



[Main Page](#)

[Publications](#)

[Photo](#)

[Essays](#)

[Links](#)

[How You](#)

[Can Help](#)

[Russian](#)

[HRW Home](#)

Yugoslav Government War Crimes in Racak

Background

The village of Racak, about half a kilometer from the town of Stimlje, had a pre-conflict population of approximately 2,000 people. During the large-scale government offensive in August 1998, the Serbian police shelled Racak, and several family compounds were looted and burned. Since then, most of the population has lived in Stimlje or nearby Urosevac. On the day before the January 15 attack, less than four hundred people were in the village. The KLA was also in Racak, with a base near the power plant. A number of ethnic Serbs were kidnapped in the Stimlje region, mostly during the summer.

The January 15 attack might have been provoked by a well-prepared KLA ambush near Dulje (west of Stimlje) on January 8, in which three Serbian policemen were killed and one was wounded. On January 10, the KLA ambushed another police patrol in Slivovo (south of Stimlje), killing one policeman. A Yugoslav Army buildup in the area around Stimlje ensued over the next four days, especially on the mountain road between Dulje and Caraljevo villages.

The Police Action in Racak

Witnesses told Human Rights Watch that they heard automatic weapons fire beginning around 6:30 a.m. on January 15, when the police reportedly exchanged fire with the KLA from a hill called Cesta. Half an hour later, army tanks and armored cars came as backup and shelled the forest near the neighboring village of Petrovo, where some KLA units were positioned. They also fired at some family compounds in Racak. Some families managed to escape Racak, fleeing towards Petrovo, which was also affected along with the villages of Malopoljce and Belinca.

Around 7:00 a.m., Racak was surrounded by the Serbian police. Several witnesses told Human Rights Watch that they saw seven blue armored vehicles on Cesta hill, as well as three VJ tanks (type T-55). The police were shooting and some heavy artillery was fired directly into some houses near Malopoljce and Petrovo from a position in the nearby forest called, in Albanian, Pishat.

The extent of the fighting in Racak that morning remains somewhat unclear. According to one Serbian policeman, the KLA's resistance around Racak lasted almost four hours, and when they were finally able to enter the village the police confiscated three mounted machine guns. Villagers, however, said that the police had entered the village by 9:00 a.m. They said that there was shooting and some artillery until 4:00 p.m. By 4:30 p.m., the police had left the village.

Deliberate Killings of the Beqa Family Members

Ten households of the Beqa family live in the part of Racak called Upper Mahalla on the edge of the village. According to one member of the family, whose son and husband were both killed, at around 7:00 a.m. thirty members of the Beqa family tried to run toward the nearby forest when they heard the police. She told Human Rights Watch that more than forty policemen wearing blue uniforms and without masks began shooting at them from a distance of twenty meters from the top of the hill. She said:

K0225303

My son H.B. was running on my left side, maybe two meters from me. He had his trousers in his hands, we did not have time to dress properly. He was warning me to move aside and suddenly he fell down. The bullet hit him in the neck. In front of me my husband fell as well. He didn't move any more.

Another person in the same group, aged seventy, told Human Rights Watch how he saw his twenty-two-year-old grandson shot dead, while his eighteen-year-old granddaughter and her mother were both wounded.

The other members of the Beqa family ran back to a house and hid under the steps until nightfall. Nobody dared to help the wounded, who spent two hours crawling for shelter from the police. One young woman said that the police stayed on the hill singing songs and calling her relative by name in the Albanian language ("Aziz, come here to see your dead relatives!"), which suggests that local policemen from Stimlje who were familiar with the residents of Racak may have participated in the attack.

Killed by Grenade

According to M.B., who was hiding in his home, Bajram Mehmeti and his daughter Hanumshahe were killed by a grenade early in the morning of January 15 as they were running through the center of the village. He said:

My cousins were lying twenty meters from the water well. He was hit in the head and she was hit in the chest. One man pulled her in the house and she died in his hands.

Searching for Weapons and the Killing of Nazmi Ymeri (76)

According to eleven different witnesses interviewed separately, groups of about thirty policemen each were entering Racak from different directions beginning around 7:00 a.m. By 9:00 a.m., most of them had gathered in the village center near the mosque. These policemen also wore blue uniforms but they had masks on their faces with slits for their eyes and mouth, and they wore helmets. Some of them had "rocket propelled grenades" strapped to their backs. These police searched house by house, witnesses said, looking for people and weapons. Most of the hidden civilians, upon seeing the police in the village center, ran in the opposite direction towards another part of the village.

One witness, S.A. (46), was hiding with his wife and the five children of his neighbor between the house and stable of Hyrzi Bilalli. From this spot, he said he overheard a discussion held by a group of policemen. He told Human Rights Watch:

I heard clearly when one said, "Release everybody under the age of fifteen. You know what to do with the others." I heard when another one gave the order to pick up the bodies from the yards in plastic bags and put them in the cars. They took away the body of Ahmet's wife who was shot on the street while she was trying to run from one house to another. I later saw the place where her body was. It was just a pool of blood.

The same witness said that the same group of policeman went into the next door house of the elderly Nazmi Imeri, who lived alone, and was later found dead. He said:

I heard shooting and a scream. In the evening I went in his [Imeri's] yard and took his body to our yard. The top of the head was blown off.

Torture in the Yard of Sadik Osmani

As the police were in the Racak, many villager made their way, running and hiding,

K0225304

to the large house of Sadik Osmani near the place called, in Albanian, Kodra e Bebushtit. One boy who was present, aged twelve, told Human Rights Watch that approximately thirty men and four boys, himself included, decided to hide in Osmani's stable. A group of approximately twenty women and children hid in the cellar of Osmani's three-storey house. The police later detained, beat, and executed the men in the stable (see below), but the women and children in the cellar were left unharmed.

According to the boy, the police entered Osmani's yard sometime before noon. One tall policeman wearing a black mask and a helmet with a blue police uniform kicked in the door and immediately began to shoot over the heads of the thirty men lying on the ground, who were screaming "Don't shoot! We are civilians!"

All of the men were taken outside into the yard, where they were forced to lie on the ground and searched for weapons. The four boys were taken out of this group, including the twelve-year-old who spoke with Human Rights Watch, and were locked up together with the women and other children in Osmani's cellar. The police also took four men from the cellar – Sadik Osmani, Burim Osmani, Rama Shabani, and Mufail Hajrizi – and put them with the other men in the yard. Burim Osmani, who is a teenager around fifteen years old, was later put back into the cellar, apparently because he was too young. The conscious decision to return him, while later executing the others, suggests that the police had a clear order to kill the adult males of the village.

Before the twelve-year-old boy was sent to the cellar, however, he saw how the police beat the men in the yard, including his father and some other relatives. The boy told Human Rights Watch:

Two or three policeman beat them with wooden sticks. One was kicking them in the face with his boots. The others were just watching. It was terrible. The men were screaming, and their heads were covered with blood. A policeman locked me in the cellar with the women, but I could hear screaming for the next half an hour.

This version of events was corroborated by three other women locked in the cellar who spoke with Human Rights Watch in two separate interviews, although they could not see the men in the yard. All of them believed that the police had only arrested their male relatives and taken them away to the police station in Stimlje. It was only the next day when they realized that the twenty-three men had been killed.

Extrajudicial Executions

Some time around 1:00 p.m. the police led the twenty-three men out of Osmani's yard. One witness, S. A., was hidden at that time behind a compound wall fifty meters from the Osmani house. He told Human Rights Watch that he heard the police leading the detained men through the Racak streets. He said:

I heard the police ask them [the men] where is the headquarters of our army [the KLA], and they answered where it was. Then they went together toward the power station in the direction of our army. I think it was maybe 3:00 p.m. when I heard shooting, but I did not know that they were killed.

Members of the OSCE's Kosovo Verification Mission (KVM) entered Racak late in the afternoon of January 15, after having been prevented from entering the area during the day by VJ and police forces. The KVM took five wounded persons, including a woman and a boy suffering from gunshot wounds, and left. During the night, the remaining men of the village searched for the wounded, still thinking that the twenty-three men were in the Stimlje police station. One person who participated in the search told Human Rights Watch that they found the bodies on the hill called Kodri e Bebushtit, in Albanian, around 4:00 a.m.. He said:

K0225305

I saw Mufail Hajrizi. He was slashed on the chest. Then we found Haqif, the guest from Petrovo. His body was lying on his side with the hands as if he wanted to defend himself. His throat and half his face had been cut by a knife. On the top of his head was a wooden stick with some paper. Something was written on that paper but I can't remember what it was. There were more than twenty bodies, almost all of them were my relatives. We wanted to cover the bodies with blankets, or something else, but one man said not to touch anything before KVM comes tomorrow.

One woman, L.S., told Human Rights Watch that her son and husband had survived the execution. She told Human Rights Watch:

In the morning I got information that the men from the stable were found dead. But soon I saw my husband and son coming toward me -- like they were standing up from the grave. My son told me that the group of policeman had pushed them with their hands behind their heads to go towards the hill. My son was in front with Sadik, and the others were behind. When he came to the top of the hill, he saw another group of policeman waiting for them with rifles. He turned his head and shouted to the others to run away. He ran toward the village of Rance, and didn't turn his head. One bullet crossed through his pocket, and another one is still in his belt.

Precisely how the twenty-three men were killed by the police on the hill outside of Racak remains somewhat unclear. But witness testimony, as provided here, and the physical evidence found at the site by journalists and KVM monitors, makes it clear that most of these men were fired upon from close range as they offered no resistance. Some of them were apparently shot while trying to run away.

Journalists at the scene early on January 16 told Human Rights Watch that many of these twenty-three men also had signs of torture, such as missing finger nails. Their clothes were bloody, with slashes and holes at the same spots as their bullet entry and exits wounds, which argues against government claims that the victims were KLA soldiers who were dressed in civilian clothes after they had been killed. All of them were wearing rubber boots typical of Kosovo farmers rather than military footwear. It is possible that some of these men were defending their village in the morning and then went to the Osmani house once they saw the police entering the village. However, they clearly did not resist the police at the time of their capture or execution. They were tortured and arbitrarily killed -- crimes that can never be justified in times of war or peace.

The Forensic Investigation

After a thorough inspection of the bodies by KVM, villagers collected the bodies and transported them to the Racak mosque. Two days later, however, under heavy arm, the police entered the village and took the corpses to the morgue in Prishtina.

On January 25, head of the Institute of Forensic Medicine in Prishtina, Slavisa Dobricanin, announced that autopsies had been conducted on twenty-one bodies, some of them conducted in the presence of OSCE personnel. None of the bodies bore the signs of a massacre, he said. The OSCE did not comment on its impressions of the procedures or the announced results.

A Finnish pathology team subsequently took over for the OSCE, and began to participate in the autopsy procedures together with the government authorities. The team distanced itself from Dobricanin's statements and, on January 26, expressed concern that there had been a tampering with the evidence, although they did not clarify by whom or when. The results of the Finns' investigations should be made public in early February.

The International War Crimes Tribunal for the Former Yugoslavia (ICTY)

K0225306

Human rights organizations can document the abuses taking place in Kosovo, and the international community can take steps to bring these abuses to an end. But only one institution has been entrusted by the international community to prosecute the persons responsible for violations of humanitarian law: the International Criminal Tribunal for the Former Yugoslavia (ICTY). The role of the ICTY is of crucial importance, as the prosecution of those who commit atrocities is likely to have a significant deterrence effect in addition to upholding the principles of international justice.

ICTY's jurisdiction over war crimes committed in Kosovo is indisputable under the mandate established by U.N. Security Council resolution 827, and has been repeatedly reaffirmed by the U.N. Security Council in its resolutions on Kosovo, as well as by the tribunal itself. In the absence of any efforts on the part of Yugoslav authorities to bring the perpetrators of humanitarian law violations to justice, the ICTY represents the only avenue to prosecute abusers.

The Yugoslav authorities have consistently refused to accept the jurisdiction of the ICTY, and have frustrated the work of ICTY investigators in Kosovo by denying them visas and barring them from carrying out investigations. Only a few ICTY investigators have been able to gain access to Kosovo, and even they have been officially prohibited by the Yugoslav authorities from interviewing persons or gathering evidence. The Yugoslav authorities base their refusal to cooperate with the ICTY on their view that the conflict in Kosovo is an internal dispute with "terrorists," a view repeatedly rejected by the ICTY, the U.N. Security Council, and other international actors, including Human Rights Watch.

On January 18, Chief Prosecutor of the ICTY, Louise Arbour, attempted to enter Kosovo through Macedonia in order to "investigate the reported atrocities in Racak." She did not have a Yugoslav visa, having been denied one by the authorities, and was refused entry into the country. Back in The Hague, Arbour stated unequivocally that she will be investigating the massacre in Racak "with or without access to the territory." Regarding the fears of evidence tampering, she said:

Evidence of tampering -- should such evidence become available, is, in fact, excellent circumstantial evidence of guilt. If one can trace where the order to tamper came from, it permits a pretty strong inference that it was done for the purpose of hiding the truth, which demonstrates consciences of guilt.

Western governments and the Contact Group, including Russia, have called on President Milosevic to cooperate with the ICTY. More than just a visa for Arbour, this should mean unrestricted access for ICTY's investigators to Racak and the sites of other humanitarian law violations in Kosovo committed by both the KLA and the government.

©Human Rights Watch 1999

[Back to Top](#) | [Focus on Human Rights Home](#) | [HRW Home](#)