

## Analysis

### Looking Back at Beslan

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#### Summary

Two years after the Beslan tragedy, the authorities have yet to publish a final report on what took place there. Most importantly, they have refused to examine the terrorist attack within the larger context of the Chechen war. They have also blamed all the deaths on the terrorists, preventing a thorough investigation examining the role of the Russian security forces and the responsibilities of the authorities. Such a study would make possible a more nuanced understanding of what happened at Beslan.

#### Hostage-taking tragedies: Moscow's questionable approach

During the course of the Chechen wars over the last 12 years, Beslan was the fourth large-scale terrorist act with the taking of hostages in Russia. It followed Shamil Basayev's June 1995 capture of more than 1,500 people in the hospital in Budennovsk (Stavropol Krai), the Salman Raduyev-led attack in January 1996 on the hospital in Kizlyar (Dagestan), and the October 2002 siege and hostage-taking of more than 1,000 people in Moscow's Dubrovka theater. Nevertheless, Beslan was exceptional. Never before had there been so many deaths (according to the preliminary Duma report, 331 hostages were killed), and, above all, the loss of so many children's lives (officially, 186 children were killed). Never before did the public pay so much attention to the investigation of a terrorist act.

The investigation of the 1995 assault in Budennovsk was stopped more than once. Only after many years did the authorities bring the terrorists to court, either individually or in small groups. Salman Raduev, the leader of the terrorist act in Kizlyar, was only brought to justice much later, sentenced to life in prison in December 2001. During the government's storm on the theater in Moscow, all the terrorists were killed and there simply was no trial. In the case of Beslan, the former hostages organized a public campaign to demand an investigation, but only in North Ossetia did these demands and protests become widespread.

Furthermore, one terrorist, Nurpashi Kulayev, from Beslan was captured alive and tried in court. Therefore it was possible to seek more information in a court of law going far beyond the criminal case against this one individual.

In fact, such investigations should have been possible in all of the terrorist acts listed here. Most importantly, it is necessary to investigate the conditions leading to the tragedy. In a narrow sense, the questions probing such conditions were "How did the

terrorists prepare and carry out their plans? Which administrative and law enforcement officials were responsible for this?" Those questions are suitable for prosecutors. In the wider sense, we need to address the questions: "What were the pre-conditions and context for the terrorist act? How was it possible to form the units of fighters and terrorist networks?" In other words, "Why did the Chechen war, at first described as an effort to 'disarm illegal groups' and then a 'counter-terrorist operation' lead to the opposite result - to the establishment of powerful illegal armed formations and a terrorist underground?" This topic is suitable for a parliamentary investigation and wide social discussion.

#### Need to investigate the authorities as well

The conditions surrounding the terrorist act itself, its course and outcome, are also a subject for the work of the investigative organs. As experience shows, the innocent people held hostage died not only at the hands of the terrorists, but during the "counter-terrorist operations." Such was the case in all terrorist acts, including Budennovsk and especially Dubrovka. The investigation should have determined how each hostage died, examining the actions not only of the terrorists, but also the special services, military, and the law enforcement agencies, if not to punish the guilty, then to extract lessons from these experiences.

Today, the "siloviki" have pre-approved carte blanche for any action and any "losses." Existing legislation allows them, in the course of "counter-terrorist operations," to inflict any damage, not only to property, but also to the health and life of citizens, and not bear any responsibility for doing so.

#### The Chechen war causes terrorism

The Russian mass media today is not prevented from discussing the topic of terrorism. Usually, public discussion focuses on questions such as: "How did this happen? Who allowed it? Could it have been

prevented?...” The question “Who concretely is responsible for the death of a specific person?” is usually answered thus “Wait, the investigation is still taking its course. In the meantime, we are talking about...” and the discussion returns to the general questions.

The answers of the investigation are well known: “the terrorists alone are responsible for the deaths of the hostages.” One can research the documents and find there such senseless and general formulations as: “Kulayev, working as part of a criminal group, murdered two or more individuals” instead of specific evidence describing the concrete crimes of each fighter. There are other factual absurdities presented to society for the purpose of burying clear and seemingly obvious things.

Undoubtedly, it is important to answer such questions as “How did the terrorists make their way to Beslan? How many were involved? Were arms hidden in the school before the attack? Was it possible to negotiate with them correctly? Why did the first explosion happen?” among others. Of course, it is necessary to seek answers, but as a result, by forgetting about the previous terrorist act, society deals only with the next one, ignoring a basic and obvious truth: before the Chechen war there were no conversations about such terrorism at all. In fact, the Chechen war itself caused this terrorism. Now, given the existence of terrorism, does the state have the ability to react adequately, not just dealing with each individual terrorist act, but countering the deeper causes of terrorism? And, moreover, in dealing with specific terrorist acts, can the state act while taking into account the larger context and deeper reasons for the attack?

### **The authorities’ general line: The terrorists alone are responsible**

There is another, no less important flaw limiting the investigations, parliamentary examinations, and social discussions about Beslan. The questions are focused on the one official version of events. Even if you do not agree with it and seek to dispute it, the presence of the one official version limits discussion.

It is not simply that the investigation should have examined not only “the one true version,” but all possible explanations. Each of the different participants in the events has different descriptions of what happened. The events themselves are of such a large scale that at their core are at least two (those of the terrorists and the counter-terrorist forces) wills, visions, intentions, plans, and understandings of what happened, if not more.

The investigation is following the “general line” and what one would expect to happen has already happened. In the fall of 2005, Deputy Procurator General Kolesnikov confirmed that the investigation for the entire year was on the “only true path.” The procura-

tor tried to maintain the remnants of trust in the law enforcement agencies. But one can interpret “trust” in a variety of ways. One can be guided by the rules that “we want to establish the truth, we will check all facts, we will operate with maximal openness so that nobody will doubt our lack of bias” or one can support a “general line,” denouncing all other possibilities.

This predetermination was laid in the first minutes of the armed outcome of Beslan. Already then it was necessary to immediately divide the investigation into two parts. The first, focusing on the actions of the terrorists, such as how they prepared and conducted the attack on the school, undoubtedly should have been carried out by the Federal Security Service (FSB). But the FSB should have played absolutely no role in the second investigation, focusing on the storm of the school in which people died. While the FSB claimed that it wanted “to counter the possibility of falsification of material evidence in the case,” in fact the interests of the agency in painting the best picture of its own actions was too obvious.

But the investigation was not divided into two parts. In a situation of a clear “conflict of interests,” all facts and circumstances that did not agree with the general line could be excluded from examination, replaced with skillfully formed and “correct” questions to the witnesses and experts, if not directly falsified testimony. Every obstacle on the road favoring the general line was pushed aside and destroyed. How else can one explain the discovery at the dump of a large quantity of the personal effects and clothes of the dead hostages, which should have been evidence in the case?

After the investigators confirmed the “general line” in regard to the terrorists and the victims that “Basayev was responsible for everything,” there was no need to conduct further investigations, determine the conditions making the attack possible, or reconstruct events. Thus, they could write in the investigatory documents that the weapons and instructions were received “from unknown people at an unknown time in an unknown place,” that everything took place under the leadership of Basayev, who personally gave the terrorists almost every automatic weapon and bullet.

Of course, in this case, there was no place to examine the demands of the terrorists; the strategy and tactics of the negotiations (not political, but tactical - to free as many hostages as possible); and the ability and goals of using force, whether pin point or massive? Whether to save the lives of the hostages or, above all, to kill as many terrorists as possible?

The fact that one of the terrorists survived changed the situation to some extent because his court trial allowed for a larger discussion of what happened at Beslan. For example, what was the reason for the first explosion that ultimately led to the large loss of life?

Was it the result of the flamethrowers held by the law enforcement agencies? Did that cause the roof to catch fire? During the trial, the authorities at first denied that the law enforcement agencies had used flamethrowers and tanks, then they argued that the flamethrowers could not have set the roof on fire. However, this discussion could not replace a detailed investigation of the bodies of all those who died in the gymnasium. Such an investigation would make it possible to determine how each of the victims died, from the explosive devices set up by the terrorists or from the fire? Without such an investigation, it was possible for the authorities to declare that the terrorists, and only they, were exclusively guilty of the deaths of all the hostages.

### The Torshin commission: A missed opportunity

The parliamentary commission established in the fall of 2004 under the leadership of Aleksandr Torshin could have corrected this defect. This committee was free from conflicts of interest and could have examined a variety of accounts of what happened. Unfortunately, that did not happen. The first statements by the head of the commission focused on *About the author:*

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#### *For further reading:*

- Draft document of the North Ossetian parliamentary commission for investigating the conditions around the terrorist act in Beslan. The draft was submitted for discussion in the North Ossetian parliament on 29 November 2005, <http://pravdabeslana.ru/dokl.htm>.
- Letter from the organization "Voice of Beslan" <http://pravdabeslana.ru/golos301105.htm>.
- The preliminary Duma report prepared by the committee under Aleksandr Torshin, 28 December 2005, <http://www.rg.ru/2005/12/28/tezis.html>.

## Analysis

### The North Caucasus: Taking stock two years after Beslan

Jeronim Perovic, Zurich

#### Summary

There have been no major combat operations in Chechnya for several years now. The resistance has dwindled to the point where only a few hundred rebels are carrying on. But despite signs of normalization, the situation remains tense not only in Chechnya, but in the entire predominantly Muslim North Caucasus. Chechnya is only one part of a larger crisis region that is increasingly succumbing to chaos and violence. Two years after Beslan, Moscow still has no recipe for regaining control over the situation.

#### The spread of war

The North Caucasus has continuously felt the effects of the war in Chechnya, which has been raging intermittently since 1994: it has been affected by Chechen refugees, by the repeated raids of armed Chechen units into neighboring territories, and especially by bloody terrorist attacks. The worst incident of

those who ordered the terrorist act and the possible participation of the republican elite among this group. Such statements made clear that he did not want to examine the Chechen war as the context or cause for the terrorism. The Torshin Commission refused to accept materials from Russian human rights defenders which could have helped in the investigation of this aspect of the tragedy. According to the account of State Duma member Yury Ivanov, who served on the commission, this investigation took place within the framework of the authorities' "general line." Two years after Beslan, the commission has still not published the final version of its report. Nevertheless, this commission has played one role, that of a lightning rod for the protests of the Beslan residents. Now such a commission could prove to be a blessing since the recently adopted law on parliamentary investigations essentially forbids investigations of significant issues.

In sum, the two years following the Beslan tragedy have exposed barriers in contemporary Russia that block the effective social monitoring of the military, intelligence, and law enforcement agencies and therefore hinder a real battle with such evils as terrorism.

*Translation from the Russian: Robert Ortung*

this kind was the hostage-taking of over 1,100 people in a school in Beslan on 1 September 2004. More than 300 hostages, the majority of whom were children, lost their lives.

Since the hostage drama in Beslan, this form of terrorism, which was closely connected with the war in Chechnya and which involved mostly ethnic Chechen