"Publicity is a kind of life insurance for Alexei Navalny".

Dr. Nikolaos Gazeas is a lawyer, criminal defense attorney and name partner of the law firm GAZEAS NEPOMUCK as well as a lecturer at the University of Cologne. The alumnus of the Faculty of Law represents many prominent Clients. Including Russia's best-known opposition politician.

THE INTERVIEW WAS CONDUCTED BY JAN VOELKEL

Mr. Gazeas, you have many well-known clients and are therefore always present in the media. How important is publicity for your work?

When it comes to my own clients, we usually try to avoid media publicity. Because, as a rule, no one is happy when they become our client. As criminal lawyers, we are to some extent the urologists of the law. People don't like to talk about the fact that they need one and why they go to him. In the vast majority of cases, clients come to us with an existential problem. Or they have a problem that can become existential.

Particularly in the case of clients in the public eye, the non-criminal consequences are often much more serious than the consequences that threaten criminal proceedings. One often hears about a celebrity bonus, but in criminal proceedings there is rather a celebrity malus. If Janes Doe is caught for drunk driving, no newspaper writes about it. But if it's a minister, it's a different story. That's why one of the top priorities for us criminal lawyers is discretion in every case; it's best not to make it known at all that criminal proceedings are underway. Especially if the client is a public figure. My most successful cases are those that are not known to the public and the press.

You are the German lawyer of the Kremlin critic Alexei Navalny, who fell victim to a poison attack and who is currently in custody in Russia. In this case, is publicity a way to build pressure?

Yes, it is, and it is even more. In the case of Alexei Nawalny, I originally had a legal assistance mandate after he was in the Berlin Charité hospital due to his poisoning. At that time, Russia made several requests for legal assistance to Germany, one of them as early as August 2020 directly after the poison attack. Since these requests for legal assistance also concerned Mr. Nawalny personally and he had to be formally heard on individual points, he sought legal assistance in the German legal system, which was unfamiliar to him.

After his return to Russia and his arrest immediately after landing, this mandate unfortunately became a human rights mandate. Part of my work now is actually to create public attention, to maintain the attention of the world public for the fate of Mr. Nawalny and what the unjust regime in Russia is doing to him. Because in this case in particular, the public is a kind of life insurance for Mr. Nawalny. My tasks are, for example, to approach the federal government or supranational organizations such as the UN so that the demand for his release is repeatedly raised with the Russian leadership. These are things that happen at the highest political and diplomatic levels.

Now, since the war in Ukraine, the conditions in Russia are completely different than at the beginning of your mandate. In what way does this change your work?

Unfortunately, things have become much more difficult and complex since February 24th. All the leverage we had before the start of the war - for example, that the U.S. and Europe would unite to threaten sanctions if anything happened to my client - has disappeared from one second to the next. Because now the sanctions exist anyway - for a very legitimate reason. There is little to threaten Putin with in addition.

Is it also sometimes difficult for you as an experienced lawyer to predict how a mandate will develop?

In my core activity as a defense attorney in criminal cases, the art is to steer a trial well from the beginning and not to leave the development to chance. It's like in a chess game, where you have to anticipate the other side's moves - not only the first, but also the subsequent ones - in order to adjust your own actions accordingly. In this respect, the Nawalny mandate is particularly special, because we are dealing with an arbitrary state on the other side, which acts in a way that is hardly predictable.

I remember one situation: Mr. Nawalny was on hunger strike and his health deteriorated steadily until it became life-threatening. The prison refused to let him be examined by his own doctors, even though every prisoner has this right under Russian law. When I represent a defendant in Germany

I know what his rights are and how I can enforce them. In the case of Alexei Navalny, who is represented by excellent lawyers in Russia, the legal situation is also clear, but it is much more difficult, if not impossible, to enforce.

In view of such developments: Does this case also defend the law itself?

Absolutely. The most fundamental values of any legal system are at stake. The international community of states and every state governed by the rule of law must point out flagrant violations of human rights and demand that they be remedied. At the same time I am not so deluded as to believe that President Putin will release Alexei Navalny overnight - even if foreign governments and entire communities of states call on him to do so or the Council of Europe passes a resolution. But that does not diminish the importance of such demands. Because they create publicity - just like all the prizes or honors that he receives. That is essential at the moment. At least since the second conviction in March of this year, when Alexei Navalny was sentenced to nine years in prison for alleged fraud, we know that it can be a very long road until he will one day be able to enjoy freedom again.

Dr. Nikolaos Gazeas studied law mainly in Cologne and also in Bonn, Heidelberg, Thessaloniki and Auckland (New Zealand). During his doctoral studies he was a visiting scholar at the University of California, Berkeley. His dissertation, which was awarded the CBH Doctoral Prize among others, is considered a standard work today. He worked for many years as a research assistant to the international law expert Professor Dr. Claus Kreß, with whom he also received his doctorate.
Gazeas is a regular expert witness in the German Bundestag and in state parliaments in legislative proceedings and committees of inquiry. Today, his law firm GAZEAS NEPOMUCK is regularly voted one of the best law firms in Germany in the field of white-collar criminal law.

With all your professionalism, can clients like Nawalny be impressive or perhaps inspiring to you?

Navalny is undoubtedly an impressive personality. He had a very clear view of what he wanted from the very beginning. It was clear to him from the beginning that he would only stay in Germany as long as his recovery required. He never doubted for a second that he would return to his home - knowing full well what could await him there. It was completely out of the question for him to sit in exile and from there expose his supporters to the dangers of going out into the streets. The attempt to poison him did not intimidate him at all. On the contrary. That is why it is certainly correct to call him 'fearless', since he decided very early on not to do Vladimir Putin the favor of remaining silent, but to continue working for a better Russia - especially for the younger generation.

Something like that is undoubtedly impressive. I certainly try to pass on his messages such as "Don't be silent when injustice happens" and "Don't be afraid" to my employees in my office and to my students in the lectures.

It may be a sensitive issue, but does the Nawalny mandate have an impact on your security?

When the request for the Nawalny mandate came, I was very quickly aware of the dimension it could have and the consequences for me and my family. However, I decided in favor of it without hesitation. To refuse would have been incompatible with my values as a lawyer. Sitting in a democratic state such as Germany and refusing to accept a citizen who is seeking legal assistance because you yourself are afraid of reprisals from an unjust state is out of the question for me. Even though I understand everyone who decides otherwise. There are certain safety precautions that one then takes and risk assessments that one receives. So for the time being, you will certainly not find me in one of the many good bars in Moscow.

What does such a meeting between you and a threatened client look like?

In such cases, if the security arrangements allow, you may be accompanied by bodyguards and driven with your client in special protection vehicles - what is commonly known as an armored limousine. And at night, you feel quite safe with half a dozen bodyguards watching outside your hotel room door.

I am also the lawyer of the so-called VP01. This is the man who warned the security authorities about Anis Amri, the assassin at Berlin's Breitscheidplatz, and whose warnings were not properly classified. He is considered one of the most endangered civilians in Germany. Among other things, I accompanied him in the two investigative committees in the German Bundestag and in the state parliament of North Rhine-Westphalia. There were a great many safeguards that I had to observe, including secret meetings to which I was brought by the state police to make sure that no one follows us.

In a way, this is the field I have chosen for myself through my small additional specialization in mandates with political implications. But conversely, it also makes the job particularly exciting.

How did you decide to take this particular career path?

Already in the second semester of my studies, it was clear to me that I wanted to become a criminal defense attorney - nothing else. I still remember a key experience very well. It was the lecture of a honorary professor, the famous Cologne lawyer Norbert Gatzweiler. He was what one would call a "star defense attorney," and he gave an impressive, exciting lecture in which he also reported a great deal from his legal practice. He lectured polished, rhetorically brilliant, argued impressively. We also heard about his big, spectacular cases. This aroused a certain admiration in me and made me enthusiastic about the profession of a criminal defense lawyer.

I was now allowed to take over his former lecture format and hold the lecture "Practice of Criminal Procedure" every semester together with public prosecutors, criminal judges and my law firm partner Lutz Nepomuck as co-lecturers. I try to convey to the students there that being a criminal defense lawyer is not about always winning hearts. You have the important task of consistently enforcing your client's rights with all the means of the law. If necessary, you can also be uncomfortable in the process.

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(no official translation - translation by GAZEAS NEPOMUCK)