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21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 Roy Manojkumar Samathanam,  
24 Ramesh Thevarajan, Vidhya  
25 Jayakumar, Ramanan Sivalingam,  
26 Shanti Padmanathan, Saman  
27 Perera, Nimal Jayasuriya, Vasanthi  
28 Ratnasingham, Suresh Jeyabalan,  
Senthil Puwaneswaran, Mayuran  
Rajkumar,

*Plaintiffs,*

v.

Nandasena Gotabaya Rajapaksa,  
*Defendant.*

No: 2:19-cv-02626-JFW-PLA

Hon. John F. Walter

**FIRST AMENDED  
COMPLAINT**

Jury Trial Demanded

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## INTRODUCTION

1  
2 1. From 2005 to 2015, an American citizen led a bloody campaign of ethnic  
3 persecution and political repression in the island nation of Sri Lanka. That American  
4 was Gotabaya Rajapaksa (“Gotabaya” or “Defendant”). Gotabaya was named  
5 Secretary of Defense of Sri Lanka after his brother Mahinda became President in  
6 2005. Leaving his job in the IT department of Loyola Law School, Gotabaya took  
7 command of Sri Lanka’s security forces—and unleashed them on political opponents.

8 2. The Rajapaksa regime stoked the fierce nationalism of the Sinhalese—the  
9 island’s majority ethnic group—against the Tamils—an ethnic minority whose rights  
10 had long been repressed. When Gotabaya came to power, Sri Lanka was embroiled in  
11 a decades-long civil war between the Sinhalese-dominated government and Tamil  
12 separatists led by the Liberation Tigers of Tamil Eelam (“LTTE”), who sought an  
13 independent Tamil state in the north and east of the island.

14 3. Gotabaya brought a new level of brutality to an already savage war. As his  
15 biographer put it, this was “Gota’s War”<sup>1</sup>—a no-holds-barred military offensive that  
16 saw a pattern of indiscriminate, and sometimes deliberate, attacks on civilians.

17 4. In May 2009, the Sri Lankan government defeated and dismantled the  
18 LTTE. It killed most of its leadership, slaughtered tens of thousands of Tamil civilians,  
19 and put nearly 300,000 war survivors in internment camps. Everyone who walked out  
20 of the war zone was screened and thousands ‘disappeared’ into prison camps and  
21 torture chambers.

22 5. This system of cruelty remained in place years after the war. To this day its  
23 perpetrators enjoy complete impunity. Even under the current government, accused  
24 torturers and war criminals from the Rajapaksa era are promoted—and cynically  
25 assigned to lead the investigation of human rights abuses and even represent the  
26 government at UN hearings on torture.

27  
28  

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<sup>1</sup> C.A. Chandraprema, *Gota’s War* (2012).

1           6.     The Plaintiffs in this case represent a small fraction of the Tamil civilians,  
2 LTTE prisoners-of-war, and critics of the Rajapaksa regime who were abducted,  
3 tortured, and raped by security forces under Gotabaya's command. The Plaintiffs are:

- 4           •     ROY SAMATHANAM—A Canadian Tamil arrested while visiting Sri Lanka,  
5 Roy was beaten with pipes and rifle butts, and forced to confess, under  
6 threat that his wife and children would be raped and killed.
- 7           •     RAMESH THEVARAJAN—A Tamil human rights activist, he was asphyxiated  
8 with a plastic bag soaked in gasoline, hung from the ceiling, and beaten  
9 with rods on the soles of his bare feet by policemen.
- 10          •     SHANTI PADMANATHAN—A young Tamil woman who demonstrated  
11 against the government, she was abducted and interrogated by police and  
12 repeatedly raped, beaten, burned with cigarettes, and branded with a  
13 searing hot metal rod.
- 14          •     NIMAL JAYASURIYA—A Sinhalese human rights activist, he was beaten by  
15 police and forced to watch the torture of Tamil prisoners, all to pressure  
16 him to denounce his colleagues.
- 17          •     VIDHYA JAYAKUMAR—A young Tamil civil servant in the LTTE  
18 government who surrendered to the army, she was held incommunicado at  
19 military bases and police offices and forced to endure more than three years  
20 of sexual slavery and torture with other captured Tamil women.
- 21          •     SAMAN PERERA—A Sinhalese member of the security forces who was  
22 accused of aiding the LTTE, his torture included the insertion of a metal  
23 pipe containing barbed wire into his anus.
- 24          •     RAMANAN SIVALINGAM—A Tamil student arrested for supporting the  
25 LTTE, he was repeatedly branded with hot metal, asphyxiated with  
26 gasoline, and anally raped with a freezing cold rod.
- 27          •
- 28          •

- 1           •     SURESH JEYABALAN—A Tamil member of the LTTE who worked at a  
2           charity documenting human rights violations committed by the Rajapaksa  
3           regime, he was detained and interrogated by police who, among other  
4           things, beat him, burned him with cigarettes, asphyxiated him with a  
5           gasoline-soaked bag, and anally raped him.
  
- 6           •     MAYURAN RAJKUMAR—A Tamil government schoolteacher, he was  
7           accused of supporting the LTTE, held at a prison camp, beaten, burned  
8           with cigarettes, and branded with a hot metal rod.
  
- 9           •     SENTHIL PUWANESWARAN—A Tamil graduate student in the UK, he was  
10          abducted by police while visiting home and sent to an army camp where  
11          he was beaten and repeatedly branded with hot metal until his skin started  
12          oozing off and he agreed to confess.
  
- 13          •     VASANTHI RATNASINGHAM—A young Tamil woman who worked in the  
14          civil finance section of the LTTE government, she was caught fleeing from  
15          the warzone, held at a police station, and raped by her interrogators with a  
16          wooden stick.

17           7.     Under U.S. and international law—dating back to the Nuremberg and  
18     Tokyo tribunals of World War II—Gotabaya Rajapaksa bears command responsibility  
19     for these atrocities. He knew or should have known that torture and sexual violence  
20     were being committed on a mass scale by security forces under his control. Instead of  
21     preventing these abuses, he encouraged or tolerated them. Instead of prosecuting the  
22     perpetrators, he obstructed justice and threatened witnesses with death. He promised  
23     his torturers impunity on international television: “I am not allowing any investigation  
24     in this country . . . This is my final word.”

25           8.     This is a civil action for compensatory and punitive damages under the  
26     Torture Victim Protection Act and California law. The Plaintiffs seek to make  
27     Gotabaya—who won the benefits of American citizenship—bear the burdens of  
28     American law.

**JURISDICTION AND VENUE**

1  
2 9. Under 28 U.S.C. § 1331, this Court has federal-question jurisdiction over  
3 Plaintiffs’ torture claims, as they arise under the Torture Victim Protection Act, Pub.  
4 L. No. 102-256, 106 Stat. 73 (1992) (codified at note following 28 U.S.C. § 1350)  
5 (“TVPA”).

6 10. Under 28 U.S.C. § 1367, this Court has jurisdiction over Plaintiffs’  
7 California-law claims as part of the same case or controversy.

8 11. Venue is proper under 28 U.S.C. § 1391(b)(3) because Defendant was  
9 personally served with process in this district and is subject to the Court’s personal  
10 jurisdiction.

**THE PLAINTIFFS**

11  
12 12. Plaintiff Roy Manojkumar Samathanam is a Canadian citizen of Tamil  
13 origin. He currently resides in Canada.

14 13. Plaintiff Ramesh Thevarajan is proceeding in pseudonym as protection  
15 against retaliation. He is a Sri Lankan national of Tamil origin and currently resides  
16 in Europe.

17 14. Plaintiff Shanti Padmanathan is proceeding in pseudonym as protection  
18 from retaliation. She is a Sri Lankan national of Tamil origin and currently resides in  
19 Europe.

20 15. Plaintiff Nimal Jayasuriya is proceeding in pseudonym as protection from  
21 retaliation. He is a Sri Lankan national of Sinhalese origin and currently resides in  
22 Europe.

23 16. Plaintiff Vidhya Jayakumar is proceeding in pseudonym as protection from  
24 retaliation. She is a Sri Lankan national of Tamil origin and currently resides in  
25 Europe.

26 17. Plaintiff Saman Perera is proceeding in pseudonym as protection from  
27 retaliation. He is a Sri Lankan national of Sinhalese origin and currently resides in  
28 Europe.



1 18. Plaintiff Vasanthi Ratnasingham is proceeding in pseudonym as protection  
2 from retaliation. She is a Sri Lankan national of Tamil origin and currently resides in  
3 Europe.

4 19. Plaintiff Suresh Jeyabalan is proceeding in pseudonym as protection from  
5 retaliation. He is a Sri Lankan national of Tamil origin and currently resides in Europe.

6 20. Plaintiff Ramanan Sivalingam is proceeding in pseudonym as protection  
7 from retaliation. He is a Sri Lankan national of Tamil origin and currently resides in  
8 Europe.

9 21. Plaintiff Mayuran Rajkumar is proceeding in pseudonym as protection  
10 from retaliation. He is a Sri Lankan national of Tamil origin and currently resides in  
11 Europe.

12 22. Plaintiff Senthil Puwaneswaran is proceeding in pseudonym as protection  
13 from retaliation. He is a Sri Lankan national of Tamil origin and currently resides in  
14 Europe.

15 **THE DEFENDANT**

16 23. Defendant Gotabaya Rajapaksa is a citizen of the United States and of Sri  
17 Lanka and is currently a resident of Colombo, Sri Lanka's capital.

18 24. Born in Sri Lanka, Gotabaya immigrated to the United States in or around  
19 1990, following a decades-long career in the Sri Lankan military. On information and  
20 belief, he worked as the Unix System Administrator of Loyola Law School in Los  
21 Angeles, California. Gotabaya's brother, Mahinda Rajapaksa, was elected as President  
22 of Sri Lanka in or around November 2005. Around that same time, Gotabaya was  
23 appointed by his brother to serve as Secretary of Defense. Gotabaya oversaw the daily  
24 operations of the Ministry of Defense and commanded the Sri Lankan military from  
25 2005 to 2015 and the police forces from 2005 to August 2013. He left office after his  
26 brother's defeat in the 2015 presidential elections. He currently holds no public office.

27 25. Despite taking office in Sri Lanka, and spending long periods of time  
28 abroad, Gotabaya has never severed ties with California. He and his wife have owned

1 residential properties in Southern California. Gotabaya conducts business in  
2 California, fundraises in California, and sits on the Board of Directors of the Dharma  
3 Vijaya Buddhist Vihara Temple in Los Angeles. In turn, the Temple and its clergy in  
4 California have made in-kind political contributions to the Rajapaksas, conducting  
5 public relations to support their campaigns, promote their ideology of militant  
6 nationalism, and even disparage this litigation.

## 7 THE FACTS

### 8 I. BACKGROUND

#### 9 A. The Rajapaksa Regime: Ethnic Persecution and Political 10 Repression in Sri Lanka

11 26. Sri Lanka, an island nation off the southern tip of India, was subject to  
12 colonial rule—and divide-and-conquer policies—for almost four hundred years.  
13 Following Sri Lanka’s independence from Britain in 1948, the Sinhalese majority  
14 gained control of the government and marginalized Tamil and other minority rights.

15 27. After years of political frustration, the ethnic tension erupted into violence.  
16 The 1983 “Black July” massacre of several thousand Tamils was the tipping point.  
17 From 1983 to 2009, the Liberation Tigers of Tamil Eelam (“LTTE” or “Tamil Tigers”)  
18 led a civil war for an independent Tamil state.

19 28. For many years, the LTTE was the de facto effective government in large  
20 parts of the country. In addition to its armed forces, the LTTE had a civil  
21 administration responsible for courts, schools, public health, finance, and  
22 infrastructure.

23 29. Then in 2005 Mahinda Rajapaksa was elected President. Fierce promoters  
24 of Sinhala-Buddhist nationalism, Mahinda and Gotabaya Rajapaksa built a strong-arm  
25 campaign to end the conflict with the Tamil Tigers through a final military solution.  
26 As Secretary of Defense, Gotabaya was the chief architect of this campaign, targeting  
27 Tamil opposition with little distinction between civilians and combatants.  
28

1           30. The Rajapaksa regime launched a scorched-earth attack on the LTTE  
2 controlled areas, using the military, police forces, and Tamil paramilitaries. By the  
3 spring of 2009, the LTTE were cornered on the north-east coast of the island. Hundreds  
4 of thousands of Tamil civilians were corralled by government forces into a series of  
5 shrinking “no fire zones” declared unilaterally by the Sri Lankan government. These  
6 were designated areas where civilians were told to gather to avoid being harmed.  
7 However, civilians sheltering in “no fire zones” were repeatedly bombed by  
8 supersonic jets and shelled by heavy artillery.

9           31. In the final days of the war, throngs of exhausted survivors of the war  
10 poured over the Wadduvakal Bridge, a narrow earthen walkway over a lagoon, and  
11 into the hands of the Sri Lankan army. Hundreds of thousands of Tamils were detained  
12 in government camps, where they remained long after the war.

13           32. On or around May 18, 2009, the surviving leaders of the LTTE surrendered  
14 to the army; many were summarily executed or disappeared, others detained. The  
15 United Nations estimates that 40,000 – 70,000 civilians died in the war’s final months.

16           33. Despite the war’s end—and the annihilation of the LTTE—the Rajapaksa  
17 regime continued to operate a system of detention centers around the country where  
18 countless Tamil citizens and perceived Sinhalese dissidents were subjected to  
19 systematic torture and sexual violence. The patterns and methods of torture were  
20 common throughout the country—from intelligence bureaus in Colombo to local  
21 police stations and army camps in the jungle. This widespread and systematic attack  
22 on the civilian population was carried out by military and security forces under the  
23 control of Gotabaya Rajapaksa.

24           **B. Gotabaya Controlled the Armed Forces and Police.**

25           34. Gotabaya Rajapaksa became Secretary of the Sri Lankan Ministry of  
26 Defense on or around November 25, 2005. He held that position at all times relevant  
27 to this action.  
28

1           35. As Secretary of Defense, Gotabaya commanded all agencies of the Sri  
2 Lankan military and intelligence forces from 2005–2015. He also controlled the police  
3 forces from 2005–August 2013, when the police were moved to the newly created  
4 Ministry of Law and Order.

5           36. As Secretary of Defense, Gotabaya had at his disposal extraordinary  
6 emergency powers under two laws. The Prevention of Terrorism Act, which remains  
7 in force, adopts a staggeringly broad definition of “terrorism” and allows authorities  
8 to subject any person suspected of association with the LTTE to prolonged detention  
9 without judicial review and to convict the accused based solely on confession—  
10 inviting torture. The Emergency Regulations, adopted in 2005 and lifted in 2011,  
11 provided another basis for indefinite detention without charge.

12           37. Armed with these powers, Gotabaya consolidated control. He reported to  
13 his brother, President Mahinda Rajapaksa, who had the largely symbolic title of  
14 Minister of Defense. As the real force behind security decisions, Gotabaya exercised  
15 control through a formal chain of command, which he used selectively, opting at times  
16 to give direct orders to an inner circle of loyalists in each institution.

17           38. *Armed Forces.* The Ministry of Defense administered the Sri Lankan army,  
18 navy, and air force. Gotabaya had authority over all appointments, promotions, and  
19 disciplinary matters, including prosecuting offenders in a court martial.

20           39. *Intelligence.* The Ministry of Defense controlled the internal and foreign  
21 intelligence services, including the Military Intelligence Corps and State Intelligence  
22 Service.

23           40. *Police.* The Ministry of Defense was also in charge of all wings of the  
24 police, including units notorious for torture such as the Criminal Investigation  
25 Department (CID), the Terrorism Investigation Division (TID), the paramilitary  
26 Special Task Force (STF), and the Colombo Crimes Division (CCD). Gotabaya  
27 exercised operational control over these units through a chain of command that  
28

1 included the Additional Secretaries of Defense, the Inspector General of the Police,  
2 and Deputy Inspector General of Police.

3 41. These forces reported to Gotabaya through a system of communications:  
4 orders for arrest or abduction were sent down the chain of command, while arrests and  
5 detentions were meticulously logged, archived, and reported back up to senior  
6 authorities.

7 42. An ex-military man, Gotabaya was a hands-on leader of the military and  
8 police forces. Gotabaya was the chair of the National Security Council. He provided  
9 the critical link between police and army operations and the political leadership of his  
10 brother, the President. Gotabaya wielded much more power than previous or  
11 subsequent defense secretaries. He personally involved himself in assigning and  
12 overseeing military operations and police investigations. He oversaw hiring and  
13 recruitment and he purged—and prosecuted—officers suspected of disloyalty. He  
14 maintained direct lines of authority with loyalists, sometimes bypassing bureaucratic  
15 intermediaries to work closely with his inner circle.

16 43. According to his agents' public statements, Gotabaya held regular  
17 meetings with his subordinates to coordinate strategies, plan operations, and receive  
18 reports.<sup>2</sup> In an interview on May 6, 2009, a senior police official in Colombo explained  
19 Gotabaya's role in overseeing the security forces:

20 Actually, the main person responsible for ensuring good  
21 security in Colombo is Secretary of Defence [sic] Gotabaya  
22 Rajapaksa. We have to update him on our progress weekly,  
23 furthermore, the Inspector General of Police also keep [sic] on  
24 the constant go by inquiring about investigation on a daily  
25 basis. Senior DIG Nimal Mediwake gives us his utmost  
26

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27 <sup>2</sup> See Business Today, *Deputy Inspector General of Police – Sisira Mendis*  
28 [Interview], April 28, 2009,  
<http://www.businesstoday.lk/printarticle.php?articleid=23>.

1 support as well. The Secretary of Defence is our strength; he  
2 has succeeded in bringing all of us together as one team, which  
3 has resulted in the success of our investigations.<sup>3</sup>

4 44. In his own words, Gotabaya described his security forces as a tightly  
5 controlled organization:

6 Every small aspect was very important because it is like a  
7 chain. It is not a single Force or service, but it was the effort  
8 of a complete team. The President at the top coordinated and  
9 gave leadership.<sup>4</sup>

10 45. Gotabaya's "complete team" included the officers who detained and  
11 tortured the Plaintiffs at police stations and army camps around the country.

### 12 **C. Gotabaya Controlled the Torture Sites.**

13 46. Gotabaya controlled the detention centers where the Plaintiffs were held  
14 and tortured. These, and other sites around the country, were administered by the  
15 Ministry of Defense and used by the military or police, and sometimes both:

- 16 • **Chaithya Road Detention Site**—Located in Colombo, on the west coast  
17 of the island, the Chaithya Road Detention Site was used by the Terrorism  
18 Investigation Division (TID) to detain, interrogate, and torture prisoners  
19 until sometime in late 2008, when they moved operations to the Criminal  
20 Investigation Department headquarters.
- 21 • **Criminal Investigation Department Headquarters, a.k.a. the "Fourth  
22 Floor"**—Located on York Street in Colombo, the CID headquarters was a  
23 notorious torture site, known around the country as the "Fourth Floor."  
24

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25 <sup>3</sup> Business Today, *Senior Superintendent Of Police - Anura Senanayake*  
26 [Interview], May 6, 2009,  
27 <http://www.businesstoday.lk/printarticle.php?articleid=201>.

28 <sup>4</sup> Business Today, *Defense Secretary Gotabaya Rajapaksa: The Unshakeable*  
*Will* [Interview], May 2, 2010,  
<http://www.businesstoday.lk/printarticle.php?articleid=2434>.

1 After late 2008, the TID maintained offices and detention facilities at this  
2 site.

- 3 • **Boossa Camp**—A TID-operated detention camp located on the southern  
4 coast.
- 5 • **Mount Lavinia Police Station**—A police station south of Colombo.
- 6 • **Dematagoda Police Station**—Based in Colombo and home to the  
7 Colombo Crimes Division (CCD), a unit notorious for its torture.
- 8 • **Pulmoddai Police Station**—Located on the east coast of the island, and  
9 used by the TID, this station was in an area where internally displaced  
10 persons from the warzone were being screened and registered in Spring  
11 2009.
- 12 • **Joseph Camp**—Located near Vavuniya in the north of the island, Joseph  
13 Camp is formally called the Wannu Security Force Headquarters (SFHQ-  
14 W). It has been a major hub for military and police operations in the  
15 northern districts of Sri Lanka. Military, intelligence, and police forces  
16 operated at the base, including the Military Intelligence Corps, State  
17 Intelligence Services, and TID.
- 18 • **Unknown army camps where sexual slavery occurred**—Plaintiff  
19 Vidhya Jayakumar was held captive and sexually enslaved along with other  
20 Tamil women at two army camps that were part of the regular military  
21 structures.

22 **D. Gotabaya's White Vans:**  
23 **Patterns of Abduction, Torture, Sexual Violence, and**  
24 **Extortion**

25 47. The abuses committed at these torture sites were not random misconduct.  
26 Rather, they were routine and systematic, requiring coordination between different  
27 components of the Ministry of Defense.  
28

1           48. They often begin with a “white van” abduction—a term that became  
2 synonymous with Gotabaya’s reign of terror. Typically, three separate teams abduct,  
3 interrogate and release the victim. The abductors are Sinhalese males, 4 or 5 in a team,  
4 wearing civilian clothing and driving a van with license plates removed. Victims are  
5 pushed into the back of the vehicle, and most are blindfolded, their hands tied with  
6 rope or handcuffs. No arrest warrant is shown. They are driven to pre-determined sites  
7 for interrogation.

8           49. The cells at torture sites—whether police stations or army camps—are  
9 small and unsanitary. Victims are taken from their cells and brought to a separate room  
10 prepared and often equipped for torture. The interrogation room is usually a larger  
11 room, furnished with a table and chair and with implements (batons, wires, pipes).  
12 These often include a rope or chain attached to a roof beam or pulley system and used  
13 to raise victims from the floor.

14           50. Victims are interrogated regularly for long periods of time. Often, the  
15 interrogator has a file on the victim. Common methods of physical torture include  
16 slapping, hitting, punching and kicking with heavy boots all over the face and body;  
17 repeated hitting of victims on their backs, legs and/or the soles of their feet with plastic  
18 pipe filled with sand, sticks, batons and power cords. Victims commonly suffer from  
19 lacerations, blunt trauma, suspension, falaka (beating on the soles of the feet),  
20 electrocution, and asphyxiation in water or with plastic bags over the head containing  
21 gasoline or chili powder. Many detainees are forced to inhale burning chili peppers.  
22 Cigarette burns are used, especially on the inner thigh area for women as a precursor  
23 to rape. Victims are often branded with hot metal rods, leaving visible scars.

24           51. Sexualized torture on women and men is also prevalent at the torture sites.  
25 Typically, a female victim is made to strip, called names, mocked, and subjected to  
26 painful squeezing or pulling of breasts and genitals. They may then be forced to  
27 perform oral sex on the perpetrators and/or subjected to vaginal or anal rape. Male  
28 victims are often forced to perform fellatio on their perpetrators, often accompanied



1 by demeaning words. Male perpetrators also rape the male victims anally with their  
2 penises and by using objects like metal rods. In some cases, Sinhalese female guards  
3 or security personnel are involved in the sexual abuse of Tamil female and male  
4 detainees.

5 52. Victims of abduction are often released only after their family pays a bribe  
6 to the security forces. They are blindfolded and handcuffed and driven in a vehicle to  
7 an unknown location for the handover. They are generally not told that they are being  
8 released and many assume they will be killed. The blindfolds and handcuffs are  
9 removed and the victim is released through a broker to the family. For those victims  
10 who flee the country, family members left behind are often harassed by the security  
11 forces seeking information on the former detainee. In some cases, they face violent  
12 reprisals to prevent them reporting the incident to international NGOs and human  
13 rights groups.

14 53. The experiences of the Plaintiffs followed this same script.

## 15 **II. THE TORTURE OF ROY SAMATHANAM**

### 16 **A. Roy's Arrest**

17 54. In 2005, Roy took advantage of a lull in the civil war to travel to Sri Lanka  
18 from his home in Canada and marry the woman who is now his wife. They rented a  
19 home in Colombo. When she became pregnant, they decided to remain in Sri Lanka  
20 until the child was born.

21 55. From time to time, Roy assisted a friend with the importation of goods for  
22 a computer electronics shop. In September 2007, his friend imported 600 mobile  
23 phones to Sri Lanka that were delivered to Roy's house, waiting for his friend to pick  
24 them up the next day.

25 56. In the early morning hours of September 14, 2007, plain-clothed men  
26 carrying machine guns arrived at Roy's home. Roy and his wife were asleep and were  
27 awakened by the gunmen knocking at their door. The men identified themselves as  
28 officers of the Terrorism Investigation Division ("TID") and asked to search his home.

1 Roy agreed and they entered. The unopened boxes of cellular phones that Roy helped  
2 import for his friend were in his hallway. When the officers opened the boxes and saw  
3 the cellular phones, they demanded to see the clearing invoice. Roy showed them the  
4 forms associated with the shipment; he explained that the goods belonged to his  
5 friend's business. The officers told Roy that there was a GPS device in the boxes, and  
6 that this was illegal. They did not, however, point out to Roy any such GPS device.

7 57. The officers told Roy that if he paid them approximately 25,000 Sri Lankan  
8 rupees they would leave him alone; if not, they would take him to the TID  
9 headquarters for interrogation. When Roy told the officers he did not have the money  
10 to pay for his release, they arrested him.

11 58. Roy was placed in a silver Mercedes van, handcuffed, and blindfolded. His  
12 pregnant wife and their child were placed under house arrest by TID officers. The  
13 officers drove Roy around Colombo for some time, while they threatened to kill him  
14 and dump his body. Later that morning, he was transported to the TID detention  
15 facility in downtown Colombo.

16 59. On arrival, the TID officers took Roy into the headquarters, handcuffed  
17 him to a chair in an office, and questioned him about the shipment of cellular phones.  
18 Roy was then taken to the office of Sergeant Abdeen, where he was handcuffed to a  
19 desk.

20 60. Roy was detained by the TID under a Detention Order signed by the  
21 Additional Secretary of the Ministry of Defense, Sunil S. Sirisena, a subordinate of  
22 Defendant Gotabaya. The Detention Order stated that he was detained to prevent him  
23 from "acting in a manner prejudicial to the national security or to the maintenance of  
24 public order" after importing telecommunications equipment from Singapore without  
25 permission.

26 61. At or around 10:00 am, Roy was taken to see the Officer in Charge of the  
27 detention facility, Prasanna de Alwis. Prasanna informed Roy that it was illegal to  
28

1 possess a GPS device and interrogated him for approximately 15 minutes. Prasanna  
2 accused Roy of operating the Tamil Tigers' intelligence wing in Toronto, Canada.

3 62. Between September 2007 and November 2008, Roy was detained by the  
4 TID without access to a lawyer, without being brought before a magistrate for an  
5 arraignment, and without having his detention reviewed by an independent court.

6 63. Roy spent the first eight months—from September 2007 to April 2008—  
7 imprisoned at the Chaithya Road TID Detention Site in Colombo. He was isolated  
8 from local Sri Lankan prisoners and held with a few other foreign nationals in Sergeant  
9 Abdeen's office.

10 64. There, Roy was kept handcuffed to a desk at all times and forced to sit or  
11 lie on the floor in a painful position. The detention center did not supply a pillow,  
12 mattress, chair or other furniture. During Roy's time in custody, guards would  
13 routinely threaten to kill him, calling him a "Canadian Tiger." Roy was given limited  
14 amounts of food and water and was frequently deprived of his diabetes medication—  
15 causing him sometimes to urinate himself.

16 65. Approximately two or three times a week, guards would enter Sergeant  
17 Abdeen's office to beat and interrogate Roy and other detainees. Roy was chained into  
18 painful positions. The guards beat Roy with metal pipes or hard rubber clubs. They  
19 yelled at him to confess that he was a member of the Tamil Tigers. These beatings and  
20 prolonged stress-positions caused Roy to suffer severe physical pain—he is disabled  
21 to this day.

22 66. The torture was also psychological. Throughout Roy's detention, the TID  
23 officers subjected Roy to terrifying threats and ethnic insults. They threatened to arrest  
24 and rape his wife and demanded that she pay a bribe to secure his release. They  
25 threatened to shoot Roy in his head. They also forced Roy to watch as they stripped  
26 other detainees naked and beat them.

**B. International Observers—But no Freedom**

1  
2 67. Several international observers came to the TID Detention Center while  
3 Roy was detained there. Within a few days of his arrest, Roy received a visit from a  
4 Canadian official with the Department of Foreign Affairs and International Trade,  
5 whom Roy came to know as “Mr. Norman,” and an employee with the Canadian High  
6 Commission in Colombo. Mr. Norman told Roy that he would “see what I can do” to  
7 address his arrest.

8 68. In October 2007, Manfred Nowak, the United Nations Special Rapporteur  
9 on Torture made an official inspection of the TID detention center. Roy saw Mr.  
10 Nowak but did not have the opportunity to speak with him. In his subsequent report  
11 to the United Nations, Mr. Nowak described receiving numerous reports of torture at  
12 the TID detention center in Colombo and named Sergeant Abdeen as one of the  
13 perpetrators.<sup>5</sup>

14 69. On or around October 19, 2007, officials from the International Committee  
15 for the Red Cross (“Red Cross”) visited the TID detention center and met with Roy.  
16 He was provided with a registration card, documenting his detention. Roy explained  
17 to them that he had no mattress to sleep on and, as a result of their intervention, he  
18 was given a thin mattress in early December 2017.

19 **C. “No one can help you here”:**

20 **Torture at the Chaithya Road Detention Site**

21 70. On or around December 17, 2007, Roy overheard a phone call between  
22 Officer-in-Charge Prasanna de Alwis and Defendant Gotabaya Rajapaksa. They were  
23 discussing his case.  
24  
25

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26 <sup>5</sup> UN Human Rights Council, Report of the Special Rapporteur on torture and  
27 other cruel, inhuman or degrading treatment or punishment, Manfred Nowak:  
28 mission to Sri Lanka, 26 February 2008, A/HRC/7/3/Add.6, available at:  
<https://www.refworld.org/docid/47d683cf2.html>.

1           71. Later that evening, Roy received a particularly brutal torture session at the  
2 hands of TID officers. That night, the detention center's second-in-command,  
3 Inspector Peiris, entered the room where Roy was being held, accompanied by several  
4 off-duty guards. Inspector Peiris told Roy that he was not entitled to a Red Cross  
5 mattress. The guards pulled the mattress away from Roy, telling him to kneel down,  
6 which he did. Peiris and the other officers began to kick Roy in the stomach,  
7 repeatedly yelling at him and saying that they should kill the "Canadian LTTE." The  
8 officers beat him with the butt-ends of their T-56 assault rifles. One prodded his rifle  
9 into the side of Roy's chest while Peiris and the others punched and kicked him in the  
10 face, abdomen, arms, and legs. Roy suffered a swollen left wrist, injured knees, and  
11 pain in the stomach and groin area as a result of this beating.

12           72. The following morning, the Officer-in-Charge Prasanna de Alwis,  
13 sarcastically asked Roy what had happened to him the previous night. He then warned  
14 Roy not to tell the Red Cross about the beating that he had received. He told Roy that  
15 he would be released if he signed a confession, and that these types of beatings would  
16 not happen anymore once he signed a confession. He told Roy that Sgt. Abdeen could  
17 write up the paperwork but if Roy refused to sign the confession, the TID would arrest  
18 his wife and child and imprison them in the detention center. Roy told Prasanna that  
19 he wanted to see a lawyer, to which Prasanna responded, "You can't have a lawyer.  
20 No one can help you here."

#### 21                           **D. Transfer to Boossa Detention Camp**

22           73. In or around May 2008, Roy was transferred to the TID's Boossa Detention  
23 Center in southern Sri Lanka. His transfer order was signed on May 11, 2008 by  
24 Additional Secretary of Defense S. Heittiarachchi—a subordinate of Defendant  
25 Gotabaya in the Ministry of Defense. Roy remained there until late July 2008.

26           74. At Boossa, Roy was kept in solitary confinement in a small cell without a  
27 toilet or water. He was forced to urinate in a bottle and defecate in a plastic bag.  
28

1           75. Each day, Roy's captors took him to an interrogation room for questioning.  
2 There he was forced to watch the brutal torture of other detainees. Guards hung  
3 prisoners upside down. They poured gasoline and chili peppers into plastic bags and  
4 tied them over prisoners' heads, and then beat them with iron pipes and wooden poles.  
5 The guards beat, burned and sexually assaulted female detainees. Roy was threatened  
6 with the same treatment.

### 7                                                            **E. Forced Confession**

8           76. In late July 2008, Roy was temporarily taken back to the Chaithya Road  
9 TID Detention Site in Colombo. He was pressured to confess to being a member of  
10 the LTTE's international intelligence wing. His captors threatened to arrest his wife,  
11 rape her, and kill his child if he refused to confess. In early August 2008, to protect his  
12 wife from threats, Roy wrote a false confession that he had imported an illegal GPS  
13 device for the LTTE. He was then sent back to Boossa Detention Camp.

14           77. Roy was finally charged on or about November 4, 2008 with illegally  
15 importing a GPS device and aiding and abetting the LTTE—based on his forced  
16 confession. After nearly three years in continuous custody during which time Roy was  
17 denied bail and a substantive trial had not started, Roy's lawyer negotiated a plea  
18 agreement. On August 19, 2010, in order to stop the torture and threats against his  
19 family, he pleaded guilty to possession of a GPS device and paid a fine of 500,000 Sri  
20 Lankan rupees (approximately \$2,860 USD). The other charges were dropped. Roy  
21 was released from detention on August 27, 2010.

22           78. Following Roy's release from detention in 2010, he recounted his story to  
23 the local newspaper and as a result the Sri Lankan government refused to give police  
24 clearance for his relatives to leave the country.

### 25                                                            **III. THE TORTURE OF RAMESH THEVARAJAN**

26           79. Ramesh Thevarajan, a Sri Lankan Tamil, worked for humanitarian  
27 organizations throughout the 2000s. He was determined to support his family and stay  
28 out of politics because his family had already suffered.

1 80. Ramesh began to fear for his safety as a humanitarian worker after the  
2 notorious 2006 massacre of 17 Tamil employees of the French NGO, Action Against  
3 Hunger. He feared he might be targeted by the Sri Lankan government because of his  
4 work with humanitarian organizations, one of them funded by the U.S. government.

5 81. In the spring of 2008, while Ramesh was away from home, security  
6 officials in an unmarked white van visited his family looking for him. Ramesh went  
7 into hiding.

8 82. In 2009, he was arrested and taken to the headquarters of the Criminal  
9 Investigation Department in Colombo, a building known throughout Sri Lanka as the  
10 “Fourth Floor.”

11 83. Throughout his detention, Ramesh was repeatedly interrogated by officers  
12 of the Criminal Investigation Department and other security services and falsely  
13 accused of supporting the LTTE. His interrogators had a file on him and took notes.

14 **A. The Parrot’s Perch: Torture by CID Inspector Nishantha de**  
15 **Silva**

16 84. Several days into his detention, the guards brought Ramesh into a special  
17 room and forced him to remove his sarong and remain only in his underpants. The  
18 room smelt like a butcher shop. There were thick ropes hanging from iron hooks on  
19 the ceiling and bloodstains on the walls.

20 85. There were two interrogators in the room: one was CID Police Inspector  
21 Nishantha de Silva, a big man. They forced Ramesh into a “parrot’s perch” position:  
22 hung upside down with a wooden pole placed behind his knees and his arms cuffed  
23 under the pole for an extended period. “Now say the truth!” warned Nishantha, as  
24 Ramesh repeated his full story in detail. Nishantha then beat him with a wooden rod  
25 on the soles of his feet which was intensely painful. Ramesh started crying and told  
26 the officer he couldn’t bear the pain. They beat his back, his legs and his hands with a  
27 wooden stick with the result that his fingernails turned black. He was returned to his  
28 cell and told to rethink his story before the next interrogation.

1           86. Ramesh was later taken back to the same torture room one evening. Once  
2 again, Nishantha was the main torturer, but several officers were present. Ramesh was  
3 beaten all over his body with a wooden pole. When he put his hands up to protect his  
4 face and head, his right wrist bone was injured with the result that today he cannot  
5 carry anything heavy with it. The police officers placed a box file on his head as a  
6 buffer and then beat on top of it. Ramesh felt dizzy and blacked out momentarily and  
7 then saw his blood all around him.

8           87. The beatings and interrogations in detention continued: on another  
9 occasion a different group of interrogators put a plastic bag soaked in gasoline over  
10 his head to asphyxiate him.

11           88. During CID interrogations, Ramesh experienced verbal abuse, including a  
12 police officer saying to him: “*Ammata hukanna huththige puthā. Thamuse babā*  
13 *hukum epa*” or “I will fuck your mother, you son of a cunt. Don’t try to play the fool  
14 with us!”

### 15                   **B. Torture by the State Intelligence Service**

16           89. Later in 2009, Ramesh was loaded into a bus and transferred to the Boossa  
17 Detention Camp. He entered a registration area where he was strip searched. Then he  
18 was placed in a cell block. Ramesh was detained at Boossa Camp for many months.

19           90. During that time, he was interrogated and tortured by an investigative team  
20 that introduced themselves as officers of the State Intelligence Service. When the  
21 interrogations began, the lead interrogator already had Ramesh’s file and knew details  
22 from what he had said in his interrogations at the “Fourth Floor.”

23           91. During the interrogation sessions, the SIS officers beat Ramesh with a  
24 thick wooden bat. At one point, the lead interrogator slammed Ramesh’s head against  
25 a wall, screaming: “Tell me! Tell me!” On another occasion, he tried to strangle  
26 Ramesh by wrapping his own T-shirt around his neck. Once he forced Ramesh to kneel  
27 on a wooden board with nails sticking out of it. An officer beat him on the head while  
28



1 he was kneeling, and the nails sank into his skin. The male officers also perpetrated  
2 sexual violence on Ramesh, painfully squeezing his testicles.

3 92. During these interrogations the officers used degrading insults against  
4 Ramesh such as “*Huththige putha*” which translates as “son of a cunt”, “*LTTE*  
5 *Kariya*” or “LTTE scum” and “*Thamuse marala danna thibbe*” which means, “You  
6 should have been killed”.

7 93. Eventually, Ramesh was informed by the guards that he was being  
8 transferred back to the “Fourth Floor” building. Ramesh was forced to sign a  
9 confession given to him by an officer. His forced confession was eventually used  
10 against Ramesh in an arraignment. At this point he was suicidal and emaciated.

11 94. The authorities were aware of Inspector Nishantha de Silva’s role in  
12 torture. Yet Nishantha was never prosecuted or disciplined for his role in torture.  
13 Instead, he was promoted in the CID under the Rajapaksa government and the current  
14 government. He is currently the Officer in Charge of the CID Organized Crime Unit,  
15 where he leads the investigation of human rights cases—including the killing of  
16 journalist Lasantha Wickrematunge. The Sri Lankan government has proffered these  
17 cases to the United Nations as emblematic cases and examples of their willingness  
18 and ability to hold human rights abusers legally accountable.<sup>6</sup>

19 95. The charges against Ramesh were eventually dropped. He fled Sri Lanka  
20 and sought asylum abroad, fearing for his life. Since then, his family has been  
21 subjected to ongoing police harassment and threats. After his release, his relatives  
22 were interrogated by officers seeking to learn Ramesh’s whereabouts and threatened  
23 that they would face consequences if they did not reveal where he was. The harassment  
24  
25

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26 <sup>6</sup> See Report of the UN High Commissioner for Human Rights, *Promoting*  
27 *reconciliation, accountability, and human rights in Sri Lanka*, UN Doc.  
28 A/HRC/40/23, ¶ 47 Feb. 8, 2019, [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/029/25/PDF/G1902925.pdf)  
[ny.un.org/doc/UNDOC/GEN/G19/029/25/PDF/G1902925.pdf](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/029/25/PDF/G1902925.pdf).

1 has continued. On another occasion, in late 2018, police officers searched his family's  
2 home, trying to find information on Ramesh.

3 96. To this day, he suffers physical pain and enduring emotional trauma. He  
4 has nightmares and flashbacks of being pursued by the Sri Lankan police. He cannot  
5 work full time and still undergoes physiotherapy.

#### 6 **IV. THE TORTURE OF SHANTI PADMANATHAN**

##### 7 **A. Family Visit**

8 97. When the war ended in Sri Lanka in 2009, Shanti Padmanathan was still  
9 in high school. She went on to attend university in the UK, studying business. The  
10 UK offered her something she never found as a Tamil in Sri Lanka: an environment  
11 where she could protest the treatment of Tamils without fear of persecution. She  
12 attended demonstrations with other Tamils when President Mahinda Rajapaksa  
13 visited London and when Channel Four news aired a documentary on war crimes  
14 against Tamils in Sri Lanka.

15 98. In the fall of 2012, Shanti and a female relative returned to Sri Lanka to  
16 visit their family. They had just collected their luggage at the airport when they were  
17 tapped on the shoulder, pulled aside into an interview room, and questioned by  
18 uniformed police officers. After writing down their address in Colombo, the officers  
19 let them go.

20 99. Late that night there was a loud bang as four men rushed into Shanti's  
21 family's home. They flashed IDs and said they were from the Terrorism Investigation  
22 Division of the police. After checking their identity cards and searching the house,  
23 Shanti and another relative were handcuffed and forced crying and screaming into the  
24 back of an unmarked white van and forced to sit on the floor of the vehicle. The men  
25 knocked Shanti's father to the ground as he tried to protest their arrest. Inside the van,  
26 one of the officers slapped Shanti hard in the face and kicked her in the leg with heavy  
27 boots. The girls cried and explained that they were just visiting family. The officers  
28 called them "*Kottiya*" or "Tigers" (LTTE) in Sinhala.

**B. Nightmare at Mount Lavinia Police Station**

1  
2 100. The TID officers brought the girls to Mount Lavinia Police Station in  
3 Colombo and then separated them. Shanti was presented to an officer who placed her  
4 ID card in a plastic evidence bag, took fingerprints, and photographed her. Then she  
5 was taken by male guards to a cell and uncuffed. In broken Tamil, the men ordered  
6 her to remove her dress. They took the dress away and locked her in the pitch-dark  
7 cell wearing only her bra and panties.

8 101. Several hours later, another pair of guards took Shanti from her cell and  
9 led her down a corridor. She heard female Tamil voices from other cells crying and  
10 asking for water in the terrible heat. The guards brought her to a windowless room lit  
11 by fluorescent light. An officer was sitting at a desk with a file folder and the man who  
12 brought her remained in the room. The room stank and had patches of black, dried  
13 liquid that appeared to be blood. A chain was hung from the ceiling and attached to a  
14 pulley wheel and there were sticks lying in the corner of the room.

15 102. The men handcuffed Shanti to the chain and hoisted her up until her feet  
16 were swinging above the ground, the metal cuffs which held all her weight biting into  
17 her wrists. She wore only her underwear. In broken Tamil, they accused her of  
18 working for the LTTE. The guards picked up plastic pipes filled with something  
19 heavy. Then they beat her for about an hour until she was rendered unconscious still  
20 hanging from the ceiling.

21 103. Awaking afterwards in her cell, Shanti didn't know if it was night or day,  
22 but the guards would bang on the door to frighten her and stop her sleeping.

23 104. Shanti was interrogated in the same fashion nearly every day for  
24 approximately three weeks. Two officers would enter her cell. They would often grope  
25 her sexually, then take her to the interrogation room and present her to the officer at  
26 the desk who kept the file. They would speak Sinhala to each other and broken Tamil  
27 to her, making lewd sexual comments about her. Every time she was returned to her  
28 cell unconscious.

1           105. The first three sessions, Shanti was hung from the chain and beaten. On  
2 the fourth, she was forced to the floor and one officer put his booted foot on the back  
3 of her neck. They removed a photograph from a file and made her look at it. It was a  
4 picture of her at a demonstration in the UK. They demanded to know the names of  
5 other people in the photo. When she said she didn't know their names, they brought  
6 over a red-hot iron bar and pressed it hard onto her back. She screamed that she didn't  
7 know who they were. They kept pressing the branding iron onto her back until she  
8 passed out. They branded her like this several times in the days that followed.

9           106. At some point after the first branding, a male officer entered Shanti's cell.  
10 He handcuffed her hands to the door of the cell and slapped her. He jabbed a lit  
11 cigarette repeatedly into her bare thighs. When Shanti struggled to escape the burns,  
12 he pinned her leg down and pressed the cigarette into her thigh. Then he removed  
13 Shanti's underwear, took off his pants, and penetrated her vaginally with his penis. He  
14 entered her cell on two later occasions and raped her in the same manner. The second  
15 time he burned her again with cigarettes. On one occasion he tried to force his fingers  
16 into her anus, but she managed to resist. He squeezed and bit her breasts.

17           107. That same officer humiliated Shanti sexually during the interrogation  
18 sessions. During the beatings, he would describe having sex with her to the other  
19 officers. Although they were Sinhalese, he spoke in broken Tamil so that she would  
20 understand. During the beatings, the other officers would squeeze her breasts and  
21 grasp her vulva.

22           108. The interrogators began to focus on getting her to identify suspected LTTE  
23 members. When she refused, the officers punished her by whipping her back with  
24 thick electrical cables: the cables would lash around her rib cage, painfully striking  
25 her chest. Twice she was taken out of the police station to a busy place with her face  
26 covered and asked to identify other Tamils.

27           109. Eventually, the officers forced Shanti to sign a confession. The first page  
28 was a form written in Sinhala, Tamil, and English. It had her personal details on it.

1 The other pages were in handwritten Sinhala, which she could not read. When she  
2 refused to sign, they took a plastic bag with chili powder in it, placed it over her head,  
3 and tied it around her neck. She started fighting for air and choking. They removed  
4 the bag and she signed.

5 **C. Police Reprisals: “We’ll kill her like we killed her dog.”**

6 110. One day, after approximately three weeks had passed, two officers brought  
7 her dress to the cell and told her to put on her dress and follow them. They led her out  
8 of the building to a parked van. Then they put a sack over her head. She thought they  
9 were going to execute her. Instead they delivered her to a man hired by her family to  
10 broker a payment for her release. She fled Sri Lanka and has never returned, seeking  
11 asylum in another country.

12 111. Since Shanti left Sri Lanka, the TID has terrorized her family. TID officers  
13 arrested a family member and searched their home more than a dozen times. The  
14 officers killed the family dog they had raised as a puppy. They warned the family:  
15 “When we find Shanti we’ll kill her like we killed her dog.”

16 112. To this day, she suffers the physical and psychological consequences of  
17 her ordeal and has the marks from the branding all over her back.

18 113. Shanti was never prosecuted for any crime.

19 **V. THE TORTURE OF SURESH JAYABALAN**

20 **A. Saving Evidence of War Crimes**

21 114. Suresh Jeyabalan is a Sri Lankan Tamil. He was forced to join the LTTE  
22 in 2007 and ordered to serve as an informant in a charity where he worked. His task  
23 was to monitor possible infiltrators from the government of Sri Lanka.

24 115. The charity played an important role in documenting civilian casualties  
25 and human rights violations against the Tamil population. Suresh collected  
26 information on war crimes committed by the Sri Lankan military and security forces  
27 during the culmination of the civil war in 2009. The organization communicated this  
28 information to humanitarian organizations and religious authorities around the world.

1           116. With the army approaching in 2009, Suresh and other staff members raced  
2 to salvage documents from the charity before it was overrun by government forces.  
3 Suresh buried these records, including photographs of victims, casualty reports, and  
4 other evidence of war crimes. He and his colleagues were scared the government  
5 would retaliate against them if it learned they were documenting human rights abuses.  
6 Suresh also buried some of his personal possessions and LTTE property.

7           117. In Spring 2009, he was displaced from his home, and remained on the  
8 move, fleeing the army's indiscriminate attacks on civilians, along with tens of  
9 thousands of other non-combatants. Eventually, he and his family crossed the  
10 Wadduvakal Bridge with thousands of other Tamils and surrendered to the army in  
11 May 2009.

12           118. Suresh and his parents were detained in a camp for internally displaced  
13 persons for several months, then released. With the war over and the LTTE destroyed,  
14 he started a new life: he completed a university degree—managing to complete two  
15 years of studies in one year to catch up for lost time caused by the war—and he got a  
16 job in computer database management.

### 17                           **B. Torture at the “Fourth Floor”**

18           119. In the winter of 2011, Suresh was walking back to his residence when he  
19 was abducted by four plainclothes policemen. They showed him their ID, which stated  
20 Terrorism Investigation Division (“TID”), and then pulled him into the back of their  
21 land cruiser. Handcuffed and blindfolded, he was transported to the “Fourth Floor”  
22 building in Colombo and photographed on arrival. He spent the night in a cell.

23           120. The next day, Suresh was taken to a room with two officers sitting behind  
24 a table. They were the same men who had arrested him. They came prepared with a  
25 file on him and an audio recorder. They questioned him about his family and the  
26 chronology of his life. One officer took notes. Suresh was then returned to his cell. A  
27 few days later he was interrogated again.  
28

1           121. A few weeks later, he was taken to a different room that was designed and  
2 equipped for torture, including a baton with a metal cap on the end and a metal bar on  
3 the ceiling and a long narrow bench. Two officers were waiting for him there,  
4 including one who had arrested him. They stripped him down to his underwear and  
5 tied his hands to the bar near the ceiling. Terrified, Suresh began to cry and explained  
6 that he had told them everything. Insisting that he tell the whole truth, one of the  
7 officers beat him on his back with a baton and beat his legs with a plastic-coated metal  
8 wire. One TID officer beat him, while the other took notes. Suresh's cries echoed off  
9 the walls. He was beaten until he grew weak and confused; then they dragged him  
10 back to his cell and chained his legs.

11           122. The officers came to his cell a few days later and told him to sign a  
12 document written in Sinhala. He asked what it was, and they hit him in the face and  
13 said it was a statement. He felt he had no choice but to sign, even though he could not  
14 read it.

15           123. Over the following months, they continued to interrogate and torture him.  
16 He was beaten with fists, cable wires, batons with metal tips, and plastic pipes filled  
17 with hard material. He was slapped, kicked with boot feet, burnt with cigarettes,  
18 made to inhale chili powder and smoke, punctured with a heated fork-like metal and  
19 stamped on with a chair, among other tortures. When he fell unconscious, they shoved  
20 his face into a tub of ice water; when he pulled out gasping for air, they beat his head  
21 with a blunt object.

22           124. One time, they stretched his body backwards over a small table, in an  
23 excruciating arched position, with his arms and legs chained to the table legs. They  
24 left him chained in that stress position for more than 15 hours, causing permanent  
25 damage to his spine.

26                           **C. Sexualized Torture**

27           125. One night, he was stripped down to his underwear, hung with his arms tied  
28 on a bar, burnt on his arms and legs with cigarettes, sprinkled with chili and pepper

1 powder on his face, and suffocated with a gasoline-soaked bag held tightly over his  
2 head; he heard them laugh as he choked. They also broke a fluorescent tube light on  
3 his leg and placed his hands under chair legs before sitting down hard on the chair.

4 126. This time, two officers sexually violated him. They were drunk and forced  
5 Suresh to masturbate both of them until they ejaculated in his mouth. Then one of  
6 them forced his penis into Suresh's anus and raped him. The other man put his penis  
7 between Suresh's thighs and simulated sexual penetration. Then they laid him on his  
8 back on top of a bench and tied his feet and hands to the bench legs. One of them  
9 crushed his testicles with a baton while telling him that he must cooperate. The other  
10 forced his penis into Suresh's mouth and ejaculated. All the while, the men laughed at  
11 him.

#### 12 **D. Transfer to Joseph Camp**

13 127. In or around early 2012, officers drove Suresh from Colombo to the site  
14 where he buried the documents at the end of the war in 2009. They dug up the  
15 documents. From there, he was taken to Joseph Camp and placed in a dark cell. In  
16 Joseph Camp, Suresh was subjected to similar sexual violence on three occasions. He  
17 was anally raped, coerced into performing oral sex, and subjected to other forms of  
18 sexual abuse.

19 128. In Joseph Camp he was detained alone in a cell with no furniture which  
20 was down some stairs. On the day after his arrival, he was taken by police in khaki  
21 uniform to an interrogation room. He saw two officers and recognized one of them as  
22 the man who had taken notes at the "Fourth Floor" building. They questioned him and  
23 demanded he tell them about other buried documents. Then they sent him back to his  
24 cell.

25 129. Days later, Suresh was taken from his cell and brought to a torture chamber,  
26 equipped with batons, metal rods, wires, ropes, and a barrel. His interrogators  
27 handcuffed his arms around a post behind his back. They questioned him and if they  
28 did not like the answer, they beat him with batons, fists, boots, and wires. At times, he



1 was placed in a barrel filled with water and ice cubes. They forced him to stay inside  
2 until he agreed to cooperate. Unable to bear the pain, Suresh would cry out that he  
3 would cooperate, only to be forced back into the barrel when they realized he had  
4 nothing else to offer.

5 130. Suresh was eventually released in the second quarter of 2012, when his  
6 family arranged a payment to the officers at Joseph Camp. He then fled Sri Lanka in  
7 fear for his life, seeking asylum abroad.

8 131. He was never prosecuted for any crime.

9 132. Suresh still carries the physical and mental scars left by his torture,  
10 including ongoing pain from damage to his testicles. He has attempted suicide on  
11 several occasions and suffers from insomnia, flashbacks, and nightmares about his  
12 time in detention.

#### 13 VI. THE TORTURE OF VIDHYA JAYAKUMAR

14 133. Vidhya Jayakumar is a Sri Lankan of Tamil origin. As a girl, her family  
15 was forcibly displaced from their home in 1995, when the Sri Lankan army launched  
16 artillery attacks on their village. She joined the LTTE in 1997 at the age of 18, after  
17 hearing speakers at her school talk about the army's mistreatment of the Tamil  
18 population. She worked for some years in a hospital as an orderly.

19 134. One of Vidhya's brothers joined the LTTE in 2002, during a peace process  
20 between the government and LTTE, and requested that Vidhya be released in  
21 exchange. They declined to release her but offered to keep her away from the  
22 frontlines. So she worked in an administrative job for the LTTE.

23 135. In 2008, however, the Sri Lankan army advanced deep into LTTE-held  
24 territory. Vidhya was reassigned to the staff of a prominent female LTTE member. The  
25 government advance continued and the situation grew dire. Vidhya considered leaving  
26 and rejoining her family, but she feared she would be caught by the LTTE and  
27 punished for desertion. Eventually, she decided to escape.

28

1                   **A. Exodus from the War Zone and Mass Internment**

2           136. By the spring of 2009, the civil war between the Sri Lankan army and the  
3 LTTE was coming to a bloody end. Hundreds of thousands of Tamil civilians fled the  
4 armed onslaught on foot. Vidhya joined this mass of exhausted men, women, and  
5 children thronging the roads. By May 2009, she made her way down to the  
6 Wadduvakal Bridge, a narrow walkway over a lagoon. Thousands of terrified  
7 survivors of the war were pouring across the bridge and into the arms of Sri Lankan  
8 military forces waiting to detain them.

9           137. On or around May 18, 2009, Vidhya crossed the bridge and surrendered to  
10 the army. She was first sent to a holding ground and then bussed to an unknown  
11 detention site in an abandoned residential house where she was held for approximately  
12 six months. Then one day in November 2009, she was interrogated by an army officer  
13 and kicked in the stomach and sides until she admitted to her former role with the  
14 LTTE. That night, soldiers blindfolded Vidhya, tied her hands behind her back, and  
15 loaded her into a vehicle.

16                   **B. “You will sleep with someone like husband and wife”:**

17                           **Sexual Slavery at an Army Camp**

18           138. Vidhya was sent to two secret detention sites at Sri Lankan army camps.  
19 At both sites, she and other Tamil women were forced into sexual slavery and endured  
20 night after night of rape and torture by military men and women. This ordeal began in  
21 November 2009 and did not end until February 2013.

22           139. When Vidhya arrived at the first detention site in November 2009—after a  
23 blindfolded journey—she was held with a group of young Tamil women ranging in  
24 age from 15 to 30 years old. On her first day there, an army officer offered to release  
25 her if she agreed to become an informant. She refused and was left in a room until two  
26 women in uniform appeared. A soldier accompanying them told Vidhya in broken  
27 Tamil that the women were high ranking officers and that she must obey them.  
28

1           140. The women took Vidhya to a room with a bed and a picture of President  
2 Mahinda Rajapaksa on the wall. They handed her a dress and told her to get changed.  
3 When Vidhya asked them to leave so she could undress, they laughed and tore off all  
4 her clothes, including her bra and panties. They put the dress on her without any  
5 underwear. The female officers told her that she would “sleep with someone like  
6 husband and wife.” They put two tablets in her mouth and made her swallow them.  
7 Then they left her alone, crying. She had never had sex before.

8           141. They returned later, this time with a male army officer named Major  
9 Manatunga. The female officers laughed and told Vidhya that if she didn’t do as she  
10 was told, they would tie her up and send many different men to her every night. They  
11 left her alone with Major Manatunga. Vidhya started crying and begging him not to  
12 do anything to her. She crouched down and clung to the legs of the bed. So he called  
13 for the two female officers to return. They started beating Vidhya and put her on the  
14 bed. Then they tied her wrists to the bedposts and left the room again.

15           142. Major Manatunga started hitting Vidhya and touching her all over her  
16 body. He untied her wrists so that he could remove her dress. Then he climbed on top  
17 of her and forced his penis into her vagina. He also forced his penis into her mouth  
18 repeatedly and ejaculated. She felt sick and spat out his semen. He rubbed it on her  
19 face.

20           143. A while later, he pulled her up and told her to bend over the bed. He  
21 penetrated her anus with his penis. After he was done, he grabbed her by her long hair  
22 and dragged her off the bed onto the floor. Then he left.

23           144. Vidhya stayed on the floor for a long time, in pain and unable to move. She  
24 had lost her virginity through rape. The stigma was distinctly traumatizing because in  
25 Tamil culture virginity is prized as a virtue until a woman is married; brides are  
26 rejected if they have lost their virginity, willingly or not. She thought her life as a  
27 normal woman was over—no one would ever love her after this.

28

1           145. Eventually, the female officers returned to the room, dressed her, and  
2 brought her to the room where the other detained women were kept. No men were  
3 held at the camp. As Vidhya wept, the other detainees told her that this is what happens  
4 in this place: people from outside come here and do this to us.

5           146. Month after month, Vidhya was raped by at least 15-20 different men at  
6 the camp and more than once by many. They all spoke Sinhala. Every night she and  
7 the other detainees lived in fear of going to the “rape room.” The men stationed at the  
8 camp came to rape the detainees almost every night when they got off duty. Soldiers  
9 from outside the camp also came to rape them. Sometimes more than one man wanted  
10 sex, so they would take the detainees outside and rape them in tents. Vidhya was raped  
11 several times in those tents.

12           147. On many occasions when she was being raped by soldiers, other army men  
13 would take photographs or videos. Sometimes the female officers would watch and  
14 laugh at her.

15           148. On at least three occasions, Vidhya was raped and sexually assaulted by  
16 the female officers, usually in the daytime. They slapped her if she did not do as she  
17 was told. They penetrated her vagina with their fingers and ordered her to massage  
18 their breasts and touch their vaginas.

19           149. One night, after several months of captivity, one of the female detainees  
20 was taken out of the room where they slept. Shortly afterwards Vidhya heard a gunshot  
21 coming from the direction of the “rape room.” She peered out to see what was  
22 happening and saw soldiers carrying the woman out of the “rape room” with blood  
23 pouring from her head. Her body was covered with a bed sheet. Vidhya never saw her  
24 again.

25           150. Approximately once a month, the guards would give the detainees an  
26 injection. They used the same needle for all the detainees. She was never told what  
27 the injections were, but they seemed to be a form of birth control since neither she nor  
28

1 the other women got pregnant, despite being raped so many times by so many men,  
2 almost always without a condom.

3 151. The only medical treatment she ever received was during a brief visit to a  
4 hospital in Vavuniya, after she had started having epileptic fits. Two days later, she  
5 was returned to the camp, where she remained for several more months.

### 6 **C. Torture at the “Fourth Floor”**

7 152. One day in approximately March 2011, a female informant was brought to  
8 the camp to examine Vidhya and the other detainees. Soldiers came that night and took  
9 Vidhya away, blindfolded and with her hands tied behind her back. She was driven a  
10 long distance and then taken into a building where she had to walk up many flights of  
11 stairs. She was placed in a dark cell and throughout the night heard screaming men  
12 and women who sounded like they were being beaten.

13 153. The next morning, Vidhya was led down a flight of stairs by men in civilian  
14 clothes. They did not identify themselves and did not tell her where they were.  
15 Through a window she saw that there were tall buildings around them and saw the  
16 ocean in the distance.

17 154. That day, and the following day, Vidhya was interrogated by plainclothes  
18 officers. The first day, they tried to pressure her into becoming an informant. They  
19 second day, they placed a file in front of her and told her to sign. When she refused,  
20 they took her back to her dark cell. Later two officers entered her cell and beat her  
21 with a big stick. One held a flashlight while the other beat her on her back. They left  
22 and were replaced by two other men. They both took turns raping Vidhya.

### 23 **D. Sexual Slavery at an Army Kitchen Camp**

24 155. The next day, guards blindfolded her, tied her hands, and took her down  
25 the stairs and out of the building. They drove her a long distance to an army camp in  
26 an unknown area. The guards spoke with army officers at the camp and left Vidhya  
27 there. She had to sign her name in a log-book and was then taken into to a house.  
28

1           156. The camp served as a central kitchen for local army units. It also served as  
2 a sexual slavery site—like the army camp where Vidhya was held before going to the  
3 “Fourth Floor” in Colombo. Vidhya was held captive at this camp for two years, from  
4 approximately March 2011 to February 2013. About twelve women were held with  
5 her, ranging in age from 18 to 35.

6           157. During this time, she was raped so many times by so many soldiers that  
7 she lost count. She kept herself unwashed, but it did not deter the men. On many  
8 occasions, men would ejaculate in her mouth or all over her body. She was often  
9 subjected to forcible anal penetration, leaving her bleeding from her anus. Sometimes  
10 she would be raped by many men at the same time. They slapped and hit her if she  
11 cried or did not do what they wanted to their satisfaction. Sometimes they put a gun  
12 to her head. All were Sinhalese military men. Some appeared to be high ranking  
13 officers. None ever showed kindness or sympathy.

14           158. At no point during her captivity did the International Committee of the Red  
15 Cross or other outsiders visit the secret detention site.

16           159. During these two years, her captors continued giving her regular injections  
17 that seemed to prevent her and the other women from getting pregnant. She was given  
18 the last injection the night before she was finally released.

19           160. In or around early February 2013, Vidhya was driven away in a military  
20 jeep and taken to a room just inside Joseph Camp in Vavuniya, where she was reunited  
21 with her family. Her family had paid for her release from the kitchen camp. Vidhya  
22 was released on the condition that she report regularly to a local police station.

### 23                           **E. Sexual Violence at a Police Station**

24           161. She reported regularly as directed even though she was routinely groped  
25 and sexually harassed by the police at the station. But then one day in 2014, when she  
26 reported to the station, a police officer handed her over to a group of five or six army  
27 officers who exposed their penises to her and demanded that she touch them. They  
28

1 pushed her to the ground and lifted her skirt. Several of them raped her. She started  
2 having a seizure and was eventually returned to her home.

3 162. After this incident, she stopped reporting to the police as required. She  
4 was eventually arrested by the CID for failing to appear. After she told them about  
5 being raped by the army officers, they turned her and her investigative paperwork over  
6 to the army. The army detained her for several months, until a politician intervened to  
7 secure her release.

8 163. While released on leave, she fled Sri Lanka, seeking asylum abroad.

9 164. Vidhya was never prosecuted for any crime.

10 165. Vidhya's prolonged subjection to torture, sexual slavery, and  
11 incommunicado detention have had devastating effects on her physical and mental  
12 health. She still struggles to recover and has been plagued by suicidal thoughts. She  
13 has required extensive psychological treatment for her trauma.

#### 14 **VII. THE TORTURE OF NIMAL JAYASURIYA**

15 166. Nimal is a Sri Lankan of Sinhalese origin. He worked at various human  
16 rights organizations before transitioning to public advocacy. He was dedicated to  
17 opposing corruption and defending human rights.

18 167. Over the course of his career, he befriended "Siva" (a pseudonym used for  
19 his safety) who was a Tamil colleague in a similar line of work.

20 168. With the Rajapaksas in power and the war intensifying, it grew harder to  
21 speak out against corruption and rights violations. Freedom of speech was suppressed,  
22 and it was considered dangerous to criticize the government.

23 169. One evening in early 2008, Nimal received news that his colleague Siva  
24 had been taken away by plain clothes officers. Nimal tried to mobilize people to  
25 intervene. He called prominent activists who knew Siva well but they were scared and  
26 told him to call someone else for help.

27 170. The next morning, Nimal learned the truth: Siva had been taken to the TID  
28 office in Colombo. Nimal rushed down there to find Siva.

1           171. After passing through a series of checkpoints, he was made to wait at a  
2 guardroom in front of the TID office. After some time, an officer came and took his  
3 identity card. Then a man in civilian clothing came out and said to him: “You are  
4 Sinhalese, you have a child, so why are you getting yourself in trouble now?” He said  
5 that if Nimal confirmed that Siva was receiving money from the LTTE, he would let  
6 him go. Nimal denied that Siva was funded by the LTTE.

7           172. After waiting hours, Nimal realized he probably was not returning home  
8 that day. He deleted the call log on his mobile phone as a precaution to ensure others  
9 did not get hurt.

10           173. Eventually, in the early evening, Nimal was called inside the TID office.  
11 A Sergeant told him to come to his office and take a seat. Then other officers brought  
12 in a young Tamil detainee. He was in a bad shape and wearing only underwear. One  
13 of the officers kicked the boy to the ground, then they handcuffed his hands to the leg  
14 of a chair. They stretched out his body to its limit and handcuffed his leg to a table.  
15 He couldn’t move.

16           174. Nimal was forced to watch as the officers tortured the boy. The Sergeant  
17 grabbed the boy by his hair and slammed his head against the wall, hard. The officers  
18 started beating and kicking him and he screamed in pain. Nimal was filled with shame:  
19 the officers were speaking to him in Sinhala in a normal manner, and he feared the  
20 boy would think he was with the TID as well.

21 While the officers continued beating the boy, the Sergeant asked Nimal in a friendly  
22 tone where he was from.

23           175. The scene was especially disturbing because Nimal had documented  
24 torture many times as a human rights worker: now he was seeing it right in front of  
25 his eyes. To this day, Nimal is haunted by the thought that the boy was tortured  
26 because of him—as pressure to testify against Siva. When they finished beating on the  
27 boy, they unchained his bloody body and dragged him away.

28



1           176. The Sergeant came over to Nimal and grabbed him by the hair, demanding  
2 to know why he had come. Nimal said he came to see his colleague Siva. The Sergeant  
3 grabbed his nose between his fingers, squeezed it painfully, and pulled. He asked if  
4 Nimal was Sinhalese. When he answered yes, the mood changed. The Sergeant gently  
5 slapped him on the shoulder, saying “I’m going”, and then took his briefcase and left.

6           177. Nimal was detained with Siva at the TID office. The senior-most officer  
7 was Prasanna de Alwis. He oversaw three investigations units. Nimal and Siva were  
8 investigated by Unit 3. The Officer in Charge of Unit 3 was named Janakantha, and  
9 he had approximately six officers under him, including two who stood out as torturers:  
10 The Sergeant whom Nimal had already encountered and a Police Constable. These  
11 two seemed to be sadists: they took pleasure in brutalizing people and in making  
12 Nimal and the other detainees fear for their lives.

13           178. The Constable told Nimal that he got lighter treatment because he was  
14 Sinhalese. Unlike his Tamil cellmates, Nimal was not kept in chains and was allowed  
15 to sit and stand in the corridor. Still, Nimal was routinely beaten. The Constable’s  
16 favorite abuse was to stand face to face with a detainee and grab him by the hair,  
17 pulling his head down and locking it against his belly. They he cupped his hand and  
18 slammed it down at a certain spot just above the middle of the spine. He had perfected  
19 the technique: he always hit his hand at the same place on Nimal’s spine. It always  
20 caused severe pain.

21           179. Nimal was usually interrogated by the Officer in Charge of Unit 3,  
22 Janakantha. He asked Nimal about his work and his colleagues and whether they were  
23 linked to the LTTE.

24           180. Unlike his Tamil cellmates, who were savagely beaten, Nimal was usually  
25 tormented psychologically. He was forced to watch the terrifying abuse of Tamil  
26 detainees. On one occasion, late one night, Nimal was sleeping when the Constable  
27 brought a handcuffed detainee into the room. Nimal watched as the Constable tortured  
28 the man in front of him. The Constable punched the man in the ribs and stomach and

1 beat him with a cement-filled pipe on his legs. It went on for half an hour; the man  
2 cried and screamed. The Constable threatened to kill him and the man pleaded with  
3 him in broken Sinhala: his wife was pregnant, please let him live to see his baby.

4 181. The guards worked in night and day shifts and when the morning shift  
5 arrived, the Constable relished telling them how he had tortured the detainees at night.

6 182. Nimal will never forget what the Constable did to his friend, Siva. One  
7 afternoon, the Constable said to them, "I'm going to take him." No one understood  
8 what he meant. But that night, Nimal was disturbed by the sound of horrible  
9 screaming. The next morning, Nimal went out to the water tank and found Siva's towel  
10 full of blood. Later that day, the Constable told Nimal that "last night, something  
11 happened." He and other officers "put a cricket wicket up the backside of [Siva]." The  
12 Constable was bragging about it and describing how he did it and how Siva screamed.  
13 A few days later, Siva was carried back to the Unit 3 office looking like a dead person.

14 183. Throughout this time, as Nimal was forced to observe the physical torture  
15 of others, he was pressured by the officers to give evidence against Siva.

16 184. During his detention at Unit 3, Nimal observed members of other branches  
17 of the security services visiting to interrogate people. The Constable referred to them  
18 as "Intelligence". These men were clean looking, wore full sleeved shirts, carried  
19 special bags, and had a lot of files. At times, they would arrive and take detainees  
20 away with them.

21 185. On one occasion, when Nimal was in the office of Janakanha, the Officer  
22 in Charge of Unit 3, he saw a bundle of detention orders in an open drawer. The orders  
23 had printed text and a seal saying "Secretary of Defense" next to a signature. He  
24 inquired about this to one of the more friendly officers, who explained that the  
25 signature belonged to "the ultimate chief." He explained that before they can carry out  
26 an operation, the ultimate chief must give permission.

27 186. After weeks in TID detention, Nimal was taken to court and released. He  
28 was never charged with any crime.

1 187. Nevertheless, he realized that he was being surveilled. He received threats  
2 from anonymous callers who appeared to know where he was and what he was doing.  
3 Unknown people would roam around his house.

4 188. Concerned for their safety, Nimal and his family fled Sri Lanka and sought  
5 asylum abroad.

6 189. Nimal's ordeal left him with enduring and severe physical and emotional  
7 trauma. Years later, he still has pain in his back where the Constable would beat his  
8 spine. He is plagued by feelings of guilt and shame. He cannot control his mind  
9 replaying the scenes of torture he was forced to watch and he suffers from flashbacks  
10 and nightmares.

### 11 **VIII. THE TORTURE OF SAMAN PERERA**

12 190. Saman Perera is a Sri Lankan of Sinhalese origin. In the summer of 2011,  
13 Saman was working as a civil servant in one of the branches of the Sri Lankan security  
14 forces. One evening, he was arrested at his home by men in civilian clothing who  
15 identified themselves as officers of the Terrorism Investigation Division or TID.

#### 16 **A. Torture and Sexual Violence at the "Fourth Floor"**

17 191. Saman was taken to the "Fourth Floor" Building in Colombo and detained  
18 for the next few weeks by the TID. During this time, he was kept in a purpose-built  
19 holding cell with iron bars. From there, he was taken repeatedly to a room to be  
20 interrogated and tortured by a number of officers, including one called Ratnayake from  
21 Unit 5 of TID.

22 192. Saman's detention order under the Emergency Regulations in the 6<sup>th</sup> floor  
23 of the New Secretariat Building, Colombo 1, was issued by the Ministry of Defense  
24 and signed by an Additional Secretary of Defense.

25 193. The "torture room" was down the corridor from Saman's cell. He and other  
26 detainees were taken there naked and blindfolded. It was a large room equipped for  
27 torture with an iron beam on the ceiling over which the interrogators would sling a  
28

1 rope to hang detainees upside down. He could hear the screams of people being  
2 tortured inside.

3 194. The interrogators would torture detainees during the evenings. Each time  
4 Saman was taken in for interrogation, he was stripped naked.

5 195. During his countless visits to the torture room, Saman was brutalized and  
6 degraded: they beat him while he hung upside down, naked, and while sprawled on  
7 the floor. They broke his nose, slapped his ears, squeezed his testicles, put chili powder  
8 in his eyes, and broke his fingers with a T56 assault rifle. They made him drink urine  
9 when he asked for water. They tortured him sexually by forcing a pipe with barbed  
10 wire inside his anus. After that, they pulled the pipe out first and then slowly pulled  
11 out the barbed wire, causing his anus to tear and bleed profusely.

12 196. At times, the Officer in Charge, Prasanna de Alwis would enter the  
13 interrogation room and pressure the officers to extract more information. Prasanna  
14 also beat and threatened to kill Saman.

15 197. At other times, Saman was interrogated in Prasanna's office, which was  
16 bigger than that of more senior officers in the TID. A photo of Prasanna receiving an  
17 award hung on the wall. Prasanna always made him kneel in front of his desk instead  
18 of giving him a chair. There, Prasanna accused him of assisting the LTTE and  
19 demanded the names of other government officers who allegedly supported the LTTE.  
20 When Saman insisted that he has done no such thing, Prasanna slapped him around  
21 his head, kicked him, and told him that if he did not tell the truth, he would send him  
22 to Boossa Prison Camp.

### 23 **B. A Call from the Defense Secretary**

24 198. On one occasion, Saman was kneeling in Prasanna's office when the  
25 telephone rang. Prasanna's assistant picked up the phone and informed the caller to  
26 "please wait." The assistant then spoke to Prasanna in a whisper: "It's the Defense  
27 Secretary."

28 199. The Defense Secretary at that time was Gotabaya Rajapaksa.

1           200. Prasanna took the phone and for about 2-3 minutes continued to answer:  
2           “Yes sir, I will. Yes, I will look into the matter. Okay, I will look into it. Okay sir.  
3           Okay.” After finishing the call, Prasanna left the room and returned around 10 minutes  
4           later. He hit Saman who was still kneeling on the floor and then told another officer  
5           to take him back to his cell.

6           201. There were also times when Saman was taken to an interrogation room on  
7           a different floor. He was forced to kneel on metal cups, which was painful and caused  
8           his knees to feel numb. He saw other detainees covered in blood and heard people  
9           yelling in pain.

10          202. Saman was later produced to a court and sent to remand prison. He was  
11          released later that year and was eventually acquitted of all charges.

12          203. Despite his acquittal, officers came looking for him again, and he was  
13          forced to flee Sri Lanka.

14          204. To this day, Saman faces physical and mental suffering due to the torture  
15          he experienced. He has lingering physical pain and lasting emotional trauma,  
16          including nightmares of being arrested and tortured by the police and wakes up  
17          screaming and urinating. His nose regularly bleeds after it was broken during the  
18          torture and, separated from his family, he has also attempted suicide abroad.

#### 19                   **IX. THE TORTURE OF SENTHIL PUWANESWARAN**

20          205. Senthil Puwaneswaran, a Sri Lankan of Tamil origin, came to the UK to  
21          pursue a graduate degree. There, he felt free to attend demonstrations against the  
22          Rajapaksa regime and engage in political activism with other Tamils.

23          206. In the fall of 2011, Senthil returned to Sri Lanka to visit a sick family  
24          member. He was stopped at the airport by immigration officers and asked whether he  
25          had attended demonstrations in Europe against the Rajapaksa government. They  
26          eventually let him go, and he travelled to his family’s village in northern Sri Lanka.  
27          He visited with friends, discussing Sri Lankan politics and demonstrations in London  
28          against the Rajapaksa government. These discussions later came back to haunt him:

1 when he was questioned in detention, his interrogators knew the details of these  
2 conversations. Someone had informed on him.

### 3 **A. Abduction**

4 207. One day, when he was returning home from a local shop, he was stopped  
5 by uniformed men in a jeep. They said they had some questions for him. One of the  
6 officers handcuffed him and dragged him into the jeep. They drove him first to a  
7 nearby army camp where he was held for several days and questioned about his  
8 political activities while studying in the UK. His interrogators had a file on him.  
9 During these interrogations, he was beaten with batons and with the edge of a metal  
10 stick. They banged his head against a wall and kicked him with heavy boots. His  
11 interrogators saved his interrogation notes in a file.

12 208. Senthil was transferred, with his case file, to Joseph Camp, where he was  
13 photographed, fingerprinted, and placed in an underground cell wearing only his  
14 underwear. For the next five days, he was interrogated repeatedly by a group of  
15 officers.

16 209. His interrogators already knew what he had said at the previous army  
17 camp. They asked him the same questions and accused Senthil of being an LTTE  
18 member. When he denied it, they beat him all over his body with wooden clubs capped  
19 in metal, striking his back, shoulders, legs, and genitals. The officers shouted at him  
20 in Sinhalese, but he could not understand them.

21 210. On other occasions, the officers did not bother interrogating him and  
22 instead, brutally attacked him as soon as they entered the room. They dragged him  
23 around, smashed his head against the wall, and struck him indiscriminately with  
24 batons and wires.

### 25 **B. Branding at Joseph Camp**

26 211. On or around the second day at Joseph Camp, the interrogators branded  
27 Senthil with hot metal rods. His captors pinned him in different positions to have  
28 access to different body parts. Several officers pinned him to a wall, while another

1 seared crisscrosses onto his back. He was pinned down on his back and branded on  
2 his chest, then flipped over to be branded on his back and legs. He begged them to  
3 stop. He was made to kneel and the burnt flesh on his calves stuck to the burns on his  
4 thighs. After the branding, his head was bashed against a wall. Throughout this ordeal,  
5 other officers came into the room to watch. They laughed and shouted vulgar insults  
6 against him, his family, and the Tamil people.

7 212. On a different day, Senthil was seared again with hot metal rods for  
8 refusing to write a confession. He relented only to save his life and was forced to write  
9 out what an officer speaking in Tamil dictated him to write.

10 213. One morning, after the first week of his detention at Joseph Camp, guards  
11 entered his cell and gave him a T-shirt and trousers. They blindfolded him and dragged  
12 him outside to a vehicle. They drove for about an hour, stopped, and then pulled him  
13 out onto the road. He was met by a stranger who introduced himself as an agent hired  
14 by his family to obtain his release.

15 214. Senthil was taken to a house where a relative was waiting for him. He tried  
16 to take his clothes off, but the fabric stuck to the raw flesh of his burns. He had to soak  
17 it in water to peel away the fabric. His relative rubbed crushed antibiotics into the  
18 wounds and then rushed him the next day to the airport in Colombo. He returned safely  
19 to England.

20 215. Since Senthil left Sri Lanka, his family has faced violent harassment and  
21 intimidation from Sri Lankan authorities. In the winter of 2013, uniformed soldiers  
22 entered his family's home. They beat his father and took him to Vavuniya police  
23 station, where he was asked to reveal Senthil's location. The police eventually released  
24 his father under three conditions: the family must not communicate with the Sri  
25 Lankan Human Rights Commission, they must not speak with LTTE supporting  
26 families, and they must bring Senthil to the police station within three months.

27 216. In 2016, plain clothed officers came to their home and questioned them  
28 about Senthil and his brother. Senthil's parents did not know what to, and the officers

1 beat his father, bloodying his nose. The officers left after the commotion started  
2 drawing neighbors to the house.

3 217. To this day, Senthil is haunted by nightmares and flashbacks of his trauma.  
4 Unable to concentrate, he had to delay finishing his graduate studies. He still  
5 experiences mental and physical pain and carries the branding scars on his back

6 218. Senthil was never prosecuted for any crime.

## 7 **X. THE TORTURE OF RAMANAN SIVALINGAM**

8 219. Ramanan Sivalingam is a Sri Lankan of Tamil origin. In 2008, he was  
9 studying in university. One day, a classmate asked if he could leave a pair of small  
10 stereo speakers with him, which he had brought to a repair shop nearby who could not  
11 fix them. He said he would pick them up later and bring them to another shop. At the  
12 time, Ramanan did not know that his classmate was involved with the LTTE.

### 13 **A. Arrest and Torture at Dematagoda Police Station**

14 220. In or around June 2008, a group of policemen came to search Ramanan's  
15 apartment. They arrested him and brought him to Dematagoda Police Station in  
16 Colombo for questioning. He was photographed and fingerprinted.

17 221. For the next week, he was held at the station and interrogated under torture.  
18 His interrogators extracted answers through beatings and choking. They accused him  
19 of being an LTTE member and demanded he reveal classmates who were in the LTTE.  
20 They alleged they had found explosives inside the stereo speakers at his house.  
21 Ramanan had no idea: he had no reason to believe they were anything other than stereo  
22 speakers.

23 222. His interrogators beat him with wooden sticks and fists and kicked him.  
24 They banged his head against a wall. They placed a plastic bag soaked in gasoline  
25 over his head so he was forced to inhale the fumes. He struggled to breathe and felt he  
26 was suffocating. The smell of the fumes and the dizziness stayed with him for days.  
27  
28



1           223. After about a week, his family paid the police for his release. He was never  
2 charged. Eventually, he recovered and returned to university. But his plan to complete  
3 a degree was cut short.

#### 4                           **B. Abduction and Incommunicado Detention**

5           224. The next year saw the end of the civil war between the Sri Lankan  
6 government and the LTTE. The military invaded and occupied all of the north of Sri  
7 Lanka, which had been governed by the LTTE. Thousands of civilians, displaced by  
8 the war were herded into detention camps. A distant relative of Ramanan, who had  
9 been a member of the LTTE, escaped from one of these camps and tried to flee the  
10 country: if he were captured, his life would be at risk.

11           225. In the Spring of 2009, this relative came to Colombo and asked Ramanan  
12 to help him obtain his birth certificate and passport.

13           226. A few days later, Ramanan was returning home from a restaurant when an  
14 unmarked van swerved in front of him. The door slid open and he was forced inside  
15 by a group of men in civilian clothes. He shouted for help, but they threatened to kill  
16 him if he made any noise. They blindfolded him and drove him to a detention camp.  
17 The van went over speed bumps as they entered the location. Inside, he was  
18 fingerprinted and stripped, then photographed and videoed by guards in civilian  
19 clothes. They locked him in a windowless cell.

#### 20                           **C. Interrogation under Torture and Sexual Violence**

21           227. For the next three weeks, again and again he was taken from his cell into  
22 an interrogation room. The room had a concrete bench, concrete pillars, stained walls,  
23 and a bad stench. Iron rails hung from the ceiling. There were wooden clubs, batons,  
24 and other blunt weapons.

25           228. Ramanan would scream in fear whenever the guards took him to the  
26 interrogation room. The interrogators spoke Sinhala among themselves. But they  
27 questioned him in Tamil, accusing him of helping his cousin and other members of the  
28 LTTE to escape the country. The interrogators already knew about his detention and

1 interrogation the previous year at Dematagoda Police Station. They referred to the  
2 “last time” he was arrested and accused him of doing the same thing and continuing  
3 to support the LTTE.

4 229. He was so scared he found it hard to speak. So they started beating him.  
5 They tied him to a concrete pillar and hit him with wooden clubs and plastic pipes  
6 filled with cement. They punched him repeatedly and kicked him with heavy boots.  
7 His head was slammed against the wall. They forced him to lie face down and beat  
8 the soles of his feet with a rod until he could not walk or stand.

9 230. The interrogations—and beatings—continued throughout his detention,  
10 blurring together. In one session, they suspended him upside down by his ankles and  
11 placed a bag filled with water over his head until he started suffocating. In another,  
12 they choked him with a plastic bag soaked in gasoline.

13 231. At one point, they asked Ramanan to identify people in a series of  
14 photographs. Confused and afraid, he was unable to recognize a relative in one of the  
15 photos. So they accused him of lying. They immobilized him while one of the guards  
16 brought over a red hot metal bar. They pressed the scalding metal onto his back, again  
17 and again, causing searing pain and branding him for life. Ramanan begged them not  
18 to do it. He asked them to kill him instead. The interrogators smoked, laughed, chatted  
19 and sang.

20 232. After one session, while Ramanan was left alone in the interrogation room,  
21 an interrogator returned and forced his penis into Ramanan’s mouth, compelling him  
22 to perform oral sex. In another session, his interrogators forced a freezing cold object  
23 into his anus, causing terrible pain.

24 233. Under pressure from these abuses, he signed what appeared to be a  
25 confession in Sinhala—a language he cannot read.

26 234. After several weeks of this ordeal, Ramanan could not walk on his own.  
27 His face was swollen and his back had open wounds. One night some men led him  
28 blindfolded out of his cell, loaded him into a vehicle, and drove for several hours.

1 Eventually they pulled over and handed him off to a man who was waiting for him.  
2 The man explained that Ramanan's family had hired him to pay for his release from  
3 Joseph Camp.

4 235. Fearing for his life, he eventually fled Sri Lanka with help from his family  
5 and received asylum in a foreign country. To this day, he suffers physically and  
6 mentally from his ordeal. His feet hurt when he tries to walk any distance. At night he  
7 has recurring nightmares; during the day, he has terrifying flashbacks.

8 236. Ramanan was never charged with any crime.

## 9 **XI. THE TORTURE OF VASANTHI RATNASINGHAM**

10 237. Vasanthi Ratnasingham is a Sri Lankan Tamil. In the 2000s, she worked in  
11 the finance section of the civil administration of the LTTE government in Northern  
12 Sri Lanka. In early 2009, she was displaced from her home, as thousands of civilians  
13 fled the indiscriminate shelling of the advancing Sri Lankan army.

14 238. She attempted to flee the war zone by sea but was captured by the Sri  
15 Lankan navy. She was transferred to the custody of the police who detained her in  
16 Pulmoddai Police Station, on the east coast of Sri Lanka.

17 239. For approximately two months, Vasanthi was detained at the Pulmoddai  
18 Police Station and, on at least three occasions, she was subjected to brutal physical  
19 and sexualized torture. Her tormentors were TID officers who ordered the female  
20 police officer out of the room before they questioned Vasanthi. They demanded to  
21 know who was responsible for handling LTTE money and where that money came  
22 from. When she responded, they accused her of lying and pummeled her back and legs  
23 with wooden truncheons. They groped her breasts and mocked her in broken Tamil,  
24 spouting profanity and telling her to tie her hair in a braid "as the LTTE women tied  
25 it."

### 26 **A. Sexual violence at the Pulmoddai Police Station**

27 240. The TID officers raped Vasanthi with a wooden stick, shoving it into her  
28 vagina. She felt excruciating pain and screamed in agony. They also beat her on the

1 stomach and grabbed her breasts. The next day there was blood in her urine. As an  
2 unmarried virgin, the rape was devastating to her identity. Virginity is virtue in Tamil  
3 culture: she feared she would never be able to marry after this.

4 241. Afterwards, they told her to sign a document in Sinhala. She was so afraid  
5 that she signed it even though she didn't speak the language or know what it said.

6 242. Vasanthi was then transferred to the TID detention center in Boossa Camp.  
7 From her cell, she could hear the voices of other prisoners screaming. She was also  
8 taken in for interrogation during which a male officer burned her inner thighs with  
9 cigarettes and verbally abused her.

10 243. After about a month at Boossa, she was transferred to the TID detention  
11 center in the "Fourth Floor" building in Colombo. They locked her in a cell that  
12 resembled an animal cage with iron bars on three sides and a wall on the fourth. During  
13 her short stay at the "Fourth Floor" building, she was again forced to sign a document  
14 in Sinhala, a language she cannot read.

15 244. Vasanthi then spent nearly a year in prison before she was released in 2010.  
16 She was then ordered to report regularly to the security authorities. In her village, she  
17 was harassed by Sinhalese soldiers who said they wanted to have sex with her. Fearing  
18 that she would be subjected to further sexual violence, Vasanthi fled Sri Lanka,  
19 seeking asylum abroad.

20 245. Vasanthi still suffers mentally and physically from the torture and has  
21 endured terrible gynecological problems.

## 22 **XII. THE TORTURE OF MAYURAN RAJKUMAR**

23 246. In the spring of 2011, Mayuran Rajkumar—a Tamil Sri Lankan and  
24 government schoolteacher—was commuting to work when he was stopped by two  
25 persons in civilian clothing. They held him at gunpoint, forced him onto a motorbike,  
26 and took him to Joseph Camp, while blindfolded.

1           247. Upon his arrival, he was taken to a room for interrogation and his blindfold  
2 was removed. The room had a dim light above a small table. On the other side of that  
3 table sat an officer called Raja.

4           248. Officer Raja proceeded to interrogate him as several other officers tortured  
5 him physically. They accused him of receiving money from abroad for the LTTE and  
6 demanded that he hand over the amount. When he denied any involvement, an officer  
7 kicked him hard in the chest and he fell to the floor. They stamped on his fingers and  
8 chest with heavy boots and slapped his face. They beat him with sticks, batons and hit  
9 him with the butt of a gun and kicked him in the genital area. They hurled vulgar  
10 insults at him—some involving female body parts, others derogating Tamils. He was  
11 beaten on the soles of his feet and heels until he lost consciousness.

#### 12                                   **A. Branding at Joseph Camp**

13           249. Sometime later, Mayuran woke up to the pain of cigarettes burning his  
14 skin. He was lying face down on the floor. Someone stood on his hands and a gun was  
15 held to the back of his neck. He was then branded on his back and upper left arm with  
16 hot metal rods. This happened on two separate occasions and each time, they branded  
17 him until he went unconscious.

18           250. Mayuran was freed a few days later after his relatives paid for his release.  
19 Before he left Joseph Camp, Officer Raja told him not to go to a public hospital or a  
20 human rights group and that they would kill him if he told anyone about what happened.

21           251. In the summer of 2012, Mayuran was told to report to Joseph Camp  
22 because they wanted to ask some questions before closing his file. He was told not to  
23 worry and that he will be allowed to leave quickly. He believed this and went to the  
24 camp. But he was detained, interrogated and tortured all over again by a new set of  
25 officials.

26           252. Again, they accused him of receiving LTTE money. They threatened to  
27 take him to the “Fourth Floor” in Colombo if he refused to produce the sum. When he  
28 denied having the money, they hit him hard on the head with a blunt object. The force

1 of the blow caused his chin to slam against the table, breaking his tooth. He fell on the  
2 floor, semi-conscious and bleeding from his head, chin, and mouth. The officers then  
3 kicked him in the lower abdomen and groin area and he fell unconscious.

4 253. He was released a second time through another payment by his family.

5 254. In the spring of 2013, he was told once again to report to Joseph Camp.  
6 Fearing for his life, he left Sri Lanka and has not returned since.

7 255. To this day, he suffers from physical pain as well as mental health problems  
8 due to the torture inflicted on him by his tormentors. He frequently relives the torture  
9 through flashbacks and nightmares, which leave him waking in a cold sweat,  
10 frightened and short of breath.

### 11 XIII. ONGOING IMPUNITY

12 256. During his entire decade in office, Gotabaya was repeatedly informed of  
13 credible allegations that his subordinates were abducting, torturing, and raping  
14 detainees across the country. These were met with consistent denial by the  
15 Rajapaksas. When denial became untenable, Gotabaya oversaw the establishment of  
16 inquiry bodies that were staffed with loyal allies—or the perpetrators themselves—  
17 to guarantee they never delivered truth or justice.

#### 18 A. Sri Lanka's Worst-Kept Secret:

#### 19 Reports of Torture Were Repeatedly Brought to Gotabaya's 20 Attention

21 257. Allegations of torture and other rights violations were brought to the  
22 attention of the Rajapaksa regime on so many occasions that it would be a massive  
23 undertaking to try and list them all in one document.

24 258. Between 2005 and 2014, the Sri Lankan Human Rights Commission  
25 received 4,368 complaints of torture—and these reflected only cases where the victim  
26 came forward. Many dared not.

27 259. In 2007, United Nations Special Rapporteur on Torture, Manfred Nowak,  
28 visited Sri Lanka and inspected several of the detention centers identified in this

1 complaint—including Chaithya Road and Boossa Camp. In his February 2008 report,  
2 he noted that “torture is widely practiced in Sri Lanka” and documented several of the  
3 distinct torture methods seen in this complaint, including asphyxiation with gasoline-  
4 soaked bags. The report was transmitted to the Rajapaksa government, which  
5 “provided comments.”<sup>7</sup>

6 260. The U.S. State Department Human Rights report for 2009 also described  
7 the same, distinctive torture methods used by the TID on detainees in Boossa Camp.  
8 The 2010, 2011, and 2014 reports cite similar torture methods used by the TID in  
9 Boossa, indicating there had been no improvement.

10 261. Gotabaya was also confronted with allegations of sexual violence  
11 committed by the military under his watch. After the war ended in May 2009,  
12 allegations of rape quickly surfaced from the internment camp for survivors. An aid  
13 worker told Channel 4 news that soldiers were abducting women from the camp and  
14 sexually abusing them. As usual, the Rajapaksa government dismissed these  
15 allegations as anti-government propaganda. However, Gotabaya personally  
16 telephoned the Channel 4 reporter to tell him he was being deported because of his  
17 report on rape: “*You have been accusing my soldiers of raping civilians? Your visa is*  
18 *cancelled, you will be deported.*”<sup>8</sup>

19 262. Sri Lanka’s situation was of such concern to the international community  
20 that in 2014 the U.S. and other states backed a UN resolution for a formal UN  
21 investigation into alleged violations of human rights that occurred between 2002 and  
22 2011. Gotabaya dismissed international scrutiny as bias against his country.  
23  
24

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25 <sup>7</sup> *Id.* at ¶ 6.

26 <sup>8</sup> Journalist who reported on internment camps in Sri Lanka tells his story, Nick  
27 Paton Walsh, *The Guardian*, 10 May 2009.

28 <https://www.theguardian.com/world/2009/may/10/channel-4-sri-lanka>.

## **B. Gotabaya Obstructed Justice and Set a Culture of Impunity**

263. Faced with these allegations, Gotabaya had every tool at his disposal to investigate and prosecute torture and other grave human rights abuses, including the power to constitute courts martial to prosecute war crimes. Instead, he publicly swore never to investigate: “There will be no investigations in this country; I will oppose anyone who tries to do [sic],” he said. “Nothing wrong happened in this country, take it from me, there will be not investigation for anything that happened [sic]”.

264. Instead of impartial justice, the Sri Lankan government set up a series of commissions and boards of inquiry to deflect calls for an international investigation. First was the “Lessons Learnt and Reconciliation Commission” (LLRC), assigned to investigate the conduct of the war. In its opening session, the Chairman made no mention of human rights and told witnesses to “forget the past.”

265. Next came an Army Board of Inquiry to follow up on the LLRC’s report recommendations and respond to resurfaced videos showing soldiers summarily executing unarmed individuals. The Board included four senior officers who had been instrumental in the war, but who were now investigating their own conduct. Unsurprisingly, they concluded “the Army had taken all precautions to avoid civilian casualties.”

266. At the same time, a separate 5-member Court of Inquiry was established in 2012 to look into “alleged human rights violations” at the end of the war.<sup>9</sup> The Court was headed by an ally of Gotabaya Rajapaksa, Jagath Jayasuriya, who was alleged to have committed war crimes himself—as the commander of Joseph Camp (a torture site) between 2007 and 2009. The Court of Inquiry report has never been made public, but the Army said it exonerated them, unsurprisingly.

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<sup>9</sup> Army Probe Continues, 29 Mar 2012, Daily Mirror Lanka, <https://www.pressreader.com/sri-lanka/daily-mirror-srilanka/20120329/286667593872724>. This article says the Board of Inquiry comprised 5 military officers headed by a Major General.



1           267. As Secretary of Defense, Gotabaya authorized and approved these efforts  
2 to obscure the facts and protect members of the security forces from legal scrutiny. He  
3 knew that the officers commissioned to lead these inquiries had deep conflicts of  
4 interest. By authorizing this cover-up, he ensured that evidence of his involvement,  
5 and the involvement of other senior officers, would not come to light.

6           268. As Secretary of Defense, Gotabaya also approved giving promotions to  
7 senior officers accused of war crimes and human rights violations and sheltering them  
8 in diplomatic posts around the world, immunizing them from investigation or  
9 prosecution by foreign or international bodies. In just two of several examples, 58<sup>th</sup>  
10 Division Army Commander Shavendra Silva—implicated by UN officials in the  
11 killing of 40,000 civilians in Sri Lanka and summary execution of POWs—was named  
12 Sri Lanka’s Deputy Permanent Representative to the United Nations in or around  
13 August 2010. In or around September 2012, Prasanna De Silva, the 55<sup>th</sup> Division Army  
14 Commander, was named Defense Attache to the UK, and could not be questioned by  
15 British police, even though a dossier of war-crimes evidence had been transmitted to  
16 Scotland Yard. These officers were on active duty; Gotabaya necessarily approved  
17 their appointments and secondments.

18           269. And while perpetrators enjoyed impunity, family members who tried to  
19 report disappearances or victims who testified in commissions or gave information to  
20 international bodies faced violent reprisals.

21           270. Gotabaya himself threatened a witness with death on international  
22 television. When asked what would happen to former army commander Sareth  
23 Fonseka if he gave evidence of war crimes in court, Gotabaya replied, “That’s a  
24 treason. We will hang him if he do that. [sic]”

25           271. This state of impunity continues to this day. The government has touted its  
26 commitment to holding human rights abusers accountable by the opening of a handful  
27 of emblematic cases of abduction, torture, and extrajudicial killing. Yet the very officer  
28

1 assigned to lead these investigations, Nishantha de Silva, is named in this complaint  
2 as a torturer, an allegation known to authorities years ago.

3 272. Unable to obtain any assurance of due process or impartial justice—and  
4 fearing violent reprisals against themselves and their relatives—the Plaintiffs have no  
5 effective remedies available to them in the courts of Sri Lanka.

6 **COUNT I**  
7 **TORTURE**  
8 **(All Plaintiffs)**

9 273. The Plaintiffs incorporate by reference all preceding paragraphs as if set  
10 forth herein.

11 274. The acts described above in paragraphs 54 to 255 caused Plaintiffs severe  
12 pain and suffering, both physical and mental, and constitute torture as defined in the  
13 Torture Victim Protection Act, 28 U.S.C. § 1350, note § 3(b)(1), which provides a  
14 cause of action for acts of torture committed under color of foreign law, regardless of  
15 where they were committed or the citizenship of the victims or perpetrators.

16 275. Plaintiffs' torture did not arise from and was not inherent in or incidental  
17 to lawful sanctions.

18 276. At the time these acts occurred, Plaintiffs were in the custody and physical  
19 control of members of the Sri Lankan military and police forces.

20 277. The acts described herein were inflicted deliberately and intentionally (i)  
21 for the purpose of obtaining a confession or information from Plaintiffs; (ii) to punish  
22 or intimidate Plaintiffs for their perceived opposition to the Rajapaksa government; or  
23 (iii) on the discriminatory basis of Plaintiffs' ethnic, gender, political, and/or cultural  
24 identity.

25 278. The acts described herein were inflicted under actual or apparent authority  
26 or color of law of the government of Sri Lanka by members of the Sri Lankan military  
27 and police forces.  
28

1 279. The actions of the Defendant and his subordinates or co-conspirators in the  
2 Sri Lankan government were in violation of the laws of Sri Lanka. Article 11 of the  
3 Sri Lankan constitution enshrines freedom from torture as a fundamental right. Torture  
4 is also a criminal offense under Sri Lanka's Torture Act No. 22 of 1994, which  
5 implements Sri Lanka's international obligation to prohibit torture under the United  
6 Nations Convention Against Torture and Inhuman and Degrading Treatment.

7 280. The acts of torture committed against the Plaintiffs were part of a  
8 systematic pattern and practice of human rights abuses committed against the civilian  
9 population of Sri Lanka between 2005 and 2015, for which the Defendant bears  
10 responsibility.

#### 11 **COMMAND RESPONSIBILITY**

12 281. At all relevant times, Gotabaya was the Secretary of the Ministry of  
13 Defense of Sri Lanka. As such he exercised command and control over the military  
14 and intelligence forces from approximately November 2005 to January 2015. He also  
15 exercised command and control over the police forces from approximately November  
16 2005 to August 2013. The Defendant's command over such forces included the  
17 authority and responsibility to give orders, set policy for, and manage the affairs of  
18 these forces. He also had the power to appoint, second, remove, and discipline the  
19 personnel of such forces, including through courts martial and other forms of military  
20 justice.

21 282. Gotabaya exercised effective control over subordinates in these forces. He  
22 did in fact issue orders, receive reports, monitor compliance, and punish certain forms  
23 of misconduct while tolerating others.

24 283. Gotabaya had actual knowledge that personnel under his command had  
25 committed or were committing torture, rape, enforced disappearances, and other  
26 violations of international and Sri Lankan law.

27 284. By virtue of the command, control, and communications systems in the  
28 Ministry of Defense, Gotabaya reasonably should have known that torture, rape,

1 enforced disappearances and other violations had or were being committed, or were  
2 foreseeably going to be committed, by personnel under his command.

3 285. As Secretary of Defense, Gotabaya had a duty under international and Sri  
4 Lankan law to ensure that all personnel under his command were trained in and  
5 complied with international and Sri Lankan law, including the prohibitions against  
6 torture, enforced disappearances, rape, sexual slavery, war crimes, and crimes against  
7 humanity.

8 286. As Secretary of Defense, Gotabaya was under a duty to investigate,  
9 prevent, and punish violations of international and Sri Lankan law committed by  
10 members of the military, intelligence, and police forces under his command.

11 287. Gotabaya failed or refused to take all necessary measures to prevent the  
12 abuses described herein, or to investigate and punish his subordinates for committing  
13 such abuses. Gotabaya is therefore liable under the command responsibility doctrine.

#### 14 **CONSPIRACY**

15 288. Gotabaya conspired and knowingly acted in concert with other officers of  
16 the Ministry of Defense, pursuant to a common plan to use physical violence and  
17 intimidation to persecute the Tamil population and repress political opposition.

18 289. Gotabaya engaged in multiple overt acts in furtherance of this conspiracy  
19 including, but not limited to:

- 20 a. attempting to obstruct, impede, or influence the due administration of  
21 justice by threatening and tampering with witnesses; and  
22 b. assisting perpetrators in order to hinder or prevent their apprehension,  
23 trial, or punishment.

24 290. Gotabaya is jointly and severally liable for the actions of his co-  
25 conspirators undertaken in furtherance of their conspiracy.

#### 26 **AIDING & ABETTING**

27 291. Gotabaya aided, abetted, or otherwise substantially assisted or encouraged  
28 his subordinates in the commission of the unlawful acts alleged herein, and was a

1 substantial factor in their commission. This assistance or encouragement included,  
2 *inter alia*, selectively enforcing Sri Lankan law and military justice to incentivize the  
3 persecution of the Tamil population and perceived political opponents. This selective  
4 enforcement included:

- 5 a. Permitting the extortion of bribe payments from victims and their  
6 families to stop torture and secure the victim's release—which enabled  
7 a financial rewards system for perpetrators in the torture sites;
- 8 b. Permitting rape and other forms of sexual violence, including the  
9 practice of sexual slavery in army facilities—which created, in  
10 addition to a form of punishment and intimidation for victims, a  
11 rewards system to gratify the perpetrators.

#### 12 AGENCY

13 292. At all relevant times, there was an actual or assumed agency relationship  
14 between Gotabaya and his subordinates, agents, and co-conspirators in the  
15 government of Sri Lanka.

16 293. The personnel of the military, intelligence, and police forces who engaged  
17 in the unlawful acts described herein acted within the scope of this agency  
18 relationship. Plaintiffs' abusers acted under the actual or apparent authority of the  
19 Defendant and for the benefit of Defendant's common plan to persecute the Tamil  
20 population and repress political opposition.

21 294. Further, the systematic pattern and practice of human rights abuses carried  
22 out by personnel of the military, intelligence, and police forces—including the acts  
23 describe herein—were ratified by Gotabaya. He was repeatedly informed that such  
24 unlawful acts were being committed by agents under his control, and he enabled,  
25 encouraged, and defended them.

26 295. With respect to all plaintiffs subjected to torture prior to June 26, 2009, any  
27 applicable statute of limitations is tolled by the exceptional circumstances of, *inter*  
28 *alia*, (1) their torture and abuse being a continuing tort, (2) Defendant retaining control

1 of the military and police forces until January 2015, and (3) Defendant's infrequent  
2 return trips to the United States after leaving office. All three circumstances rendered  
3 it impracticable—and unsafe—for Plaintiffs to bring this action at an earlier date. *See*  
4 *Hilao v. Estate of Marcos*, 103 F.3d 767, 773 (9th Cir. 1996) (tolling limitations for  
5 human rights claims until former president was out of office).

6 296. As a direct and proximate result of their torture, Plaintiffs have suffered  
7 enormous damages, the precise amount to be determined at trial.

8 297. In addition, Defendant's acts and omissions were deliberate, willful,  
9 intentional, wanton, malicious, and oppressive, and should be punished by an award  
10 of punitive damages in an amount to be determined at trial.

11 **COUNT II**  
12 **CIVIL ASSAULT**  
13 **(All Plaintiffs)**

14 298. The unlawful acts of the Defendant's subordinates, agents, and co-  
15 conspirators, described above in paragraphs 54 to 255, were intended to cause harmful  
16 or offensive contact to the Plaintiffs, or were threats to touch the Plaintiffs in a harmful  
17 or offensive manner. The Plaintiffs reasonably believed that Defendant's subordinates,  
18 agents, and co-conspirators were about to touch them in a harmful or offensive manner  
19 or were about to carry out their threat.

20 299. These unlawful acts, attempts, and threats were malicious and non-  
21 consensual, and they directly and proximately caused the Plaintiffs to suffer fear,  
22 psychological trauma, and emotional distress.

23 300. As pleaded above in paragraphs 54 to 255, Defendant exercised command  
24 responsibility over, conspired with, aided and abetted, and/or had an agency-principal  
25 relationship with the persons who committed assault against the Plaintiffs, and all  
26 applicable statutes of limitations are tolled.

27 301. Plaintiffs are entitled to compensatory damages, the precise amount to be  
28 determined at trial.



1 309. The acts described herein directly and proximately caused Plaintiffs to  
 2 suffer mental pain and suffering.

3 310. As pleaded above in paragraphs 54 to 255, Defendant exercised command  
 4 responsibility over, conspired with, aided and abetted, and/or had an agency-principal  
 5 relationship with the persons who intentionally inflicted emotional distress upon the  
 6 Plaintiffs, and all applicable statutes of limitations are tolled.

7 311. Plaintiffs are entitled to compensatory damages, the precise amount to be  
 8 determined at trial.

9 312. In addition, Defendant's acts and omissions were deliberate, willful,  
 10 intentional, wanton, malicious, and oppressive, and should be punished by an award  
 11 of punitive damages in an amount to be determined at trial.

12 **PRAYER FOR RELIEF**

13 To the extent permitted by law, Plaintiffs seek judgment against the Defendant  
 14 and the following relief, according to proof:

- 15 (a) Compensatory damages;
- 16 (b) Punitive damages; and
- 17 (c) Reasonable attorneys' fees, costs, and expenses; and
- 18 (d) Such other relief as the Court may deem just and proper.

19  
 20 DATED: June 26, 2019

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