

## Dominic Raab, MP

# The best thing we could do in Britain is to get on with a UK Magnitsky Law

*Dominic Raab, MP is a British politician and is the Conservative Party Member of Parliament for the constituency of Esher and Walton. He was a member of the Joint Committee on Human Rights. Between 2006 and 2010, he served as Chief of Staff to the Shadow Home Minister and Justice Minister.*

*Previously, Dominic Raab worked as an international lawyer, at Linklaters and at the Foreign & Commonwealth Office in London and The Hague, where he focused on bringing war criminals – including Slobodan Milosevic, Radovan Karadzic and Charles Taylor – to justice. He has also advised on the Arab-Israeli conflict, EU law and Gibraltar.*

Interview conducted in July 2013

*Elena Servettaz: Can you tell me when you first heard about the Sergei Magnitsky case?*

**Dominic Raab:** I heard about it and read about it in the media and then I asked for a briefing from Bill Browder at Hermitage Capital to understand a bit more of the detail of it.

*Elena Servettaz: And what was your first reaction when you realised that Sergei Magnitsky risked his life (and lost his life) for his convictions?*

**Dominic Raab:** I think of Sergei Magnitsky as something of a Solzhenitsyn of our age and I think he is interesting because no one can accuse this guy of being some western lackey. He is a man who felt patriotic about his country. He was a lawyer doing his job and he uncovered something really quite extraordinary - the tax fraud - and obviously it relates to corruption which is

endemic in Russia. He found a really rotten example of state corruption and showed incredible bravery. Of all the team of lawyers that was working with Hermitage Capital, he was the guy that stayed there and refused to be intimidated into leaving Russia. So, I guess he could be viewed as the Solzhenitsyn of our age, but in reality Solzhenitsyn spent some time in the Gulag... but still emerged, whereas Magnitsky was tortured to death, fighting for basic principles and out of loyalty to his country. So in many respects it is an even greater tragedy. I think that the international community should be doing more to support those who defend, or even die defending, the freedoms that we in mature democracies like the UK, believe in.

*Elena Servettaz: You already arranged a debate in the British Parliament about the Magnitsky case. How was it? Were you satisfied with the outcomes?*

**Dominic Raab:** Well of course there were already big debates in the United States, the Netherlands, the European Parliament and in Canada. I think a lot of people talk about the principled aspect: we should be standing up for those defending basic freedoms that we regard as universally applicable. I think there was also a lot of debate on the practical implications of the Magnitsky crime and wider Russian corruption for Britain. We don't want to have dirty money coming into this country from frauds like those uncovered by Magnitsky. We don't want to have this country become a battleground for mafia vendettas, so a lot of people thought about Magnitsky in the context of the Litvinenko case and other more recent cases, like the case of Alexander Perepilichny, which is still unresolved. So it is about basic principles of freedom and the practical risks of ignoring endemic corruption that spills over to Britain. It's not about Russia-bashing. Far from it. A lot of people like me have been to Russia, travelled there, have a great love of the country and its history and its culture. So this is not something going against the people of Russia, but against government fraud and torture that hurts the Russian people more than anyone else. Likewise, I think there is also an understanding at the geopolitical level that the West should embrace Russia and I supported her entry into the WTO and want Russia to be part of world trade relations. But, that doesn't mean we should turn a blind eye or be blinkered to the human rights abuses of Russia or indeed any other country. So the debate in the British Parliament covered these sorts of principles and we had an overwhelming, unanimous endorsement from the UK House of Commons in

favour of the idea of a British Magnitsky Act in the UK. The debate has been further highlighted by a recent BBC Panorama programme on TV, which showed that UK shell companies have been used to launder money from the Magnitsky fraud. So a lot more of the British links are now coming out and this directly affects us. Of course, there is no suggestion of Britain exercising extra-territorial jurisdiction over Russia or Russians. But we can say that we should try and protect ourselves from the spillover effect of these crimes and the idea of having visa bans and asset freezes is, in a sense, quite modest. We're not saying that we can arrest people for committing these appalling crimes in Russia, just that they can't travel to the UK or invest their money here.

I think the other interesting thing is that we in Britain, we didn't just want to talk about Magnitsky and Russia, but that we want this as a mechanism for targeted sanctions that could apply not just in the Magnitsky case, not just to Russia, but more broadly across the world. You think of some of the regimes in the Middle East, others in Asia, and actually this is a good model because we have to have some moral red lines in foreign policy.

I think the other interesting thing about it is a lot of the foreign ministries are very nervous about the idea of the Magnitsky Act because it will get in the way of the diplomacy, intelligence agencies that cooperate a lot, with their Russian counterparts. They understandably don't want that relationship being damaged. But I think what you've seen in Congress in the US and what we saw in Parliament is that it isn't just about what the government wants or what diplomats want or what intelligence agencies want. It's also about Parliaments and elected legislators speaking out and it may be a fine legalistic point, but in democracy, with the separation of powers, what we have seen is the US Congress go first and what I hope is that we will see a domino effect where democratic law makers around the world say, "Hold on a minute here, we have got to stand up and do something about this. We can't just bury our heads in the sand. Foreign policy is not just the domain of the executive."

It's also right that elected Parliaments set some parameters. I think this is one of the most interesting things about this model of targeted sanctions. When we had our debate in March 2012, I had five former foreign ministers supporting the call for a UK Magnitsky Act. We also had cross-party support. So there was a lot foreign policy discussion but also a question of the role of

our democracy, and the idea that accountable law-makers should have some control and some oversight over foreign policy.

*Elena Servettaz: We recently saw an article in the British newspaper 'The Telegraph', saying that the Home Office barred 60 Russians linked to the Magnitsky case from travelling to the UK. The day after the article was published, Mark Harper, Minister for Immigration, changed this position. Why do you think this happened?*

**Dominic Raab:** Obviously, the UK Border Agency and the Home Office have the evidence on the Sergei Magnitsky suspects and it's difficult to know why this clarification came about. But, either way, the message we're getting is that while they can't comment on the outcome of the decision-making process, the Home Office is sending a very strong hint that because they've got the evidence and because they take this issue very seriously, if anyone did apply from the Magnitsky list, they would not be allowed in to the UK. Why this clarification has happened? Is it because of representations from the Russian embassy or whether it was just some small technical error in the answer that was given by officials. It is difficult to say. But the positive thing is that clearly the Home Office feels that this is an important issue and they're prepared to take a stand and make it clear that these kinds of people would be scrutinised very carefully. Obviously, I would like to see full transparency and I would like to hear confirmation that they have been banned from the UK. I've argued very strongly for it and indeed for the UK Magnitsky Law. But I think what you see here is the UK government inching towards a more robust position on this, and that's got to be welcomed.

Bit by bit, the UK government is taking a tougher line on this and I, other backbench MPs and people outside the House of Commons, will keep pressure in the direction of a UK Magnitsky Law. That's what I would draw from this.

*Elena Servettaz: Do you think that UK actions can encourage other European countries by showing that even if they don't have a Magnitsky Law, they can still have a Magnitsky list?*

**Dominic Raab:** That's right. I think the message we're sending to other Europeans and to European countries is that this is very important. Let's call

the Russian government's bluff. I think the end result of this is that people will think that the Magnitsky 60 are, for practical purposes, banned from the UK and that if any of the Magnitsky suspects turn up in London we'll be very surprised and there will be serious questions to answer. That's where we've got to and that's an important message. It shows the government has some strength in standing up for human rights and now we need to move towards putting that more robust policy position into law.

*Elena Servettaz: There are a lot of questions regarding the passage of a Magnitsky Act in Europe given that each country has its own interpretation of what a Magnitsky Law should be, as well as differing positions on the freezing of accounts and banning of visas of those on the Magnitsky list.*

**Dominic Raab:** One great attraction of what is happening to me is the idea of the domino effect. The position of the Foreign Office and the Foreign Ministers in Britain for a long time was that they would consider a UK Magnitsky Act if the Americans went first. So when the Americans enacted their Law, the MPs in the UK stood up and said ok, so the Americans went first, so what is happening here in Britain? So I can see a domino effect happening. I think there will be some countries like Canada, the Netherlands and Britain that will probably want to be acting quicker and hopefully be at the vanguard of doing this. But, then, hopefully across the democratic world more individual countries will take steps in pursuing this. The more countries that adopt a Magnitsky Act, the more embarrassing it will become for other countries who don't take action, particular ones who pride themselves on their democratic standards and human rights standards. It will be awkward for them to sit on the sidelines. So the best thing we could do in Britain is to get on with enacting a UK Magnitsky Law, show leadership, and encourage the Scandinavian countries, the Netherlands and some other countries to follow our lead. Then we will start to get a ground swell, a snowball effect and see the Magnitsky model of targeted sanctions take off.

*Elena Servettaz: We saw recently that the Irish Parliament tried to pass a Magnitsky resolution, but after receiving a letter from the Russian ambassador telling them that it would affect Russo-Irish relationships and that Irish people would not be able to adopt Russian children, the Irish Parliament passed a watered-down version of the resolution. What else can Russia use against other*

*countries that want to pass the Magnitsky Laws or resolutions?*

**Dominic Raab:** Well, Ireland has had quite a lot of economic problems recently like many Eurozone countries. Ireland is a relatively small country and therefore it is easy for it to be bullied by a big country like Russia. I still think, having said all that, it must have been very humiliating for the Irish people to see their government roll over on such an important issue of principle in the way that they did. But that's for Irish legislators and the Irish people to decide. I don't think that the counter measures of banning the adoption of Russian children are something that is likely to be effective. That is not the kind of thing that is going to deter either governments or Parliaments around the world. If anything, it really highlights the rather cruel nature of key decision makers in Russia and the Kremlin. It feels like a very spiteful way of responding but it's not something that will damage major key national interests of other countries. Frankly, it was a bit of an own goal for Russia to respond in that way.

*Elena Servettaz: For many Russians, Sergei Magnitsky is now a symbol of a battle against corruption. Can you think of any other symbols for justice or dignity?*

**Dominic Raab:** I think the Magnitsky case is unique, and I don't know any other case quite like it. You can think of dissidents in China and, interestingly, they are often artists in China. I don't think they are quite the same because I don't think that they exposed the kind of epic fraud that we saw in Russia and I don't think they were treated in the same way. But, you could also point to Tibetan activists who have been tortured in China, you can think of other individual cases around the world, you think of human rights abuses in Iran and many other Middle Eastern countries. But I think there is nothing quite on the scale of the Magnitsky case and I think in many respects it is quite unique.

But certainly Russia is not the only country with a major problem with corruption or torture. In some respects Russia is interesting because it's on a fault line between slipping back into the authoritarian ways of the Soviet era but there is also a strong pressure from its people to be more open, more outward looking, and embrace Western norms like the principle of democracy

and free trade. So Russia appears to be playing out an internal struggle as to its own character and its own definition.

In some respects the Magnitsky case highlights both the push for more openness and transparency and the rule of law that Magnitsky represented, as well as the reactive authoritarian response on the other side, from the Kremlin. It is symptomatic of a struggle for the heart and soul of modern Russia.

*Elena Servettaz: What are your thoughts on the big political cases in Russia such as the Pussy Riot, Navalny and Khodorkovsky?*

**Dominic Raab:** Well, I have followed some of those cases but I don't know all the details in the way I have got into the Magnitsky case. But I feel a real sense of sorrow as someone who has travelled in Russia and who saw the emergence after the Cold War of a new spirit in Russia and there is this struggle going on between forces of enlightenment and the forces of reaction. These cases highlight the struggle for self determination and democracy... and of course it is something for the Russian people. But as a citizen of Britain and also as a politician and a democrat at heart, I want to see and encourage and make sure that the sacrifices of those that you mentioned, as well as Sergei Magnitsky, are recognised and appreciated, so that the flame of freedom that is still burning brightly in Russia is not snuffed out or stifled.

Russia has a long tradition and deep history of people fighting for freedom and the rule of law and it's important that we see the modern movement fighting for the same basic principles in a similar vein.