



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission

केन्द्रिय कार्यालय, Central Office

हरिहर भवन, पुल्चोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



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Summary report on the abduction of Journalist Birendra Sah of Bara district

Unofficial Translation

National Human Rights Commission

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Date: 1 November 2007

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Background:

Birendra Sah, permanent resident of Inaruwasira VDC-8, Bara district, presently residing at Kalaiya Municipality-6, is a central member of Press Chautari Nepal. He was abducted on 18.06.2064 BS (5 October 2007) from Umjan VDC-1 of Bara district by a group of armed Maoist cadres namely Kundan Faujdar and Ramyakwal Sahani, saying he would be taken "physical actions". On the basis of the complaint lodged to this effect, the National Human Rights Commission visited the incident spot and carried out investigations from 29 Asoj (16 October) through Kartik 2 (19 October).

This report has been prepared on the basis of the information received from District Administration Office and District Police Office Bara and facts received through family



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members of Birendra Sah including the journalists, human rights workers, civil society and representatives of political parties based in Bara and Parsa districts. The report is also based on the information and facts received from the eyewitnesses around the place of abduction, and those eyewitnesses who had seen Birendra Sah and Ramdev Das being taken towards Sakhuwa jungle by Maoist cadres Kundan Faujdar and Ramyakwal Sahani after having met the former at the Rang post of Kakadi.

Received Facts:

1. On 2064.06.18(5 October 2007), at around 8 AM, journalist duo Birendra Kumar Sah and Ramdev Das (based in Bara district) headed to Sahajnath Sajhedari Forest Consumer Committee situated at a place called Pipara of Ujman VDC of Bara district. They had gone there to get some timbers for Mr. Sah's house, which was under construction at Kalaiya (district headquarter of Bara district). The investigations also revealed that they had taken tea with committee member Janga Bahadur Sah.
2. On the same day, at around 10 AM, Lal Bahadur Chaudhari also came to the office of the Forest Consumer Committee, where Mr. Sah was also present. A discussion took place between the committee members and local Maoist cadres in the forest office. After that, Lal Bahadur Chaudhari was found to have requested Mr. Sah whether he could take his timbers along with that of Mr. Sah, to which Mr. Sah had simply said "okay".
3. After taking three timber logs from Sahanath Sajedhari Forest Committee, Mr. Sah and Ramdev went to a local saw mill to cut up the timbers (at Jadulal Mahato's sawmill). They then had had meal at Junga Bahadur's house, after which they took rest for some hours. At around 2 PM, they were found to have gone to a tea shop at Pipara Bazaar. Lal Bahadur went towards Kolabhi from there.
4. After sometime of it, Kundan Faujdar and Ram Yakwal Sahani came near to the tea shop on an Indian motorcycle (Splendor) with their faces covered with clothes. They called the journalist duo and told them that they were going to collect some information on timber smuggling. They then requested both of them to take some pictures and publish the news of the issue as they were journalists. Mr. Sah told them that he did not have camera with him and refused to collect the news saying he had come there for a personal work. No sooner had Mr. Sah said this than Mr. Kundan



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- forced him to drive a black motorcycle (splendor) while he sat on the backseat of the same motorcycle. After reaching some distance ahead, Mr. Kundan took out a pistol and put it in Mr. Sah's shirt. Ram Yakwal Sahani was sitting on the backseat of Ramdev's motorcycle. After having traveled some distance ahead, the Maoist cadres abducted both of them at gunpoint.
5. At around 5 PM, two persons of Parsauna, who were then returning from Kakadi Rang Post, met Ramdev, Birendra, Kundan Faujdar and Ram Yakwal on the way, and they were asked some tobacco by Maoist cadres. After that, Kundan and Ram Yakwal took both Ramdev and Birendara towards the jungle of Sankhuwa Village.
 6. When the locals of Parsauna heard about the abduction of the duo, some 50-60 of them went on to search them, but they returned when they could not find them.
 7. Lal Bahadur Chaudhari was nearby the jungle. The journalists were kept in different place there. Ramdev was then beaten and misbehaved and later on released along with his motorcycle. However, they retained Birendra and took him towards Tangiya village via Sankhuwa jungle, saying that Mr. Birendra was in the red list of their party and they were abducting him according to their party decision and that they would hand him over to the party.
 8. As Ramdev was beaten severely, the local health workers gave him some painkillers and helped him to go to Kalaiya. He was then taken to Narayani Sub Regional hospital at Birgunj via Kalaiya, and was discharged on 19 of Asoj (6 October).
 9. On 03.03.2064, Lal Bahadur Chaudhari's house had been torched and Mr. Sah had been alleged of having his hand in the incident. He was also alleged of having link with Janatantrik Morcha (one of the armed group emerged in Terai) , and that he helped in releasing one person who had been arrested by the police for his alleged link on torching of Mr. Lal Bahadur's house. The NHRC team received information that because of these reasons, there was an enmity between Lal Bahadur Chaudhari and Birendra Sah and they did not have good relation.
 10. According to the information received, Lal Bahadur Chaudhari was the Maoist In-charge of Area No. 4, Bara District Committee member of CPN-M and former head of district people's government. Kundar Faujdar was found to be district president of Tharuwan Mukti Morcha. Similarly, Ram Yakwal Sahani was found to have been holding the position of Deputy Coordinator in Yong Communist League (a sister organization of CPN-M). Hareram Patel was found to be district president of Madhesi



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- Rastriya Mukti Morcha. Information also had it that Kundan Faujdar had chaired a CPN-M program held very shortly at Kalaiya.
11. Lal Bahadur Chaudhari, Kundan Faujdar, Ram Yaklal Sahani and Hareram Patel are at large following the abduction of Mr. Sah.
 12. On 2064.06.28 (15 October 2007), a decomposed dead body was found at a jungle nearby Seti river, which is situated some 5 kms away from Chakari Village, Amlekhgunj-9. The decomposed body was suspected to be that of Mr. Sah. When the body was shown to the family members, they could not recognize it. The Security agency has given information that the body had been dispatched for DNA test. Similarly, information has been received from security agencies of the districts of Bara, Parsa, Makwanpur and Rautahat that they have deployed security forces to locate those who have escaped and to find the whereabouts of Mr. Sah.
 13. With regard to the abduction of Mr. Sah, various human rights workers' teams including that of parliamentary committee, FNJ and INSEC have collected information and have made it public. On 2064.07.11(28 October), Krishna Bahadur Mahara, spokesperson of CPN-M, issued a press release and formed a 3 member probe committee. Likewise, on 2064.07.14 (31 October), during his visit with FNJ people, Maoist Supremo Prachanda conceded the involvement of his party cadres in the abduction of Mr. Sah against the party policy and he said that Mr. Sah's whereabouts would be made public within some days. But, when NHRC team contacted CPN-M Bara district In-charge Mr. Anil, he provided the information that his party men were not involved in the abduction of Mr. Sah and that Kundan Faujdar and Ram Yakwal Sahani were not in the party.
 14. After the abduction, Ramdev Das who was also abducted along with Mr. Sah, was beaten and misbehaved by Maoist cadres and he was released with serious threats. He has been still receiving threatening calls from Maoist cadres. Even his father has been threatened. His whole family has displaced to Kalaiya due to the threats.
 15. Three weeks have been passed but Mr. Sah's fate still remains unknown. Mr. Sah's 82 yrs old fragile father, his little son and daughter (6 yrs and 8 yrs respectively) and his wife have been weeping day and night ever since his abduction, and now they have stopped eating. The incident has deeply affected in their family and psycho social situation.



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Conclusion:

On the basis of the above mentioned facts, it can be said that Mr. Sah was abducted systematically by responsible and district level CPN-M leaders, namely Kundan Faujdar and Ram Yaklal Sahani. They played a trick by saying that they wanted him for collecting news, and they abducted and took him to a jungle on the clear involvement of Lal Bahadur Chaudhari and Hare Ram Patel. Since, no adequate efforts have been made by government agencies to take effective measures to take actions against the guilty in accordance with law and for the safe release of Mr. Sah, immediate arrangements have to be made in this regard. Similarly, as the involvement of responsible cadres of CPN-M has been found in the abduction, breaching the Comprehensive Peace Accord signed between GON and CPN-M on 5 Mangsir 2063 21 (November 2006) , CPN-M shall make immediate efforts for Mr Sah's safe release.

Recommendations and suggestions:

To the GON

1. To launch a detail investigation into the abduction of Mr. Sah and make public his whereabouts at the earliest soon, and to take action in accordance with law against Maoist cadres Kundan Faujdar, Ram Yakwal Sahani, Lal Bahadur Chaudhari and Hareram Patel including other involved in the abduction
2. To put in place a special arrangement for the security of human rights workers and to ensure their right to freely pursue their profession
3. To maintain security situation and other necessary arrangements in defense of press freedom
4. To make necessary arrangement for the security of Ramdev Das (an eyewitness of Mr. Sah's abduction because he was also abducted along with Mr. Sah and later freed) and his family members as Maoist cadres have been threatening them frequently and that they have been displaced.

To CPN-M

To respect rule of law, human rights and press freedom

To create an environment that would enable human rights workers to operate freely

To make public the whereabouts of Mr. Sah at the earliest possible and to help in taking legal



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actions against the guilty