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16 Attorneys for Plaintiff  
17 AHIMSA WICKREMATUNGE

18 **UNITED STATES DISTRICT COURT**  
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 AHIMSA WICKREMATUNGE, in her )  
21 individual capacity and in her capacity as )  
22 the legal representative of the Estate of )  
23 LASANTHA WICKREMATUNGE; )  
24 )  
25 Plaintiff )  
26 v. )  
27 Nandasena Gotabaya Rajapaksa, )  
28 Defendant. )  
\_\_\_\_\_)  
\_\_\_\_\_)

Case No. CV19-2577-R(RAOx)

**COMPLAINT FOR DAMAGES**

**DEMAND FOR JURY TRIAL**

26 Plaintiff Ahimsa Wickrematunge, in her individual capacity, and in her capacity as  
27 the legal representative of the estate of Lasantha Wickrematunge, complains and  
28 alleges as follows:

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3 **PRELIMINARY STATEMENT**

4           1       This case arises from the brutal killing and persecution of journalists by  
5 the government and security forces of Sri Lanka. On the morning of January 8, 2009,  
6 Lasantha Wickrematunge (“Decedent”, or “Lasantha”), editor of *The Sunday Leader*  
7 newspaper and outspoken critic of the corruption and human rights abuses of the Sri  
8 Lankan government under President Mahinda Rajapaksa, was assassinated in the Sri  
9 Lankan capital of Colombo. This action alleges that Nandasena Gotabaya Rajapaksa  
10 (“Defendant”), a United States citizen and Sri Lanka’s then Secretary of Defense,  
11 instigated and authorized the extrajudicial killing of Lasantha; had command  
12 responsibility over those who executed the assassination; and incited, conspired with,  
13 or aided and abetted subordinates in the Sri Lankan security forces and military  
14 intelligence, or groups acting in coordination with these units, to engage in a  
15 widespread and systematic targeting of journalists and media workers who were  
16 perceived to be critical of the government, including the extrajudicial killing and  
17 persecution of Decedent on political grounds.  
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25           2       On numerous occasions, Lasantha and his newspaper exposed  
26 allegations of corruption and abuses by the Defendant in his capacity as Secretary of  
27 Defense. Lasantha’s reporting, which was widely followed in Sri Lanka, led to  
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1 Defendant's targeted attempts to silence him. Defendant ordered Lasantha's arrest  
2  
3 and filed a defamation suit against him. Intelligence services under the Defendant's  
4  
5 command began surveilling Lasantha's mobile telephone. Immediately before he was  
6  
7 due to testify against Defendant regarding an alleged corruption scandal, Lasantha  
8  
9 was brutally murdered in broad daylight by members of the Tripoli Platoon, a unit of  
10  
11 Sri Lanka's Directorate of Military Intelligence operating under Defendant's  
12  
13 command.

12 3 Following the assassination, Defendant and his allies obstructed  
13  
14 Plaintiff's efforts to seek justice in Sri Lanka by tampering with witnesses and  
15  
16 engaging in a pattern of coercion and intimidation.

17 4 The acts alleged herein were carried out in the context of a systematic  
18  
19 crackdown against journalists critical of the government. Lasantha's death was one  
20  
21 of many attacks against journalists perpetrated under the Rajapaksa regime. Security  
22  
23 forces under Defendant's command and control engaged in a widespread and/or  
24  
25 systematic campaign against journalists, marked by a pattern and practice of  
26  
27 violations including but not limited to extrajudicial killing; arbitrary detention;  
28  
29 torture; and cruel, inhuman and degrading treatment in an effort to stamp out criticism  
30  
31 of the Rajapaksa government.

1           5       On information and belief, Defendant is a citizen of the United States  
2  
3     and Sri Lanka and is a former resident of Los Angeles, California.

4           6       Plaintiff seeks compensatory and punitive damages and declaratory and  
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6     injunctive relief for torts in violation of international and domestic law.

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8                                   **JURISDICTION AND VENUE**

9           7       This Court has jurisdiction over Plaintiff’s claims of extrajudicial killing  
10  
11     under 28 U.S.C. § 1331, as this action arises under the Torture Victim Protection Act,  
12     Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350, note).

13           8       This Court has jurisdiction over Plaintiff’s claims for extrajudicial killing  
14  
15     and crimes against humanity as torts in violation of the law of nations under the Alien  
16     Tort Statute, 28 U.S.C. § 1350.

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18           9       Defendant is a U.S. citizen and resident of Sri Lanka. Defendant was  
19  
20     served in Los Angeles, California. Venue is proper in the Western Division of the  
21     Central District of California pursuant to 28 U.S.C. § 1391(b)(3) and (c)(3).  
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PARTIES

***Defendant Nandasena Gotabaya Rajapaksa***

10 On information and belief, Defendant Nandasena Gotabaya Rajapaksa was born on June 20, 1949 in Sri Lanka. Defendant immigrated to the United States in the early 1990s and became a U.S. citizen in 2003.

11 Defendant returned to Sri Lanka in 2005 and was appointed by his elder brother, then President of Sri Lanka Mahinda Rajapaksa, as Secretary to the Sri Lankan Cabinet Ministry of Defence, Public Security, Law and Order (hereinafter “Secretary of Defense”). This position placed him in overall command of Sri Lanka’s armed forces, intelligence services, and police force. Defendant served as Secretary of Defense from November 2005 to January 2015. Defendant continues to travel frequently to California.

***Decedent Lasantha Wickrematunge***

12 Lasantha Wickrematunge (“Decedent”) was an acclaimed journalist in Sri Lanka, famous for his political opinion columns and his investigations exposing

1 state corruption and brutality. Lasantha was editor-in-chief of *The Sunday Leader*, an  
2 English-language weekly newspaper known for being one of the few media outlets  
3 in Sri Lanka reporting on human rights violations and war crimes being committed  
4 by both sides in Sri Lanka's decades-long civil war. In recognition of his commitment  
5 to a free and independent press, even in times of armed conflict, Lasantha was  
6 posthumously awarded the UNESCO World Press Freedom Prize, the Louis Lyons  
7 Award for Conscience and Integrity in Journalism by Harvard University's Nieman  
8 Foundation, the James Cameron Memorial Trust Award, and the National Press  
9 Club's International Freedom of the Press Award, and he was declared the World  
10 Press Freedom Hero by the International Press Institute in 2010. His funeral drew  
11 mourners from around the country and the world. Statements condemning his  
12 assassination were issued by the United States, the United Kingdom, Australia,  
13 Canada, the European Union and the United Nations.  
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***Plaintiff Ahimsa Wickrematunge***

23 13 Plaintiff Ahimsa Wickrematunge is the daughter of Lasantha  
24 Wickrematunge. In 2002, Ahimsa and her siblings moved to Australia due to ongoing  
25 threats of violence against their family in Sri Lanka arising from Lasantha's  
26 publications in *The Sunday Leader*. Ahimsa returned to Sri Lanka when she was  
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1 sixteen and was living with Lasantha in Colombo when he was killed. She has been  
2  
3 pursuing justice for her father's killing for the past ten years. Plaintiff is a citizen and  
4  
5 resident of Australia. She brings this action for extrajudicial killing and crimes  
6  
7 against humanity in her individual capacity and in her capacity as personal  
8  
9 representative of her father's estate.

### 10 **BACKGROUND**

11 14 Lasantha's death occurred in the final months of Sri Lanka's decades-  
12  
13 long civil war between the Government of Sri Lanka (GSL) and the Liberation Tigers  
14  
15 of Tamil Eelam (LTTE). The war lasted from 1983 to 2002, when the GSL and the  
16  
17 LTTE agreed to a ceasefire. However, the two sides again turned to violence in 2006.  
18  
19 In May 2009, the GSL defeated the LTTE, amidst allegations of international law  
20  
21 violations committed by the GSL and LTTE during the final months of the war.

22 15 In March 2011, a Panel of Experts commissioned by the U.N. Secretary  
23  
24 General ("U.N. Panel") released a report documenting international law violations by  
25  
26 the Sri Lankan government and LTTE. The report found credible sources showing  
27  
28 that as many as 40,000 civilians died in the final stages of the war and concluded that  
these casualties, if proven, calls for criminal liability for army commanders, senior

1 government officials, and LTTE leaders. As Secretary of Defense from November  
2  
3 2005 to January 2015, Gotabaya was a chief architect of this violent campaign.

4         16 Mahinda Rajapaksa served as Sri Lanka's President from November  
5  
6 2005 to January 2015, and presided over the conclusion of the civil war. His regime  
7 participated in three major campaigns during this period: the destruction of Tamil  
8 separatism, the liquidation of media critics and political opponents, and the  
9 enrichment of the Rajapaksa family's inner circle through corruption.

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12         17 To ensure a cohesive political and military leadership, President  
13 Mahinda Rajapaksa appointed his brother, Defendant Gotabaya Rajapaksa, as his  
14 Secretary of Defense. The Rajapaksas further consolidated power by appointing  
15 Mahinda's brother, Basil Rajapaksa, first as his senior presidential advisor, and later  
16 as the Minister of Economic Development. Another brother, Chamal Rajapaksa, held  
17 the position of Speaker of Parliament.  
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22         ***Defendant's Role as Secretary of Defense and Consolidation of Intelligence***  
23                                     ***Agencies***

24         18 Defendant served as Secretary of Defense from 2005 to 2015. The  
25 Secretary of Defense is the most senior civil servant in the Ministry of Defense,  
26 which houses all branches of the Sri Lankan security forces. This includes the three  
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1 branches of the Sri Lankan military: the Sri Lanka Army (SLA), the Sri Lanka Navy  
2 (SLN) and the Sri Lanka Air Force (SLAF). It also includes three civilian bodies: the  
3 Sri Lanka Police (SLP), the National Intelligence Bureau (NIB) (currently known as  
4 the State Intelligence Service (SIS)), and the Civil Defense Forces (CDF). All six  
5 branches were part of the Ministry of Defense until 2013.  
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9       19     As Secretary of Defense, Defendant consolidated control over all of Sri  
10 Lanka's military and civilian intelligence agencies by cementing the position of Chief  
11 of National Intelligence. The Chief of National Intelligence served as a direct line of  
12 authority between the Secretary of Defense and all of the intelligence units within the  
13 Ministry of Defense, including the SLA's Directorate of Military Intelligence.  
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16       20     The Secretary of Defense played a key role in coordinating operations  
17 between the different agencies within the Ministry of Defense and Defendant played  
18 a particularly hands-on role with respect to working with the intelligence services. In  
19 media interviews published in April 2009, the Inspector General of the SLP and the  
20 Deputy Inspector General of the Criminal Investigation Department ("CID")  
21 described weekly meetings of the different intelligence services held by the Secretary  
22 of Defense. Interviews with senior officials, including Defendant and his Chief of  
23 National Intelligence Kapila Hendawitharana, described the weekly meetings as a  
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1 way to share intelligence between the agencies, discuss incidents and investigations,  
2  
3 and address security concerns outside the main conflict zone in northern Sri Lanka.  
4 Defendant reportedly “went down to the nuts and bolts of security issues” and made  
5  
6 “spot decisions on issues raised by the representatives of the various intelligence  
7  
8 agencies.”

9       21 In addition, the Secretary of Defense had the power to direct  
10 investigations involving “national security” and “terrorism,” which was expansively  
11 applied to investigate media workers, humanitarian aid workers, human rights  
12 activists, and individuals perceived to be “Tiger sympathizers” (individuals deemed  
13 sympathetic to the LTTE movement). Sri Lanka’s 2005 Emergency Regulations of  
14 the Public Security Ordinance also granted the Secretary of Defense broad authority  
15 to order arrests and detention if he “is of opinion” that the arrest is necessary in the  
16 interest of national security or the maintenance of public order.  
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21       22 In carrying out its national security mandate, the different agencies of the  
22 Ministry of Defense acted with a high degree of coordination, engaging in joint  
23 intelligence activities and information sharing, as well as joint planning. Units from  
24 both military and civilian security forces worked in concert to carry out arrests linked  
25 to “national security.”  
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2       ***Rajapaksa Regime and Its Widespread and Systematic Attacks on Journalists***

3           23     The Rajapaksa regime was sensitive to criticism of its war effort and  
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5     allegations of corruption. As a result, it also launched an assault on the free press,  
6  
7     routinely harassing journalists, editors, and other individuals associated with the  
8  
9     press. Although the Rajapaksa regime frequently denied playing any role in the  
10    attacks against journalists – which ranged from veiled threats to abductions, assaults,  
11    torture, and killings – many attacks were traced back to government security forces.  
12  
13    The Rajapaksa regime also arrested, deported, and sued journalists, and attempted to  
14    enact laws and regulations limiting free press.

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16           24     In response to this assault on the media, many journalists fled, and  
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18    independent media outlets shut down. Several independent journalists who remained  
19    active in the country and did not exercise “self-censorship” were targeted for attack.  
20  
21    During the 10-year rule of the Rajapaksa family, at least 17 journalists and media  
22    workers were killed, and many others were threatened, assaulted, or abducted. Press  
23    freedom organizations such as the Committee to Protect Journalists and Reporters  
24  
25    Without Borders documented serious threats to media workers throughout the  
26    Rajapaksa regime.

1           25     After the end of the war, a United Nations human rights investigative  
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3 body examined allegations of serious violations and abuses of human rights  
4 committed by both parties in the Sri Lankan civil war from 2002 to 2011. The  
5 investigation concluded that the attacks against journalists were widespread and  
6 occurred over an extended period of time; they also appeared to be systematic in  
7 targeting media known to be critical of government policies and officials.  
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10           26     The Ministry of Defense played a key role in this crackdown on  
11 independent journalism. Joint security forces and military intelligence units identified  
12 and targeted journalists alleged to pose a threat to national security. Journalists  
13 branded as “Tiger sympathizers” would have their names posted on the Ministry of  
14 Defense website, and journalists critical of the Rajapaksa regime would find  
15 themselves subject to arrest or attack by government security forces.  
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19           27     The Directorate of Military Intelligence – which was part of the inter-  
20 agency intelligence group that met weekly with Defendant – also operated a  
21 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 and  
24 attacks on journalists who engaged in independent (and sometimes negative)  
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1 reporting on the Ministry of Defense, Defendant, or the Rajapaksa regime. According  
2  
3 to court filings made by the CID, the Tripoli Platoon has been linked to at least three  
4 attacks on journalists, including Lasantha's assassination, and the abduction and  
5 torture of newspaper editors Keith Noyahr and Upali Tennakoon.  
6

7           28     In 2008, Keith Noyahr, deputy editor of *The Nation*, was kidnapped  
8  
9 outside of his home by unidentified men and taken away in a white van. He was taken  
10 to a military intelligence safe house, where he was stripped, suspended in mid-air, and  
11 beaten. During this attack he was questioned as to the sources of his news articles. In  
12 his search for Noyahr, *The Nation's* CEO, Krishantha Cooray, called Cabinet Minister  
13 Karu Jayasuriya for assistance, who in turn called President Mahinda Rajapaksa.  
14 Jayasuriya threatened to publicly resign from the government along with several other  
15 cabinet colleagues if Noyahr was not released. Noyahr was finally released after a  
16 series of telephone calls down the chain of command from the Secretary of Defense  
17 to the Tripoli Platoon. Noyahr and his family subsequently received death threats and  
18 fled the country, ending his reporting in Sri Lanka.  
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24           29     In 2009, Upali Tennakoon, editor of the newspaper *Rivira*, was driving  
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26 to his office when four men on motorcycles stopped him, smashed in his car  
27 windows, and proceeded to beat him and his wife with metal bars. Following the  
28

1 attack, Tennakoon's wife received telephone calls threatening that Tennakoon would  
2  
3 be killed if he continued to work as a journalist. Mobile telephone records reported  
4  
5 to Sri Lankan courts establish that Tennakoon was under surveillance by the Tripoli  
6  
7 Platoon. Tennakoon identified a senior officer of the Directorate of Military  
8  
9 Intelligence in a lineup. Soon after the identification, Tennakoon was forced to flee  
10  
11 the country following threats to his safety.

12           30 Other examples of attacks on journalists followed a similar pattern:  
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14 journalists critical of the government would be publicly identified and threatened by  
15  
16 the Rajapaska regime, and would be subsequently abducted, beaten, or killed. On  
17  
18 January 24, 2006, journalist Subramaniam Sugitharajah was shot and killed on his  
19  
20 way to work. His murder occurred just weeks after he had published photos of five  
21  
22 Tamil students who had been murdered execution-style by the police, contradicting  
23  
24 the government's claims that the students had been killed by a self-detonated grenade.  
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26 On March 7, 2008, a columnist for *The Sunday Times*, J.S. Tissainayagam, was  
27  
28 arrested by the Sri Lanka Police's Terrorist Investigation Division and sentenced  
under the Terrorism Act to 20 years of hard labor for articles he wrote in 2006  
criticizing the military's treatment of Tamil civilians in northeastern Sri Lanka. On  
June 1, 2009, Poddala Jayantha, a journalist at *Mihira* newspaper, was abducted by

1 men in a white van and severely beaten. Defendant had personally threatened  
2  
3 Jayantha in 2008 after he participated in a free media demonstration, telling him that  
4 criticism of the military leadership would not be tolerated and that if he and his  
5  
6 colleagues persisted in their criticism of the government, “people who know how to  
7  
8 do it will finish you off.” Several days prior to the attack, a government-run television  
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10 station had published photos of Poddala and other journalists, while the Inspector  
11  
12 General of Police referred to them as traitors. On January 24, 2010, just two days  
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14 before the 2010 election, political cartoonist and journalist Prageeth Eknaligoda  
15  
16 disappeared after leaving his office in the evening. Eknaligoda had been investigating  
17  
18 Defendant and had published a “family tree” of the dozens of Defendant’s relatives  
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20 that held government office, and publicly supported the campaign of the opposition  
21  
22 candidate Sarath Fonseka.

23           31     While Lasantha’s assassination on a crowded street in Colombo was one  
24  
25 of the most prominent and visible attacks on independent journalism carried out under  
26  
27 the Rajapaksa regime, it was part of a larger pattern of intimidation, persecution, and  
28  
29 violence.

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

2           32       *The Sunday Leader* newspaper was an English-language weekly  
3  
4 publication that was printed from 1994 to 2017 in Sri Lanka. Lasantha founded the  
5 paper and served as editor-in-chief from 1994 until his death in 2009.  
6

7           33       In 2006, Lasantha’s reporting brought him on a collision course with the  
8 Defendant. On December 24, 2006, the front-page headline of *The Sunday Leader*  
9 read “President to get Rs. 400 million luxury bunker.” Under this headline, the  
10 newspaper detailed an approximately US \$4 million government construction project  
11 to create a bunker for the Sri Lankan elite. Lasantha’s accompanying editorial  
12 criticized the creation of a Rajapaksa “dynasty”. Shortly after publication, Defendant  
13 ordered police officers in the CID to arrest Lasantha against their objections,  
14 overriding the legal advice of the Solicitor General of Sri Lanka. The Secretary to the  
15 President revoked the order minutes before it was to be executed.  
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21           34       Between July and September 2007, *The Sunday Leader* published a  
22 series of articles alleging that Defendant was involved in embezzling millions of  
23 dollars in a 2006 contract to purchase MiG fighter jets from Ukraine. The reporting  
24 exposed financial and procedural irregularities in the 2006 procurement of aviation  
25 equipment and services by the Sri Lanka Air Force from the Government of Ukraine,  
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1 identifying Defendant as overseeing the transaction and alleging potential corruption  
2  
3 in the procurement process led by Defendant. The reporting also indicated that the  
4 transactions went through a U.S. bank, raising the allegation that the proceeds of the  
5 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 Minister, and after writing these  
11 things, and you can get into your car and drive around by yourself” while gesturing  
12 as if holding a steering wheel. It was well known that Lasantha was the only  
13 prominent government critic who drove his own vehicle without chauffeurs or  
14 security personnel. In October 2007, Defendant threatened to bring a defamation case  
15 against *The Sunday Leader* and the Wickrematunge brothers for their reporting on the  
16 “MiG Deal.”  
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21 36 On November 21, 2007, black-clad commandos bearing automatic  
22 weapons stormed the premises of the printing press of *The Sunday Leader*, held staff  
23 at gunpoint, and set the printing press machinery on fire. This arson attack was never  
24 investigated by police, who at that time were under the direct control of Defendant.  
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1           37     In October 2008, President Mahinda Rajapaksa called Lasantha a  
2  
3 “terrorist journalist” during an interview with Reporters Without Borders.

4           38     On or before September 2008, a few months before Lasantha’s  
5  
6 assassination, the State Intelligence Service, which was overseen by Defendant,  
7  
8 began surveilling Lasantha’s mobile phone for reasons of “national security.”

9           39     In November 2008, Defendant filed a defamation action against Lasantha  
10  
11 and *The Sunday Leader* for its reporting on the “MiG Deal,” demanding 1 billion  
12  
13 rupees (approximately US \$10 million) in damages. Lasantha was scheduled to testify  
14  
15 in this lawsuit shortly after he was killed.

16           40     In the weeks before his death, Lasantha continued to receive threats: on  
17  
18 separate occasions he received a funeral wreath and a newspaper dipped in red paint  
19  
20 with the words “If you write, you will be killed.” In the days before his death,  
21  
22 Lasantha told his family that he was worried that he was being followed.

23           41     Two days before Lasantha’s murder, Maharaja Television, an  
24  
25 independent station, was stormed by black-clad commandos armed with automatic  
26  
27 weapons, grenades, and claymore mines. Such weapons could only be lawfully  
28  
obtained and used in Sri Lanka by the armed forces, which were under the direct  
command of Defendant. Lasantha had been working at Maharaja Television as a

1 presenter on a weekly current affairs program. Lasantha made his final television  
2 appearance in the immediate aftermath of the attack, on the early morning of January  
3 6, 2009, urging viewers in English and Sinhala to remain resolute and unbowed in the  
4 face of government attempts to silence the media.  
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9 *Assassination of Lasantha Wickrematunge*

10 42 On the morning of January 8, 2009, Lasantha Wickrematunge noticed  
11 black-clad men on motorcycles circling around his home in the suburbs of the Sri  
12 Lankan capital Colombo. He made several phone calls to friends and family  
13 indicating that he believed he was being followed.  
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16 43 As Lasantha drove to work that morning, he was swarmed by black-clad  
17 plainclothes commandos on motorcycles at a busy intersection in an area secured by  
18 military checkpoints. As cell phone tower logs would later show, this group of riders  
19 were part of, or worked in concert with, the Directorate of Military Intelligence's  
20 Tripoli Platoon, and this team had been following Lasantha for several weeks. The  
21 masked riders smashed the car's windows and one of the assassins punched a hole in  
22 Lasantha's skull with a sharp instrument. The motorcyclists sped off in the direction  
23 of a nearby military checkpoint. The motorcyclists entered a "High Security Zone"  
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1 policed by the Sri Lanka Air Force, leaving Lasantha gravely wounded. Onlookers  
2 quickly rushed Lasantha to Colombo South Teaching Hospital. Lasantha underwent  
3 emergency surgery but died several hours later.  
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5  
6 44 Three days after Lasantha's death, *The Sunday Leader* published an  
7 editorial left on file by Lasantha in the event of his death. Reprinted around the world,  
8 Lasantha's "Letter from the grave" became an infamous broadside against the  
9 Rajapaksas:  
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13 Terror, whether perpetrated by terrorists or the state, has become the  
14 order of the day. Indeed, murder has become the primary tool whereby  
15 the state seeks to control the organs of liberty. Today it is the journalists,  
16 tomorrow it will be the judges. For neither group have the risks ever  
17 been higher or the stakes lower.

18 ...

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

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

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

But like all the inquiries you have ordered in the past, nothing will come  
of this one, too. For truth be told, we both know who will be behind my

1 death, but dare not call his name. Not just my life but yours too depends  
2 on it.

3 ...

4 I hope my assassination will be seen not as a defeat of freedom but an  
5 inspiration for those who survive to step up their efforts. Indeed, I hope  
6 that it will help galvanise forces that will usher in a new era of human  
7 liberty in our beloved motherland. I also hope it will open the eyes of  
8 your President to the fact that however many are slaughtered in the name  
9 of patriotism, the human spirit will endure and flourish. Not all the  
10 Rajapaksas combined can kill that.

### 11 *No Credible Investigation into Lasantha's Killing*

12 45 In the immediate aftermath of Lasantha's murder, Sri Lankan law  
13 enforcement agencies – under the control of Defendant – either failed to conduct a  
14 credible investigation into the killing, or actively interfered with any attempts to  
15 conduct a credible investigation.  
16

17 46 First, a falsified autopsy report was issued by the Judicial Medical  
18 Officer indicating that Lasantha's death was caused by a firearm, even though this  
19 was inconsistent with the evidence at the crime scene and the report of the surgeon  
20 who conducted the emergency operation. Second, Lasantha's notebook, in which he  
21 had scrawled two license plate numbers on the day of the attack, was collected by  
22 police officers at the scene of the crime. This notebook was later discovered to have  
23 been tampered with, and the pages with the license plate numbers torn out and  
24 replaced with doctored entries.  
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1           47     Shortly after Lasantha’s murder, Defendant sat for a television interview  
2  
3 with the British Broadcasting Corporation (BBC), in which he was questioned about  
4 the assassination. At the time, Defendant was in charge of civilian law enforcement  
5 in Sri Lanka, including the police force tasked with investigating homicides. During  
6 this interview, Defendant stated that the killing of Lasantha was “just another  
7 murder,” insisting that he was “not concerned about that.” He asked the interviewer  
8  
9 “why are you so worried about one man.”  
10

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12           48     No further inquiries took place in Sri Lanka into Lasantha’s murder until  
13 Plaintiff’s attorneys and other family members successfully petitioned the Mount  
14 Lavinia Magistrates Court to order that investigations into the murder be conducted  
15 by the CID of the Sri Lanka Police, in December 2009.  
16

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18           49     However, when CID investigators sought to question a member of the  
19 Tripoli Platoon, the CID was ordered to halt its investigation and hand the case over  
20 to the Terrorist Investigation Division (“TID”), a detachment of the Sri Lanka Police.  
21 At the same time, Defendant issued a letter to the Sri Lankan Ministry of Foreign  
22 Affairs, instructing that the commanding officer of the Tripoli Platoon be assigned  
23 to a non-vacant diplomatic position at the Sri Lankan Embassy in Bangkok, Thailand,  
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1 within thirteen days. The letter instructed that the officer who was then present in  
2 Thailand be recalled.  
3

4 50 After the TID took over the investigation, it halted all inquiries into the  
5 involvement of the Tripoli Platoon. In February 2010, the TID arrested seventeen  
6 other Military Intelligence officers attached to a different platoon, and detained them  
7 on suspicion of the murder of Lasantha and other abductions and assaults on  
8 journalists. However, all seventeen individuals were released from custody before  
9 being presented to witnesses for lineup identification. No charges were ever filed  
10 against any of the seventeen individuals.  
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15 51 In February 2010, the TID took into custody the member of the Tripoli  
16 Platoon who had originally been sought for questioning by the CID. While in  
17 custody, however, this suspect was granted a promotion by the military and continued  
18 to receive his pay in violation of regulations governing military personnel in police  
19 custody. He was eventually released without being charged and without thorough  
20 questioning. No further investigations into the murder of Lasantha were conducted  
21 until 2015, when President Mahinda Rajapaksa was defeated in a general election and  
22 Defendant was forced to leave public office. Shortly thereafter, the Sri Lanka Police  
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1 re-activated its investigation into Lasantha's killing, re-assigning the investigation to  
2 the CID.  
3

4           52     Following the presidential election of 2015, the government of President  
5 Maithripala Sirisena announced an ambitious transitional justice plan that included  
6 calls for criminal accountability for human rights abuses committed during the  
7 Rajapaksa regime. However, the Rajapaksa family has continued to assert influence  
8 over the new administration. In the past year, President Sirisena has publicly  
9 criticized ongoing investigations into abuses committed by military officers and  
10 Defendant during the Rajapaksa regime. Furthermore, on October 26, 2018 President  
11 Sirisena dismissed the sitting Prime Minister and appointed Mahinda Rajapaksa as  
12 the new Prime Minister, creating political turmoil and prompting international outcry.  
13 Shortly afterwards, President Sirisena sought to transfer Nishantha Silva, the main  
14 CID officer investigating Lasantha's case and other related cases, to a different  
15 department. This political situation has made it difficult for witnesses to come  
16 forward. Due to these political pressures, threats to witnesses, and continued state  
17 interference with the investigation the criminal investigations into Lasantha's killing  
18 and other attacks on journalists have stalled.  
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GENERAL ALLEGATIONS

53 On information and belief, Plaintiff alleges the following:

54 Defendant, in his capacity as Secretary of Defense, exercised command responsibility over, conspired with, aided and abetted, and/or incited individuals in the Tripoli Platoon, or groups acting in coordination with this unit, to perpetrate the extrajudicial killing of Decedent, whom Defendant viewed as a threat because of his reporting. Cell phone records establish that members of the Directorate of Military Intelligence division known as the “Tripoli Platoon” were involved in the direct perpetration of the attack against Decedent Lasantha Wickrematunge and that they benefited from the assistance of the Sri Lankan security forces to escape the scene of the crime. Defendant and individuals under his command then worked to prevent an effective investigation into Decedent’s killing.

55 Defendant exercised command responsibility over the Tripoli Platoon, which carried out the murder of Decedent as well as attacks against journalists perceived as critical of the Rajapaksa government. The Tripoli Platoon operated under the command of the Chief of National Intelligence, who reported directly to the Defendant, the Secretary of Defense during the relevant time period. Defendant

1 Gotabaya engaged in weekly meetings and closely coordinated with the Directorate  
2  
3 of Military Intelligence. Due to this relationship, Defendant knew or should have  
4 known about the attack on Lasantha. Furthermore, widespread media coverage of the  
5 attack, and of the allegations of security forces involvement, was enough to give  
6 Defendant knowledge of the murder after the fact. As the commander of both the  
7  
8 armed forces and the police, Defendant had a duty to ensure an effective investigation  
9 and to punish those responsible for Lasantha's murder. Rather, the investigation  
10 during Defendant's tenure as Secretary of Defense was marked by interference and  
11 cover-ups by the investigating authorities, including actions taken by Defendant to  
12 actively interfere with any attempt to conduct a credible investigation.  
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16           56 Defendant also conspired with individuals in the military and police to  
17 carry out the attack on Lasantha and prevent an effective investigation. Defendant  
18 conspired with one or more members of the Directorate of Military Intelligence  
19 pursuant to a common plan, design, or scheme to carry out attacks against journalists  
20 who were critical of the Rajapaksa government, including the attack against Lasantha.  
21 Additionally, Defendant conspired with one or more members of the Sri Lanka Police  
22 to ensure that the military officers would not be implicated in Lasantha's murder. In  
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28 addition to the attack itself, overt acts taken in furtherance of this conspiracy include

1 tampering with Lasantha's notebook, the order to transfer the investigation from the  
2  
3 CID to the TID after a member of the Tripoli Platoon was implicated in the murder,  
4 and the order by Defendant to transfer one of the Tripoli Platoon suspects in  
5  
6 Lasantha's case to a post at the Sri Lankan Embassy in Bangkok, Thailand,  
7 preventing a thorough investigation of the crimes. In addition to being personally  
8  
9 liable for his own actions, Defendant is jointly and severally liable for the actions of  
10  
11 his co-conspirators, all of which were actions undertaken in furtherance of a common  
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13 plan, design, or scheme to threaten and eliminate journalists and silence critics of the  
14  
15 government.

15       57     Defendant also contributed to the commission of the unlawful acts  
16  
17 alleged herein by a joint criminal enterprise comprised of Defendant and his  
18  
19 subordinates in the Ministry of Defense, specifically the Directorate of Military  
20  
21 Intelligence and the Sri Lanka Police. Defendant and the co-participants entered into  
22  
23 a joint criminal enterprise with a common plan or purpose of waging a widespread  
24  
25 and systematic campaign to silence and violently repress journalists who were critical  
26  
27 of the Rajapaksa government. Defendant and his co-participants committed the  
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29 wrongful acts alleged herein in furtherance of this common plan or purpose.  
30  
31 Defendant provided substantial assistance to the common plan by publicly targeting

1 journalists critical of the government with inflammatory labels and threats, ordering  
2  
3 surveillance of journalists, using security forces under his direct command to attack  
4 journalists, including the Decedent, and facilitating impunity for these attacks.  
5  
6 Defendant and his subordinates in the Ministry of Defense contributed to this joint  
7  
8 criminal enterprise at each stage. Defendant also made a substantial contribution to  
9  
10 the joint criminal enterprise by participating in the cover-up of the crimes alleged,  
11  
12 ensuring that the perpetrators would not be held accountable. This contribution was  
13  
14 intentional and made with knowledge of the shared purpose of the group to silence  
15  
16 and repress critics.

15       58     Defendant is also responsible by virtue of having aided and abetted, or  
16  
17 otherwise substantially assisted in the commission of the crimes against Lasantha,  
18  
19 including through his role in Lasantha's killing by his subordinates and by then  
20  
21 covering up the crimes and obstructing an effective investigation into the murder.  
22  
23 Defendant was in command of the law enforcement agencies investigating Lasantha's  
24  
25 murder and took actions to stall the investigation and ensure that Directorate of  
26  
27 Military Intelligence officials were not implicated in the crimes. At all relevant times,  
28  
29 Defendant knew and purposefully intended that his actions would aid, abet, or assist  
30  
31 in the commission and cover-up of the murder. Defendant is therefore jointly and

1 severally liable for the wrongful conduct of the persons whom he aided and abetted.

2  
3 59 Defendant is further liable for inciting the direct perpetrators of the  
4 attack against Lasantha. As described in paragraphs 21 to 26, and 32 to 41, the acts  
5 were carried out by Defendant's subordinates in the Ministry of Defense. Defendant  
6 encouraged the commission of the attack through veiled threats and public statements  
7 suggesting that perpetrators of crimes against journalists would not be held  
8 accountable. Defendant made numerous public comments denouncing journalists who  
9 criticized the Rajapaksa government as traitors. Defendant's brother specifically  
10 labeled Lasantha as a "terrorist journalist." A statement issued by the Ministry of  
11 Defense on May 31, 2008 called on "all members of the armed forces to unite and  
12 guard against these treacherous media campaign [sic] against them," naming *The*  
13 *Sunday Leader* as one of the "treacherous media." Another statement released by the  
14 Ministry of Defense on June 4, 2008 referred to journalists as "enemies of the state"  
15 who "are doing a job of the enemy." The Defendant personally authorized the release  
16 of these statements, and, given the pattern of attacks against journalists, was aware  
17 of the substantial likelihood of harm in transmitting these inflammatory messages.  
18 None of the perpetrators of the targeted attacks against journalists have been  
19 prosecuted or subject to military sanction to date.  
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1 60 The domestic investigation of Lasantha’s death has been unduly  
2 prolonged and subject to government interference. As described in paragraphs 45 to  
3 52, the investigation into Lasantha’s murder has been subject to significant  
4 interference and obstruction. While his murder occurred over ten years ago, no  
5 criminal prosecutions have proceeded against those responsible. Despite advances  
6 made after the 2015 presidential election, the investigation has once again stalled in  
7 the current political climate, as described in paragraph 52.  
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#### 12 **FIRST CLAIM FOR RELIEF**

##### 13 *(Extrajudicial Killing of Lasantha Wickrematunge)*

14 61 Plaintiff Ahimsa Wickrematunge, in her individual capacity and as the  
15 legal representative of the estate of Lasantha Wickrematunge, re-alleges and  
16 incorporates by reference the allegations set forth in paragraphs 1 to 60 as if fully set  
17 forth herein.  
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20 62 On January 8, 2009, Decedent Lasantha Wickrematunge was  
21 assassinated in his car while driving to work. The assailants were members of the Sri  
22 Lanka Directorate of Military Intelligence and/or individuals working with the  
23 security forces of Sri Lanka during the period in which Defendant was Secretary of  
24 Defense.  
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1           63     The killing of Lasantha Wickrematunge constitutes extrajudicial killing  
2  
3 in violation of the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73  
4 (1992) (codified at 28 U.S.C. § 1350, note).

5  
6           64     In addition, the killing constitutes a “tort . . . committed in violation of  
7 the law of nations or a Treaty of the United States” under the Alien Tort Statute, 28  
8 U.S.C. § 1350, in that it was committed in violation of customary international law  
9 prohibiting extrajudicial killing, as widely expressed, clearly defined, and codified  
10  
11 in multilateral treaties and other international instruments, international and domestic  
12  
13 judicial decisions, and other authorities.

14  
15           65     The assassination was committed by or in concert with members of the  
16 Directorate of Military Intelligence or the security forces of Sri Lanka and was  
17  
18 thereby committed under actual or apparent authority, or color of law, of the  
19  
20 government of Sri Lanka.

21           66     The extrajudicial killing of Decedent was not authorized by any court  
22  
23 judgment, and was unlawful under the laws of Sri Lanka, international law, and under  
24 the laws of any foreign nation. Decedent was unarmed and did not pose a real or  
25  
26 apparent threat to persons or property that would have justified the use of deadly  
27  
28 force against him.

1           67     As detailed in paragraphs 18 to 22, and 54 to 59, Defendant exercised  
2  
3 command responsibility over, conspired with, aided and abetted, directed and/or  
4 incited individuals in the Sri Lankan security forces and Directorate of Military  
5 Intelligence, or groups acting in coordination with these units, to perpetrate the  
6 extrajudicial killing of Decedent.  
7

8  
9           68     As Secretary of Defense, Defendant possessed the legal authority and  
10 practical ability to exert control over the individuals who carried out the attack.  
11  
12 Following the highly publicized killing, and the widespread allegations of military  
13 involvement, Defendant knew, or reasonably should have known, about the actions  
14 of his subordinates, but failed to take necessary and reasonable measures to punish  
15 them.  
16

17  
18           69     Prior to his death, Decedent underwent painful emergency surgery as a  
19 result of the puncture in his skull. As a result, Decedent suffered severe physical  
20 abuse and agony before succumbing to his injuries. Plaintiff, as the daughter of  
21 Decedent and representative of Decedent's estate, has standing to bring suit in her  
22 individual capacity and on behalf of her deceased father. The extrajudicial killing of  
23 Decedent Lasantha Wickrematunge also caused Plaintiff Ahimsa Wickrematunge  
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1 severe pain and suffering and emotional distress. As a result, Plaintiff has been  
2  
3 damaged in an amount to be proven at trial.

4 70 In addition, Defendant's acts and omissions were deliberate, willful,  
5  
6 intentional, wanton, malicious, and oppressive, and should be punished by an award  
7  
8 of punitive damages in an amount to be determined at trial.

9  
10 **SECOND CLAIM FOR RELIEF**

11 ***(Crimes Against Humanity)***

12 71 Plaintiff Ahimsa Wickrematunge, in her capacity as the legal  
13  
14 representative of the estate of Lasantha Wickrematunge, re-alleges and incorporates  
15  
16 by reference the allegations set forth in paragraphs 1 to 70 as if fully set forth herein.

17 72 While serving as Secretary of Defense, Defendant, his subordinates and  
18  
19 individuals acting in coordination with government security forces targeted  
20  
21 journalists and media workers within the civilian population perceived to be critical  
22  
23 of government policies or officials. Journalists and media workers were  
24  
25 systematically arrested and detained, and many were tortured and killed, for their  
26  
27 reporting, including the Decedent.

28 73 This attack against civilian journalists and media workers was  
widespread, as found by the United Nations investigation on Sri Lanka, and the

1 crimes were met with persistent impunity. As indicated in paragraph 15, the attack  
2  
3 against Lasantha was committed in the context of a larger campaign of violence in the  
4 final stages of the civil war, during which up to 40,000 civilians may have been  
5  
6 killed. A report by the Committee to Protect Journalists ranked Sri Lanka among the  
7  
8 top ten countries with the highest rate of impunity for killings of journalists during  
9  
10 the relevant time period. The U.S. State Department’s annual human rights reporting  
11  
12 during the relevant period also criticized the government – and in particular, the  
13  
14 Ministry of Defense – for its harassment of journalists through threats and  
15  
16 intimidation.

15       74       This attack was also systematic. All of the acts described herein  
16  
17 deliberately targeted civilian journalists and media workers perceived to be critical  
18  
19 of government policies or officials, including the Defendant. As detailed in  
20  
21 paragraphs 23 to 31, many of the attacks, including that against the Decedent,  
22  
23 exhibited a high degree of planning and coordination.

23       75       The extrajudicial killing of Decedent was committed as part of this  
24  
25 widespread or systematic attack against a civilian population. Decedent was also  
26  
27 subject to persecution on the basis of his perceived political opposition to Defendant  
28  
29 and the Rajapaksa government.

1           76     The murder and persecution of Decedent constitute crimes against  
2  
3     humanity, a “tort . . . committed in violation of the laws of nations or a treaty of the  
4     United States” under the Alien Tort Statute, 28 U.S.C. § 1350. The crimes against  
5  
6     humanity of extrajudicial killing and of persecution on the basis of political  
7  
8     affiliation, committed as part of a widespread or systematic attack against a civilian  
9  
10    population, violates customary international law as widely reflected, clearly defined,  
11  
12    and codified in multilateral treaties and other international instruments, international  
13    and domestic judicial decisions, and other authorities.

14           77     Defendant possessed the requisite knowledge that his conduct was in  
15    furtherance of an attack on a civilian population. As alleged in paragraphs 54 to 59,  
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17    Defendant exercised command responsibility over, conspired with, aided and abetted,  
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19    directed and/or incited his subordinates in the Sri Lankan security forces and military  
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21    intelligence, or groups acting in coordination with these units, to engage in  
22  
23    widespread or systematic targeting of journalists and media workers that were  
24  
25    perceived to be critical of the government, including the extrajudicial killing and  
26  
27    persecution of Decedent on political grounds.

28           78     Defendant’s acts described herein, and the acts committed by his  
29  
30    associates, directly and proximately caused Plaintiff and Decedent severe pain and

1 suffering. As a result of these crimes against humanity, Plaintiff, in her individual  
2 capacity, and as a representative of the estate of Decedent Lasantha Wickrematunge,  
3  
4 has suffered damages in an amount to be determined at trial.  
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6 79 In addition, Defendant's acts and omissions were deliberate, willful,  
7 intentional, wanton, malicious, and oppressive, and should be punished by an award  
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9 of punitive damages in an amount to be determined at trial.  
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11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiffs respectfully request the Court to  
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14

15 (a) enter judgment in favor of the Plaintiff on all counts of the Complaint  
16 according to proof;  
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18 (b) award compensatory and punitive damages according to proof;  
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20 (c) grant reasonable attorneys' fees, costs, and expenses according to proof;  
21

22 (d) grant the Plaintiff equitable relief including, but not limited to, an  
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injunction prohibiting Defendant from interfering with any criminal  
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investigations involving the murder of Lasantha Wickrematunge in Sri  
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Lanka; and  
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(e) such other and further relief as the court may deem just and proper.

A jury trial is demanded on all issues so triable.

Dated: April 4, 2019

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