

COMPLAINT ADJUDICATION

**Roman Solomatenko
and
BellingCat**

Acceptance of complaint. Regulatory Scheme Clause 4.7

Complaint rejected as manifestly unjustified and an attempt to argue a point of opinion

Before IMPRESS Regulatory Committee A: Andrea Wills, David Leigh, Walter Merricks (Chair)

24 March 2020

1. Summary of Complaint

- 1.1. The Complainant is Roman Solomatenko, a third-party seeking to ensure the accuracy of published information. He confirmed to IMPRESS that he is not an affected party or the representative of an affected party.
- 1.2. The Respondent is BellingCat, an investigative journalism platform covering international affairs, that has been regulated by IMPRESS since 15 May 2017.
- 1.3. The complaint concerned an article that first appeared in BellingCat on 2 January 2020 with the headline, *"Dispatches From Asgardsrei: Ukraine's Annual Neo-Nazi Music Festival"*.

2. Background

- 2.1. The article concerned a 'neo-Nazi black metal' music festival titled "Asgardsrei" which was held in Kyiv, Ukraine from Friday 13 to Sunday 15 December 2019. The article stated that the festival had been held annually in Ukraine, since 2015.
- 2.2. The article discussed the origins of the festival, stating that Asgardsrei was founded in Moscow by a Russian far-right extremist Alexey Levkin. The article stated that Levkin moved to Ukraine in 2014 so that he could fight with the Azov Battalion (a Ukrainian National Guard regiment) and that he remained involved with the Azov 'movement'. The article described Asgardsrei as "a staple on the far-right musical calendar and an international meetup not just for fans of [national socialist black metal] NSBM, but also a place for international far-right extremists to gather and network in an environment far more open to their presence than in many other countries".
- 2.3. The article went on to explain how its author used phone apps to download Instagram stories, photos and video posted on public Instagram accounts during the festival. The article featured images and posts of a mixed martial arts (MMA) "fight night" that allegedly took place before the main concert event. The article stated that the event was held at a venue owned by the Kyiv city administration.
- 2.4. The article went on to explain that, though swastika flags were allegedly banned at Asgardsrei 2019, there was still "ample neo-Nazi, white supremacist imagery on display at Asgardsrei, from Celtic crosses, to black suns, and more". The article went on to explain that the neo-Nazi motif, the black sun,

Case Ref: 0271/2020

was used by the Christchurch shooter as a symbol on the cover of his terrorist manifesto. The article claims that the symbol was also present at Asgardrei, and it featured screenshots and posts that were taken of attendees at the festival. The article claimed that festival attendees sang along to “their favourite Nazi tunes” and gave Nazi salutes during the performances and outside the concert. The article features numerous pictures and videos in support of this claim.

2.5. The article also said that swastikas were shown in the ‘Militant Zone’, a shop and record label run by Levkin and based in central Kyiv. It ends with a list of far rights music events that will take place around the world in 2020. The article also claims that Levkin and others have begun planning Asgardrei 2020 and includes a link to the Militant Zone’s Facebook account.

3. The Complaint

3.1. The Complainant contacted Bellingcat on 9 January 2020 and made a complaint on the grounds of Accuracy and Discrimination. The Publisher rejected the complaint, as it did not consider that the complaint engaged the IMPRESS Standards Code. A full copy of correspondence between the parties was provided to the Regulatory Committee.

3.2. When the Complainant subsequently complained to IMPRESS, acceptance of the complaint on the grounds of Discrimination was refused on the basis that that Clause of the Code had not been engaged. The complaint on the grounds of Accuracy was initially accepted and was referred to the Regulatory Committee.

3.3. The Complainant argued that the Publisher had breached Clause 1.4 (misrepresentation or distortion of the facts) of the IMPRESS Standards Code.

3.4. The Complainant considered that the Publisher made various links and used pictures in the article which, read together, misrepresented and distorted the facts to present Ukraine and the people of Ukraine as accepting of Nazism. The Complainant argued that this created an overall negative image or stereotype about Ukraine and its people.

3.5. The Complainant considered that the article’s description of Kyiv misrepresented it as a “meeting place” for extremists; that by using the descriptive term “home”, the article implied that Kyiv was a safe place for Nazis; and used what he considered were ‘unverified’ photos and videos to

create the impression that Kyiv was full of Nazis and a window into the Nazi world.

- 3.6. The Complainant considered that the headline of the article misrepresented the festival as being “Ukrainian”, whereas the Complainant understood that the festival was international or could be described as Russian (as the festival’s organiser was Alexey Levkin).
- 3.7. The Complainant also considered that the article created links between unrelated and irrelevant facts, for example, a link between the “Militant Zone” and Ukraine and a link between the festival in Kyiv and the attendance to the festival of an individual who translated and sold Ukrainian-language translations of the Christchurch shooter’s manifesto.
- 3.8. The relevant statements from the article are:

Dispatched From Asgardsrei: Ukraine’s Annual Neo-Nazi Music Festival

At one neo-Nazi metal festival in Milan, Italy in April of 2019, cell phones and cameras weren’t allowed inside. But that wasn’t the case in December 2019 in Kyiv, Ukraine, at the annual Asgardsrei event, which is the neo-Nazi black metal music festival that’s made the Ukrainian capital home since 2015.

Yet by posting and promoting these souvenirs on public social media profiles especially Instagram, they also gave us a window into Kyiv’s Hitler-saluting, Sieg-Heil-ing, Nazi-promoting December traditions that is the Asgardsrei festival

Five years on, Levkin’s Asgardsrei is a staple on the far-right musical calendar and an international meetup not just for fans of NSBM, but also a place for international far-right extremists to gather and network in an environment far more open to their presence than in many other countries

Swastikas are also apparently okay at “Militant Zone,” the shop and record label run by Levkin and others based at the Azov movement’s Cossack House. A post on the Telegram channel of Wotanjugend, a loose neo-nazi movement of Levkin and others in Ukraine, in August 2019 revealed swastika pendants on display inside what they called the ‘updated interior’ of their shop at Azov’s central Kyiv lair. The post has since been deleted.

Another appreciative Asgardsrei attendee was someone who has published multiple death threats directed at Bellingcat staff (we will not name his Telegram channel). A previous Bellingcat investigation showed how the channel

Case Ref: 0271/2020

administrator has translated and sold bound Ukrainian-language translations of the Christchurch shooter's manifesto. Despite anger from New Zealand Prime Minister Jacinda Ardern and promises from Ukrainian authorities to prosecute anyone selling the manifesto, the channel administrator has since apparently sold out of Ukrainian translations and moved on to sell hardcover Russian-language translations of the manifesto.

4. Response of Publication

- 4.1. The Publisher raised several points in support of its position that the article did not misrepresent the facts concerning the connection between far-right groups and Ukraine. The Publisher stated that it was a documented fact that Kyiv was a 'meeting place' for extremists and that the author of the complained of article, other journalists, human rights observers and others had documented that the far right in Ukraine was able to operate with a level of openness and impunity not seen in many other countries. It provided articles and a recent Freedom House report on attacks on human rights defenders in Ukraine in support of its position.
- 4.2. The Publisher said that the photos and videos, featured in the article, were all screenshotted or downloaded by the author. The Publisher stated that though some posts had since been deleted, others were still available to view. The Publisher explained that it had used open-source methods and other forms of research to check the veracity of its sources.
- 4.3. The Publisher did not consider the use of the word 'Ukrainian' in the headline to describe the festival amounted to a misrepresentation. It said that the festival had taken place in Kyiv, since 2015, in Ukrainian venues, with Ukrainian volunteers and staff, and therefore, the Publisher considered that it was justified in calling it a Ukrainian festival.
- 4.4. The Publisher considered that all the facts and links in the article were related and relevant to the story. The Publisher said that, as stated in the article, an individual who purchased tickets to Asgardsrei and attended and encouraged others to attend (as seen on their Telegram channel), also sold Ukrainian-language translations of the Christchurch shooter's manifesto. Furthermore, the Publisher stated that same individual posted on social media that they were a fan of the band fronted by the organiser, Alexey Levkin. The Publisher considered, therefore, that the link between the sale of the Christchurch shooter's Ukrainian-language manifesto and the Asgardsrei festival was related and relevant.

5. Compliance

5.1. BellingCat complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2), by acknowledging the complaint within seven calendar days, issuing a final decision letter within 21 calendar days, and by informing the Complainant of his right to refer the complaint to IMPRESS.

6. The Committee's Findings

6.1. The Committee considered that the Complainant had done no more than argue a point of opinion. He was concerned by the content of the article and pointed to aspects of it to which he objected. His opinion was that the article unfairly presented Ukraine as accepting of Nazism. But he had not challenged the accuracy of facts stated in the article by pointing to evidence that the events cited had for instance not taken place at all, or that they had not occurred in the manner described in the article, or that the supporting images were fabrications. His allegations were manifestly unjustified and an attempt to pursue his own opinions.

6.2. The IMPRESS Regulatory Scheme (4.7) states that IMPRESS may refuse to accept a complaint if it is manifestly without justification or is an attempt to argue a point of opinion rather than a Code breach or is simply an attempt to lobby. Having to produce evidence to defend the accuracy of a story can be a time consuming exercise for a publisher, particularly if multiple allegations are made, and the aim of Clause 4.7 is to ensure so far as possible that publishers are not put to the trouble and expense of having to assemble the evidence to defend allegations that have no justification. In the Committee's view this complaint of inaccuracy was manifestly unjustified and was an attempt to argue an opinion. The complaint should not have been accepted by IMPRESS and the publisher should not have been required to defend its story. The Committee therefore declined to accept the complaint.

6.3. In any event, the Publisher had produced a comprehensive defence to all the allegations made by the Complainant and had supported its defence with compelling reasoned evidence. For the sake of completeness, the Committee confirmed that the Publisher had not misrepresented or distorted the facts in its article and had not breached the IMPRESS Code.