

‘Did Not Push Hard Enough’: Navalny Lawyer Speaks of Regrets



Alexei Navalny's lawyer Olga Mikhailova (right) and his widow Yulia Navalnaya. Mikhail Pochuev / TASS

The top lawyer of late Russian opposition leader Alexei Navalny, who died in a Russian prison in February last year, told AFP she regretted not finding the right words to stop him returning to Moscow in 2021.

Olga Mikhailova, who defended Navalny for 16 years, said his return to Russia sparked a "tragic" chain of events leading to his death — and to the jailing last week of three of his legal team on extremism charges.

Feb. 16 will mark the first anniversary of the charismatic politician's death in an Arctic penal colony, which his supporters regard as murder sanctioned by the Kremlin.

"Today I very much regret that I didn't do everything possible, everything in my power to prevent him from returning to Moscow," Mikhailova said in an interview in Paris. "I feel like I did not push hard enough."

Navalny barely survived a poisoning in 2020 with the Soviet-designed nerve agent Novichok. Following treatment in Germany, he returned to Russia on Jan. 17, 2021, and was immediately arrested and subsequently jailed.

He died in a remote Arctic prison on Feb. 16, 2024, in unclear circumstances. His allies and family say he was murdered on President Vladimir Putin's orders. Navalny himself predicted in his memoir he would be poisoned in jail.

"This decision to return on January 17 has had irreparable, tragic consequences," Mikhailova said. "For him, for his lawyers, for their families, for everyone."

Last Friday, a Russian court found three members of Navalny's defense team guilty of participating in an "extremist organization." Vadim Kobzev was sentenced to five and a half years, Alexei Liptser was handed five years and Igor Sergunin three and a half years.

Even the fact that the three lawyers were sentenced on Jan. 17 — the day four years ago Navalny had chosen to return to Russia — was not a coincidence, Mikhailova said.

"He was such a danger to them, they hated him so much that they continue to take revenge against his lawyers," she added.

Mikhailova was on holiday abroad when the three lawyers were arrested in 2023. She decided against returning to Russia where a court subsequently ordered her arrest in absentia.

Wiretaps

She said the imprisonment of her colleagues was the toughest blow to legal advocacy in Russia since dictator Josef Stalin, noting that for the first time in modern Russia lawyers faced accusations "along with their client."

"A lot of lawyers were purged in 1937. And afterwards there were no more cases like that in the Soviet era," she said.

She said authorities had wiretapped confidential conversations between Navalny and his lawyers in prison, later using those recordings against the defense team.

"Not only were they wiretapping, as I understand, there was a person behind the wall who was writing everything down," she said.

Attorney-client privilege no longer existed in Russia, Mikhailova added.

The lawyer also said the West made a "very big political mistake" by excluding Russia from the Council of Europe after Putin invaded Ukraine, meaning Russians could no longer take cases to the Strasbourg-based European Court of Human Rights (ECHR).

Prison conditions for Navalny worsened after that, she said.

"The authorities did what they wanted. They realized that they could act with absolute impunity. Before, they had been held accountable," the lawyer added.

"Had Russia continued to remain in the Council of Europe and the European Court, perhaps the tragedy would not have happened to Alexei or to his lawyers."

'Was not to be'

Mikhailova, 51, received asylum in France and is adjusting to her new life in Paris.

"All this time I've been talking myself into thinking that I am in a good city, a beautiful city, one of the most beautiful cities," she said.

"It just wasn't my choice, right? I just found myself in this situation and when it's not your choice, it's very hard indeed."

She is studying French every day.

"Alexei always told me 'learn foreign languages, learn foreign languages'," she said. "And so now I have to learn foreign languages."

Navalny's death had crushed her, but she admitted "it has become a little bit easier to breathe now."

She has not however mustered enough courage to read "Patriot," Navalny's posthumous memoir published last October.

"I started reading several times, and I knew some of the texts. I would literally start reading the first page, and I would know when it was written and how. And I would close the book, I just couldn't do it," she said.

"When you read it, well, it's unbearably hard," she said, adding she had already read a few pages.

Despite everything Mikhailova does not regret taking on Navalny as a client.

"For many years I was close to this absolutely amazing man," she said. "I've always loved my job very much. And a sense of duty always trumps all fears."

In prison Navalny read a lot and changed a lot, Mikhailova said.

"He had toughened up so much, had grown up so much in every sense that I thought he would make an incredible leader for our country," she said.

"But this was not to be."