she was bruised. The men asked her ‘with which bottle will we rape you?’ I heard that she was killed later.”¹⁷¹

Mass rape and gang rape:

Women and girls were subjected to mass rape and gang rape during the Lebanese Civil Wars. Mass rape is a single incident involving the rape of two or more victims by two or more perpetrators at the same time, in the same place. Gang rape involves two or more perpetrators raping one victim at the same time or consecutively. One interviewee described witnessing four men gang raping her friend and then killing her in 1975.¹⁷² Two other witnesses described separate incidents of gang rape in 1976.¹⁷³ A 70-years-old man who fled his home with his wife described what he saw:

“On the night of the massacre, there was shelling. Women and children were screaming when the militia entered the houses and attacked families. One of the unforgettable scenes from the night is when my wife and I were fleeing from our house and a woman was screaming. She was our neighbour. She was laying on the ground and two men were raping her. Her mouth was mutilated in an inhuman manner. Her family was stopped at the wall and then shot. One of her children was kidnapped.”¹⁷⁴

A 52-years-old woman told LAW:

“My friend is a survivor of gang-rape. 10 armed militiamen gang raped her in front of her parents and then killed her parents. They shot my friend in the back and she is paralyzed because of it. While she was fleeing from the massacre, she also saw a woman who was breastfeeding her newborn being killed with an axe.”¹⁷⁵

A 56-year-old woman said:

“My sister was gang raped by armed militia in olive-green suits.”¹⁷⁶

A 51-years-old survivor of a massacre explained how the militia divided women and girls according to their nationalities:

“I was at the camp when non-state aligned militia divided women based on whether they were Lebanese or Palestinian. I saw the militia grabbing girls and women by their hair. Then the militia took the women and girls into a room. I heard them screaming. I am sure they were being raped, but I managed to escape. One woman rescued me by claiming that I was her daughter. Then the militia let me go.”¹⁷⁷

Another 73-years-old woman said:

“My neighbours told me about mass rapes during the massacre in a hospice.”¹⁷⁸

Finally, a 67-years-old retired colonel with a state actor said:

“In 1982, my friend told me about the massacre. He said that the militiamen were drugged. They were killing, slaughtering and raping people. My friend escaped because he pretended to be dead. He saw four or five men gang-raping a girl and killing her.”¹⁷⁹

Another interviewee described a situation where her sister was traveling by bus with 30 other women to Beirut in 1976. The bus was stopped at a checkpoint. A group of armed men ordered the women to disembark from the bus, but somebody intervened to prevent this from happening. According to the interviewee, the state-aligned militia intended to rape and kill the women.¹⁸⁰

A 75-years-old woman who was married to a member of a state-aligned militia group described a similar incident in 1976. She said,

“Once, my husband was in what they called an operation room. I was with him when he received the news of the abduction of seven women. They were transported in a bus to be raped. Or they had already been raped.”¹⁸¹

Another interviewee reported that approximately a dozen women from one area were stripped naked and taken by non-state aligned militia. The women never returned.¹⁸²

In 1982, in yet another part of Lebanon, an interviewee’s sister was gang raped. He said:

“They killed my father and my sister who was a year and two months old. I was traumatised. Then they returned to the house and three men raped my sister.”¹⁸³

Another 73-year-old woman said:

“I know a girl; they killed her siblings and father. Her leg was injured. When they saw that she was not dead, they gang raped her. She was the only one to talk about the topic.”¹⁸⁴

Sexualised torture:

In addition to rape, mass rape, gang rape and killing, interviewees also reported other forms of SGBV constituting sexualised torture.¹⁸⁵ Rape and other forms of sexual violence are recognised as constituting torture¹⁸⁶ under international law in certain circumstances.¹⁸⁷ Sexualised torture was perpetrated in detention centers, checkpoints, and on the streets during sieges and massacres. The exact number of women and girls subjected to sexualised torture is unknown.

Two female interviewees aged 52 and 57 who were detained at a detention centre, were electrocuted on their breasts and brutally tortured by male officers when they were menstruating.¹⁸⁸

“The militia tortured me by forcing me to strip naked and take off my hijab. They hit me with a stick and kicked me all over my body. I was forced to hold a metal chair on my head. They would kick me between my thighs and on my genitals. They electrocuted my nipples. The male officers at the detention center threatened to rape me. They put me in a room full of men who have not had sex in a long time. One male officer told me, ‘now I will teach you how to dance’ when he was electrocuting me. When I was on my period, a male officer said, ‘the blood is flowing down, I will let it flow up.’ When they knew I was menstruating, they electrocuted me purposefully. He used to interrogate me but I really did not have any information.”¹⁸⁹

56-years-old woman who was arbitrarily detained in a detention camp, said:

“Officers at forced me to take off my Hijab. They electrocuted my nipples. Female officers would torture me by forcing me to kneel on rocks for hours. Male officers threatened to rape me. They touched my breasts and genitals. When I was on my period, they bit me on my stomach and told me they did not want me to reproduce. The investigator used to kiss my neck. Then while interrogating me, he would beat me. In 1988, my father and I were tortured together in the same room. We were both blindfolded.”¹⁹⁰

A 68-years-old man who was formerly detained in 1975 said:

“I gathered stories of men and women who were detained . Former female detainees told me that doctors asked them whether they were married to establish whether they were virgins. Many women were tortured so badly that they are physically and mentally disabled. Women were bullied, pulled by their hair, electrocuted, harassed, and threatened with rape in the detention centre. Women were stripped naked, and their clothes were ripped off.”¹⁹¹

Another woman described her friend’s experience in detention:

“She was stopped at a checkpoint. They electrocuted her breasts and beat her till she fainted. They also put cigarette butts out on her chest. They let her go in 1988. She had problems with her chest because of this.”¹⁹²

Five interviewees reported incidents where women were tied to two different cars¹⁹³, with one leg tied to each car, which were then driven in different directions. The victims were wrenched into two. A 79-years-old woman said:

“Sometimes, they would tie a girl onto two cars and go in opposite directions. I saw a girl who died after they did this to her. She was 12 or 13 years old.”¹⁹⁴

Another 71-years-old woman said:

“Our female neighbour was put on the ground. They tied her legs and each one would pull in a different direction. She was 27 years old. She passed away. They would also do that to boys.”¹⁹⁵

One interviewee described scenes where the dead bodies of women were found on the road with blood around their genitals. The 71-years-old woman said:

“My family was taken and separated from my brother. I never saw him again. I saw militiamen tie up my neighbour, who was 27 years old. They started to pull her legs in different directions. I also saw militiamen rape a 17-years-old young girl with glass bottles. She was bleeding and fainted. Eventually, she died. Then they shot another person and made the girl’s father carry the dead person.”¹⁹⁶

A 75-years-old woman said:

“I saw women being raped by the militiamen. The ICRC was trying to save the wounded, but militias were stopping the ICRC from helping. Sometimes they would remove the oxygen and take girls away to abuse them physically and sexually.”¹⁹⁷

Another 72-years-old woman said:

“Four different women told me that they were sexually abused during [one incident]. Many other women were held captive, raped and killed.”¹⁹⁸

B. Killing and abduction of women, girls, and infants

Killing and abduction of women, girls and infants was common during the Lebanese Civil Wars. These crimes were perpetrated during massacres, sieges, at checkpoints and on the streets.

19 interviewees and women in two Focus Group Discussions reported the killing and abduction of women, girls and infants.¹⁹⁹ A majority of these incidents occurred during massacres or other wars within the 15 years conflict. An 80-years-old male whose family members were killed in one of the massacres of 1976 said, “Some women were abducted and taken away. Even nuns were kidnapped. More than 15 women and girls were kidnapped from [one incident]. They said they were interrogated about soldiers.”²⁰⁰ Another 63-years-old woman informed us that her family’s house was bombed in 1976 injuring her brothers. While one brother died, another was being treated in the hospital. She said, “When my young brother died, my older brother was still in the hospital. When my mother and two siblings went to see him, they were kidnapped by the non-state aligned militia. Our relatives also went to see my brother at the hospital, and they were also kidnapped. Eventually, [the non-state aligned militia] went in and took all the machines out and kidnapped my older brother. None of them have come back till this day.”²⁰¹

One female survivor was shot at a checkpoint when she was with her friend, and recalled: “My friend and I were shot by the army at an army checkpoint. They accused us of kidnapping people. I was 25 years old, and we were not armed. We were hospitalised later.”²⁰²

A 39-year-old lawyer recalled, “My father survived one massacre. He told me about the rape of women from well-known families in the area. Even pregnant women were killed by the militias.”²⁰³ A 60-years-old man who witnessed survivors arriving at Beirut port after a massacre, said:

“I witnessed survivors of a massacre arriving at Beirut port. They had fled by sea and the port was the point at which survivors of the massacre arrived. The dead bodies were also put in the boats. My uncle’s family was among the survivors of the massacre. My cousin described seeing mass rape and the slaughter of people in their homes. The attack took place at night when militia entered homes and killed women and children.”²⁰⁴

Interviewees also discussed entire families or several members of the family being ‘slaughtered.’²⁰⁵ In the words of a male survivor, “[The non-state aligned militia] broke into houses and slaughtered people with weapons. They slaughtered entire families. They killed everyone, males and females. We have lists of people who were killed.”²⁰⁶ Another 52-years-old man said, “In 1982, my brother-in-law’s wife’s sister was raped and killed in front of her father. The militia wanted revenge.”²⁰⁷ Yet another 70-years-old man said, “Both men and women were targeted, even children and religious figures. During the massacre, [the non-state aligned militia] would break into houses and slaughter entire families just because of where they were from.”²⁰⁸

Similarly, a 67-year-old man said, “My friend lived with his parents and sister. His sister was raped and killed in front of the parents. Soon, her parents were also slaughtered. My friend managed to escape and left Lebanon to begin a new life after the psychological trauma he suffered.”²⁰⁹

These vivid accounts are corroborated by other credible sources. Robert Fisk, a well-known author and journalist described how men and women were separated before the militiamen raped the women:

“The militiamen - many high on hashish - separated several young women and gang-raped them. Then they slaughtered the girls, along with the rest of their 250 captives. Systematically, the gunmen blew up or burnt every house in the town. As an afterthought, they dug up the local graveyard and buried its long-dead occupants on the road.”²¹⁰

Killing and abduction of women, girls and infants was common during the Lebanese Civil Wars. These crimes were perpetrated during massacres, sieges, at checkpoints and on the streets.

While relief workers tried to assist the wounded, they were also targeted. An Al Jazeera documentary reported that the militia executed nurses and medical volunteers. One survivor recounted:

“We left the camp and were met with militiamen, they said ‘You are the doctors and nurses?’ I replied, ‘Yes!’ Then they opened fire on the medical team, causing a toll of 14 deaths in the medical team. It was horrible.”²¹¹

Pregnant women and foetus/infants in utero:

Killing of women and girls also included killing of pregnant women, young mothers and infants. Six interviewees said pregnant women or women with infants were killed during the Lebanese Civil Wars, particularly during certain massacres.²¹²

Three interviewees spoke about instances when armed state and non-state aligned militia stabbed or cut open the abdomens of pregnant women, killing the mother as well as the infant.²¹³ A female interviewee, who is a psychologist, spoke about disembowelment of pregnant women.²¹⁴

A 73-years-old woman also said, *“Many women and girls that I know stayed in the camps; they were beheaded with an axe. Pregnant women were killed with axes or by shooting.”²¹⁵*

Yet another witness aged 51 said, *“Pregnant women would have their belly slaughtered. A young boy was suckling his mother’s breast. I think she was dead. They grabbed him and threw him.”²¹⁶*

A 73-year-old survivor said:

“Snipers would shoot the person going to the well, who would fall inside the well. Once I went to the well, there was a pregnant woman there who wanted to get water. She was shot and fell in. She was from the camp.”²¹⁷

A 49-years-old male professor at the Lebanese University said that pregnant women were targeted during massacres. He said, *“The killing of foetus’ was not only in [one incident]. They threw babies in the air and shot them in front of their mothers. Then they raped the mothers and killed them.”²¹⁸*

Another woman who fled a massacre at the age of 20, said, *“I saw the militia killing a woman who was breastfeeding her infant.”²¹⁹*

Another woman who attended the FGD organised by LAW said:

“Many women and girls I know stayed in the camps; they were beheaded with axes. Families were killed. Pregnant women were killed by shooting them or with axes. There are tapes showing what happened there.”²²⁰

Another female academic said:

“During my research, I found that even pregnant women were disemboweled.”²²¹

A 71-years-old man who survived a massacre recalled how members of his family were killed by the militia, *“My brother and his wife were in their 40s. His wife was pregnant. She was screaming ‘please leave them!’ But she didn’t know she was going to be killed too.”²²²*

C. Enforced disappearances of men and the gendered impact

Enforced disappearances took place on a large scale during the Lebanese Civil Wars. Largely, men were forcibly disappeared by armed state and non-state aligned militia. However, women were also subjected to disappearances. Victims went missing from the streets, hospitals, detention centers and checkpoints. The number of persons forcibly disappeared by armed militia groups is estimated to be approximately 17,500 persons.²²³

Survivors, including an ex-fighter, confirmed that men and boys were forcibly disappeared or detained indefinitely based on their religion or political opinion.²²⁴ With men forming a majority of the missing, detained and disappeared persons, women and girls suffered in three main ways: (1) the loss of a family member, (2) the loss of a breadwinner and (3) threat to personal safety.

A 71-years-old woman said two persons from her family went missing in 1975, explaining:

“The armed men took my older brother and we never saw him again. We hid my other brothers. In the morning, they started shooting boys, I saw four being killed. My brother’s brother-in-law also disappeared. The next day they gave us his ID. We joined the committee of the family of the disappeared.”²²⁵

A 63-years-old ex-fighter joined a non-state aligned militia at the age of 14. He provided vivid details of what a disappearance could result in:

“People from different religions kidnapped people from the opposing side. I had a friend who used to sell newspapers. He suddenly disappeared one day and after we searched, we found his corpse. At the time I was 17. I went to see what happened. His eyes were gouged out, and his nose and tongue were cut off. They had done all sorts of gruesome acts on him.”²²⁶

Interviewees reported that men, and sometimes women were abducted by parties to the conflict, particularly at checkpoints set up by the parties.²²⁷ Two interviewees informed LAW that their male relatives were held at detention centres, after which they never returned.²²⁸ In these cases, the fate and whereabouts of the missing and disappeared persons were not revealed to the families.

Interviewees confirmed that the abduction of male relatives by parties to the conflict had a gendered impact on women and girls.²²⁹ For instance, the disappearance of a male family member, particularly of the primary or sole earning member of the family causes disparate impact on the remaining members of the family. Women are forced to take on the role of the breadwinner for the family in addition to their existing caregiving responsibilities.²³⁰

A 58-year-old woman’s father went missing in 1976. She explained the troubles and humiliation her family went through trying to locate her father. The family had to flee from Lebanon due to threats to their safety:

“I remember how difficult and painful it was. My father was a teacher, and he was very loved by the neighbours. One night, we heard rumours that there would be in the village and my mother hid us under the bed. That night they abducted our neighbour. My mother was scared so we went to the south, where another armed group started bombing and then we fled Lebanon to another country - Kuwait. When we knew about our father’s disappearance, we were not able to go back. My mother was forced to remove her veil to be able to go and search for my father. They told her, ‘I advise you to go out because he disappeared – two armed groups were responsible.’ Later, we heard that they found his bus burned in a valley. We do not know which valley. Then we heard that he was crucified, but we are not sure. Then they said he was in Sudan. And then they said he was in Saudi Arabia.”²³¹

17,500

Approximate number of persons forcibly disappeared by armed militia group

According to credible sources, approximately one million people were forced from their homes during the Lebanese Civil Wars, and damage to property was estimated to be worth approximately \$25 billion

The woman continued to explain the impact of her father's disappearance on her family:

*"We fled Lebanon and went to Kuwait – we were in a very bad economic situation back then even after we went to Kuwait – but it was better than staying in the country. My mother was strong, and this gave us ways to overcome the war and the disappearance of my father."*²³²

A woman aged 75 years reported that her husband was abducted twice and ultimately killed. She single-handedly raised a family of three, including two children, with limited financial resources.²³³

The woman also witnessed the abduction of three other men: *"I remember three men were kidnapped and detained by one of the armed groups. Their hands and feet were tied, and they could not move. I don't know if they wanted to kill them but when I saw them, I told the men: 'I am the wife of [ex-fighter], and you should now release those three men.' I couldn't bear to see these men tied this way. They released them."*²³⁴

In addition to the financial constraints caused by the disappearance of family members, families of the missing and disappeared were subjected to extortion by persons and organisations claiming to possess information about missing persons.²³⁵ These incidents further exacerbate their financial hardship and re-traumatise the families. A 74-years-old teacher at UNRWA said:

*"I knew a woman who was coming from Beirut to live with her mother in 1982, but she never arrived. A week later, her relatives came to our house, her parents then discovered that she was missing. They still do not know anything about her. Her parents used to ask friends and family about her. Once, a man came and took advantage of them. He told them he knew where she was. Then, he took money but did not know where she was."*²³⁶

D. Family violence committed against women and children

Family violence occurred throughout the Lebanese Civil Wars and appears to have been exacerbated by the conflict. Family violence included opportunistic acts of sexual abuse and domestic violence, with the main victims of family violence usually women and girls.

According to credible sources, approximately one million people were forced from their homes during the Lebanese Civil Wars, and damage to property was estimated to be worth approximately \$25 billion.²³⁷ This displacement and destruction led to people being forced into traumatic, unfavourable, and untenable living conditions, including forcing large families to live together in confined spaces.²³⁸ These conditions, together with a climate of heightened stress, are a catalyst for opportunistic sexual abuse in conflict and post-conflict regions.²³⁹

Two interviewees, notably a social worker and a lecturer, discussed sexual abuse taking place, especially within displaced families due to the changes in living conditions, and in families where the women's husband was missing or disappeared.²⁴⁰ A social worker discussed hearing stories of family members taking advantage of girls as a result of insufficient shelter conditions, mainly where families were forced into small living spaces.²⁴¹ She recalled:

*"Six or seven people used to sleep next to each other in a small room as refugees. One girl, a 16-year-old, was harassed by her brother because they used to sleep next to each other."*²⁴²

The woman, who is a social worker with UNICEF, said that such stories were not uncommon. She heard of fathers and other relatives similarly taking advantage of young girls.²⁴³

A political science lecturer suggested the "pressure of the war" led to martial rape, including one instance of forced penetration of a woman's ear.²⁴⁴

She said:

“We saw many women who were raped by their husbands. This was because of war. I am sure this is because of the pressure of war. One woman told me her husband used to have sex in her ear, in her armpit. She would go crazy. She told me he was drugged.”²⁴⁵

Additionally, disappearances and deaths shifted family dynamics, especially when the killed or disappeared were husbands and/or fathers.²⁴⁶ A political science lecturer who worked as a journalist during the Lebanese Civil Wars identified gendered abuse perpetrated by families of the disappeared on the women left behind by a disappeared husband.²⁴⁷

She said:

“In some families, the family of the husband would take the children from their mother and even not help them financially or even mentally. They would cause a lot of problems for women, and I believe this is abuse too.”²⁴⁸

Opportunistic acts of SGBV were also perpetrated by acquaintances or persons who did not belong to militia groups. A 58-years-old woman survived one such incident in 1982:

“I was close to being raped when I was a teenager. I do not know who the perpetrator was. My mother had gone to get supplies and I was alone in the building. A boy in his 20s followed me to the building holding a knife. His clothes didn't seem like he was a militia man. He told me to walk in front of him. He took me to the roof. He wanted to see my breasts, I did so. I broke down. Eventually, he just masturbated in front of me. When he had an orgasm, he left. This really affected me. I was afraid to leave the house for almost a month.”²⁴⁹

The woman also discussed how her father turned violent after he was targeted by an armed group in 1975. She said:

“During Black Saturday, my father was a survivor. He came from Jordan. They were executing people and they took him from the bus. One person knew him and asked the armed men to leave him alone. Our family name saved him. He was also arrested at a checkpoint once. But after this, he became violent at home, there was always aggression and stress at home. He used to pressure us a lot. Outside the house, he was very afraid. Before he was very motivated, but he changed. If he heard gunfire, he would sit on the stairs and not move. Our mother was very calm. She tried to create a balance between him and his children.”²⁵⁰

The extent of the increase in family violence is recommended for further study and analysis.

E. Role of women

Women played an active role in the Lebanese Civil Wars as members of state and non-state aligned militias. Their participation was largely in a non-combatant capacity and according to credible sources, they often joined at a young age, motivated by ideology and a need to protect their community.²⁵¹ They also became involved in the conflict to break free of societal restraints and gender norms.²⁵² Women participated on all sides of the Lebanese conflict, including as combatants, nurses, cooks, intelligence operatives, and logistics officers,²⁵³ But usually, women served conventional gender roles in the militias, such as providing cooking and cleaning services, and were not often involved in fighting.²⁵⁴

LAW's interviewees echoed the findings of other research on this topic, outlined above, that women undertook a variety of roles in various militias, including as combatants and healthcare providers. One interviewee who joined a non-state aligned militia during her teens said she served in the group partly because, she “grew up holding grudges,” but also because she would receive “benefits, including food [and] medical aid.”²⁵⁵

She added, “When we were young, as girls, we were trained by a woman [to fight]. She used to teach us how to attack, and to use hand bombs. We were in our early teens. We were almost 40 girls.”²⁵⁶

The interviewee was later promoted to a leadership role for women's affairs within a militia and served as a nurse.²⁵⁷

LAW spoke with multiple other women who were involved in or trained by non-state aligned militias.²⁵⁸ As one interviewee stated,

*"[There are] two types: women who are weak that get raped, and women who were fighters and strong. From all parties ... there were women fighters. Sometimes we'd see them at lines of contact behind war barricades. We used to hear their voices or see them holding weapons."*²⁵⁹

Another interviewee identified that women participated in militias to defend themselves and their community.²⁶⁰ However, despite women's involvement in the militias, they were subjected to harassment. For instance, a woman who was a fighter during Lebanese Civil Wars stated that female fighters were subjected to harassment within their militias.²⁶¹

Three women stated that they received training to support non-state-aligned militiamen.²⁶² A 65-years-old woman said that before she had turned 20, she was already assigned a primary role in a non-state aligned militia, leading a group of women in providing medical support and training as well as serving food and drinks to fighters.²⁶³

She said:

*"I was less than 20 years old and I was responsible for women. I was the one trying to provide medical support for people. I used to bring bread and was subject to many threats. I saw a lot of corpses and I was depressed. Women were part of the conflict – they provided support to men. They used to prepare food and drinks for men who are fighters and provide support to men through many trainings."*²⁶⁴

Participation in militias was not always positive. A 60-years-old woman identified that she knew a woman that belonged to a non-state aligned militia who was arrested by an opposing non-state aligned militia and tortured.²⁶⁵ A former military colonel highlighted that intelligence services of opposing groups often arrested and abused women during the war.²⁶⁶

Another interviewee highlighted that different militias would treat women differently. She emphasised that leftists and liberals often linked ideology with open sexual relationships, and women within these militias saw sexual freedom as a step towards equality. She stated,

*"[F]reedom for them was linked to sexual relationships, girls assumed that equality to men is through cigarettes or sex ... That's why advanced parties were not able to move forward in society. Their advancement was very shallow and not deep in thoughts."*²⁶⁷

Women's involvement in militias during the Lebanese Civil Wars is as complex as the conflict itself and the long-term, gendered impacts of this involvement, as well as the overall participation of women in the conflict, needs to be studied in depth.

Impact

The Lebanese Civil Wars are a defining feature of Lebanese history, however the multiple, interlinked but distinct impacts of gendered crimes for the victims, survivors, witnesses, and the wider communities are not confined to history – they are still felt in everyday life. An in-depth analysis of the impact of gendered crimes is beyond the scope of this preliminary investigation and research, however the impacts identified under this study can be categorised into the following: psychological and physical; economic and social; and legal. During this preliminary investigation, LAW has referred 147 women for psychosocial support, provided legal information to 247 women, provided legal assistance to 94 women, and legal representation to 13 women.

A. Psychological and physical

The psychological impact of gendered crimes committed during the Lebanese Civil Wars is evident in those who were victims of the crimes, those who witnessed the crimes and the wider community. Fear and societal attitudes towards sexual violence prevented women from reporting crimes but also from discussing their experiences within their families and communities. This was described by one 46-years-old interviewee who explained, “Female victims do not tell their stories; they need protection if they decide to do so. People consider girls as a shame if they get raped or harassed, because they are the “honour” of the family.”²⁶⁸ The failure to identify the need for and to provide psychological support for victims, witnesses and wider communities has left significant and potentially irreversible psychological damage to those who encountered the crimes – both men and women. One 50-years-old man told LAW that: “My cousins, until this day, have psychological impacts from what they witnessed and heard about it.”²⁶⁹

In several cases, interviewees described both psychological and physical impacts resulting from their experiences in the Lebanese Civil Wars. One 52-years-old woman said, “I feel mentally and physically ill – I suffered from insomnia and was scared a lot. I used to imagine that they wanted to kill me, I was paranoid, I was nervous, and I still am. I have problems in my stomach now.” A 60-years-old man interviewed by LAW stated, “Many women were tortured so badly that they are physically and mentally disabled. Women were bullied, pulled by their hair, electrocuted, harassed, and threatened of rape in the detention centre.”²⁷⁰

The increased and targeted provision of psychosocial support is a key recommendation of this report.



147

Women offered psychological support



247

Women given legal information



94

Women given legal assistance



13

Women given legal representation

NB:
Information collected during the preliminary investigation.

B. Economic and social

The economic and social impact of gendered crimes during the Lebanese Civil Wars is inextricably linked to the patriarchal practices, customs, and traditions which were prevalent in Lebanese society at the time and continue today.²⁷¹ The differing experiences of men and women during the Lebanese Civil Wars resulted in distinct impacts. Men were more likely to be killed and/or disappeared, which in itself had a unique impact on women and girls. Where women were faced with the disappearance of their male family members or absence due to participation in hostilities, women were forced to assume traditionally male roles within the family, heading up their households and exacerbating economic and social challenges of the time.²⁷² Women became the sole breadwinners of the family, in addition to their existing care-giving responsibilities. The changing role of women in formerly male headed households also impacted the families' social standing, where women were not recognised to speak up in public spaces or carry out legal and administrative procedures on behalf of their family.²⁷³

The personal lives of women and girls were also impacted negatively by the absence of male family members, which rendered them more vulnerable to sexual violence especially when traveling/outside of the home, which consequently affected women and girls' freedom of movement.²⁷⁴ In addition, even where girls had not been victims or witnesses of gendered crimes, the threat of sexual violence meant that parents of girls in particular prevented them from going to school and university, significantly affecting their long term prospects. One 53-years-old woman explained the impact of the disappearance of her brother, saying, *"My sister dropped out of school when the massacre happened and I stopped going to school for a year."*²⁷⁵

C. Legal

The legal impact of gendered crimes during the Lebanese Civil Wars resulted in both immediate needs, such as legal assistance relating to crimes perpetrated at the time, and needs that remain to this day, in particular relating to child custody and inheritance.

Societal pressures and stigma, a lack of understanding of gendered crimes and the law, and a lack of trust in and functioning of the state and the judiciary all contributed to severe lack of access to justice for victims of gendered crimes at the time. These immediate legal needs went, and remain, unaddressed.

Enduring legal needs relating to inheritance and custody of children are due to an archaic, patriarchal system which presents procedural barriers to victims of gendered crimes. Under Lebanese law, where a male had been killed or was missing, priority for custody of the children of the missing male passed over the mother, in favour of the paternal grandfather. One widowed woman explained her situation to LAW:

"I couldn't get a passport for my children without their father. I told those concerned that their father was kidnapped. They told me to bring their grandfather."

Many interviewees raised the issue of custody of children in this regard.

Procedural barriers also impacted family members of those who were missing in relation to inheritance, where a death certificate is required for the family to inherit anything from him/her. Many families were and are reluctant to request a death certificate for their missing loved one because doing so would defeat their "right to know". This is an area that LAW has provided legal assistance for during this preliminary investigation, though more is required.

The gendered crimes that took place during the Lebanese Civil Wars have had a huge and enduring impact on all aspects of life in Lebanon, both for those who experienced it, and even for those who did not. The distinct lack of discussion or acceptance of the existence of gendered crimes during the Lebanese Civil Wars forced victims, witnesses, and communities of those crimes to find ways to live with what happened to them, without any access to psycho-social support, justice, reparations, or retribution. The multiple and interlinked impacts have therefore intensified over subsequent years, leaving many with a complete lack of trust in judicial mechanisms and the state as a whole.²⁷⁶

Impunity and Accountability

Total impunity has been granted to state actors, state and non-state aligned for gendered crimes committed during the Lebanese Civil Wars. And unfortunately, little to no progress has been made to hold perpetrators accountable to date. Access to justice for the crimes committed during the Lebanese Civil Wars, and for gendered crimes in particular, has been non-existent. This is a direct result of Lebanon's 1991 General Amnesty Law No. 84/91 (the Amnesty Law), which granted amnesty for most crimes committed during the conflict, including all crimes against civilians.²⁷⁷ According to the survey conducted by LAW, 99 percent of all respondents stated that they do not support the Amnesty Law.²⁷⁸ The Amnesty Law is the foundation for the impunity that has characterised the post-conflict era in Lebanon, but it is not the sole reason for survivors' inability to access justice.

As discussed in Section VII, "Key Findings," survivors of the conflict identified a handful of other issues that restricted victims' desire and/or ability to seek justice for crimes committed. These included a desire to put the past behind them, the social stigma of admitting to violations and abuses, legal gaps in addressing gendered crimes, a lack of understanding about gendered crimes, an unwillingness of authorities to pursue political leaders, fear of retaliation if crimes were reported, and the belief that legal judgements will not make victims whole.

The interviews undertaken reflected the survey results, showing dissatisfaction with legal accountability mechanisms. Nine interviewees specifically highlighted gaps in the laws, corruption in the judicial system, the Amnesty Law, and a reluctance to deal with past crimes as barriers to justice.²⁷⁹ Regarding gaps in the law, a woman who works on international criminal justice with an INGO said, "*There are no lawsuits because the political and judicial system is bad ... the Lebanese law, it is not defined. Even GBV and rape are not defined.*"²⁸⁰

An overall reluctance to deal with past crimes was also highlighted as a reason for the lack of access to justice.

A retired colonel shared a similar sentiment, saying, *“There are no laws in Lebanon [that address gendered violence].”*²⁸¹ With regards to international law, a 64-years-old man claimed, *“I don’t trust any international convention ... we trust weapons, weapons get our rights.”*²⁸² Another interviewee and social worker with an international organization said, *“Even if we signed, we do not enforce laws.”*²⁸³

With regards to judicial corruption, a 42-years-old professor of law highlighted that *“the judicial system is not competent,”* explaining that sectarianism and politics are more important to lawyers and judges than the actual law.²⁸⁴ A social worker elaborated, *“There was no war criminal who was punished, they became people in power,”*²⁸⁵ and a 64-years-old man said *“[The] law stands with the powerful.”*²⁸⁶

A female journalist said, *“After the Ta’if Agreement ... it is all a political game and nothing happened.”*²⁸⁷ A Professor of History in Canada echoed this, claiming, *“It has all ended, and even if you have proof of killing and rape, nothing can be proven. The Ta’if Agreement sealed the topic.”*²⁸⁸

Moreover, the Amnesty Law feeds the perception of corruption. One survivor, who currently works with an international organization said *“When we talk about judicial cases, it interferes with the amnesty. If a group of people reported war crimes, they may not get anywhere. Like with Wadad, they said, ‘we know no one will be imprisoned but we just want to bury war victims.’”*²⁸⁹

An overall reluctance to deal with past crimes was also highlighted as a reason for the lack of access to justice. A 48-years-old journalist said, *“The society is going through a crisis, and they don’t want to open closed books.”*²⁹⁰ This feeling was relayed by other interviewees, one female survivor warning about the damaging implications of this reluctance to address the past, saying, *“The war is still going on, our practices and our speeches are still similar to that of the war.”*²⁹¹

The interviewees and focus group discussions relayed similar feelings. Many interviewees stated that the country was in chaos, so there was no accountability, whilst others feared retaliation from armed groups if they did report.²⁹² One interviewee whose father went missing claimed, *“People did not report these crimes because people were afraid to report ... it was chaotic back then.”*²⁹³ Another woman whose husband went missing from a detention centre stated, *“I did not report because no one would answer us, there was no accountability during the war.”*²⁹⁴

One focus group discussion acknowledged one case which was filed during the war but said that it was never resolved.²⁹⁵ Many interviewees claimed they felt that the law did not protect them at all.²⁹⁶ One participant whose brother went missing explained, *“We cannot report these crimes because no one cares about us or listens to us.”*²⁹⁷

Another woman whose father was shot dead in front of her simply stated, *“We didn’t have any rights.”*²⁹⁸ One 66-years-old survivor and focus group participant said that reporting was rare during the war due to the social stigma attached to gendered crimes.²⁹⁹ For example, a 66-years-old survivor of the Lebanese Civil Wars said, *“People were mostly afraid from the society – they think gender crimes cause shame to the family especially things like rape and sexual violence.”*³⁰⁰

Interviewees and focus groups also claimed that post-conflict accountability has been unattainable. Most blame the politics of Lebanon today, which are controlled by militias turned political parties, or the simple fact that too much time has passed.³⁰¹ With regards to politics, one 60-years-old woman stated, *“The political parties are the big challenge, legal, medical, and psychological. I do not trust the Lebanese government.”*³⁰² Another woman who was detained and tortured in 1982 while she was pregnant said, *“We cannot pursue political parties.”*³⁰³

Some interviewees identified alternative reporting mechanisms for possible accountability, such as the ICRC, or claimed they would file lawsuits with proper support.³⁰⁴ One particular interviewee summed up the general feelings of many of the individuals LAW spoke with when they said, *“There are laws for all cases, but they aren’t being implemented. There is no justice in Lebanon.”*³⁰⁵

Conclusion and Recommendations

This report is the first time that the nature, scope, and scale of gendered crimes systematically perpetrated during the Lebanese Civil Wars against women and girls has come to the forefront. As detailed here, the gendered crimes committed include sexual and gender-based violence including rape, gang rape, mass rape, genital mutilation, sexualized torture, and humiliation, forced nudity, forced prostitution; killing and abduction of women, girls, and infants, including in utero as well as the gendered impact arising from enforced disappearances of male family members; and family violence against women and children.

Prima facie, many of these crimes constitute grave breaches of international humanitarian law and as such, should be fully investigated. The victims of these crimes deserve truth and justice. International experience has shown that truth-seeking, when part of a broader transitional justice process, can contribute to the maintenance of peace.³⁰⁶ There does not need to be a tension between pursuing the ends of peace and justice; rather, accountability can support reconciliation and peacebuilding efforts.

Ensuring that the truth is established, and that justice is undertaken, can deter the perpetration of future crimes, restoring or strengthening norms against such crimes. It promotes peace by allowing victims to feel that justice has taken place and thus arrest the cycle of violence.³⁰⁷ Additionally, truth and justice processes at the domestic level can build confidence in the state and strengthen public trust in government.³⁰⁸

The people of Lebanon deserve both peace and justice, and both truth and freedom from fear that such atrocities will recur. The despair of today's Lebanon was borne from the ashes of the Lebanese Civil Wars and only by truly understanding the past can we find a way into a brighter future. Fully understanding and acknowledging these crimes through truth-seeking processes would be an essential step toward each of these goals.

Recommendations

In light of the findings regarding the deep and continuing impact of gendered crimes on during the Lebanese Civil Wars, LAW recommends the following:

1. Expand the provision of legal and psychological support services to victims and survivors of gendered crimes, aiming to resolve the long-term legal issues and psychological impact by increasing access to high-quality services.
2. Increase documentation of women's experiences of gendered crimes during Lebanese Civil Wars in order to counter the male-dominated narrative of the Civil Wars and amplifying survivor and victims' voices. Document sexual violence committed against men during Lebanon's civil wars.
3. Promote truth-telling including through disseminating the findings and recommendations of the gendered crimes research and other complimentary research to a wide range of audiences, including youth, through panels, university lectures, social media campaigns, roundtables, and discussions.
4. Utilize documentation and truth telling to contribute to an environment that is conducive to women's role in truth-seeking, reconciliation, justice, and peacebuilding. Enhance collective healing by truth telling and memorialization of the Lebanese Civil War through a survivor – centered approach and community-based activities.
5. Empower the National Commission of the Missing and Forcibly Disappeared in Lebanon by providing it with information and evidence gathered and support it in the collection of further evidence, to pursue acknowledgement, recognition, and apology to victims and survivors of gendered crimes and other violations and abuses perpetrated during the Lebanese Civil Wars.

Annexes

Annex I – Timeline of the Lebanese Civil Wars

Note. This timeline is not intended to provide an exhaustive list of events and incidents.

DATE	EVENT	LOCATION
13 April 1975	Attempted assassination of Maronite Christian Phalangist leader (Pierre Gemayel) ³⁰⁹ .	Ain El Remmaneh, Lebanon
April 1975	Phalangist ambush on busload of Palestinians (27 killed) ³¹⁰	Ain El Remmaneh, Lebanon
20 May 1975	PLO Groups from Tal El Zaatar attack Dekwaneh Neighborhood in Northern Beirut Suburbs.	Dekwaneh, Lebanon
9 September 1975	PLO launched an attack on Der Eshash in Akkar leading to a multiple forced displacement after houses were torched.	Akkar, Lebanon
October 1975	Battles of the Hotels in Downtown Beirut. ³¹¹	Beirut, Lebanon
6 December 1975	Black Saturday massacre- assassination of 4 Christian Phalangists. Hundreds of non-Christians (Muslim/ Druze) killed in retaliation. Roadblocks set up near Port of Beirut by Phalangists to identify non-Christians. ³¹²	Port Of Beirut, Lebanon
18 January 1976	Karantina massacre- Christian militias attack Karantina district of Palestinian refugee camp. ³¹³	Karantina, Lebanon
20 January 1976	Damour massacre- Christians massacred by Muslim and PLO forces. ³¹⁴	Damour, Lebanon
27 May 1976	Linda Jumblatt, sister of Kamal Jumblatt was assassinated in her home in East Beirut.	Beirut, Lebanon
June 1976	Syrian troops enter Lebanon (prevents large military gains by Palestinian/ Muslim forces against Christians) ³¹⁵	Tripoli, Lebanon
5 July 1976	Syrian troops attack the village of Chekka in North Lebanon killing 95 inhabitants.	Chekka, Lebanon
12 August 1976	Massacre of Tel al-Zaatar refugee camp by Christian forces comes to end, Palestinians fire on fringes of camp, killing Palestinians escaping as siege comes to end. Approx. 3000 killed in siege and aftermath. ³¹⁶	Tal El Zaatar, Lebanon
19 October 1976	Palestinian and Syrian troops attack on the Aishieh Village killing several inhabitants.	Aishieh, South Lebanon
October 1976	Ceasefire decided by the Arab League Summit. ³¹⁷	

16 March 1977	Head of the PSP and the LNM Kemal Jumblatt and his two companions assassinated, most probably by Syrian army officer. Vendetta follows by Druze fighters against Christian civilians resulting in the killing of 200 people and the injury of hundreds more. ³¹⁸	Baaqlin, Lebanon
7 February 1978 – till April 1978	Syrian troops conducted a siege of East Beirut and shelled the Ashrafieh neighborhood in what became known as the 100 days war.	Ashrafieh, Lebanon
14 March 1978	25,000 Israeli soldiers enter Lebanon under Operation Litani (Operation designed to eliminate PLO's structure in Southern Lebanon.) ³¹⁹	Litani, Lebanon
13 June 1978	Lebanese forces attack Ehden and take the Marada Christian party by surprise, killing 30 Marada members including Lawmaker Tony Frangieh, son of former president of republic Sleiman Frangieh, his wife and his 3 years old daughter. ³²⁰	Ehden, Lebanon
16 June 1978	Israel withdraws from occupied territory handing over authority to breakaway Lebanese army force (operating as Israeli ally – SLA) ³²¹	Tyre, Lebanon
July 1978	Syria offensive against Lebanese Christians (bombardment of Christian areas of Lebanon.) ³²²	Keserwan (East Beirut), Lebanon
23 February 1980	A booby-trapped car intended to assassinate Bachir Gemayel resulted in the death of his daughter Maya.	Beirut, Lebanon
7 July 1980	Phalangist troops loyal to Bachir Gemayel, commit a massacre in a beach resort north of Beirut sending a message to the National Liberal Party imposing a unification of all Christian militias.	North Lebanon
June 1981	Battle of Zahle: Phalange party and the Lebanese forces led by Bachir Gemayel clash with Syrian troops who laid siege on the city and bombarded it causing the death and injury of hundreds of people. Israel intervened on behalf of the Lebanese Forces. ³²³	Zahle, Lebanon
6 June 1982	Second Israeli invasion of Lebanon. Gen Ariel Sharon leads attack which lasts two months. ³²⁴	Haret Hreik, Lebanon
23 August 1982	Leader of the Lebanese Forces Bachir Gemayel elected President. ³²⁵	Beirut, Lebanon
30 August 1982	Multi-national force (US/French/Italian) land in Beirut to assist in evacuation of PLO. ³²⁶	Beirut, Lebanon
14 September 1982	Christian Phalangist leader and Lebanese President- elect Bashir Gemayel assassinated in East Beirut. ³²⁷	Rmeil, Lebanon
16–18 September 1982	The Sabra and Shatila massacre in Beirut, the slaughter of more than 3,000 Palestinian and Lebanese civilians over a three-day period. ³²⁸	Chatila, Lebanon
17 May 1983	Signing of May 17 Peace Treaty between Lebanon and Israel under US auspices. ³²⁹	Beirut, Lebanon

18 April 1983	US Embassy in Beirut attacked by suicide bomb (63 killed). ³³⁰	Ain El Mreisseh, Lebanon
September 1983	War of the Mountain – Occurred in Chouf district South east Lebanon between Druze and Christian forces. Thousands of civilians, mostly christians lost their lives or had to exode their villages. ³³¹	Chouf, Lebanon
23 October 1983	Bombing of the Headquarter of the US Marines killing 244 soldiers, and the Headquarter of French paratroopers killing around 60 soldiers, hundreds of injured among US and French soldiers. ³³²	Beirut, Lebanon
31 October 1983	First Conference between warring parties in Lebanon held in Geneva under the auspices of Syria, KSA and US. ³³³	Geneva, Switzerland
26 February 1984	US Troops and other multinational forces leave Lebanon. ³³⁴	Beirut, Lebanon
5 March 1984	Lebanese Government cancel May 17 agreement with Israel. ³³⁵	Beirut, Lebanon
12 March 1984	Second Lausanne Conference held between lebanese warring parties under the auspices of Syria, US and KSA. ³³⁶	Lausanne, Switzerland
February 1985	The Israeli Forces withdraw from Saida but still occupy large parts of South Lebanon while resistance operations intensify against. ³³⁷	Saida, Lebanon
12 March 1985	Elie Hobeika and Samir Geagea lead a coup against Amin Gemayel and the Commander of the Lebanese Forces Fouad Abou Nader and separate the Lebanese Forces from the Phalange Party. Hundreds of Phalange fighters killed during battle, and hundreds more abducted and disappeared. ³³⁸	East Beirut and Keserwan, Lebanon
April 1985	Assassination attempt against Hezbollah spiritual leader Mohammed Hussein Fadlallah which caused the death and injury of hundreds of civilians. ³³⁹	Beirut Southern Suburb, Lebanon
April 1985	Amal Movement and PSP attacks the Murabitoun for a second time liquidating the party altogether, hundreds of fighters from both sides and civilians killed. ³⁴⁰	Beirut, Lebanon
May 1985-1987	War of the Camps between Palestinian and Amal Shiite forces. Thousands of Palestinians died due to fighting or starvation caused by the siege on the camps. ³⁴¹	Borj El Brajnech - Sabra - Chatila – Rashidiyeh, Camps, Lebanon
15 January 1986	Samir Geagea leads a coup against his co-leader of the Lebanese Forces Elie Hobeika resulting in the killing of hundreds of pro-Hobeika fighters, and the abduction of hundreds more and their relatives who would disappear. ³⁴²	East Beirut and Keserwan, Lebanon
February 1987	Syrian Troops enter to Beirut At least 250 people have been killed and 1,000 wounded in the battles in which Hezbollah took control of the slums from Amal, which is headed by Lebanon's justice minister, Nabih Berri. ³⁴³	West Beirut, Lebanon
June 1987	Prime Minister Rachid Karami killed by a bomb placed under his seat. ³⁴⁴	Tripoli, Lebanon
May 1988	Fierce fights between Amal Movement and Hezbollah. ³⁴⁵	West Beirut and South Lebanon

September 1988	In September 1988, President Amine Gemayel's term expired. Because Parliament could not agree on a successor, he appointed Michel Aoun, the Army commander in chief, as prime minister for a provisional military council. ³⁴⁶	Baabda, Lebanon
14 March 1989	General Aoun declares war of Liberation of Syrian occupation. Battles between Christian factions continue 1989-1990. ³⁴⁷	Mathaf Center, Lebanon
September 1989	Arab League committee had started working on a national reconciliation plan to end the war. ³⁴⁸	Beirut, Lebanon
4 November 1989	The Taif Agreement approved by Lebanese Government. ³⁴⁹	Taif, Saudi Arabia
13 October 1990	General Aoun is forced out of the presidential palace and goes into exile. ³⁵⁰ The October 13 massacre occurs. ³⁵¹	Baabda, Lebanon
21 October 1990	Lebanese Forces assassinate Dany Chamoun, his wife and two male children, sparing the life of his child daughter. ³⁵²	Hazmieh, Lebanon
28 March 1991	General Amnesty law (84/91) was passed by Lebanese parliament. ³⁵³	Beirut, Lebanon
21 April 1994	Samir Geagea – leader of the Lebanese Forces, was convicted of several assassinations. ³⁵⁴	Beirut, Lebanon
2000	The Lebanese Government, headed at the time by Prime Minister Salim El-Hoss, formed 'The Committee of Inquiry in the Fates of the Missing and Forcibly Disappeared' under the pressure of public protests organized by the families of victims of forced disappearance. ³⁵⁵	Beirut, Lebanon
January 2001	Second Investigative Commission: Burden of proof was on the families to show that individuals were alive. 870 complaints were filed and the commission's original six-month mandate was extended twice, finally ending in June 2002. ³⁵⁶	Beirut, Lebanon
May 2005	Third Investigative Commission: A joint Syrian-Lebanese committee, established to investigate cases of enforced disappearances involving Syrian security forces, never produced any concrete result or published any of its findings. The committee has stopped meeting. ³⁵⁷	Beirut, Lebanon
July 2005	Former militia chief Samir Geagea has been released after 11 years in jail for crimes committed during the Lebanese 1975-1990 civil war. ³⁵⁸	Beirut, Lebanon
November 2005	The Lebanese-Palestinian Dialogue Committee (LPDC), an inter-ministerial agency was set up. ³⁵⁹	Lebanon
6 February 2007	Lebanon has signed but not yet ratified the 2006 International Convention for the Protection of All Persons from Enforced Disappearance. ³⁶⁰	Lebanon
12 November 2018	The Lebanese Parliament passed Law 105 and the National Commission. ³⁶¹	Beirut, Lebanon

17 July 2020	Appointment of the members of the Lebanon National Commission for the Missing and Forcibly Disappeared, who have been sworn in before the President of the Republic, General Michel Aoun. ³⁶²	Baabda, Lebanon
July 2021	Resignation of four members of the Lebanon National Commission for the Missing and Forcibly Disappeared. ³⁶³	Beirut, Lebanon

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Endnotes

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- 34 Article 507, Lebanese Penal Code
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152	I-051, I-013, I-032
153	I-055
154	I-055
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157	I-050
158	Prosecutor v. Anto Furundzija
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164	FGD 001
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167	I-010, I-025
168	I-010
169	I-025
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174	I-061
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176	F-002
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178	I-006
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180	I-002
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187	Prosecutor v Akayesu
188	I-057 and I-058
189	I-057
190	I-058
191	I-019
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194	I-036
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