

IN PILLS

- **Where:** Tomsk, Russian Federation
- **When:** 20 August 2020
- **What:** CBRN Agent Released: Novichok;
- **Who:** Actor(s) involved: Aleksej Naval'nyj and Russian FSB
- **Why:** CBRN Event: Intentional



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THE NAVAL'NYJ POISONING CASE

Keywords: Opposition – Novichok nerve agent– Russian security

The facts

On the morning of August 20, 2020, Naval'nyj and his spokeswoman, Kira Yarmysh, were aboard the S7 Airlines plane flying from Tomsk to Moscow (Domodedovo Airport). During the flight, Naval'nyj began to show symptoms of malaise and lost consciousness. He was taken to the Omsk's city hospital in the toxic intensive care unit. After that, Naval'nyj fell into a coma and his spokeswoman, Kira Yarmysh, declared that he had suffered toxic poisoning.

At the request of Naval'nyj's family, a German plane landed in Omsk to transport Naval'nyj to a hospital in Berlin. However, some doctors objected to the transfer, and only after the family appealed to the European Court of Human Rights, Naval'nyj was admitted to the Charité University Hospital.

Subsequently, the hypothesis of the use of Novichok, a nerve agent that was invented by the Soviet Union in the 1980s and that was already used with the Russian spy Sergei Skripal in 2018, was confirmed.

In addition, an investigation was published on December 14 where it was stated that the perpetrators were some agents of the chemical weapons section of the Russian Federal Security Service (FSS).

Prior to the publication of this investigation, Naval'nyj called one of the FSB agents, posing as the FSB's secretary, who claimed that the Novichok agent had been applied to Naval'nyj's underwear while he was in the hotel in Tomsk. But while he had worn them for the flight as planned, the poison had apparently been absorbed too slowly to have lethal effects before the plane departed.

Legal response

After the Skripal' case, the incident triggered an update to the Chemical Weapons Convention (CWC) prohibiting the development, production, stockpiling, and use of any chemical weapons that was signed by 193 states, including Russia. Before Salisbury, the CWC annex did not explicitly mention Novichok, but in November 2019 CWC parties agreed by consensus to add the Novichok group to "Schedule 1", a list of chemicals classified as chemical warfare agents therefore subject to strict restrictions and declaration requirements under the Convention.

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Two UN Human Rights independent experts conducted a four-month investigation into the Naval'nyj case and send an open letter to the Russian government in which they detailed the evidence pointing to the very likely involvement of State officials in the poisoning.

The EU and NATO countries' responses were unified: they called Russia for investigation and explanation of the use of this nerve agent against a political opponent. Furthermore, EU countries and US imposed sanctions against senior Russian officials. Merkel threatened the Russian Government to put an end at the Nord Stream 2 project.

Related legal tools:

- [Chemical Weapons Convention](#)

Further readings:

- [The implications of the poisoning of Alexei Navalny](#)
- [EU and USA impose sanctions on Russia](#)
- [Declaration by the High Representative of the EU](#)

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.

CBRN-ITALY has been funded by the Italian Ministry of Education, University and Research (MIUR) under the PRIN Programme (Progetti di Rilevante Interesse Nazionale) under grant n° 20175M8L32, with a duration of 36 months (March 2020 – February 2023). The research is carried out by four Universities: Scuola Superiore Sant'Anna, Institute of Law, Politics, Development (DIRPOLIS), Università di Bologna, Università di Firenze, Università di Torino.

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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