

RIA Novosti Journalist Kyrylo Vyshynsky Held on Treason Allegations in Ukraine

Ukraine complies with all obligations and international standards of freedom of speech in spite of the continuing Russian aggression, the occupation of the sovereign territory of Ukraine in violation of all international norms, the use by the aggressor State of some media of various forms of ownership in order for security services to carry out special information operations in the information space of Ukraine and other States.

This is confirmed by the positive dynamics of Ukraine in the 2018 World Press Freedom Index, compiled by the international organization Reporters Without Borders. According to this rating, Ukraine has risen by one position and is ranked 101st.

According to the Law of Ukraine "On Access to Public Information", adopted in 2011, and the Law of Ukraine "On Information", the accreditation institute (including for foreign journalists) was radically reformed. In particular, the procedure for accreditation of foreign journalists (i.e., permission to carry out professional activities) was cancelled, which confirms Ukraine's aspiration to implement the values of media freedom and free circulation of information in practice.

At the same time, a number of foreign and Ukrainian organizations and their representatives exercise their fundamental rights and freedoms to carry out activities aimed at promoting the aggressor State's efforts to violate territorial integrity of Ukraine, disseminate calls to overthrow the constitutional order, legitimize the occupation of some regions of Ukraine in violation of international law, and promote calls for incitement to interethnic and interracial enmity, which is defined by laws of a number of European countries as "hate speech".

In 2013, President of Russian Federation Vladimir Putin appointed the author and presenter of the Russian television program Vesti Nedeli, Russian citizen Dmitry K. Kiselyov as Director General of the newly created federal state unitary enterprise Mezhdunarodnoye Informatzyonnoye Agentstvo "Rossiya Segodnya" (International News Agency "Russia Today"; hereinafter referred to as INA Russia Today) by Decrees No 894 and 895 dated 09 December 2013 "On Certain Measures to Increase the Efficiency of State Media Activities".

This happened the day after the scandalous release of this program on the television channel Rossiya-1 (Russia-1), which was the subject of an unequivocal decision of the Russian Public board on complaints against the press¹.

The same Decree No. 894 eliminated the federal state unitary enterprise RIA Novosti, on the basis of which INA Russia Today was founded².

It should be noted that this reform of state media assets of the Russian Federation itself was negatively assessed by Russian media experts and journalists as a potential threat to freedom of speech.

In consequence, Anna Kachkayeva, Dean of the Faculty of Media Communications of Higher School of Economics (Russia), noted on "Radio "Echo of

¹ <http://presscouncil.ru/praktika/rassmotrennye-zhaloby/3007-zhaloba-na-vesti-nedeli-s-dmitriem-kisilevym-iz-za-osveshcheniya-evromajdana?showall=&start=9>

² <http://kremlin.ru/events/president/news/19805>

Moscow” that this was “*a serious signal of a possible curtailment of freedom of speech in Russia*”³.

The same negative attitude towards the reorganization of Russian state media assets was expressed by Pavel Gutionov, Secretary of the Union of Journalists of the Russian Federation and Chairman of the Committee on the Protection of Freedom of Speech and the Rights of Journalists, in an interview to BBC Russia⁴.

In early 2014, RIA Novosti Ukraine as a representation with legal status was eliminated. In autumn of the same year, Mr Kyrylo Vyshynsky, a citizen of Ukraine, registered on his name entities with attributes of fictitiousness, which were later used, among other things, to publish content on the site <https://rian.com.ua/>, working under the name RIA Novosti Ukraine.

In terms of law, the Russian state television channel RT is not part of MIA Russia Today, nor was it part of the news agency RIA Novosti. The representation of this TV channel in Ukraine does not exist. So, there is no reason to talk about any legal relationship between the Russian state television channel RT and the web page that disseminates information under the name of RIA Novosti Ukraine.

Attention should also be drawn to the following. According to the Copyright Rules of MIA Russia Today, accessible on the website of the Russian state news agency⁵, the resources of MIA Russia Today are the following Internet sites and applications:

- ria.ru
- inosmi.ru
- lprime.ru
- rsport.ru
- riarealty.ru
- riarating.ru
- crimea.ria.ru
- 9may.ru
- RIA Novosti app
- InoSMI app
- pressmia.ru
- fmf.ria.ru
- smartcity.ria.ru
- stenincontest.ru
- konkurs-impulse.ru

According to an official statement by MIA ‘Russia Today’, the web-site <https://rian.com.ua/>, which is actually a web-site that posts information under the name of RIA Novosti Ukraine, is not included in the list of resources of the Russian state information agency.

The nature of the activity of the web-site RIA Novosti Ukraine and the persons supporting it, as retrieved by the authorized bodies, was as follows.

³ <https://echo.msk.ru/news/1214427-echo.html>

⁴ https://www.bbc.com/russian/russia/2013/12/131209_putin_decree_ria

⁵ <https://ria.ru/docs/about/copyright.html>

Within the framework of the reform of offices of the former agency RIA Novosti abroad, Mr Kiselyov (Director-General of INA Russia Today) decided to reform the office of the abovementioned organization in Ukraine, RIA Novosti Ukraine, without founding the appropriate legal entity. Zakhar Vinogradov, a Russian citizen and project manager of the Direction of the Near Abroad Countries at INA Russia Today, was appointed responsible for the reform. At the same time, it was decided to keep the old name of the office, RIA Novosti Ukraine, despite the reform of the parent structure of RIA Novosti within INA Russia Today.

Pursuant to Mr Kiselyov's decision, Mr Vinogradov chose Kyrylo Vyshynskiy as the future head of the reformed office. Mr Vyshynskiy is a Ukrainian journalist who worked with Mr Kiselyov on Ukrainian ICTV channel in the 2000s and, at the time of the described events, was a correspondent of the All-Russian State Television and Radio Company (VGTRK) in Ukraine.

In March 2014, Mr Vyshynskiy and Iryna Kedrovskaya, a Russian citizen and First Deputy Head of the Joint Editorial Board of INA Russia Today, worked out and agreed the concept of the reformed office in Ukraine.

According to the concept, the main purpose of the office led by Mr Vyshynskiy, among other things, was *“the systematic publication in Ukraine's media space information and analytical materials that are in line with the foreign policy interests of the Russian Federation, the provision of information support to the foreign policy activities of the President and Government of the Russian Federation in Ukraine, informing the Ukrainian diaspora in the countries of Europe, Asia and America about the foreign policy of the Russian Federation in the Ukrainian context, and information support of foreign policy initiatives of the Russian Federation in Ukraine. The duties of the head of the said office included the general management of the office, financial and administrative work, and the definition of the main areas of activity and structural units, the control over ideological and political content.”*

It should be stressed that RIA Novosti Ukraine is not officially part of ‘the Russian state news agency’, is not registered in Ukraine as mass media, is not listed on the register of news agencies under the Law of Ukraine “On Information Agencies”, and is not registered under Ukrainian law as an office of any of the Russian state news agencies registered in accordance with Russian national law.

In accordance with item 3 of paragraph 2 of article 26 of the Law of Ukraine “On Printed Mass Media (Press) in Ukraine”, a journalist is obliged to submit objective and reliable information for publication. According to article 25 of the above Law and article 1 of the Law of Ukraine “On State Support to Mass Media and Social Protection of Journalists”, the purpose of journalistic activity is collection, reception, creation and processing of information for mass media.

According to Ukrainian law enforcement agencies, as far as the concept of the work and functions of the unofficial office of INA Russia Today in Ukraine is concerned, the work of this structure since its foundation has been incompatible with the concept of journalism and journalistic activity.

In the meantime, it should be noted that Mr Vyshynskiy, who was charged with a criminal offense, is a Ukrainian citizen and not a foreign journalist.

Given that the Russian Federation has begun the temporary occupation of the Ukrainian territory since 20 February 2014 and, in accordance with the Law of Ukraine “On the Defence of Ukraine”, has been recognized as an aggressor State, the activity of Mr Vyshynskiy and the structures headed by him meant, in fact, the promotion of the unlawful activity of the aggressor State in violation of international and Ukrainian law.

From March to May 2014 Mr Vyshynskiy in cooperation with Mr Vinogradov posted on the RIA Novosti Ukraine website a number of publications which, according to the expert opinion, were biased and aimed not at the objective news coverage but at the division of Ukrainian society, the creation of separatist and autonomist sentiments, and incitement to interethnic and interreligious enmity.

Those publications were made by different authors at the request of the Moscow office of INA Russia Today, where they were proofread. They were placed on the site by Mr Vyshynskiy under the orders of Mr Vinogradov as well.

In particular, according to law enforcement agencies, on 12 March 2014 Mr Vyshynskiy worked out and agreed with his Russian curators a plan for news coverage of the unlawful referendum on the secession of the Autonomous Republic of Crimea and the city of Sevastopol from Ukraine and their accession to the Russian Federation on the RIA Novosti Ukraine site, that he controlled.

Illustrative is the fact that Mr Vyshynskiy calls it “*a referendum on the accession of Crimea to Russia*”, although even in the Russian Federation it was officially called “*a referendum on the territorial affiliation of Crimea*”.

Paragraph 6 of the said plan of coverage provided for the retrieving of comments on the procedural issues of Crimea’s accession to the Russian Federation. That is, as far back as 12 March 2014 Mr Vyshynskiy knew beforehand about the result of the “referendum” held on 16 March 2014 and covered it respectively.

The nature of Mr Vyshynskiy’s activity is further confirmed by the awards “For the Return of Crimea” and “For Merits”, which were found at the place of his actual residence with documents confirming that they belong to him. Such awards are given by the Ministry of Defence of the Russian Federation as a reward for successful military operations.

In addition, in order to conceal the legal relationship with INA Russia Today, Mr Vyshynskiy came up with a scheme of financing RIA Novosti Ukraine using allegedly fictitious Ukrainian legal entities. To this end, an agreement was signed with a Serbian company (also allegedly fictitious) on the creation of content for the website. The funds for such services were transferred via the Russian bank VTB in Ukraine and Germany. Subsequently, legal entities controlled by Mr Vyshynskiy signed similar contracts with employees of RIA Novosti Ukraine as self-employed individuals.

Therefore, by using the scheme of financing via allegedly fictitious companies without proper registration in Ukraine, Mr Vyshynskiy had been operating RIA Novosti Ukraine and systematically distributing propagandistic and deceptive materials in Ukrainian information space which included calls for the violation of the territorial integrity of Ukraine and justified the aggression of the Russian Federation in Crimea and Donbas.

This is also confirmed by non-governmental organizations actively supported by European countries and international organizations, in particular by information from the StopFake NGO.

For instance, on 20 December 2017 the agency RIA Novosti Ukraine reported that “*Ukraine [is] the poorest country in Europe*”⁶, which was debunked by StopFake volunteers⁷. On 14 May 2017, RIA Novosti Ukraine reported that President of Ukraine Mr Petro Poroshenko allegedly offered to “*cut off the Donbass and abandon it*”⁸, which was debunked by StopFake volunteers⁹. On 12 September 2017, RIA Novosti Ukraine reported that the Ukrainian Government is allegedly “*repressing the languages of national minorities*”¹⁰, which was debunked by StopFake volunteers¹¹.

According to law enforcement agencies, such work on the creation and distribution of printed materials has signs of crime under articles 110 (“Encroachment on the territorial integrity and inviolability of Ukraine”) and 161 (“Violation of the equality of citizens depending on their racial, national affiliation, religious beliefs, disability and on other grounds”) of the Criminal Code of Ukraine.

In addition, given the proven fact of financing from the federal budget of the Russian Federation, there are reasons to assert that Mr Vyshynskiy was actively involved in the invasion of the Russian Federation into Ukraine and the occupation of Crimea and part of Donetsk and Luhansk Regions.

According to the Security Service of Ukraine it also has further evidence of Mr Vyshynskiy’s direct involvement in assisting Russian structures in information aggression against Ukraine. This evidence was set out in the course of the court hearing on the selection and application of preventive measures against Mr Vyshynsky in case No 766/22242/17, which resulted in Resolution of the Kherson City Court of Kherson Region (н/п 1-кк/766/5856/18) on 17 May 2018. The Court examined the materials of law enforcement agencies and decided to take Mr Vyshynskiy into custody.

⁶ <https://rian.com.ua/press/20171220/1030614202/Samaya-bednaya-strana-Europe.html>

⁷ <https://www.stopfake.org/manipulyatsiya-ukraina-samaya-bednaya-strana-evropy/>

⁸ <https://rian.com.ua/politics/20170514/1024031881.html>

⁹ <https://www.stopfake.org/fejk-poroshenko-predlagaet-otrezat-donbass-i-postroit-stenu/>

¹⁰ <https://rian.com.ua/analytics/20170912/1027605648.html>

¹¹ <https://www.stopfake.org/fejk-reforma-obrazovaniya-eto-ushhemlenie-yazykov-natsmenshinstv-ukrainy/>