

A STUDY ON 'AAWA GANG': MEASURES TO OVERCOME FUTURE THREATS TO NATIONAL SECURITY OF SRI LANKA

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Abstract- Three decades of civil war marked the end of the defeat of LTTE terrorism through a war victory in 2009. Since then, Sri Lanka has been experiencing a post-conflict phase throughout past nine years. The 'conflict trap theory' has been already overthrown with the expiration of five years since the end of war. Therefore, one may assume no terrorism would arise in Sri Lanka in the near future. However, in the recent past, with a chain of criminal incidents that occurred in Jaffna, for which a gang famously known as "Aawa" was held responsible, paved a considerable space of suspicion regarding the national security of Sri Lanka. In this backdrop, the research problem of this paper is focused on Aawa gang in order to evaluate methods to overcome future threats to national security. Literature review of this paper will be mainly based on criminological perspectives on Classical and Positivists thoughts and 'crime-terror nexus' theory to access Aawa gang's current status and to seek its probabilistic opportunities to become terrorists. Therefore, research methodology of this paper relies on both qualitative and quantitative methodologies based primary and secondary sources. Primary sources include data gathered through in-depth discussions with police officers, intelligence officers and inhabitants of Jaffna and secondary sources include statistics of Sri Lanka Police, CCTV recordings, media and internet. Further, the research is limited to the data from January 2014 to July 2018 and has excluded Biological Positivism in research analysis. Finally, it is the prime objective of research outcomes to reveal the possible future challenges to the national security of Sri Lanka and to provide practical measures to overcome such challenges.

Keywords- Aawa Gang, Future Threats, National Security

I. INTRODUCTION

The first incident of Aawa gang reported in 2011 during a wedding ceremony held in Amman Kovil, Inuvil whereas the first crime committed by Aawa gang was on 04.01.2014 also in Kopai. Since then, as per criminological perspectives Aawa gang has been identified as a criminal group according to their behavioural patterns. However, it is still debatable whether group traces a political agenda, youth uprising, a tender phase terrorist movement, or a starting level of an insurrection. Anyhow, due to long-term continuous but, sudden unexpected occurrence of criminal activities it became popular in the country, which even became capable to spread fearful thoughts of insecurity in Northern areas of Sri Lanka by even resulting Parliamentary discussions regarding Aawa gang.

II. RESEARCH METHODOLOGY

Research problem of this study is focused to evaluate Aawa gang against the national security, along with theoretical perspectives of classical and positivist criminological paradigms and 'crime-terror nexus' theory. The conceptual framework of this study will be proceed first to identify

the nature of the behaviour of Aawa gang through their acts and background facets, then to examine whether this gang has become a challenge to the national security and ultimately to recommend the measures to be taken up to apprehend Aawa and such similar threats in the future.

Therefore, research methodology of this paper relied on both qualitative and quantitative methodologies based on both primary and secondary sources. Primary sources include data gathered through in-depth discussions with police officers, intelligent officers and Jaffna inhabitants and secondary sources include statistics of Sri Lanka Police, CCTV video recordings, media and internet. Further, it is important to note that the data analysis of the research is limited to the duration between the first crime committed date of Aawa gang to the final revised submission date of this paper, means from 06.01.2014- 25.07.2018 and to the exclusion of biological positivism.

III. "AAWA GANG"

Until 17th October 1995, which by the Operation 'Riviresa' Sri Lanka Security Forces claimed the territory of Jaffna peninsula, Jaffna was administered under LTTE. Even though, war in Jaffna peninsula was ended in 1995, informants from both Sri Lanka Security Forces and of LTTE were actively engaged in their tasks. However, after the end of war in 2009, grudges between the two groups of informants started and as a result, few independent crimes such as theft and assaulting the opponents of committing such crimes were reported. In this backdrop, small groups/ gangs were mushroomed with unemployed youths especially in Jaffna district.

However, Aawa gang has derived under unknown origins. It was revealed that a person named 'Nimalan Kandasami' who has come from South India by boat to Northern Sri Lanka has formed Aawa gang at the inception. It was found that he has brought a sword made in Brazil and some CD's

of South Indian fighting scenes, and has created a group namely, 'Nimalan Group'. Also, he has made 15 similar swords that of the sword of Brazil from a blacksmith in Chunnakam. Later, he has gone back to South India. Thereafter, the gang was led by Kumareshan Rathnam Vinodan alias 'Aawayan'. He was called as "Aawayan" due to his speaking pattern. In Tamil 'Waa' means 'mouth' and Vinodan being a person who talks without any limits and he makes 'Aa...Aa..Aa...' sound while talking. This is the rationale behind the name of 'Aawa gang'.

Aawa gang is also known as 'Jaffna Bike Gang' since their mode of transportation is bikes. Its majority active members are unemployed youths between age of 17-25 except one identified military deserter. Their assembly occurs two three days a week and planning their future acts while consuming liquor. Also, the reason behind their heroic mind set is action movies they often watch. It is also important to note that this group is mainly active in four cities of Jaffna District and not in rural areas. Also, their main weapons are swords and different shapes of knives mainly manufactured by local blacksmiths.

In the year 2016, then the Minister of Law and Order Hon. Sagala Rathnayake stated about Aawa gang in the Parliament that, "Two parties have clashed in 2011 at Amman Kovil in Inuvil, Jaffna. One party has grouped up to attack their opponents and later the same group started engaging in illegal activities in Jaffna. They have assaulted university students, engaged in robberies and have taken ransoms in Jaffna, Kopai, Chunnakam, Manipai, Chavakachcheri police divisions. Later, they have engaged in contract crimes. The entire group has 60 members out of which 38 are now in custody. We are on the lookout for 8 leaders of different levels" (Daily FT 2016). However, as per police statistics Chavakachcheri police area has no reported crimes by Aawa gang though it is mentioned in the above statement. Since the inception of the gang to the end of July 2018 Aawa gang has been functioned under six identified leaders.

Table 1. Details of Aawa Gang Leaders

| Year | Aawa Leaders | |
|--------------------|--|--------------------------------|
| | Name | Born in/ age at the leadership |
| Founder | 1) Nimalan Kandasami | - |
| 2011 | 2) Kumareshan Rathnam Vinodan alias "Aawayan" | 1991 |
| At the end of 2013 | 3) Nallalingam Prasanna alias "Sanna" 4) Gunasekaran Davayudan alias "Deva" | 1991 |
| 2015 | 5) Sathyawel Kadan Nishanthan alias "Nisha Victor" | 1995 |
| Since August 2017 | 6) Mohan Ashok Kumar alias "Ashokan" | 22 years |

Since the first crime committed date 04.01.2014 to 25.07.2018, several crimes have been reported under the name of Aawa and many court cases have been filed.

Table 2. Police Statistics of Crimes Committed by AAWA Gang

| Police Area | Year | Crimes and Suspects | | | |
|-------------|------|----------------------------|-----------------------------------|----|----|
| | | Total No of cases arrested | Total number of suspects reported | | |
| Kopai | 2014 | 1 | 16 | | |
| | 2015 | -- | -- | | |
| | 2016 | 1 | 05 | | |
| | 2017 | 4 | 18 | | |
| | 2018 | 3 | 09 | 19 | 58 |
| Manippai | 2015 | 1 | 13 | | |
| | 2016 | 1 | 02 | | |
| | 2017 | 7 | 6 | | |
| | 2018 | 2 | 11 | 06 | 67 |
| Jaffna | 2016 | 5 | 28 | | |
| | 2017 | 1 | 11 | | |
| | 2018 | 3 | 09 | 05 | 44 |
| Chunnakam | 2016 | 3 | 18 | | |
| | 2017 | 9 | 49 | | |
| | 2018 | 3 | 15 | 12 | 79 |
| TOTAL | | 44 | 248 | | |

In this table, the four police areas in which Aawa gang crimes have been reported are considered for data analysis from 04.01.2014 to 25.07.2018. With the available data, it is clear that majority cases have been reported in Chunnakam police area though the first crime was reported from Kopai Police area in 2014. Also due to the arrest of all suspects and the first leader Aawayan after the first crime incident, in 2014 and 2015, gang has not engaged in any illegal activities except one incident occurred in Manippai in 2015, where again all accused were arrested.

It is important to note that here, the total numerical value of suspects are not accurate because of the fact that same accused have been engaged in several crimes repeatedly in later incidents due to their release on bail.

Then, in 2016 compared to the previous two years 10 crimes reported, however, year 2017 is recorded as the highest crimes reported year of Aawa up to date with 21 crimes. Also, within the first 7 months of year 2018, 11 crimes have been reported, whereas in 2017 first 7 months had 13 cases. Therefore, comparative to 2017, it is a 0.02% decrease in 2018.

Further, it is evident through Police records that almost all suspects of early cases and more than 90% of suspects of recent crimes have been identified and arrested even though majority of them have been later released on bail and only few accused are in remand prison.

Moreover, in detail analysis of available statistics it was revealed that mainly extortion, grievous hurt, voluntary causing hurt by dangerous weapons, robbery, theft, arson, obstructions to police officers, possession of explosives are the most common grave crimes committed by Aawa gang whereas two incidents of homicide and an attempt to homicide have also been reported.

IV. AAWA AS A CRIME GROUP: CRIMINOLOGICAL PERSPECTIVE

In criminology, two main schools of thoughts, namely, Classical school and Positivist School are concerned in analysing the criminal behaviour of individual criminals and crime groups. According to classical theory of criminology, criminals are rational actors. This theory is known as “Rational Actor Model” of criminology. Basics of this thought are, rationality, free will and hedonism (seek to avoid pain and increase pleasure) to determine criminal behaviour. Cesare Beccaria and Jeremy Bentham are the pioneers of this theory and their thoughts were based on “Social Contract Theory” of Hobbes, Locke, Voltaire and Rousseau.

In contrast, under Positivist paradigm, three perspectives of criminology is discussed. (1) Biological positivism or “Predestined Actor Model”, which determine criminals according to physical/body characters. As per Cesare Lombroso, criminals represent a physical type distinct from non-criminals. (2) Psychological positivism determine the causes of crime directed to the mind/ ego of the criminals. In this, Sigmund Freud’s “Psychodynamic Theory” and “Behavioural Learning”, “Cognitive Learning” theories are examined by giving space for both rational and predestined notions. (3) Sociological positivism determines the criminal behaviour that deviate from the norms acceptable to the consensus of opinion in society. Here, Emile Durkheim was able to assert the merits of social factors in explaining individual and group action.

In terms of Aawa gang, it seems important to analyse Classical theory, Psychological Positivism and Sociological Positivism to define the criminal focussed behavioural pattern. Biological Positivism is excluded from research analysis due to the reason of impracticality in applying this theory to Aawa members due to the fact that they possess general physical characters of youths in

the same age despite of core focussed drug addicts under this theory.

In Classical view point, free will, rational thinking and hedonism have become the main foundations of Aawa gang too. Being unemployed young males, who seeks pleasure to avoid pain by means of rational thoughts on heroic versions stimuli by action movies, they behave in their own free will. Therefore, the law should be able to suppress their criminal behaviours in order to establish peace and order in the society. (The drawbacks of the existing legal system will be discuss under recommendations)

In Psychological Positivist view, theory of Psychodynamic is important to compare with Aawa gang behaviour. Freud’s three sets of interacting forces of; (1) Id (primitive biological drives) such as the youth energy, (2) superego (conscience) of consensus of values developed by the culture of the society in Jaffna, such as, heroes. This factor is firmly established by the incident that when the gang was led by Aawayan, they committed robbery and ransom collection from businessmen, and whereby distribute those money among poor to be respected as heroes. Ultimately, (3) ego (conscience personality) of balancing Id and Superego are the results of their criminal behaviour.

Under Sociological Positivism, Aawa behaviour is analysed under four main conditions, namely, (1) culture, (2) societal norms, (3) territorial and (4) financial aspects.

- i. It is a cultural aspect in Jaffna to use swords and large knives in quarrels and they are available in their households. This is as much as similar to the clubs or knives used in rural Sinhalese cultures for the likely purposes. Therefore, in one point of view use swords and different shapes of large knives by Aawa to commit crimes is an aspect inherited in their culture.
- ii. Societal norms of northern inhabitants are entangled with the caste differences. This has negatively impact on police duties as Jaffna Tamils dislike to work with Tamil police officers. This was further established by the distribution of leaflets in Jaffna suburbs by Aawa gang at the inception, demanding Tamil Police officers to leave the area. This seem that Aawa gang represent the voice of Northern inhabitant’s societal norms and believes.

- iii. The terrain of Northern Province once laid the foundation for the birth of world’s most dangerous terrorists, LTTE. It is evident that still some people advocates LTTE leadership. This fact is re-approved by acts of Aawa members by displaying the LTTE flags and even with the merging of LTTE cadre’s names, such as, “Victor”² by an Aawa ex-leader ‘Nisha Victor’. These evidence supports the superego factor of Psychological Positivism as well as Sociological Positivism.
- iv. Also, these youths are financially funded by their relatives abroad. On the other hand, the police have received information on the source of the group’s finance and advice, which comes through a Tamil organization in Switzerland. It has been revealed when interrogated a suspect in custody. Police have been informed that a group in Switzerland is still involved in fund raising for LTTE and that two of the group is currently in Sri Lanka. Also it is stated that one named Pirunthan is the man in Sri Lanka is having connection with Swiss gangs have connections and Aawa this group carry out his instruction here’ (Timesrilanka.com 2017) Police TID³ is currently investigating on these facts.

Therefore, as per criminological perspectives it is clear that Aawa Gang is a crime group. Thus, next the question arises whether this is an organized crime group? In the year 2000, the United Nations Convention against Transnational Organized Crime defined an organised criminal group as “a group of three or more persons existing over a period of time acting in concert with the aim of committing crimes for financial or material benefit.” (EUROPOL 2018) Further, during Police investigations of Aawa crimes, it has also been revealed that some of their crimes are not random but mostly on targeted persons due to the fact that they commit crimes on contract basis for money. These facts support Aawa even to consider as an organized criminal group too.

² “Victor” was one of the leading LTTE cadres who engaged in terrorist activities at the dawn of LTTE in 1980’s.
³ Terrorist Investigation Unit

V. FUTURE OF AAWA: CRIME-TERROR NEXUS

As per available intelligence and based on criminological perspectives, their behavioural patterns it is currently only falls into the category of crime group and not a terrorist movement. The different identities of being criminals or being terrorist can be merged in two ways; (1) Criminals transform to terrorists and (2) Terrorists transform into criminals. Thus, the transitional behaviour during the transformation stage occupy both qualities of two ends and that would make it impossible to have a clear cut identity of one extreme.

“Crime-terror nexus” is a theory emerged with the terrorist activities of ISIS in the recent past. This simply means merging of criminals and terrorists milieus. As much as the two phenomena differ, however, there exists an inherent connection between them as terrorism is also criminal in nature, and all terrorists are criminals but only a few criminals are also terrorists. “Gang” is a phenomenon studied since the 1920s, seem to constitute a relevant reference point for terrorism experts and researchers. As gangs allegedly embraced “networked organizational forms,” and turned into power seeking “net warriors,” modelled on entities involved in political violence, such comparisons gained new weight. (GLOBSEC 2018) Thus, Aawa gang though called as a ‘gang’ has yet not developed to a stage of committal of political violence as such by ISIS.

Therefore, at this juncture aftermath of evaluating 4½ years of behavioural pattern of Aawa gang with the concepts developed in crime-terror nexus, Aawa gang only falls into the category of a crime group and still it cannot be considered as a terrorist group. As per State Intelligence, even though certain linkages with LTTE foreign domains have been revealed, such are yet not strong enough to establish a direct link.

However, attention is required to evaluate the opportunity vested on extremists or terrorists advocates to use Aawa gang to drive to enforce their so-called Ealam dream which was tarnished by the 2009 war victory or to create issues in the State to damage the internal security as well as the image in front of the international community.

Thus, based on theoretical foundations of social studies Aawa gang is a study of human behaviour, therefore it

is impossible to provide a certain prediction than of a probabilistic prediction as, “There may be a probability (not a possibility) of conversion of Aawa gang into a terrorist movement in the future if not identify the threats and take measures to overcome the existing lapses”. In this backdrop, rather than mere labelling Aawa as a “Crime Group” it would do better and suitable to keep its status in between the crime group and its opportunity to become a terrorist movement by applying “Ice Burg theory” where what is unseen may be larger than what is seen.

VI. AAWA GANG IMPACT ON NATIONAL SECURITY

It is apparent that due to the continuous, out-breaking behavioural pattern of Aawa gang throughout past 4 ½ years and inability to mark an end up to-date; though the leaders have been captured where the next in line comes to the leadership and most importantly, the linkage with foreign resources to gain funds must be given a vital importance to consider. It as a threat to national security with the lessons learnt during three decades of civil war where the inability to eradicate the youth militant uprising at the inception of their organisation in the early 1980’s was capable enough to initiate terrorism.

Further, it is highly essential to point out that the existing legal barriers has contributed the existence of Aawa gang throughout. Because, almost all arrested accused are bailed out in courts due to nature of the offences they commit. As a result, repetition of crimes by the same Aawa members occur repeatedly and this aspect has not paid attention by the judiciary.

In fact, causing injury by cutting is a “grievous hurt” which falls under one of the 26 types of crimes in Police GCR⁴. However, whether it is a grave crime or not is decided by JMO⁵ by his written statement in the Medico-Legal Examination Form produced by Police. Then it is decided whether such crime falls under Section 300⁶ or 317⁷ Penal Code. Anyway, both these offences are non-bailable by Police whereas bailable in Magistrate Court.

⁴ Grave Crimes Register

⁵ Judicial Medical Officer

⁶ Attempt to murder, if such act cause hurt to any person

⁷ Voluntarily causing grievous hurt by dangerous weapons or means

However, examining the severity of the criminal⁸, Police sometimes pleads under Section 14⁹ of the Bail Act in order to refrain granting bail by Magistrate Court. Thus, if the report of JMO decided as ‘non-grave crime’ or if Police has concluded investigations, then court is bound to release such suspect on bail. In this backdrop, Aawa gang members who are arrested often being released on bail and in addition, police statistics prove the fact that such accused have re-committed the same crimes gain and again. (See Table 2) Therefore, this judicial action has become the contributory factor to the continuity of Aawa gang. Also, the main weapons of Aawa, swords and large knives are not illegal weapons according to Sri Lankan Law. These are the main issues require the attention of judiciary to be addressed.

V. RECOMMENDATIONS

With the points discussed above, it is important to make recommendations on followings, as means to overcome similar future threats to national security.

A. Executing Police Duties

Sri Lanka Police being the key responsible organ of State’s internal security, the legal authority to prevent crimes and other threats to internal security is bestowed with them. Therefore, prevention of the crime group Aawa is a duty and responsibility of Police.

However, except under the aforementioned legal barrier (release on bail), the criminal behaviour of Aawa has a declining effect due to the latest trend of upcoming grudges/clashes among Aawa members. This has limited their criminal behaviour to the gang itself than against the general public. First clash between two groups of Aawa

⁸ Severity of a criminal is measured based on the past criminal records, possibility of destroying evidence against him while on release and the opportunity to interfere with the witnesses of case and etc.

⁹ Reasons for which court may refuse bail or cancel a subsiding order for release (a) that such person would- (i) not appear to stand his inquiry or trial; (ii) interfere with the witnesses or the evidence against him or otherwise obstruct the course of justice; or (iii) commit an offence while on bail; or (b) that the particular gravity of, and public reaction to, the alleged offence may give rise to public disquiet.

gang were reported at the end of April 2018, occurred as a result of competing for the leadership of the gang while the leader was in remand prison. Second clash on damaging properties of two Aawa members including arsoning of a bike and damaging a house was reported on 28.06.2018 as they refused to involve in future acts of the gang.

In-depth discussions with Jaffna inhabitants revealed that due to stern legal actions by Police and societal-pressure to be refrain from illegal activities, now Aawa is being labelling as a ‘nuisance’ to the general public of Jaffna as it disturbs the peaceful living hood of northern inhabitants and to businessmen. Therefore, many Aawa members are now try to refrain to get involved with gang’s illegal activities. This supports the fact that Aawa gang can be curbed by means of stern legal actions by Police. Most importantly, attention is required to pay regarding the Tamil illiteracy of police officers of Northern Province which has further resulted the delay in Police investigations. Therefore, it is recommended to recruit police officers who are literates of Tamil language or to provide training programmes to available officers. Also currently Police TID is investigating about Aawa, and it is further recommended to hand over Aawa investigations to Police OCPD¹⁰.

B. Legal implications

As discussed above, majority of Aawa gang accused bailed by courts due to the nature of their crimes. Therefore, it is recommended to avoid granting of bail under Section 14 of Bail Act until such threat is fully diminish or until all members being arrested in order to scatter the passage of the leadership to next subordinate which resulted the development of Aawa throughout. Also, considering Aawa Gang under PTA (Prevention of Terrorism Act), if PTA could be enforced, Aawa members could be held in detention for 3 months and could be renewed such period every 3 months until investigations fully concluded. Moreover, if necessary in the future, military assistance could be obtained under directions of the President of the State by enforcing Emergency Regulations through a Gazette Notification under PSO¹¹, and it is recommended

¹⁰ Organized Crimes Prevention Division, which was established in April 2017 with the prime objective of curbing organized crimes.

¹¹ Section 5 of Public Security Ordinance

to impose Emergency Regulations only to areas where Aawa Gang is active. In addition, by considering Aawa crimes as Offences against State under Chapter VI of Penal Code, Section 122, Attorney General shall prosecute and shall be punished by imprisonment. It is highly important to note that these legal recommendations are ‘possible’ legal solutions available and the application of such shall be determined by the authorities accordingly.

C. Media

News broadcast by media has indirectly assisted Aawa to become popular in Sri Lanka as well as to uplift their Psychological and Sociological strengths. This has even caused to raise awareness of availability of such gang even to international domain. This has even a tendency to growth of their funding process and even to grant an opportunity to use them by extremists or terrorist advocates. Most importantly, it must be noted that most news broadcasted through media regarding Aawa gang are false. For example, media exaggerate the term ‘Northern Province’ when reporting Aawa crimes, when Aawa involvements are reported only in 4 Police areas of Jaffna Division out of 53 Police areas in whole Northern Province.

The latest amendment to the Fundamental Rights of Sri Lankans is the Right to Information granted under Section 2 of the 19th Amendment to the Constitution, where Article 14A (1) states that “Every citizen shall have the right of access to any information as provided for by the law, being informed that is required for the exercise or protection of a citizen’s right”. However, as per 14A (2) such right shall be restricted “in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime.....” Therefore, it is clear that the State can control media in the case of Aawa gang to refrain unnecessary promotions towards these criminals as well as to avoid false news headlines which even obstructs peace and order of the State.

D. Social issues

It is also essential to point out that the unemployment of youths in Northern Province has also aided Aawa continuation. Therefore, it is recommended to create job opportunities to these youths to avoid repetition of youth uprising in the future.

VI. CONCLUSION

Finally, it is important to emphasize that the Aawa gang is yet a crime group which is of an out-breaking behaviour. Being criminals as well as its probability to become terrorists in the future if not overcome existing barriers, would support to consider Aawa as a further threat to national security. Therefore, it is a need of the hour to take necessary measures through judiciary especially to overcome existing legal lapses to face such analogous threats in the future.

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