



Torture Victims Plan to Refile Case against Sri Lankan President When He Leaves Office.

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Johannesburg, South Africa: Eleven Sri Lankans who sued Gotabaya Rajapaksa in the United States for damages for torture have made the strategic decision to withdraw their case while Mr. Rajapaksa is President to prevent him from asserting immunity from prosecution. This move protects the victims' right to refile their case after he leaves office.

"Gotabaya won't be President for life and though he may slip through the net now, one day he and those who aided and abetted him, will be held accountable," said the Executive Director of the International Truth and Justice Project (ITJP), Yasmin Sooka. *"The delay means that victims will have to wait even longer for justice. Victims have said that they feel strengthened by the fact that justice will be possible when Gotabaya's term of office is up one day."*

The ITJP in partnership with the international law firm Hausfeld LLP prepared the civil damages case in the U.S. District Court for the Central District of California in April 2019 initially on behalf of a Tamil torture survivor Roy Samathanam¹. The complaint was then expanded on 26 June 2019 to add ten more plaintiffs – eight Tamils, two Sinhalese – who were deliberately kept anonymous to secure their safety². The case was filed under the Torture Victim Protection Act, which gives torture victims legal redress in US courts. At the time Mr. Rajapaksa was a dual US-Sri Lankan citizen and on US soil when notice was served against him in the parking lot of Trader Joes' in Glendale, California on 7 April 2019.

"Our clients presented damning evidence that Mr. Rajapaksa was responsible for brutal abuses and he will eventually answer for these crimes under international law," said human rights lawyer Scott Gilmore at Hausfeld LLP. *"Recognizing that Mr. Rajapaksa is now President doesn't preclude his victims from holding him accountable in the future."*

In the court documents, victims described horrific violations they suffered in police stations and army camps under the control of Mr. Rajapaksa. Men and women were branded with hot metal rods, whipped with cables, asphyxiated by plastic bags soaked in petrol put over their heads, and six of them were repeatedly raped and sexually assaulted³. One Tamil plaintiff described being sexually enslaved for three years after the end of the civil war in 2009. She and other young Tamil women were kept in an army camp where at night, off-duty soldiers would select which women to take out and rape. They were given birth control to prevent them from becoming pregnant.

The complaint identified various responsible government agencies under the control of Mr. Rajapaksa at the time, including military intelligence, the Criminal Investigation Department, the Terrorism Investigation Division, and the Special Intelligence Service. Plaintiffs also named security officials they alleged were directly involved

¹ http://www.itjpsl.com/assets/press/Samathanam-complaint_file_stamped.pdf

² <http://www.itjpsl.com/assets/press/ECF-No.-0066-Pliffs-Motion-to-Proceed-Anonymously.pdf>

³ <http://www.itjpsl.com/assets/press/Rajapaksa-First-Amended-Complaint-Docket-No-35-6.26.19.pdf>

in their torture, some of whom allegedly received instructions directly from Mr. Rajapaksa. Several alleged perpetrators of torture were also named in court documents and are still serving in the police and army⁴.

“If there are now reprisals against those connected to this case and their families, it will be crystal clear who is responsible,” warned Ms. Sooka, *“the international community will be watching”*. Shortly after the case was filed in April, lawyers for Mr. Samathanam had to file a cease-and-desist notice in court because individuals purporting to represent Mr. Rajapaksa directly contacted the victim and threatened him⁵.

“All Sri Lankans owe an enormous debt to the plaintiffs in this case – Roy Samathanam and the ten anonymous men and women – for their tremendous courage in coming forward,” said Michael Hausfeld, Chairman of Hausfeld LLP. *“We have the utmost respect for them and hope to be able to achieve justice for them one day in the future”*.

Note to editors

About Roy Samathanam

Roy Samathanam, a Canadian national, was arrested on false charges in the Sri Lankan capital, Colombo in September 2007 by Sri Lankan police who reported directly to Defence Secretary Gotabaya Rajapaksa at the time. Visiting Sri Lanka to marry his wife, Mr. Samathanam was detained for three years and repeatedly denied access to a lawyer or a judge. Under Mr. Rajapaksa’s command, guards tortured Mr. Samathanam, threatened to rape and kill his wife and child, and made him watch the electrocution of other prisoners. He was forced to sign a false confession before being released in August 2010 on a plea deal.

After his release, Mr. Samathanam became an outspoken advocate. In 2011, he testified about his ordeal in the Parliament of Canada. In 2016, Mr. Samathanam won a UN Human Rights Committee case, but Sri Lanka has failed to abide by the compensation ruling.

About Hausfeld LLP

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

About the ITJP

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

⁴ <http://www.itjpsl.com/assets/press/ECF-No.-0066-3-Exhibit-B-to-Sooka-Decl.pdf>

⁵ <http://www.itjpsl.com/assets/press/Dkt.-024-Plaintiffs-Ex-Parte-App-and-Memo.pdf>
<http://www.itjpsl.com/assets/press/Dkt.-024-1-Sweeney-Decl.-ISO-Ex-Parte-Application.pdf>