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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 AHIMSA WICKREMATUNGE, in her
13 individual capacity and in her capacity
14 as the legal representative of the estate
of LASANTHA WICKREMATUNGE,

15 Plaintiff,

16 v.

17 NANDASENA GOTABAYA RAJAPAKSA,

18 Defendant.
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Case No. 2:19 CV-02577-R-RAO

FIRST AMENDED COMPLAINT

(1) EXTRAJUDICIAL KILLING
PURSUANT TO 28 U.S.C.
§ 1350, NOTE AND 28 U.S.C.
§ 1350

(2) CRIMES AGAINST
HUMANITY PURSUANT TO
28 U.S.C. § 1350

(3) TORTURE PURSUANT TO 28
U.S.C. § 1350, NOTE AND 28
U.S.C. § 1350

JURY TRIAL DEMANDED

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15 *Ahimsa Wickrematunge*

1 Plaintiff Ahimsa Wickrematunge, in her individual capacity, and in her
2 capacity as the legal representative of the estate of Lasantha Wickrematunge,
3 complains and alleges as follows:
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6 **PRELIMINARY STATEMENT**

7 1. This case arises from the brutal killing and persecution of journalists
8 by the government and security forces of Sri Lanka. On the morning of January 8,
9 2009, Lasantha Wickrematunge (“Decedent”, or “Lasantha”), editor of *The Sunday*
10 *Leader* newspaper and outspoken critic of the corruption and human rights abuses
11 of the Sri Lankan government under President Mahinda Rajapaksa, was
12 assassinated in the Sri Lankan capital of Colombo. This action alleges that
13 Nandasena Gotabaya Rajapaksa (“Defendant”), a United States citizen and Sri
14 Lanka’s then Secretary of Defense, instigated and authorized the torture and
15 extrajudicial killing of Lasantha; had command responsibility over those who
16 carried out the torture and assassination; and incited, conspired with, or aided and
17 abetted subordinates in the Sri Lankan security forces and military intelligence, or
18 groups acting in coordination with these units, to engage in a widespread and
19 systematic targeting of journalists and media workers who were perceived to be
20 critical of the government, including the torture, extrajudicial killing and
21 persecution of Decedent on political grounds.
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28 2. On numerous occasions, Lasantha and his newspaper exposed

1 allegations of corruption and abuses by the Defendant in his capacity as Secretary
2 of Defense. Lasantha's reporting, which was widely followed in Sri Lanka, led to
3 Defendant's targeted attempts to silence him. Defendant ordered Lasantha's arrest
4 and filed a defamation suit against him. Intelligence services under the Defendant's
5 command began surveilling Lasantha's mobile telephone. Before he was due to
6 testify against Defendant regarding an alleged corruption scandal, Lasantha was
7 brutally attacked and murdered in broad daylight by members of the Tripoli
8 Platoon, a unit of Sri Lanka's Directorate of Military Intelligence operating under
9 Defendant's command.
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14 3. Following the assassination, Defendant and his allies obstructed
15 Plaintiff's efforts to seek justice in Sri Lanka by tampering with evidence and
16 engaging in a pattern of coercion and intimidation.
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18 4. The acts alleged herein were carried out in the context of a systematic
19 crackdown against journalists critical of the government. Lasantha's attack and
20 subsequent death was one of many attacks against journalists perpetrated under the
21 Rajapaksa regime. Security forces under Defendant's command and control
22 engaged in a widespread and/or systematic campaign against journalists, marked
23 by a pattern and practice of violations including but not limited to extrajudicial
24 killing; arbitrary detention; torture; and cruel, inhuman and degrading treatment in
25 an effort to stamp out criticism of the Rajapaksa government.
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1 armed conflict, Lasantha was posthumously awarded the UNESCO World Press
2 Freedom Prize, the Louis Lyons Award for Conscience and Integrity in Journalism
3
4 by Harvard University's Nieman Foundation, the James Cameron Memorial Trust
5 Award, and the National Press Club's International Freedom of the Press Award,
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7 and he was declared the World Press Freedom Hero by the International Press
8 Institute in 2010. His funeral drew mourners from around the country and the
9 world. Statements condemning his assassination were issued by the United States,
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11 the United Kingdom, Australia, Canada, the European Union and the United
12 Nations.

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14 ***Plaintiff Ahimsa Wickrematunge***

15 13. Plaintiff Ahimsa Wickrematunge is the daughter of Lasantha
16 Wickrematunge. In 2002, Ahimsa and her siblings moved to Australia due to
17 ongoing threats of violence against their family in Sri Lanka arising from
18 Lasantha's publications in *The Sunday Leader*. Ahimsa returned to Sri Lanka when
19 she was sixteen and was living with Lasantha in Colombo when he was killed. She
20 has been pursuing justice for her father's killing for the past ten years. Plaintiff is a
21 citizen and resident of Australia. She brings this action for extrajudicial killing,
22 torture, and crimes against humanity in her individual capacity and in her capacity
23 as personal representative of her father's estate.
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BACKGROUND

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2 14. The attack on Lasantha that led to his death occurred in the final
3 months of Sri Lanka's decades-long civil war between the Government of Sri
4 Lanka (GSL) and the Liberation Tigers of Tamil Eelam (LTTE). The war lasted
5 from 1983 to 2002, when the GSL and the LTTE agreed to a ceasefire. However,
6 the two sides again turned to violence in 2006. In May 2009, the GSL defeated the
7 LTTE, amidst allegations of international law violations committed by the GSL
8 and LTTE during the final months of the war.
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12 15. In March 2011, a Panel of Experts commissioned by the U.N.
13 Secretary General ("U.N. Panel") released a report documenting international law
14 violations by the Sri Lankan government and LTTE. The report found credible
15 sources showing that as many as 40,000 civilians died in the final stages of the war
16 and concluded that these casualties, if proven, call for criminal liability for army
17 commanders, senior government officials, and LTTE leaders. As Secretary of
18 Defense from November 2005 to January 2015, Gotabaya was a chief architect of
19 this violent campaign.
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23 16. Mahinda Rajapaksa served as Sri Lanka's President from November
24 2005 to January 2015, and presided over the conclusion of the civil war. His
25 regime participated in three major campaigns during this period: the destruction of
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1 Tamil separatism, the liquidation of media critics and political opponents, and the
2 enrichment of the Rajapaksa family's inner circle through corruption.

3
4 17. To ensure a cohesive political and military leadership, President
5 Mahinda Rajapaksa appointed his brother, Defendant Gotabaya Rajapaksa, as his
6 Secretary of Defense. The Rajapaksas further consolidated power by appointing
7 another brother, Basil Rajapaksa, first as his senior presidential advisor, and later
8 as the Minister of Economic Development. Yet another brother, Chamal
9 Rajapaksa, held the position of Speaker of Parliament.
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13 ***Defendant's Role as Secretary of Defense and Consolidation of Intelligence***
14 ***Agencies***

15 18. Defendant served as Secretary of Defense from 2005 to 2015. The
16 Secretary of Defense is the most senior civil servant in the Ministry of Defense,
17 which houses all branches of the Sri Lankan security forces. This includes the three
18 branches of the Sri Lankan military: the Sri Lanka Army (SLA), the Sri Lanka
19 Navy (SLN) and the Sri Lanka Air Force (SLAF). It also includes three civilian
20 bodies: the Sri Lanka Police (SLP), the National Intelligence Bureau (NIB)
21 (currently known as the State Intelligence Service (SIS)), and the Civil Defense
22 Forces (CDF). All six branches were part of the Ministry of Defense until 2013.
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26 19. As Secretary of Defense, Defendant consolidated control over all of
27 Sri Lanka's military and civilian intelligence agencies by cementing the position of
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1 Chief of National Intelligence. The Chief of National Intelligence served as a direct
2 line of authority between the Secretary of Defense and all of the intelligence units
3 within the Ministry of Defense, including the SLA's Directorate of Military
4 Intelligence.
5

6 20. The Secretary of Defense played a key role in coordinating operations
7 between the different agencies within the Ministry of Defense and Defendant
8 played a particularly hands-on role with respect to working with the intelligence
9 services. In media interviews published in April 2009, the Inspector General of the
10 SLP and the Deputy Inspector General of the Criminal Investigation Department
11 ("CID") described weekly meetings of the different intelligence services held by
12 the Secretary of Defense. Interviews with senior officials, including Defendant and
13 his Chief of National Intelligence Kapila Hendawitharana, described the weekly
14 meetings as a way to share intelligence between the agencies, discuss incidents and
15 investigations, and address security concerns outside the main conflict zone in
16 northern Sri Lanka. Defendant reportedly "went down to the nuts and bolts of
17 security issues" and made "spot decisions on issues raised by the representatives of
18 the various intelligence agencies."
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20 21. In addition, the Secretary of Defense had the power to direct
21 investigations involving "national security" and "terrorism," which was
22 expansively applied to investigate media workers, humanitarian aid workers,
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1 human rights activists, and individuals perceived to be “Tiger sympathizers”
2 (individuals deemed sympathetic to the LTTE movement). A number of wartime
3 measures, including the Prevention of Terrorism Act and the 2006 Emergency
4 Regulations under the Public Security Ordinance, gave sweeping powers to the
5 Secretary of Defense to order arrests and detention at his discretion, if he “is of
6 [the] opinion” that the individual is acting “in any manner prejudicial to the
7 national security or to the maintenance of public order.” These laws criminalized a
8 broad set of conduct, such as any act causing “communal disharmony or feelings
9 of ill-will” between different communities. The government used the broad terms
10 of these laws to target journalists critical of the Rajapaksa administration or the
11 war effort. In addition, government officials enjoyed broad immunity for actions
12 undertaken “in good faith” for the protection of national security under the
13 Prevention of Terrorism Act. Although the civil war ended in May 2009, the
14 Emergency Regulations were not repealed until August 2011, and the Prevention
15 of Terrorism Act remains in place to this day.

22 22. In carrying out its national security mandate, the different agencies of
23 the Ministry of Defense, all under the command of Defendant in his capacity as
24 Secretary of Defense, acted with a high degree of coordination, engaging in joint
25 intelligence activities and information sharing, as well as joint planning. Units
26 from both military and civilian security forces worked in concert to carry out
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1 arrests of numerous individuals, including human rights defenders and journalists,
2 under the pretext of protecting “national security.”
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4 ***Rajapaksa Regime and Its Widespread and Systematic Attacks on Journalists***

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6 23. The Rajapaksa regime was sensitive to criticism of its war effort and
7 allegations of corruption. As a result, it launched an assault on the free press,
8 routinely harassing journalists, editors, and other individuals associated with the
9 press. Although the Rajapaksa regime frequently denied playing any role in the
10 attacks against journalists – which ranged from veiled threats to abductions,
11 assaults, torture, and killings – many attacks were traced back to government
12 security forces. The Rajapaksa regime also arrested, deported, and sued journalists,
13 and attempted to enact laws and regulations limiting free press.
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17 24. In response to this assault on the media, many journalists fled, and
18 independent media outlets shut down. Several independent journalists who
19 remained active in the country and did not exercise “self-censorship” were targeted
20 for attack. During the 10-year rule of the Rajapaksa family, violence against
21 journalists spiked, with at least sixteen journalists and media workers killed, and
22 many others threatened, assaulted, or abducted. Press freedom organizations such
23 as the Committee to Protect Journalists and Reporters Without Borders
24 documented serious threats to media workers throughout the Rajapaksa regime.
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1 25. After the end of the war, a United Nations human rights investigative
2 body examined allegations of serious violations and abuses of human rights
3 committed by both parties in the Sri Lankan civil war from 2002 to 2011. The
4 investigation concluded that the attacks against journalists were widespread and
5 occurred over an extended period of time; they also appeared to be systematic in
6 targeting media known to be critical of government policies and officials.
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9 26. The Ministry of Defense played a key role in this crackdown on
10 independent journalism. Joint security forces and military intelligence units
11 identified and targeted journalists alleged to pose a threat to national security.
12 Some journalists critical of the Rajapaksa regime were branded as “Tiger
13 sympathizers” by the government, and the Ministry of Defense posted their names
14 on its official website. As a result, these journalists found themselves subject to
15 arrest or attack by government security forces.
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19 27. The Directorate of Military Intelligence (MID) was part of the inter-
20 agency intelligence group that met weekly with Defendant. The MID also operated
21 a clandestine unit known as the “Tripoli Platoon,” which was comprised of elite
22 commandos and members of the Special Forces. The Tripoli Platoon was directly
23 under the control of the Ministry of Defense and was tasked with surveillance of
24 and attacks on journalists who engaged in independent (and sometimes negative)
25 reporting on the Ministry of Defense, Defendant, or the Rajapaksa regime.
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1 According to court filings made by the CID, the Tripoli Platoon has been linked to
2 at least three attacks on journalists, including Lasantha's attack, torture, and
3 assassination; the abduction and torture of newspaper editors Keith Noyahr; and
4 the assault on Upali Tennakoon.
5

6 28. In 2008, Keith Noyahr, deputy editor of *The Nation*, was kidnapped
7 outside of his home by unidentified men and taken away in a white van. He was
8 taken to a military intelligence safe house, where he was stripped, suspended in
9 mid-air, and beaten. During this attack he was questioned as to the sources of his
10 news articles. In his search for Noyahr, *The Nation's* CEO, Krishantha Cooray,
11 called Cabinet Minister Karu Jayasuriya for assistance, who in turn called
12 President Mahinda Rajapaksa. Jayasuriya threatened to make a public statement
13 and resign from the government along with several other cabinet colleagues if
14 Noyahr was not released. Noyahr was finally released after a series of telephone
15 calls down the chain of command from the Defendant to the Major in charge of the
16 Tripoli Platoon. Noyahr and his family subsequently received death threats and
17 fled the country, ending his reporting in Sri Lanka.
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19 29. On January 23, 2009, Upali Tennakoon, editor of the newspaper
20 *Rivira*, was driving to his office when four men on motorcycles stopped him,
21 smashed in his car windows, and proceeded to beat him and his wife with metal
22 bars. Following the attack, Tennakoon's wife received telephone calls threatening
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1 that Tennakoon would be killed if he continued to work as a journalist. Mobile
2 telephone records establish that Tennakoon was under surveillance by the Tripoli
3 Platoon in the weeks prior to his attack. In 2016, Tennakoon identified a senior
4 officer of the Directorate of Military Intelligence in a lineup. Soon after the
5 identification, Tennakoon was forced to flee the country following threats to his
6 safety.
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9 30. Other examples of attacks on journalists followed a similar pattern:
10 journalists critical of the government were publicly identified and threatened by the
11 Rajapaska regime, and were subsequently abducted, beaten, or killed. On January
12 24, 2006, journalist Subramaniam Sugitharajah was shot and killed on his way to
13 work. His murder occurred just weeks after he had published photos of five Tamil
14 students who had been murdered execution-style by the police, contradicting the
15 government's claims that the students had been killed by a self-detonated grenade.
16 On March 7, 2008, a columnist for *The Sunday Times*, J.S. Tissainayagam, was
17 arrested by the Sri Lanka Police's Terrorist Investigation Division and sentenced
18 under the Prevention of Terrorism Act to 20 years of hard labor for articles he
19 wrote in 2006 criticizing the military's treatment of Tamil civilians in northeastern
20 Sri Lanka. On June 1, 2009, Poddala Jayantha, a journalist at *Mihira* newspaper,
21 was abducted by men in a white van and severely beaten. Defendant had
22 personally threatened Jayantha in 2008 after he participated in a free media
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1 demonstration, telling him that criticism of the military leadership would not be
2 tolerated and that if he and his colleagues persisted in their criticism of the
3 government, “people who know how to do it will finish you off.” Several days
4 prior to the attack, a government-run television station had published photos of
5 Poddala Jayantha and other journalists, while the Inspector General of Police
6 referred to them as traitors. In May 2009, Defendant also confronted and
7 intimidated a Channel 4 news reporter covering reports of sexual violence and
8 other abuses allegedly perpetrated by the Sri Lankan military in government
9 internment camps in northern Sri Lanka. The Rajapaksa government viewed these
10 reports as anti-government propaganda, and Defendant personally telephoned the
11 journalist to tell him he was being deported because of his reporting. The journalist
12 was detained and questioned by Sri Lankan police, while his vehicle and
13 equipment were searched, prior to his deportation. On January 24, 2010, two days
14 before the 2010 election, political cartoonist and journalist Prageeth Eknaligoda
15 disappeared after leaving his office in the evening. Eknaligoda had been
16 investigating Defendant and had published a “family tree” of the dozens of
17 Defendant’s relatives that held government office, and publicly supported the
18 campaign of the opposition candidate Sarath Fonseka.
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26 31. While Lasantha’s attack and assassination on a crowded street in
27 Colombo was one of the most prominent and visible attacks on independent
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1 journalists carried out under the Rajapaksa regime, it was part of a larger pattern of
2 intimidation, persecution, and violence.

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4 ***Lasantha’s Corruption Investigation and Threats Preceding the Assassination***

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6 32. *The Sunday Leader* newspaper was an English-language weekly
7 publication that was printed from 1994 to 2017 in Sri Lanka. Lasantha co-founded
8 the paper and served as editor-in-chief from 1994 until his death in 2009.

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10 33. In 2006, Lasantha’s reporting brought him on a collision course with
11 the Defendant. On December 24, 2006, the front-page headline of *The Sunday*
12 *Leader* read “President to get Rs. 400 million luxury bunker.” Under this headline,
13 the newspaper detailed an approximately US \$4 million government construction
14 project to create a bunker for the Sri Lankan elite. Lasantha’s accompanying
15 editorial criticized the creation of a Rajapaksa “dynasty.” Shortly after publication,
16 Defendant ordered police officers in the CID to arrest Lasantha against their
17 objections, overriding the legal advice of the Solicitor General and Attorney
18 General of Sri Lanka. The Secretary to the President revoked the order minutes
19 before it was to be executed.

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24 34. Between July and September 2007, *The Sunday Leader* published a
25 series of articles alleging that Defendant was involved in embezzling millions of
26 dollars in a 2006 contract to purchase MiG fighter jets from Ukraine. The reporting
27 exposed financial and procedural irregularities in the 2006 procurement of aviation
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1 equipment and services by the Sri Lanka Air Force from the Government of
2 Ukraine, identifying Defendant as overseeing the transaction and alleging potential
3 corruption in the procurement process led by Defendant. The reporting also
4 indicated that the transactions went through a U.S. bank, raising the allegation that
5 the proceeds of the crime were being laundered through the U.S. financial system.
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8 35. Following the publication of these articles, Defendant stated in an
9 interview that the media had freedom in Sri Lanka because “you can tell lies and
10 criticize the President, the Defence Secretary and Ministers, and after writing these
11 things, and you can get into your car and drive around freely” while gesturing as if
12 holding a steering wheel. It was well known that Lasantha was the only prominent
13 government critic who drove his own vehicle without chauffeurs or security
14 personnel. In October 2007, Defendant threatened to bring a defamation case
15 against *The Sunday Leader* and Lasantha, for his reporting on the “MiG Deal.”
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19 36. On November 21, 2007, black-clad commandos bearing automatic
20 weapons stormed the premises of the printing press of *The Sunday Leader*, held
21 staff at gunpoint, and set the printing press machinery on fire. This arson attack
22 was never investigated by police, who at that time were under the direct control of
23 Defendant.
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26 37. In October 2008, President Mahinda Rajapaksa called Lasantha a
27 “terrorist journalist” during an interview with Reporters Without Borders.
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1 38. On or before September 2008, a few months before Lasantha's
2 assassination, the State Intelligence Service, which was overseen by Defendant,
3 began surveilling Lasantha's mobile phone for reasons of "national security."
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5 39. In November 2008, Defendant filed a defamation action against
6 Lasantha and *The Sunday Leader* for its reporting on the "MiG Deal," demanding
7
8 1 billion rupees (approximately US \$10 million) in damages. Lasantha was
9 scheduled to testify in this lawsuit, but was killed before he could present his
10 testimony.
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12 40. In the weeks before his death, Lasantha continued to receive threats:
13 on separate occasions he received a funeral wreath and a newspaper dipped in red
14 paint with the words "If you write, you will be killed." In the days before his
15 death, Lasantha told his family that he was worried that he was being followed.
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18 41. Two days before Lasantha's murder, MTV/MBC Media Network, Sri
19 Lanka's largest private and independent broadcasting company and broadcaster of
20 the popular TV channel "Sirasa TV," was stormed by black-clad commandos
21 armed with automatic weapons, grenades, and claymore mines. Such weapons
22 could only be lawfully obtained and used in Sri Lanka by the armed forces, which
23 were under the direct command of Defendant. Lasantha had been working at
24 MTV/MBC Media Network as a presenter on a weekly current affairs program.
25
26 Lasantha made his final television appearance in the immediate aftermath of the
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1 attack, on the early morning of January 6, 2009, urging viewers in English and
2 Sinhala to remain resolute and unbowed in the face of government attempts to
3 silence the media.
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6 ***Attack, Torture, and Assassination of Lasantha Wickrematunge***

7 42. On the morning of January 8, 2009, Lasantha Wickrematunge noticed
8 black-clad men on motorcycles circling around his home in the suburbs of the Sri
9 Lankan capital Colombo. He made several phone calls to friends and family
10 indicating that he believed he was being followed.
11

12 43. As Lasantha drove to work that morning, he was swarmed by black-
13 clad plainclothes commandos on motorcycles at a busy intersection in an area
14 secured by military checkpoints. As mobile telephone tower logs would later show,
15 this group of riders was part of, or worked in concert with, the Directorate of
16 Military Intelligence's Tripoli Platoon, and this team had been following Lasantha
17 for several weeks. The masked riders smashed the car's windows and one of the
18 attackers punched a hole in Lasantha's skull with a sharp instrument. In addition to
19 the injury to his skull, Lasantha also suffered a number of lacerations and abrasions
20 on his chest, arms, neck, and face during the attack. The motorcyclists sped off in
21 the direction of a nearby military checkpoint. The motorcyclists entered a "High
22 Security Zone" policed by the Sri Lanka Air Force, leaving Lasantha gravely
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1 wounded. Onlookers quickly rushed Lasantha to Colombo South Teaching
2 Hospital. Lasantha underwent emergency surgery but died several hours later.

3
4 44. Three days after Lasantha's death, *The Sunday Leader* published an
5 editorial left on file by Lasantha in the event of his death. Reprinted around the
6 world, Lasantha's "Letter from the grave" became an infamous broadside against
7 the Rajapaksas:
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9 Terror, whether perpetrated by terrorists or the state, has become the
10 order of the day. Indeed, murder has become the primary tool
11 whereby the state seeks to control the organs of liberty. Today it is the
12 journalists, tomorrow it will be the judges. For neither group have the
13 risks ever been higher or the stakes lower.

14 ...

15 It is well known that I was on two occasions brutally assaulted, while
16 on another my house was sprayed with machine-gun fire. Despite the
17 government's sanctimonious assurances, there was never a serious
18 police inquiry into the perpetrators of these attacks, and the attackers
19 were never apprehended.

20 In all these cases, I have reason to believe the attacks were inspired by
21 the government. When finally I am killed, it will be the government
22 that kills me.

23 In the wake of my death I know you [President Mahinda Rajapaksa]
24 will make all the usual sanctimonious noises and call upon the police
25 to hold a swift and thorough inquiry.

26 But like all the inquiries you have ordered in the past, nothing will
27 come of this one, too. For truth be told, we both know who will be
28 behind my death, but dare not call his name. Not just my life but yours
too depends on it.

...

I hope my assassination will be seen not as a defeat of freedom but an

1 inspiration for those who survive to step up their efforts. Indeed, I
2 hope that it will help galvanise forces that will usher in a new era of
3 human liberty in our beloved motherland. I also hope it will open the
4 eyes of your President to the fact that however many are slaughtered
5 in the name of patriotism, the human spirit will endure and flourish.
6 Not all the Rajapaksas combined can kill that.

7 ***No Credible Investigation into Lasantha's Attack and Killing***

8 45. In the immediate aftermath of Lasantha's attack, torture, and murder,
9 Sri Lankan law enforcement agencies – under the control of Defendant – either
10 failed to conduct a credible investigation into the killing, or actively interfered with
11 any attempts to conduct a credible investigation.

12 46. First, a false autopsy report was issued by the Judicial Medical Officer
13 indicating that Lasantha's death was caused by a firearm, even though this was
14 inconsistent with the evidence at the crime scene and the notes of the surgeon who
15 conducted the emergency operation. Second, Lasantha's notebook, in which he had
16 scrawled two license plate numbers on the day of the attack, was collected by
17 police officers at the scene of the crime. This notebook then disappeared, and the
18 officer on the case later admitted to removing pages of the notebook and doctoring
19 police logbook entries mentioning the notebook at the order of his superiors.
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23 47. Shortly after Lasantha's murder, Defendant sat for a television
24 interview with the British Broadcasting Corporation (BBC), in which he was
25 questioned about the assassination. At the time, Defendant was in charge of
26 civilian law enforcement in Sri Lanka, including the police force tasked with
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1 investigating homicides. During this interview, Defendant stated that the killing of
2 Lasantha was “just another murder,” insisting that he was “not concerned about
3 that.” He asked the interviewer “why are you so worried about one man.”
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5 48. The police investigating Lasantha’s murder failed to make any
6 progress in the months following the killing, prompting Plaintiff’s attorneys and
7 other family members to successfully petition the Mount Lavinia Magistrates
8 Court to order in December 2009 that investigations into the murder be conducted
9 by the CID of the Sri Lanka Police.
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12 49. Also in December 2009, one of Lasantha’s household employees was
13 abducted by a Military Intelligence officer and threatened in relation to Lasantha’s
14 case. This individual then went into hiding for a number of years. In 2016, this
15 employee identified his abductor as the same officer who had attacked Upali
16 Tennakoon.
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19 50. In 2010, CID investigators sought to question a member of the Tripoli
20 Platoon, whom they had identified through cell phone records. However, shortly
21 after this identification was made, the Inspector General of Police ordered the CID
22 to halt its investigation and hand the case over to the Terrorist Investigation
23 Division (“TID”), a detachment of the Sri Lanka Police. Around the same time,
24 Defendant issued a letter to the Sri Lankan Ministry of Foreign Affairs, instructing
25 that the commanding officer of the Tripoli Platoon be assigned to a non-vacant
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1 diplomatic position at the Sri Lankan Embassy in Bangkok, Thailand, within
2 thirteen days. The letter instructed that the officer who was then holding that
3 position in Thailand be recalled.
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5 51. In February 2010, the TID arrested seventeen other Military
6 Intelligence officers attached to a different platoon, and detained them on suspicion
7 of the murder of Lasantha and other abductions and assaults on journalists.
8 However, all seventeen individuals were released from custody before being
9 presented to witnesses for lineup identification. No charges were ever filed against
10 any of the seventeen individuals.
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13 52. That same month, the TID also took into custody the member of the
14 Tripoli Platoon who had originally been sought for questioning by the CID. While
15 in custody, however, this suspect was granted a promotion by the military and
16 continued to receive his pay in violation of regulations governing military
17 personnel in police custody. He was eventually released without being charged and
18 without thorough questioning. No further investigations into the murder of
19 Lasantha were conducted until 2015, when President Mahinda Rajapaksa was
20 defeated in a general election and Defendant was forced to leave public office.
21 Shortly thereafter, the Sri Lanka Police re-activated its investigation into
22 Lasantha's killing, re-assigning the investigation to the CID.
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1 ***Continued Attacks on Journalists During the Rajapaksa Administration***

2 53. Although Sri Lanka’s civil war ended in May 2009, the Rajapaksa
3 administration’s harassment of journalists perceived to be critical of the
4 government continued with impunity throughout the remainder of Defendant’s
5 tenure as the Secretary of Defense.
6

7
8 54. In the years following Lasantha’s death, *The Sunday Leader*
9 employees continued to face threats and attacks. In October 2009, editors Frederica
10 Jansz and Munza Mushtaq received death threats in the mail similar to those sent
11 to Lasantha three weeks before his death. In July 2012, Defendant personally
12 threatened Jansz over the phone in response to her investigation into a story critical
13 of the government. These threats forced Jansz to flee Sri Lanka and seek asylum in
14 the United States. In 2013, *The Sunday Leader* reporter Faraz Shauketally was shot
15 in his home. Later that year, *The Sunday Leader* associate editor Mandana Ismail
16 Abeywickrema was assaulted and threatened in her home by assailants who
17 searched through her files. Mandana fled the country in fear for her life.
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22 55. In addition to threats and attacks on journalists, the Rajapaksa
23 administration also targeted lawyers who represented journalists in suits against the
24 government, or who otherwise attempted to expose human rights abuses. For
25 example, the lawyers who defended *The Sunday Leader* in the defamation suit
26 brought by Defendant, (*see supra* ¶ 39), were labeled as “traitors” on the Ministry
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1 of Defense's official website. The lawyer defending J.S. Tissainayagam received
2 anonymous threats. Additionally, the office of human rights lawyer Amitha
3 Ariyaratne, who represented individuals accusing the government of torture, was
4 burned down, and he received death threats from the police. Similarly, the home of
5 prominent human rights lawyer J.C. Weliamuna was attacked with grenades. To
6 date, no individuals have been charged or prosecuted for these attacks.
7
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9 10 *Ongoing Impunity*

11 56. The conditions in Sri Lanka recounted below demonstrate that there
12 are no adequate and available remedies in Sri Lanka by which Plaintiff can obtain
13 redress against Defendant. These conditions also constitute extraordinary
14 circumstances that warrant equitable tolling of the statute of limitations.
15
16

17 57. From 2006 to 2015, the Rajapaksa government ensured impunity for
18 abuses committed by the regime by enacting laws and policies aimed at protecting
19 government officials and exerting executive control over the judiciary. In
20 September 2010, Sri Lanka's Constitution was amended to grant the President the
21 power to appoint judges to the Supreme Court, Court of Appeal, and Judicial
22 Service Commission without Parliament's approval. This amendment remained in
23 place through the remainder of Mahinda's presidency. The Rajapakas' power over
24 the judiciary was further demonstrated when the Chief Justice of the Supreme
25 Court was impeached in 2013 after issuing a series of decisions against the
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1 government. Her impeachment by Parliament – led by Chamal Rajapaksa as
2 Speaker – was confirmed by the President, Mahinda Rajapaksa. The President then
3
4 appointed the Attorney-General, Mohan Peiris, a close ally of the Rajapaksas, as
5 the new Chief Justice of the Supreme Court. The International Bar Association
6
7 found serious procedural shortcomings in the impeachment proceedings and stated
8 that the events undermined confidence in Sri Lanka’s already fragile rule of law.

9
10 58. Following the presidential election of 2015, the government of
11 President Maithripala Sirisena announced an ambitious transitional justice plan that
12 included calls for criminal accountability for human rights abuses committed
13 during the Rajapaksa regime. However, despite some apparent advances in a few
14 human rights cases, nearly all of the cases against military officials or Defendant
15 for human rights abuses have since stalled due to political pressures and witness
16
17 intimidation.

18
19 59. The Rajapaksa family continues to hold political power and has
20 asserted influence over the current government. A new political party, the Sri
21 Lanka Podujana Peramuna (SLPP), formed in 2016 under the banner of Mahinda
22 Rajapaksa and won the highest percentage of seats in the 2018 Sri Lankan local
23
24 elections. On October 26, 2018 President Sirisena dismissed the sitting Prime
25 Minister and appointed Mahinda Rajapaksa as the new Prime Minister, creating
26
27 political turmoil and prompting international outcry. Shortly afterwards, President
28

1 Sirisena sought to transfer Nishantha Silva, the main CID officer investigating
2 Lasantha's case and other related cases, to a different department. Over the past
3 year, President Sirisena has publicly criticized ongoing investigations into abuses
4 committed by military officers and Defendant during the Rajapaksa regime, and
5 stated that he will shield them from prosecution. This political situation has
6 impaired the progress of human rights cases against former government officials.
7

8
9 60. Additionally, judicial delays are extreme, with criminal proceedings
10 dragging on for 10 to 15 years and some civil cases pending for more than 30
11 years. These delays persist even in cases that are not politically sensitive. Even
12 before a case reaches the courts, delays in initiating the prosecution by the
13 Attorney General's office are also extreme. It often takes many years for the
14 Attorney General to issue an indictment after receiving the investigation materials,
15 and politically sensitive cases, such as those implicating security forces in human
16 rights abuses, are often stalled or simply not investigated.
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21 61. Witnesses are also reluctant to come forward in politically sensitive
22 cases because they fear reprisals. During the Rajapaksa regime, victims, witnesses,
23 and lawyers were frequently intimidated or attacked. Due to Sri Lanka's failure to
24 implement an adequate victim and witness protection system, witnesses continue to
25 face intimidation to this day. Although a new witness protection law was enacted
26 in 2015, it only applies to witnesses in criminal cases and has been widely
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1 criticized as unsuitable for protecting witnesses in cases against public officials.
2 The lack of an effective witness protection mechanism has contributed to a high
3 level of impunity, and has limited progress in the CID's investigation into
4 Lasantha's killing. The possibility that Defendant will become Sri Lanka's next
5 president has further dissuaded witnesses from participating in the investigation
6 related to Lasantha's killing, as well as other investigations relating to the
7 Defendant.
8
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10
11 The aforementioned facts constitute extraordinary circumstances that
12 prevented Plaintiff from bringing this action and accordingly toll any applicable
13 statute of limitations. The armed conflict in Sri Lanka continued until May 2009.
14 Even after the end of the armed conflict, Defendant was shielded by and acted with
15 impunity during the Rajapaksa regime, which lasted through 2015. The Rajapaksa
16 administration exerted executive control over the judiciary and enacted emergency
17 regulations, some of which are still currently in effect, to limit the ability for
18 individuals to seek remedy against state officials, as noted in paragraph 21.
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22 62. During this time, the investigation into Lasantha's assassination was
23 marred by obstruction and delay.
24

25 63. The Rajapaksa family continues to exercise ongoing influence in the
26 current government. Following 2015, the new government administration
27 announced an ambitious plan that called for criminal accountability for human
28

1 rights abuses committed during the Rajapaksa regime, thus providing a reasonable
2 expectation that domestic investigations would continue without interference.
3
4 However, to date, none of the recommendations on accountability were put in
5 place, and Sri Lanka continues to be criticized for the continued impunity for past
6 human rights abuses of the Rajapaksa administration. Moreover, pervasive witness
7 intimidation and judicial delay further amplify the effect of Defendant's impunity
8 and ongoing political influence. The danger to witnesses and victims seeking
9 accountability for human rights violations continues to this day.
10
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12 **GENERAL ALLEGATIONS**

13
14 64. On information and belief, Plaintiff alleges the following:

15
16 65. Defendant, in his capacity as Secretary of Defense, exercised
17 command responsibility over, conspired with, aided and abetted, and/or incited
18 individuals in the Tripoli Platoon, or groups acting in coordination with this unit, to
19 perpetrate the extrajudicial killing of Decedent, whom Defendant viewed as a
20 threat because of his reporting. Mobile telephone records establish that members of
21 the Directorate of Military Intelligence division known as the "Tripoli Platoon"
22 were involved in the direct perpetration of the attack against Decedent Lasantha
23 Wickrematunge and that they benefited from the assistance of the Sri Lankan
24 security forces to escape the scene of the crime. Defendant and individuals under
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1 his command then worked to prevent an effective investigation into Decedent's
2 killing.

3
4 66. Defendant exercised command responsibility over the Tripoli Platoon,
5 which carried out the attack, torture, and murder of Decedent as well as attacks
6 against journalists perceived as critical of the Rajapaksa government. The Tripoli
7 Platoon operated under the command of the Chief of National Intelligence, who
8 reported directly to the Defendant, the Secretary of Defense during the relevant
9 time period. Defendant Gotabaya engaged in weekly meetings and closely
10 coordinated with the Directorate of Military Intelligence. Due to this relationship,
11 Defendant knew or should have known about the attack on Lasantha. Furthermore,
12 widespread media coverage of the attack, and of the allegations of security forces
13 involvement, was enough to give Defendant knowledge of the murder after the
14 fact. As the commander of both the armed forces and the police, Defendant had a
15 duty to ensure an effective investigation and to punish those responsible for
16 Lasantha's attack, torture, and murder. Rather, the investigation during
17 Defendant's tenure as Secretary of Defense was marked by interference and cover-
18 ups by the investigating authorities, including actions taken by Defendant to
19 actively interfere with any attempt to conduct a credible investigation.
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26 67. Defendant also conspired with individuals in the military and police to
27 carry out the attack on Lasantha and prevent an effective investigation. Defendant
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1 entered an agreement, common plan, design, or scheme with one or more members
2 of the Directorate of Military Intelligence to threaten, assault and murder
3 journalists who were critical of the Rajapaksa government, including Lasantha.
4 Numerous overt acts were carried out in furtherance of this conspiracy, both by
5 Defendant and by others in the conspiracy. The attack on Lasantha itself was an
6 act in furtherance of the conspiracy, as were numerous acts to cover up the facts of
7 the attack to ensure that the military officers would not be implicated in Lasantha's
8 murder. The cover-up acts in furtherance of the conspiracy included conspirators
9 tampering with Lasantha's notebook, the Inspector General of Police's order to
10 transfer the investigation from the CID to the TID after a member of the Tripoli
11 Platoon was implicated in the murder, and Defendant's order to transfer one of the
12 Tripoli Platoon suspects in Lasantha's case to a post at the Sri Lankan Embassy in
13 Bangkok, Thailand, preventing a thorough investigation of the crimes. In addition
14 to being personally liable for his own actions, Defendant is jointly and severally
15 liable for the actions of his co-conspirators, all of which were actions undertaken in
16 furtherance of a common plan, design, or scheme to threaten and eliminate
17 journalists and silence critics of the government.
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25 68. Defendant also contributed to the commission of the unlawful acts
26 alleged herein by a joint criminal enterprise comprised of Defendant and his
27 subordinates in the Ministry of Defense, specifically the Directorate of Military
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1 Intelligence and the Sri Lanka Police. Defendant and the co-participants entered
2 into a joint criminal enterprise with a common plan or purpose of waging a
3 widespread and systematic campaign to silence and violently repress journalists
4 who were critical of the Rajapaksa government. Defendant and his co-participants
5 committed the wrongful acts alleged herein in furtherance of this common plan or
6 purpose. Defendant provided substantial assistance to the common plan by publicly
7 targeting journalists critical of the government with inflammatory labels and
8 threats, ordering surveillance of journalists, using security forces under his direct
9 command to attack journalists, including the Decedent, and facilitating impunity
10 for these attacks. Defendant and his subordinates in the Ministry of Defense
11 contributed to this joint criminal enterprise at each stage. Defendant also made a
12 substantial contribution to the joint criminal enterprise by participating in the
13 cover-up of the crimes alleged, ensuring that the perpetrators would not be held
14 accountable. This contribution was intentional and made with knowledge of the
15 shared purpose of the group to silence and repress critics.
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22 69. Defendant is also responsible by virtue of having aided and abetted, or
23 otherwise substantially assisted in the commission of the crimes against Lasantha,
24 including through his role in Lasantha's killing by his subordinates and by then
25 covering up the crimes and obstructing an effective investigation into the murder.
26 Defendant was in command of the law enforcement agencies investigating
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1 Lasantha's murder and took actions to stall the investigation and ensure that
2 Directorate of Military Intelligence officials were not implicated in the crimes. At
3 all relevant times, Defendant knew and purposefully intended that his actions
4 would aid, abet, or assist in the commission and cover-up of the murder. Defendant
5 is therefore jointly and severally liable for the wrongful conduct of the persons
6 whom he aided and abetted.
7

8
9 70. Defendant is further liable for inciting the direct perpetrators of the
10 attack against Lasantha. As described in paragraphs 26 to 31, and 32 to 44, the acts
11 were carried out by Defendant's subordinates in the Ministry of Defense.
12 Defendant encouraged the commission of the attack through veiled threats and
13 public statements suggesting that perpetrators of crimes against journalists would
14 not be held accountable. Defendant made numerous public comments denouncing
15 journalists who criticized the Rajapaksa government as traitors. Defendant's
16 brother specifically labeled Lasantha as a "terrorist journalist." A statement issued
17 by the Ministry of Defense on May 31, 2008 called on "all members of the armed
18 forces to unite and guard against these treacherous media campaign [sic] against
19 them," naming *The Sunday Leader* as one of the "treacherous media." Another
20 statement released by the Ministry of Defense on June 4, 2008 referred to
21 journalists as "enemies of the state" who "are doing a job of the enemy." The
22 Defendant personally authorized the release of these statements, and, given the
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1 pattern of attacks against journalists, was aware of the substantial likelihood of
2 harm in transmitting these inflammatory messages. None of the perpetrators of the
3 targeted attacks against journalists have been prosecuted or subject to military
4 sanction to date.
5

6
7 **FIRST CLAIM FOR RELIEF**

8 ***(Extrajudicial Killing of Lasantha Wickrematunge)***
9

10 71. Plaintiff Ahimsa Wickrematunge, in her individual capacity and as the
11 legal representative of the estate of Lasantha Wickrematunge, re-alleges and
12 incorporates by reference the allegations set forth in paragraphs 1 to 70 as if fully
13 set forth herein.
14

15 72. On January 8, 2009, Decedent Lasantha Wickrematunge was attacked
16 and assassinated in his car while driving to work. The assailants were members of
17 the Sri Lanka Directorate of Military Intelligence and/or individuals working with
18 the security forces of Sri Lanka during the period in which Defendant was
19 Secretary of Defense.
20

21 73. The killing of Lasantha Wickrematunge constitutes extrajudicial
22 killing in violation of the Torture Victim Protection Act, Pub. L. No. 102-256, 106
23 Stat. 73 (1992) (codified at 28 U.S.C. § 1350, note).
24

25 74. In addition, the killing constitutes a “tort . . . committed in violation of
26 the law of nations or a Treaty of the United States” under the Alien Tort Statute, 28
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1 U.S.C. § 1350, in that it was committed in violation of customary international law
2 prohibiting extrajudicial killing, as widely expressed, clearly defined, and codified
3 in multilateral treaties and other international instruments, international and
4 domestic judicial decisions, and other authorities.
5

6 75. The assassination was committed by or in concert with members of
7 the Directorate of Military Intelligence or the security forces of Sri Lanka and was
8 thereby committed under actual or apparent authority, or color of law, of the
9 government of Sri Lanka.
10
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12 76. The extrajudicial killing of Decedent was not authorized by any court
13 judgment, and was unlawful under the laws of Sri Lanka, international law, and
14 under the laws of any foreign nation. Decedent was unarmed and did not pose a
15 real or apparent threat to persons or property that would have justified the use of
16 deadly force against him.
17
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19 77. As detailed in paragraphs 18 to 22, and 65 to 70, Defendant exercised
20 command responsibility over, conspired with, aided and abetted, directed and/or
21 incited individuals in the Sri Lankan security forces and Directorate of Military
22 Intelligence, or groups acting in coordination with these units, to perpetrate the
23 extrajudicial killing of Decedent.
24
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26 78. As Secretary of Defense, Defendant possessed the legal authority and
27 practical ability to exert control over the individuals who carried out the attack.
28

1 Following the highly publicized killing, and the widespread allegations of military
2 involvement, Defendant knew, or reasonably should have known, about the actions
3 of his subordinates, but failed to take necessary and reasonable measures to punish
4 them.
5

6 79. Prior to his death, Decedent underwent painful emergency surgery as
7 a result of the puncture in his skull. As a result, Decedent suffered severe physical
8 abuse and agony before succumbing to his injuries. Plaintiff, as the daughter of
9 Decedent and representative of Decedent's estate, has standing to bring suit in her
10 individual capacity and on behalf of her deceased father. The extrajudicial killing
11 of Decedent Lasantha Wickrematunge also caused Plaintiff Ahimsa
12 Wickrematunge severe pain and suffering and emotional distress. As a result,
13 Plaintiff has been damaged in an amount to be proven at trial.
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18 80. In addition, Defendant's acts and omissions were deliberate, willful,
19 intentional, wanton, malicious, and oppressive, and should be punished by an
20 award of punitive damages in an amount to be determined at trial.
21

22 **SECOND CLAIM FOR RELIEF**

23 ***(Crimes Against Humanity)***

24 81. Plaintiff Ahimsa Wickrematunge, in her capacity as the legal
25 representative of the estate of Lasantha Wickrematunge, re-alleges and
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1 incorporates by reference the allegations set forth in paragraphs 1 to 80 as if fully
2 set forth herein.

3
4 82. While serving as Secretary of Defense, Defendant, his subordinates
5 and individuals acting in coordination with government security forces targeted
6 journalists and media workers within the civilian population perceived to be
7 critical of government policies or officials. Journalists and media workers were
8 systematically arrested and detained, and many were tortured and killed, for their
9 reporting, including the Decedent.
10
11

12 83. This attack against civilian journalists and media workers was
13 widespread, as found by the United Nations investigation on Sri Lanka, and the
14 crimes were met with persistent impunity. As indicated in paragraphs 14 to 15, the
15 attack against Lasantha was committed in the context of a larger campaign of
16 violence in the final stages of the civil war, during which up to 40,000 civilians
17 may have been killed. A report by the Committee to Protect Journalists ranked Sri
18 Lanka among the top ten countries with the highest rate of impunity for killings of
19 journalists during the relevant time period. The U.S. State Department's annual
20 human rights reporting during the relevant period also criticized the government –
21 and in particular, the Ministry of Defense – for its harassment of journalists
22 through threats and intimidation.
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1 84. This attack was also systematic. All of the acts described herein
2 deliberately targeted civilian journalists and media workers perceived to be critical
3 of government policies or officials, including the Defendant. As detailed in
4 paragraphs 23 to 31, many of the attacks, including that against the Decedent,
5 exhibited a high degree of planning and coordination.
6
7

8 85. The extrajudicial killing of Decedent was committed as part of this
9 widespread or systematic attack against a civilian population. Decedent was also
10 subject to persecution on the basis of his perceived political opposition to
11 Defendant and the Rajapaksa government.
12

13 86. The murder and persecution of Decedent constitute crimes against
14 humanity, a “tort . . . committed in violation of the laws of nations or a treaty of the
15 United States” under the Alien Tort Statute, 28 U.S.C. § 1350. The crimes against
16 humanity of extrajudicial killing and of persecution on the basis of political
17 affiliation, committed as part of a widespread or systematic attack against a civilian
18 population, violates customary international law as widely reflected, clearly
19 defined, and codified in multilateral treaties and other international instruments,
20 international and domestic judicial decisions, and other authorities.
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25 87. Defendant possessed the requisite knowledge that his conduct was in
26 furtherance of an attack on a civilian population. As alleged in paragraphs 65 to 70,
27 Defendant exercised command responsibility over, conspired with, aided and
28

1 abetted, directed and/or incited his subordinates in the Sri Lankan security forces
2 and military intelligence, or groups acting in coordination with these units, to
3 engage in widespread or systematic targeting of journalists and media workers that
4 were perceived to be critical of the government, including the extrajudicial killing
5 and persecution of Decedent on political grounds.
6
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8 88. Defendant's acts described herein, and the acts committed by his
9 associates, directly and proximately caused Plaintiff and Decedent severe pain and
10 suffering. As a result of these crimes against humanity, Plaintiff, in her individual
11 capacity, and as a representative of the estate of Decedent Lasantha
12 Wickrematunge, has suffered damages in an amount to be determined at trial.
13
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15 89. In addition, Defendant's acts and omissions were deliberate, willful,
16 intentional, wanton, malicious, and oppressive, and should be punished by an
17 award of punitive damages in an amount to be determined at trial.
18
19

20 **THIRD CLAIM FOR RELIEF**

21 ***(Torture of Lasantha Wickrematunge)***

22 90. Plaintiff Ahimsa Wickrematunge, in her capacity as the legal
23 representative of the estate of Lasantha Wickrematunge, re-alleges and
24 incorporates by reference the allegations set forth in paragraphs 1 to 89 as if fully
25 set forth herein.
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1 91. On January 8, 2009, Decedent Lasantha Wickrematunge was attacked
2 in his car while driving to work and suffered excruciatingly painful injuries that led
3 to his death hours after the attack. The assailants were members of the Sri Lanka
4 Directorate of Military Intelligence and/or individuals working with the security
5 forces of Sri Lanka during the period in which Defendant was Secretary of
6 Defense.
7

8
9 92. The attack on Lasantha and the injuries inflicted on him constitute
10 torture in violation of the Torture Victim Protection Act, Pub. L. No. 102-256, 106
11 Stat. 73 (1992) (codified at 28 U.S.C. § 1350, note).
12

13 93. In addition, the attack on Lasantha and the injuries inflicted on him
14 constitute a “tort . . . committed in violation of the law of nations or a Treaty of the
15 United States” under the Alien Tort Statute, 28 U.S.C. § 1350, in that it was
16 committed in violation of customary international law prohibiting torture, as
17 widely expressed, clearly defined, and codified in multilateral treaties and other
18 international instruments, international and domestic judicial decisions, and other
19 authorities.
20
21

22
23 94. The acts described herein caused Decedent Lasantha severe physical
24 and mental suffering. In the moments before receiving a deadly injury to his skull,
25 Lasantha was surrounded by black-clad attackers in motorcycles, unable to move
26 his car and under the control of his attackers, and only able to scrawl down license
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1 plates of some of his attackers; he endured fear for his physical integrity and life,
2 causing him severe mental suffering. When his attackers broke the windows of his
3 car and inflicted injuries on him, including a blow with a sharp instrument that
4 punctured his skull, Decedent Lasantha suffered excruciating pain and agony, both
5 physical and mental. Lasantha suffered additional agony in the hours after his
6 attack, as he lay injured, and was rushed to a hospital and underwent painful
7 surgery until he finally succumbed to his injuries.
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11 95. At all times during the infliction of severe pain caused by a sharp
12 instrument piercing his skull, Lasantha was under the custody or physical control
13 of his attackers.
14

15 96. At all times during the infliction of severe emotional and mental
16 suffering described herein, he was under the custody or physical control of his
17 attackers.
18

19 97. Lasantha's attack and torture were inflicted deliberately with the
20 intention of punishing Lasantha for reporting on issues perceived as critical of
21 Defendant or the Rajapaksa government. As detailed in paragraphs 32 to 41,
22 Lasantha endured public and private threats, including death threats, surveillance
23 by government forces under Defendant's command and control, and persecution,
24 including being branded a "terrorist journalist," for his reporting on the Rajapaksa
25 government.
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1 98. Lasantha's attack and torture were inflicted with the intention to
2 intimidate Lasantha and other journalists so that they would desist from reporting
3 on issues that did not reflect well on the Rajapaksa government. As detailed in
4 paragraphs 23 to 31, the Rajapaksa government engaged in a pattern and practice
5 of intimidation and retaliation of journalists whose reporting was perceived as
6 critical to the Rajapaksa government. As part of this pattern and as detailed in
7 paragraphs 32 to 41, Lasantha endured targeting and threats for his journalistic
8 reporting.
9

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11
12 99. Lasantha's attack and torture did not arise from and was not inherent
13 in, nor incidental to, any lawful sanctions.
14

15 100. The attack and torture described herein were committed by or in
16 concert with members of the Directorate of Military Intelligence or the security
17 forces of Sri Lanka and were thereby committed under actual or apparent authority,
18 or color of law, of the government of Sri Lanka.
19

20 101. As detailed in paragraphs 18 to 22, and 65 to 70, Defendant exercised
21 command responsibility over, conspired with, aided and abetted, directed and/or
22 incited individuals in the Sri Lankan security forces and Directorate of Military
23 Intelligence, or groups acting in coordination with these units, to perpetrate the
24 attack and torture of Decedent Lasantha.
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- 1 (c) grant reasonable attorneys' fees, costs, and expenses according to
2 proof;
3
4 (d) grant the Plaintiff equitable relief including, but not limited to, an
5 injunction prohibiting Defendant from interfering with any criminal
6 investigations involving the murder of Lasantha Wickrematunge in Sri
7 Lanka; and
8
9 (e) such other and further relief as the court may deem just and proper.

10 A jury trial is demanded on all issues so triable.
11

12
13 Dated: 15 June 2019
14

15 *Attorneys for Plaintiff Ahimsa*
16 *Wickrematunge*

17 s/Nushin Sarkarati

18 Nushin Sarkarati

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 15, 2019, I electronically filed the foregoing **PLAINTIFF’S FIRST AMENDED COMPLAINT** with the Clerk by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/Nushin Sarkarati
Nushin Sarkarati

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