

- **Where:** Moscow, Russia;
- **When:** 23-26 October 2002;
- **What:** CBRN Agent Released: **Chemical**;
- **Who:** Actor(s) involved: Russian security forces/ Chechen terrorists
- **Why:** CBRN Event: Intentional



THE DUBROVKA THEATRE HOSTAGE CRISIS (2002)

Keywords: fentanyl – non-state actors – terrorist act – human rights

The facts

On 23 October 2002, 40 to 50 armed Chechen terrorists seized the Dubrovka Theatre in Moscow, taking some 850 hostages and demanding the withdrawal of Russian forces from Chechnya.

Due to the layout of the theatre, the number of the terrorists and their armaments, conventional forms of intervention were ruled out. On 26 October 2002, Russian special forces chose instead to pump an undisclosed chemical agent (later believed to be fentanyl) into the building's ventilation system to subdue the militants and rescue the hostages. The storming of the theatre caused the deaths of all terrorists and of at least 120 hostages, the vast majority of which lost their lives due to the release of the gas.

Most of the unconscious hostages remained exposed to it and without medical assistance for more than an hour. As a result of the operation a large number of hostages were fatally affected by the gas and many that survived continued to suffer from serious health problems.

Rescue workers, who had been preparing to work on the site of an explosion, were not informed that gas had been used and did not receive any specific instructions on how to deal with poisoned individuals. Many victims were transported to hospitals in city buses with no medical staff or equipment. Since there was no clear plan for the distribution of victims amongst the various hospitals, the drivers did not know where to take the victims.

Legal developments

Some of the hostages and the relatives of hostages that had died brought legal suits against the Russian authorities, lamenting a violation of their rights to life and of their right to be free from torture and inhuman or degrading treatment. After their requests were partially rejected by Russian courts, they seized the European Court of Human Rights (ECtHR), alleging violations of the same rights and of the right to an effective remedy.

The ECtHR held, *inter alia*, that, while it was not necessary to decide whether the gas constituted a 'lethal force' or a 'nonlethal weapon' and there was no violation of Article 2 ECHR on account of the decision by the State to end negotiations and resolve the

IN PILLS

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hostage crisis by force, Russia violated Article 2 ECHR because of the inadequate planning and conduct of the rescue operation.

Judicial decision

ECtHR, [Finogenov and Others v. Russia](#), Judgment of 20 December 2011

Related legal tools:

- [European Convention on Human Rights](#) (1950)
- [Basic Principles on the Use of Force and Firearms by Law Enforcement officials](#) (1990)

Further readings:

- John B. Dunlop (Ed.), *The 2002 Dubrovka and 2004 Beslan Hostage Crises: A Critique of Russian Counter-Terrorism*, Ibidem-Verlag Haunschild/Schoen, 2006;
- BBC, [Moscow hostage crisis: timeline](#);

Audio-visual materials:

- Pravda, [Nord Ost hostage crisis in Moscow: 15 years later](#), October 2017
- BBC, [The Moscow Theatre Siege](#), 2004

Legal commentary:

- Michael Crowley & Malcolm Dando, The use of incapacitating chemical agent weapons in law enforcement, in *The International Journal of Human Rights*, Vol. 19, 2015, pp. 465-487;
- International Committee of the Red Cross, [Toxic Chemicals as Weapons for Law Enforcement: A Threat to Life and International Law?](#), ICRC Synthesis Paper, September 2012;
- Noelle Quenivet, The Moscow Hostage Crisis in the Light of the Armed Conflict in Chechnya, in *Yearbook of International Humanitarian Law*, Vol. 4, 2009, pp. 348-372.

About this publication

This memo is the outcome of research carried out in the scope of the project CBRN-ITALY on International legal obligations related to Prevention, Preparedness, Response and Recovery from CBRN events and status of their implementation in Italy.

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The project aims at developing a common understanding of CBRN events and of actors involved (stage 1), at mapping obligations stemming from the wide range of applicable norms of International Law and European Union Law (stage 2), at exploring the implementation of applicable international obligations in Italy (stage 3) and at providing recommendations to address the gaps in the International, European and Italian legal and policy frameworks in all phases of the CBRN emergency management cycle (stage 4). The research activities are thus structured around four stages: 1. Definitions, 2. Mapping International and Regional Obligations, 3. Assessing the situation in Italy, 4. Providing recommendations.

For further information on the PRIN Project CBRN-ITALY, please visit:

<http://www.cbrn-italy.it/en>

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