

Student Killings, Aava Gang and the Securitisation of Jaffna

A topmost concern of the Tamil community in the North-East is the Sri Lankan Government’s failure to meaningfully confront systemic policing and military intelligence issues that have once again been brought to the forefront by the recent killings of two Jaffna University students by police. The government has in the aftermath of the killings chosen to utilise the draconian Prevention of Terrorism Act (PTA) to arrest dozens of individuals on allegations of being linked to the “Aava group” under the purview of the Terrorism Investigation Department (TID). The arrests under the PTA of alleged Aava group members is creating a climate of fear that represses activism and mobilization, and is perceived by local communities as an attempt to provide justification for the police shooting amidst the annual post-war crackdown by the military in the lead-up to *Maaveerar Naal* (Martyr’s Day).

Killings of Pavunraj Sulakshan and Nadarajah Kajan and Chunnakham Police Attack

On the night of October 20, 2016, Pavunraj Sulakshan and Nadarajah Kajan, students at Jaffna University, were tragically killed by a police shooting in Kokuvil. The police responsible were part of a special task force (to be distinguished from the Special Task Force (STF)) created to respond to increased gang violence on the peninsula and on the day of the incident had reportedly been stationed at a checkpoint on KKS road. Initially the police attempted to portray the incident as a motorcycle accident (see image 1)¹, but following revelations by the media that one of the two students had sustained gunshot injuries, the Jaffna Magistrate’s crime scene visit and the subsequent immediate mobilisation of the student community in front of the Jaffna Teaching Hospital mortuary demanding a proper inquiry, the Government Information Department released a statement admitting police involvement in the killings.² Five policemen were arrested and a special Criminal Investigation Department (CID) team was dispatched from Colombo to carry out the investigations.³



Image 1: Initial Police Statement on October 21, 2016

¹ Source: Tharindu Jayawardena- Lakkima- <https://twitter.com/tharinduij/status/790474353615917056>

² BBC, 21 October 2016, <http://www.bbc.com/tamil/sri-lanka-37725993>

³ Daily FT, 22 October 2016, <http://www.ft.lk/article/575433/Two-Jaffna-University-students-killed-in-suspected-shooting>

Mobilising to demand justice for the killings, around 2000 students led by the Jaffna University Faculty Student Unions conducted a silent demonstration in front of the Jaffna Kachcheri and opposite the Governor’s Residence on October 24.⁴ In a petition which the students submitted to the President and Prime Minister on that day, they called for: a free and fair police investigation into the killings; an investigation by the National Police Commission into the initial cover up; monitoring of the investigation by the Human Rights Commission and local and international human rights activists; speedy investigations; and appropriate compensation to the families of the victims.⁵ The students also launched a week-long boycott of lectures at Jaffna University. A hartal called for by all Tamil political parties shut down Jaffna on October 25. Solidarity demonstrations were held across the North-East and in the South.⁶



Image 2: Leaflets pasted around Jaffna allegedly by Aava group

On the same day as Kajan’s funeral, another incident occurred involving an alleged attack on police officers in civilian clothes, which further highlighted the deep issues within the security sector in the North-East. On October 23, a group of men riding motorbikes reportedly attacked and injured two police officers near Chunnakham, Jaffna.⁷

While initially police stated that the incident was in relation to a robbery that happened in the area,⁸ only a day later leaflets were pasted around Jaffna town alleging that the attack was conducted by the Aava gang and that it was in retaliation for the shooting of the two university students.⁹ The leaflet also claimed that Aava was created to ‘protect the youth community from the degradation of culture in Jaffna’ and that such activities will continue. (see image 2¹⁰). As many activists commented, the language and form of the leaflet however point to possible military intelligence involvement in its publication. It is noteworthy that similarly worded leaflets have been issued frequently throughout the post-war period threatening action against political activists particularly under the former regime of President Rajapaksa.

⁴ Tamil Guardian, 24 October 2016, <http://tamilguardian.com/content/jaffna-students-demand-justice-police-deaths>

⁵ *Ibid.*

⁶ The Hindu, 24 October 2016, <http://www.thehindu.com/news/international/jaffna-deaths-spark-nationwide-protests/article9262692.ece>

⁷ Ada Derana, 23 October 2016, <http://tamil.adaderana.lk/news.php?nid=84701>

⁸ *Ibid.*

⁹ Tamilwin, 24 October 2016, http://www.tamilwin.com/security/01/122119?ref=left_popular

¹⁰ Source: Tamilwin- http://www.tamilwin.com/security/01/122119?ref=left_popular

On October 31, Tamil media reported about a leaflet issued under the name of 'Prabaaharan Padai' (Prabaharan's army) addressed to all Tamil speaking police officers in all five districts of the Northern Province to either quit their jobs or to transfer out to police stations outside of the Northern Province.¹¹ The leaflet, similar to the one claimed to be issued by Aava, claimed that they are issuing this order so as to curb those activities in society that are inhibiting the development of Tamil youth. Tamil civil society activists told ACPR that they suspect military intelligence's hand in this leaflet as well. They point to similar leaflets that were issued under the name of 'Ellalaan Padai' and 'Sangiliyan Padai' under the former regime also ostensibly by the military intelligence. They argue that it is impossible for such groups to operate without support from the security apparatus given the very high presence of the military and the police and their intelligence networks in the North-East.

State and Judicial Response to Gang Violence and Drugs Post-War in Jaffna

Since the end of the war in 2009, there has been a large increase in drug trade, youth gang violence, sexual violence, and robberies in Jaffna, despite pervasive militarization and deep surveillance in the peninsula.¹² Reports have also linked the military to the increase in the drug trade in the North-East and their complicity in permitting gang violence to escalate.¹³ One such post-war gang that emerged was the 'Aava' gang.

In early January 2014, upon orders of current Inspector General of Police and then Deputy Inspector General (DIG) of the Northern Province, Pujitha Jayasundara, a 25-member police team carried out investigations in Jaffna, Manipay, Achchuveli and Chavakkachcheri and arrested 16 alleged members of the Aava gang.¹⁴ It is reported that after the arrest of the leader of the group, Kumaresan Vinothan, who was nicknamed 'haavaa' ('rabbit' in Sinhala) by the police, and 13 others in 2014, the activities of the group drastically subsided.¹⁵

However, even after the actual Aava gang activity subsided, there were many reports of young men arrested for petty crime who were later labeled as "Aava" despite having no connection to the group. Many perceive the label as an umbrella under which the police arrest young men in Jaffna. One young man told ACPR of an incident in which he and his friends had gotten into a brawl outside a restaurant in 2014 and were arrested, but once they got to the police station they were told they were being arrested as "Aava" gang members.

There has also been a judicial response to the increase in gang violence from the bench, especially by the current High Court Judge of Jaffna, who has made confronting youth gang violence a priority. Immediately following his appointment to Jaffna in 2015, and in the aftermath of violent incidents in Chunnakam, the High Court Judge directed the Special Task Force (STF) to consider any assembly of above 5 persons as unlawful and to arrest the

¹¹ Virakesari, 31 October 2016, <https://www.virakesari.lk/article/12941>

¹² Tamil Guardian, 07 June 2015, <http://tamilguardian.com/content/increased-drug-problem-sri-lankas-military-arrived-north-east-says-cv-wigneswaran?articleid=14987>; The International Truth and Justice Project, March 2014, <http://www.itjpsl.com/reports/unfinished-war>

¹³ Sunday Times, 21 June 2015, <http://www.sundaytimes.lk/150621/news/jaffna-authorities-act-fast-against-alarming-hike-in-alcohol-drugs-use-154258.html>

¹⁴ Tamil Mirror, 07 January 2015, <http://www.tamilmirror.lk/95926>

¹⁵ *Ibid.*

violators.¹⁶ He declared that the post-war gang culture would be eradicated and ordered anyone involved in such acts to be immediately produced before Courts.

While ACPR notes that the High Court Judge's directives may have been issued with the best of intentions, in practice it may have unintentionally led to strengthening the hands of the police known to routinely stop and arrest without cause, young, mostly Tamil men. The ethnic dimensions, the lack of training among police, and the impunity throughout security apparatuses, including the police, in Sri Lanka, all suggest that providing the police with even wider powers of arrest is not the solution. ACPR believes that the police and particularly the STF have misused the High Court Judge's order to increase their patrolling in Jaffna in the name of curbing unlawful gangs. Given the withdrawal of the notice empowering the army to engage in police functions by President Sirisena, the STF, equally known for their brutality and systemic abuse have increased their visibility in Jaffna. This has meant that the uniforms have changed but the securitization of the North-East continues through different agencies. The securitization in Jaffna now is justified in the name of curbing unlawful activities of alleged groups like Aava. This then leads to the question of whether the presence and sustenance of groups like Aava aids the securitization agenda for the North-East and if so, as to who is responsible for their creation and operation.

Resurgence of "Aava" Group

In the aftermath of the killings of Sulakshan and Kajan, and in the run up to Maaverar Naal, despite the government's pledge that the PTA is no longer in use, and amidst stiff critique of the proposed successor, the Counter-Terrorism Act (CTA), dozens of arrests have been made of individuals by the TID under the PTA over the last few weeks. All of these arrests are alleged to be of individuals involved with the Aava gang, but many of the individuals to ACPR's knowledge have no connection with the group, and are actually young Tamil political activists, some of whom were involved in the organization of the Ezhuka Tamil rally.

The alleged resurgence of the Aava gang at a time when security apparatuses are facing closer scrutiny from the international community due to the killings of Sulakshan and Kajan, when mobilization of Tamils in the North is growing, and when pressure is mounting on the government to demilitarize the North-East, is perceived by many in Jaffna to be orchestrated by military intelligence. People have long had suspicions about the Aava gang and its links to military intelligence, especially given its ability to operate with impunity at the height of the Rajapaksa regime.¹⁷

At a press briefing held on October 26, the Minister of Law and Order, Sagala Ratnayake, refused to answer a question about whether military intelligence was behind the creation of the Aava gang.¹⁸ On November 2, current Minister of Health and Cabinet Spokesperson, Rajitha Senarathne, who was also Minister of Health under Mahinda Rajapakse, accused¹⁹ former Defense Secretary Gotabhaya Rajapakse and "top military officials" of creating the Aava gang

¹⁶ Athavan News, 22 September 2015, <http://athavansrilanka.com/?p=274524>

¹⁷ Tamilwin, 29 October 2016, <http://old.tamilwin.com/security/01/122655>

¹⁸ Shihar Aneez, @shiharaneez. <https://twitter.com/shiharaneez/status/791180040755032064>

¹⁹ Daily Mirror, 2 November, 2016, <http://www.dailymirror.lk/article/-Aava-a-Gota-creation-Rajitha-118572.html>

during the war. Senaratne while justifying their creation and use during the war went on to imply that the so-called “resurgence” of the Aava gang in the post-war context was meant to create fear among civilians in the North. Minister of Defence, Ruwan Wijewardena’s statement²⁰ a few days later denied any military involvement but in a subsequent statement suggested that some Army deserters may have been involved and they are investigating this further²¹. Notably the Director of Military Intelligence was transferred during the same period.²² The Government has denied any links between the transfer and allegations that military intelligence is behind the Aava gang.²³

Despite the mounting evidence of the Aava gang’s links to military intelligence, the Government has announced that it has sought the assistance of the feared “Special Task Force” (STF) to “not only track down members of the Aava group but to maintain law and order as well” in the North.²⁴ An announcement was made that a special team of police and STF personnel would be established to combat the Aava gang in the peninsula. Army Spokesperson Seneviratne has also requested that the army be allowed to “crackdown” on the Aava gang in the North, stating that they were only a threat because the army was not being allowed out of their camps.²⁵ It may be argued that this is an indirect indication to the President from the Army to invoke provisions under Section 12 of the Public Security Ordinance to issue a call-out order to the Army authorizing them to perform police functions to restore public order. Questions arise as to whether the resurgence of Aava conveniently aids the Armed Forces to thrust themselves yet again to the forefront of life in the peninsula.

On November 16, the Minister of Law and Order while responding to a question in Parliament announced that a total of 38 individuals have been arrested for alleged connection to the Aava gang. He claimed that there are in total 62 individuals suspected of involvement with Aava. Minister Sagala Ratnayake however claimed that these individuals were not involved in terrorist activities but that these were routine law and order problems. Minister Sagala Ratnayake however did not explain as to why many of those arrests were then made under the PTA. The statement by the Minister that the Aava gang was not involved in terrorist acts is in total contrast to the submissions made by the Police and the TID before the Colombo Additional Magistrate justifying the arrests under the PTA. The Police and TID in court claimed that those arrested are connected with former LTTE cadres and that they are trying to regroup.²⁶ The TID also claimed that they receive funding from the Tamil Diaspora for their activities.²⁷ We fear that the attempt to link Aava to the LTTE is an extension of the Rajapaksa regime’s strategy of justifying arrests under the PTA which otherwise should have taken place under the Penal Code and the Criminal Procedure Code.

²⁰ Colombo Telegraph, 6 November, 2016, <https://www.colombotelegraph.com/index.php/aava-has-no-links-to-army-ltte-state-minister-of-defence-ruwan-wijewardena/>

²¹ Daily News, 16 November 2016, <http://dailynews.lk/2016/11/16/local/99256>

²² Daily News, 2 November, 2016, <http://dailynews.lk/2016/11/03/local/97930>

²³ *Ibid.*

²⁴ Ceylon Today, 27 October, 2016, <https://www.ceylontoday.lk/print20160701CT20161030.php?id=8081>

²⁵ The Island, 30 October, 2016, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=154718

²⁶ Virakesari, , 9 November 2016, <http://www.virakesari.lk/article/13320>

²⁷ Daily News, 17 November, 2016, <http://dailynews.lk/2016/11/17/law-order/99372>

ACPR is concerned that that the “Aava” gang resurgence is being *inter alia* used by the military in the North to crackdown on Tamil activism and mobilization by creating a climate of fear that is conveniently timed for the lead-up to *Maveerar Naal*, which annually sees a more visible military presence in the North-East. We also question the legality of the arrests of some individuals as alleged Aava gang members given the verified information we have about the identities of some of these individuals as Tamil political activists/organizers. But even if the existence of Aava as an unlawful gang is true and even if those individuals arrested are actual members of the Aava gang, given the Minister of Law and Order’s confirmation that these individuals were not involved in terrorist activities, gang violence is more appropriately a matter for the police to handle under the Penal Code.

The active use of the PTA to arrest individuals for ordinary crimes is contrary to the promise made by the Government to the UN Human Rights Council and to its own citizens that the PTA will be repealed. The leaked draft Counter Terrorism Act Policy Paper has already indicated that the Government is not interested in dismantling the national security state. ACPR believes that the manner in which the Aava gang issue is being handled by the Government seeks to further strengthen the national security apparatus in the Tamil majority areas of Sri Lanka. Either the Government is actively allowing the security apparatus to further this agenda of securitisation or lacks the political will to contain the security apparatus. ACPR believes that it is time that all relevant stakeholders hold the Government to account for complete inaction towards dismantling the national security state.

ACPR accordingly calls on the Government to:

- Put an end to the use of the PTA to address gang violence in Jaffna and to release individuals held under the PTA for alleged involvement in the Aava gang, and to arrest them if necessary under the Criminal Procedure Code;
- To table in Parliament a coherent statement as to the security sector’s alleged involvement in the creation of Aava, its nexus with military intelligence and its continued use in the post-war context;
- To undertake systemic security sector reforms of police and military structures incorporating the views of civil society, local communities and local politicians;
- To dismantle and hold to account military intelligence structures;
- To swiftly address the demands made by the Jaffna University Students in their petition dated October 24, 2016 with regards to the killings of Sulakshan and Kajan; and
- To demilitarize the North-East of Sri Lanka.

The Adayaalam Centre for Policy Research, established in September 2016 in Jaffna, is a platform for research-based activism on issues of public policy that affect the Tamil polity and the North-East of Sri Lanka. It also seeks to make critical interventions with the objective of deepening democratic values in the Tamil polity.

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