

PUBLIC

AI Index: ASA 31/162/2004

3 September 2004

UA 260/04      Fear for safety/ possible "disappearance" / fear of torture

NEPAL      Jahid Ali Sai (m) aged 30, farmer

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A farmer, Jahid Ali Sai, was witnessed being arrested by uniformed soldiers on 21 August in Banke district in the mid-west of Nepal. The army have denied that he is in their custody. However there are reports that he is being held at an army barracks in Banke district where Amnesty International believes he is in serious danger of torture and other human rights violations.

According to a witness, at 5am about 100 soldiers surrounded the house where Jahid Ali Sai was sleeping, in Bankattee Village Development Committee (VDC). The soldiers searched the house and then took Jahid Ali Sai away, along with the owner of the house. The two men were reportedly tied up with rope and then taken to Shi Kali Dal army barracks, Nepalgunj, Banke district. The owner of the house was released from the army barracks the following day. A national human rights organisation has appealed without success to local army officials to make Jahid Ali Sai's whereabouts known. It is not known why he was arrested.

#### **BACKGROUND INFORMATION**

Since the Communist Party of Nepal (CPN) (Maoist) declared a "people's war" in February 1996 Nepal has been in the grip of nationwide conflict and human rights crisis. Human rights abuses by both the security forces and members of the CPN (Maoist) have escalated since a ceasefire, that had lasted seven months, broke down in August 2003.

In both 2002 and 2003, Nepal recorded the highest number of "disappearances" of any country in the world. People detained by the security forces are often held in army barracks with no access to their families, lawyers or medical treatment. They also face a high risk of torture, including beatings, and are sometimes held in solitary confinement or kept blindfolded for the entire time they are in custody. The CPN (Maoist) are also reported to have abducted hundreds of people, including large numbers of teachers and schoolchildren, for the purpose of "political education".

On 1 July 2004, the Home Ministry announced that a five-member commission would investigate what had happened to people who had "disappeared" after arrest by the security forces, and submit a report to the government. However, in its initial report, delivered on 11 August, the commission said that it had only investigated 36 alleged "disappearances": this was very disappointing, as over 700 cases of "disappearance" have been reported to the National Human Rights Commission since August 2003.

#### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- expressing concern for the safety of Jahid Ali Sai, who was reportedly arrested by army personnel on 21 August;
- urging that he be treated humanely while in custody and not tortured or ill-treated;
- calling on the authorities to make his whereabouts public and to grant him immediate access to his relatives, lawyers and any medical attention he may require;
- calling for him to be released immediately and unconditionally, unless he is to be charged with a recognizably criminal offence.

**APPEALS TO: (faxes may be switched off outside office hours, GMT + 5½)**

Lt. Colonel Raju Nepali  
Head, Royal Nepal Army Human Rights Cell,  
Army Headquarters  
Singha Durbar  
Kathmandu, Nepal

**Fax: +977 14 245 020**

**+977 14 226 292**

**Salutation: Dear Lt. Colonel**

General Pyar Jung Thapa  
Chief of Army Staff (COAS)  
Army Headquarters  
Kathmandu, Nepal

**Fax: + 977 1 4 242 168**

**Salutation: Dear General**

**COPIES TO:** diplomatic representatives of Nepal accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 15 October 2004.