



The Deputy Commissioner
Rangamati Hill Tracts
Rangamati

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Sub: Deputy Commissioner, Rangamati's Meeting on Peace and Law & Order of 13 January, 2015
surrounding the Incidents at Rangamati on 10-12 January, 2015

The undersigned thanks the Learned Deputy Commissioner for organising a meeting to help re-establish peace and law and order in Rangamati town, following violence and unrest prevailing in the town on 10-12 January 2015.

He offers his full support to just, fair and effective measures to deal with the situation, and to prevent recurrences of a like nature, and confirms the full-hearted cooperation of the Chakma Circle administration.

He takes this opportunity to offer his opinion in writing on the matter, which is decidedly "an important matter affecting the administration of the CHT", on which he is legally mandated to advise the Deputy Commissioner, in accordance with Rule 39 of the CHT Regulation 1900 and other applicable laws, customs, practices and usages. The opinion is largely based upon public opinion that the undersigned has taken account of, recently, and over the last decade or so.

Recommendation on High-Powered, Independent & Impartial Commission of Inquiry

The undersigned strongly recommends that a *Commission of Inquiry* be established by the Government (a) to enquire into the underlying causes of the incidents; (b) to provide short-term, middle-term and long-term recommendations on punishment to those guilty of committing unlawful acts of violence (including abetment and conspiracy, and of harbouring or sheltering unlawful assemblers); and (c) to suggest effective measures to prevent future occurrences of a like nature in future, through deterrent and preventive measures, to be taken by governmental departments and agencies and the general public, as appropriate.

The commission ought to be *high-powered, independent and impartial*. A commission with requisite powers will be able to summon persons, including government officials, before it, enter into any premises, and obtain documents, among others. A commission established under the Commissions of Inquiry Act 1956 (Act No VI of 1956), for example, would have requisite powers to summon persons, examine them and take other measures in accordance with the aforesaid Act of 1956, read with the provisions of the Code of Civil Procedure 1908 (Act V of 1908), the Code of Criminal Procedure 1898 (Act V of 1898) and the Bangladesh Penal Code 1860 (Act XLV of 1860).

In order for the commission to be *independent and impartial*, it ought to be composed of a person or persons of proven expertise and integrity, such as serving or retired high-level judicial officers (including former judges of the High Court Division or Appellate Division of the Honourable Supreme Court) and/or other members of civil society.

Recommendation on Mixed Policing

The undersigned further recommends that immediate and effective measures be taken to *deploy police personnel from different ethnic, linguistic, religious and birthplace backgrounds, including women*, from all concerned groups, in Rangamati town, and elsewhere in the Chittagong Hill Tracts. Such deployment will (a) facilitate more efficient intelligence-gathering; (b) help police personnel gain deeper insights into relevant social, cultural and ethnic dynamics; and (c) help prevent any discriminatory conduct based on ethnic, religious, linguistic or birthplace-related affiliation on the part of such (police) personnel.

Such measures will also help dispel baseless rumours on attacks by one ethnic group on another, which instil fear and panic, and on occasion, instigate violence. The aforesaid steps will be in accordance with the *Equal Rights* and *Non-Discrimination* clauses of the Constitution of Bangladesh and the relevant provisions of the Rangamati Hill District Council Act 1989 (Act XIX of 1989) and the CHT Regional Council Act 1998 (Act XII of 1998).

Lessons may be taken from places with a history of ethnic or racial tension or violence in other parts of the world, including India, UK, Eastern Europe and USA, among others, where deployment of police and other security forces personnel from single racial or ethnic backgrounds was avoided, and multi-racial and multi-ethnic forces were deployed. Such measures were seen to prevent or reduce ethnic violence, mistrust and tension and help sustain peace and normalcy within multi-ethnic or multi-racial communities.

History of Ethnic Violence & Tension in Rangamati Town

Incidents of violence and tension with ethnic undertones involving indigenous (Pahari) and Bengali (Bangali) communities in Rangamati town have occurred over the years, particularly since the 1990s. Although each incident had its own peculiarities and contexts, there are also some glaring similarities between the incidents, which may suggest certain trends. These include the incidents of 20 May 1992 and of 22 September 2012, along with other incidents with a lower level of violence or tension.

Had the aforesaid incidents been enquired into in an appropriate manner, and the findings and learnings of such inquiry or inquiries acted upon, such steps might well have prevented recurrences of a like nature in Rangamati town, and helped the district administration avert the situation that led to violence and the imposition of Section 144 of the Bangladesh Penal Code on 10-12 January 2015 (to deal with *unlawful assemblers armed with deadly weapons*), followed by curfews on 12-13 January 2015.

Other Commissions of Inquiry in the Chittagong Hill Tracts, such as the one established to enquire into the September 2012 incidents at Rangamati by the Learned Deputy Commissioner of Rangamati, although not without their merits, were generally not sufficiently high-powered, nor independent of the executive, and hence not effective enough to deal with the complex issues before them, and to recommend commensurate measures.

It is extremely regrettable that similar incidents of a like nature in the past, including on 20 May 1992 and 22 September 2012, were not dealt with in an open, transparent, non-discriminatory and otherwise effective manner. Some of these matters were brought to the attention of the Learned Deputy Commissioner in the presence of the then Hon'ble State Minister for Chittagong Hill Tracts Affairs at the concerned meeting at the Deputy Commissioner's office in September 2012.

In particular, during the incidents of September 2012, unlawful assemblers were reportedly seen by numerous residents of Rangamati to be openly flouting the law in the town's major thoroughfares, in broad daylight and in large numbers, in violation of several provisions of the Bangladesh Penal Code. These include the commission of the offences of *Riot* (sections 146, 147, 148, 152, 153, etc), *Affray* (sections 159, 160), *Criminal Conspiracy* (sections 120A and 120B), *Abetment* (sections 107, 108), *Unlawful Assembly* (sections 141, 142, 143, 145, 149, 150, 151, etc.), *Owning or Occupying Land used by Unlawful Assemblers* (sections 154, 155, 156) and *Harbouring Persons Hired for an Unlawful Assembly* (section 157). Very few of the guilty, if any, were prosecuted, let alone punished, for reasons not known to the general public.

Pahari-Bangali Peaceful Alliances

Despite the occurrence of violence with ethnic overtones in Rangamati over the last week, and earlier on as mentioned, there are also numerous examples of Pahari-Bangali alliances and cooperation, in the last few days, as also during the September 2012 incidents. Such alliances have helped deal with baseless rumours, reduced tension and violence, and in some cases, have led to peaceful and law-abiding members of different ethnic and religious backgrounds being sheltered and protected by members of other ethnic and religious backgrounds.

The vast majority of the inhabitants of Rangamati town, both Pahari and Bangali, are law-abiding and peace-loving. The Government can confidently count on the support of Rangamati-dwellers from all ethnic and religious backgrounds in any acceptable measure to deal with ethnic violence, which accounts for the history of the concerned incidents, and is just, non-discriminatory and wise.

The undersigned assures the Learned Deputy Commissioner and the Government of full cooperation in this regard.

Raja Devasish Roy
Chakma Raja

Memo No. CR/1 (), Misc., dated, 13 January, 2015

Copy forwarded for kind information to:

1. Mr. H. T. Imam, Hon'ble Adviser to the Prime Minister
2. Prof. Dr. Gowher Rizvi, Hon'ble Adviser to the Prime Minister
3. The Hon'ble Minister of State, Ministry of CHT Affairs
4. The Hon'ble Chairman, CHT Regional Council
5. Mr Ushatan Talukdar, Hon'ble Member of Parliament
6. Ms. Feroza Begum (Chinu), Hon'ble Member of Parliament
7. The Secretary, Ministry of CHT Affairs
8. The Hon'ble Chairman, Rangamati Hill District Council

Raja Devasish Roy
Chakma Raja