

Ten Sri Lankans Sue Presidential Hopeful Gotabaya Rajapaksa For His Role in Torture

Related Lawyers: **Scott Gilmore, Bonny E. Sweeney**

Related Practice Areas: **Civil and Human Rights**

Sri Lanka's presidential hopeful, Gotabaya Rajapaksa, faces ten new claims for damages in the U.S. District Court for the Central District of California from victims of torture inflicted while he was secretary of defense.

In court documents filed on June 26, the new plaintiffs, who remain anonymous in order to secure their safety, describe horrific violations they suffered in police stations and army camps under the ultimate control of Mr. Rajapaksa. They were branded with hot metal rods, whipped with cables, asphyxiated by plastic bags soaked in petrol put over their heads, and six of them were repeatedly raped and sexually assaulted. The ten plaintiffs include three women; eight are Tamil and two Sinhalese.

The case is the product of a six year-long investigation by the International Truth and Justice Project (ITJP), in partnership with the international law firm Hausfeld, which represents the victims in the proceedings. The plaintiffs join an earlier complaint, originally filed on April 5 on behalf of Canadian Roy Samathanam. The case was brought under the Torture Victim Protection Act, which gives torture victims legal redress in U.S. courts. A cease-and-desist notice was filed in court on April 29 after three individuals purporting to represent Mr. Rajapaksa directly contacted Mr. Samathanam and threatened him.

The plaintiffs allege that as Sri Lanka's powerful defense secretary from 2005-15, Mr. Rajapaksa, whose brother was the President of Sri Lanka, was in command of security forces that systematically abducted, tortured, raped, and extorted money from suspects with impunity. Rajapaksa was a U.S. citizen at the time the abuses occurred.

Plaintiffs also identify a number of security officials they allege were directly involved in their torture, including Sri Lanka's top investigative police officer, Nishantha de Silva, whom a victim alleges tortured him twice in Colombo, beating him all over his body and suspending him upside down from the ceiling in stress positions. Also named by plaintiffs is the former Officer in Charge of the Terrorism Investigation Division in Colombo, Prasanna de Alwis, who is alleged to have ordered and sometimes participated in torture. He allegedly received instructions directly from Gotabaya Rajapaksa.

*"That alleged perpetrators remain in key investigative positions in the police force shows why Sri Lankans have been unable to achieve justice inside the country,"*said ITJP's executive director, Yasmin Sooka. *"Bringing a case abroad is their only option."*

The latest complaint contains detailed allegations of torture that occurred between 2008 and 2013 in army camps, including the notorious Joseph Camp in Vavuniya, police stations in the capital Colombo and Pulmoddai, and at Boossa detention site in Galle. The complaint further identifies various responsible government agencies, including military intelligence, the Criminal Investigation Department, the Terrorism Investigation Division, and the Special Intelligence Service.

One Tamil plaintiff, suing Mr. Rajapaksa under the pseudonym Vidhya Jayakumar, alleges that she was sexually enslaved for three years in army camps after the end of the civil war in 2009. On the first night Sinhalese female soldiers allegedly tied her to the bed for their commanding officer, a Major Munatunga, to brutally rape her. She was then detained with a group of young Tamil women in an army camp where every night, off-duty soldiers would select a woman to rape. She was later subjected to sexual violence in a police headquarters and again repeatedly raped in another military camp. Her captors gave her and the other women birth control injections in the various sites to prevent them from becoming pregnant.

"Frankly, this is the worst account of sexual slavery I have ever encountered," said human rights lawyer Scott Gilmore at Hausfeld which filed the complaint. *"The sexual violence inflicted by Gotabaya's security forces against our clients—and the total impunity for perpetrators—shows that rape was part of an institutional policy in Sri Lanka."*

"I would like to salute the immense courage of Roy and the ten new plaintiffs, both men and women, who have come forward in this case," said Michael Hausfeld, Hausfeld's Chairman. *"Recounting these traumatic experiences to our lawyers was intensely painful for all who participated, and we will do our utmost to ensure they will now be treated with the respect they deserve and achieve some justice."*

For further information, please contact:

Deborah Schwartz, Media Relations, Hausfeld, deborah@mediarelationsinc.com, 240 355-8838.

Sophie Toumazis at sophie@tpr-media.com or +44 020 8347 7020 +44(0)7974 428858 or Cécile Sourbes at cecile@tpr-media.com

Summary of Plaintiffs

- **Roy Samathanam**—A Canadian Tamil arrested while visiting Sri Lanka, Samathanam was beaten with pipes and rifle butts and under threat that his wife and children would be raped and killed was forced to confess.
- **Ramesh Thevarajan (pseudonym)**—A Tamil human rights activist, Thevarajan was asphyxiated with a plastic bag soaked in gasoline, hung from the ceiling, and beaten with rods on the soles of his bare feet by policemen.
- **Shanti Pathmanathan (pseudonym)**—A young Tamil woman who demonstrated against the government, Pathmanathan was abducted and interrogated by police and repeatedly raped, beaten, burned with cigarettes, and branded with a searing hot metal rod.
- **Nimal Jayasuriya (pseudonym)**—A Sinhalese human rights activist, Jayasuriya was beaten by police and forced to watch the torture of Tamil prisoners, all to pressure him to denounce his colleagues.
- **Vidhya Jayakumar (pseudonym)**—A young Tamil civil servant in the LTTE government who surrendered to the army, Jayakumar was held incommunicado at military bases and police offices and forced to endure more than three years of sexual slavery and torture with other captured Tamil women.
- **Saman Perera (pseudonym)**—A Sinhalese member of the security forces who was accused of aiding the LTTE,

Perera's torture included the insertion of a metal pipe containing barbed wire into his anus.

- **Ramanan Sivalingam (pseudonym)**—A Tamil student arrested for supporting the LTTE, Sivalingam was repeatedly branded with hot metal, asphyxiated with gasoline, and anally raped with a freezing cold rod.
- **Suresh Jeyabalan (pseudonym)**—A Tamil member of the LTTE who worked at a charity documenting human rights violations committed by the Rajapaksa regime, Jeyabalan was detained and interrogated by police who beat him, burned him with cigarettes, asphyxiated him with a gasoline-soaked bag, and anally raped him.
- **Mayuran Rajkumar (pseudonym)**—A Tamil government school teacher, Rajkumar was accused of supporting the LTTE, held at a prison camp, beaten, burned with cigarettes, and branded with a hot metal rod.
- **Senthil Puwaneswaran (pseudonym)**—A Tamil graduate student in the UK, Puwaneswaran was abducted by police while visiting home and sent to a prison camp where he was beaten and repeatedly branded with hot metal until his skin started peeling off and he agreed to confess.
- **Vasanthi Ratnasingham (pseudonym)**—A young Tamil woman who worked in the civil finance section of the LTTE government, Ratnasingham was caught fleeing from the warzone, held at a police station, and raped by her interrogators with a wooden stick.

Note to editors

About the ITJP

The International Truth and Justice Project is an NGO run by the South African lawyer Yasmin Sooka who sat on the Truth and Reconciliation Commission. It has the largest archive of testimony and other information pertaining to the final phase of the civil war in Sri Lanka and the post-war period. In August 2017, the ITJP filed 4 universal jurisdiction cases in Chile, Brazil, Peru and Colombia against a Sri Lankan retired General who was a diplomat there for his alleged role in the war and torture. www.itjpsl.com

About Hausfeld

Hausfeld is a leading global law firm with offices in Berlin, Boston, Brussels, Düsseldorf, London, Stockholm, New York, Paris, Philadelphia, San Francisco, and Washington, D.C. The firm has a broad range of complex litigation expertise, particularly in antitrust/competition, financial services, sports and entertainment, environmental, mass torts, consumer protection, and human rights matters, often with an international dimension. Hausfeld is the only claimants' firm to be ranked by the Legal 500 and Chambers & Partners as a top tier firm in private enforcement of antitrust/competition law in both the United States and Europe.

The lead lawyer for this case is Scott Gilmore. Mr. Gilmore previously won a \$303.6 million judgment in another Torture Victim Protection Act case against Syria's Assad regime for the murder of war correspondent Marie Colvin. www.hausfeld.com