

*The Director*

Paris, 15 June 2022

## COMMUNIQUÉ

### *Case RT France v. Jean-Baptiste Jeangène Vilmer: RT France loses its case in court and appeals*

The company RT France sued me for defamation and lost in court. In its judgment of May 27, 2022<sup>1</sup>, the Paris Court of Justice declared my complete acquittal and dismissed RT France's request for a conviction for defamation against me, for remarks made on Twitter. RT France having appealed the judgment, a new trial will be held before the Court of Appeal. Having never publicly expressed myself during the three and a half years of this legal procedure, I have decided today to give my opinion on the judgment and the circumstances of this case.

#### **The context**

RT France was initially reacting to the publication of the report entitled *Information Manipulations: a challenge for our democracies*, written jointly by the Policy Planning Staff (CAPS) of the Ministry for Europe and Foreign Affairs and the Institute for Strategic Research (IRSEM), which I have the honor of directing at the Ministry of the Armed Forces. This report, of which I was an author, was published on September 4, 2018 on the websites of both Ministries, where it can still be downloaded<sup>2</sup>. It has since established itself as a reference in the debate in French and English and is frequently cited in articles and parliamentary reports, in France and abroad. Several of its recommendations have also been implemented. From this point of view, IRSEM has accomplished its mission of general interest, which is not only to alert the authorities to emerging threats, but also to contribute to public debate.

The 212-page report contained a large number of Russian examples of information manipulation and cited RT (formerly Russia Today) several times. Most of the occurrences concerned the headquarters in Moscow or other local branches (RT UK, RT America, RT en Español, etc.); and the report actually contained only one reference to RT France, to present the case that had earned it a formal notice from the French regulatory media authority, the Conseil Supérieur de l'Audiovisuel (CSA) in 2018. And yet, RT France, like the Russian authorities, reacted violently and at the same time against this report, and relayed their talking points.

In the days following its publication, the report, as well as CAPS and IRSEM as institutions, and ourselves as authors, were subjected to particularly intense and visibly coordinated attacks by the Russian authorities in Moscow and their media, including RT and Sputnik. We were the target of the spokeswoman of the Russian Foreign Ministry, of the Russian embassy, Russian senators and Minister Sergei Lavrov, as well as RT's editor-in-chief Margarita Simonyan, and articles on RT's websites and social networks in French, Russian, English, German, Spanish and Arabic.

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<sup>1</sup> A copy of the judgment can be requested from the Court office.

<sup>2</sup> [https://www.diplomatie.gouv.fr/IMG/pdf/information\\_manipulation\\_rvb\\_cle838736.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/information_manipulation_rvb_cle838736.pdf)

RT France alone devoted several broadcasts and seven articles to it: one published on the very day of the report's release, September 4, and then at the rate of two articles per day on September 5, 6 and 8. It is worth noting the perfect synchronization of RT France and the Russian authorities as September 7- which is the only day in this sequence when RT France did not publish anything on the report- was the day of the press release of the Russian Ministry of Foreign Affairs' spokeswoman. In this strategy of saturation visibly aiming to occupy the space and the results of search engines, the criticisms leveled against the report distorted our words, attacked CAPS and IRSEM, and sought to discredit the authors personally (*ad hominem*).

It is in this context that I reacted on September 10, 2018 on Twitter: because IRSEM was under attack, and because as Director my responsibility was to defend the institute and its work. So these tweets were defensive: they were reacting to the Russian propaganda we had been the target of for the past five days. The objective was to show that the procedures used by RT and Sputnik to attack our report were in fact illustrative of the manipulation of information that it denounced. In a thread of 21 tweets<sup>3</sup>, I wrote in particular that:

- RT and Sputnik "*frequently invent facts, falsify documents, translations or interviews*";
- "*The report contains numerous examples of these manipulations, one of the most recent of which was a report on Syria in which RT falsified the translation of a statement given by a witness from Ghouta. They made him say that the chemical attack was simulated, while in reality he was talking about famine...*";
- "*That we attended American universities has nothing to do with the fact RT falsified the translation of a report on Syria, to use this example alone*";
- "*In reacting to our report, RT and Sputnik have further illustrated our point. They have relied once again on the methods of amplification and distortion that we denounce*";
- "*Our report, like any work, certainly contains some errors and we are prepared to discuss them, but in practicing rational argumentation, using demonstrations and sources, rather than relying on baseless accusations, or even information manipulation. (END)*".

On December 3, 2018, RT France filed not one but two defamation complaints: one against the four authors of the report, including myself, and the two editors of the websites on which it was published, i.e., the directors of communication and spokespersons of the Ministry for Europe and Foreign Affairs and the Ministry of the Armed Forces; the other defamation complaint was filed against me alone for the aforementioned tweets. In both cases, the complaints concerned comments that were mostly directed at RT in general, i.e. the parent company in Moscow. This in itself is revealing because one of RT France's favorite talking points is so-called editorial independence from Moscow. Thus, either RT France considers itself independent and should not feel targeted by accusations explicitly related to the headquarters in Moscow; or if it feels targeted, which apparently is the case, this is further proof that it is not independent because by suing me it is not defending its own interests but those of Moscow - unless of course the two are one and the same.

In any case, both attempts failed. On the first complaint, the examining magistrate issued an order to dismiss the case, confirmed by the Paris Court of Appeals. RT France appealed to the Court of Cassation and then withdrew its action. On the second complaint, the court dismissed RT France. RT France thus lost not once but twice. And even more, since these lawsuits are not isolated: they are part of other defamation lawsuits filed by RT France which have, until now, all failed in court because they were not founded. RT France has appealed the judgments of the judicial court releasing the people it sued for defamation. These actions illustrate in reality a strategy of lawfare, i.e. the use of the law and legal procedures for strategic purposes.

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<sup>3</sup> [https://twitter.com/jeangene\\_vilmer/status/1039100666562654209](https://twitter.com/jeangene_vilmer/status/1039100666562654209)

## A lawfare strategy

Indeed, RT France has a history of taking legal action against those who dare to criticize it, or simply to analyze and describe its practices: in recent years, it has sued and systematically lost against the newspaper *Charlie Hebdo*, the academic Dominique Reynié, the senior civil servant Nicolas Tenzer, and the former government spokesman Benjamin Griveaux. At least one other procedure is underway, against the *Figaro* journalist Isabelle Lasserre.

These intimidation lawsuits are also known by the acronym “SLAPP” for Strategic Lawsuits Against Public Participation. Their objective is to intimidate and therefore to muzzle researchers, journalists, all those who dare to express criticism. It is important to understand that those who initiate these procedures are in reality indifferent to the outcome of the trial; rather, what matters to them is that the procedure lasts as long as possible and that it is known. For as long as it is ongoing, the respondent will censor himself so as not to aggravate his case and, if it is public, the case is likely to dissuade others.

Deterrence not by fear of loss, but simply by financial cost. I am privileged because, as an agent of the Ministry of the Armed Forces, I benefited from the protection afforded by my function- that is to say, the Ministry considered that the facts for which I was prosecuted (the tweets of September 10, 2018) could not be separated from the performance of my duties<sup>4</sup>. It therefore covered my legal fees, for which I am grateful. However, this situation is very much in the minority: the overwhelming majority of people prosecuted have to pay thousands or even tens of thousands of euros and it is this threat, precisely, that can push others to self-censorship.

These practices are not particular of the Kremlin, but are in fact common to authoritarian regimes. The Chinese Party-State does the same: our colleague Valérie Niquet (Foundation for Strategic Research) is being sued by Huawei France. Elsewhere in the world, Chinese companies are multiplying the number of legal proceedings against researchers and journalists who expose and denounce their links with the Chinese Communist Party or the People's Liberation Army<sup>5</sup>. These authoritarian states, through seemingly private companies, think they can control public opinion and expression abroad as they do at home. And to do so, they abuse the rights and remedies they enjoy in liberal democracies, and misuse our judicial instruments for intimidation and coercion.

In that respect, what made this trial a rather unique case is that not only was there one state behind the plaintiff, Russia, but there was another behind the defendant, France, in the context of a sharp deterioration of their bilateral relationship. From this point of view, this trial was not what it seemed: it was not a private company suing an individual, but a State using the law as a weapon to attack another. Indeed, on the one hand, RT France is “a media of influence at the service of the Russian state”<sup>6</sup>. Not only, as it admits itself, a media *financed* by the Russian state, but in reality - as our conclusions transmitted to the court and based on a large number of primary and secondary sources demonstrate - a media created by the Russian presidential administration to serve its interests. On the other hand, when RT France sues me as the author of the CAPS-IRSEM report or as the author of tweets published in defense of this report, it is the French government that is targeted since RT France systematically presents it as an “*official report*”<sup>7</sup> published by “*the French authorities*” or “*the government*”. And the prosecution was not only aimed at me, who is the Director of the Research Institute of the Ministry of the Armed Forces, but also at my colleagues from the Ministry for Europe and Foreign Affairs and at the spokespersons of these two ministries. Moreover, the reason for the prosecution itself was

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<sup>4</sup> See Article 11 of the law n° 83-634 of 13 July 1983 “portant droits et obligations des fonctionnaires”.

<sup>5</sup> See in particular the case of the Canadian researcher J. Michael Cole in Paul Charon and Jean-Baptiste Jeangène Vilmer, *Chinese Influence Operations: A Machiavellian Moment*, Paris, IRSEM, 2021, p. 53-55, <https://www.irsem.fr/report.html>

<sup>6</sup> Maxime Audinet, *Russia Today (RT). Un média d'influence au service de l'Etat russe*, Paris, INA, 2021.

<sup>7</sup> See for instance “Quand un rapport officiel français recommande aux Etats de ‘marginaliser’ RT”, RT France, 4 September 2018, <https://francais.rt.com/france/53719-quand-rapport-officiel-francais-recommande-aux-etats-marginaliser-rt> (<https://archive.is/TanRw>).

politicized: the representatives of the Russian state as well as the journalists of RT reproached us for being “anti-Russian” or “Russophobic”. RT France spoke emphatically of “a political report”, as can be read on several banners on the air on 5 and 6 September 2018<sup>8</sup>. To summarize, it is an attack from a hostile foreign state against agents of the French state for political reasons. This is a textbook case of lawfare.

The question then is to know what to do to defend oneself. We must begin by publicly denouncing these maneuvers. Let's pay tribute to Nicolas Tenzer who, less than two weeks before his trial against RT France, had the courage to publish in *Le Monde* an article denouncing this practice, beyond his personal case: “*The Russian regime is trying to apply in democracies the intimidating practices it uses at home to impose silence on its opponents. We have to tell them that, here, it doesn't work.*”<sup>9</sup>

He is right. It doesn't work because, until now, RT France has lost all its cases. And it is important to remember that. However, this is not enough because the objective of these trials is not to win but to intimidate, and intimidation can work even if the plaintiff systematically loses, as long as he continues to show that he will not hesitate to attack. In reality, the only way to stop this abuse of our law is to impose a cost. This is why Nicolas Tenzer, Dominique Reynié and myself, each in our respective proceedings, asked the court to order RT France to pay damages for malicious prosecution. This did not work, the court having considered each time that RT France perhaps “misunderstood the extent of its rights”, and therefore that it had not abused its right to take legal action. Damages for malicious prosecution in this type of case are actually very rare, as the court does not want to risk discouraging the exercise of the right to sue, which is understandable.

Therefore, for the moment, the cost does not seem to be the financial or symbolic cost (I was only asking for a symbolic euro) of a conviction for malicious prosecution. It can however be the reputational cost of exposing not only the defeats but also what these trials have made it possible to show. For when RT France sues someone who has criticized it publicly, it is in fact giving that person a platform: it puts that person in a position to have to justify themselves and thus to be able to develop their criticism, in a public trial that journalists can attend. And it puts the court in the position of objectifying in its judgment elements that the plaintiff could until now discredit as being only individual opinions. These trials are therefore potentially counterproductive for the plaintiff, but may constitute an opportunity for the defendant. In any case, this is how I accepted the news three years ago of the two RT France defamation suits following the publication of our report: as an opportunity to develop – in order to justify - what was only mentioned briefly in the report, and to have what RT France really is recorded in a judgment. And this is exactly what happened.

## What the trial showed

First of all, the judgment of May 27, 2022 recalls that, in its complaint, RT France “*presented itself as a 'young media under French law' [and] emphasized its autonomy as a company under French law registered in the Trade and Companies Register*”. This is indeed how RT France systematically presents itself, in order to better distinguish itself from Moscow (while considering nonetheless that it has an interest in acting when the headquarters of RT in Moscow is criticized, which is paradoxical, as I noted above).

However, based on the documents that we had provided, including the very statutes of the company RT France, the court noted that “*its sole shareholder is the Russian company 'TV-Novosti' from which also emanates the Russian company RT (...). It is clear from these elements that RT and RT France are linked and form part of the same group*”. Then, relying in particular

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<sup>8</sup> See for instance <https://www.youtube.com/watch?v=XIGcd4odlwI>

<sup>9</sup> Nicolas Tenzer, “Le régime russe tente d'appliquer dans les démocraties ses pratiques intimidantes”, *Le Monde*, 17 September 2021, [https://www.lemonde.fr/idees/article/2021/09/17/le-regime-russe-tente-d-appliquer-dans-les-democraties-ses-pratiques-intimidantes\\_6094978\\_3232.html](https://www.lemonde.fr/idees/article/2021/09/17/le-regime-russe-tente-d-appliquer-dans-les-democraties-ses-pratiques-intimidantes_6094978_3232.html)

on a Russian government regulation of 2014, signed by the Russian president and also provided and translated by us<sup>10</sup>, the court was able to show that TV-Novosti, which is therefore the sole shareholder of RT France, is “*financed by the Russian federal agency for press and mass communications, which has as one of its objectives to ‘provide support in the field of information and propaganda for the foreign and domestic policy of the Russian Federation.’ These elements remind us of the links, already mentioned, between RT and RT FRANCE and the Russian government, as well as the role of ‘propaganda’ given to these media. If it can be a promotional role, these elements do not guarantee that the information broadcast by these channels is free of political influence*”.

This official Russian document provides decisive proof that RT is not only financed by the Russian state, as the group readily admits, but that its parent company and sole shareholder must play a role in Russian propaganda, and that, as we note in our submissions to the court, RT's audience is even cited as an “indicator of achievement” of this objective. This is a significant advance in the understanding of what RT France really is, which is now included in a judgment of the Paris judicial court.

And this is in addition to other known facts that refute the thesis of RT's editorial independence, which we also developed in our conclusions provided to the court, including:

- RT's clear alignment with the Kremlin's position on issues of strategic importance to Russia and the impossibility for RT and its subsidiaries around the world to criticize the Russian authorities;
- the absence of a clause on editorial independence in TV-Novosti's charter and even the presence of a clause implying dependence, worded as follows: “*The organization [TV-Novosti] ensures the protection of information that constitutes state secrets, carries out work related to the use of state secrets, and also carries out activities and (or) provides services in the field of protecting state secrets*”<sup>11</sup>;
- the fact that RT's editor-in-chief, Margarita Simonyan, herself acknowledges that she has a direct and secure line to the Kremlin “*to discuss secret thing*”<sup>12</sup>; and that she has made several unambiguous statements about how she sees RT's role, namely as a weapon in an information war against the West<sup>13</sup>;
- the fact that she is among those sanctioned by the European Union on February 23, 2022, further confirms that she is considered part of the president's “*inner circle*”<sup>14</sup>. The EU explains that “*Margarita Simonyan is a central figure of the Government propaganda [who has] supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine*”<sup>15</sup>;
- several statements by President Putin himself (including that RT “*cannot help but reflect the Russian government's official position*”)<sup>16</sup> and other authorities including the No. 2 of the

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<sup>10</sup> <https://digital.gov.ru/ru/documents/4137/> (<https://archive.is/6t6fG>).

<sup>11</sup> US Department of State, Global Engagement Center, *Kremlin-Funded Media: RT and Sputnik's Role in Russia's Disinformation and Propaganda Ecosystem*, GEC Special Report, January 2022, p. 7, [https://www.state.gov/wp-content/uploads/2022/01/Kremlin-Funded-Media\\_January\\_update-19.pdf](https://www.state.gov/wp-content/uploads/2022/01/Kremlin-Funded-Media_January_update-19.pdf)

<sup>12</sup> Simon Schuster, “The global news network RT is the Russian government's main weapon in an intensifying information war with the West—and its top editor has a direct phone line to the Kremlin”, *Time*, 5 mars 2015, <https://web.archive.org/web/20220109193754/https://time.com/rt-putin/>

<sup>13</sup> See in particular Audinet, *Russia Today (RT)*, *op. cit.*, p. 26 ; and Ben Nimmo, “Question That : RT's Military Mission”, Medium.com, 7 January 2018, <https://medium.com/dfrlab/question-that-rts-military-mission-4c4bd9f72c88>

<sup>14</sup> Matina Stevis-Gridneff, “European Sanctions Target Putin's Inner Circle”, *The New York Times*, 23 February 2022, <https://www.nytimes.com/2022/02/23/world/europe/eu-sanctions-putin-russia-ukraine.html>

<sup>15</sup> Council implementing regulation (EU) 2022/260 of 23 February 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2022:042I:FULL&from=EN>, p. 10.

<sup>16</sup> “Visit to Russia Today television channel”, President of Russia, 11 June 2013, <http://en.kremlin.ru/events/president/news/18319> (<https://archive.vn/4TL3M>).

Russian Embassy in France in 2018, who presented RT as an “instrument”, a “lever” of the Russian state, which “must carry our world view”<sup>17</sup>;

- the fact that all the heads of the local branches are Russian citizens - including RT France, which likes to point out that its journalists are “French”: certainly, but its president Xenia Fedorova is Russian, as well as Alexey Nikolov, director of TV-Novosti, the Russian company that is its sole shareholder, and Margarita Simonyan, RT’s editor-in-chief. In other words, its chain of command from Moscow to Paris is exclusively Russian;

- numerous testimonies from current and former RT employees that RT is a “PR organization for the Russian government” and that “government control on RT includes hiring managers, imposing story angles, and, in some instances, disapproving of stories”<sup>18</sup>; and that the self-censorship of journalists is widespread. These accusations were also made by journalists who resigned live on television, by the former editor-in-chief of RT Deutsch and by a former member of RT France’s ethics committee, journalist Jacques-Marie Bourget, who after resigning denounced RT France’s “political project” in a letter to the CSA<sup>19</sup>.

- Finally, the fact that to justify the termination of his program “Interdit d’interdire” (the flagship program of RT France) on February 22, 2022, the journalist Frédéric Taddeï said “I cannot continue a program of contradictory debate from the moment my country is in open conflict with Russia”<sup>20</sup>. This is an admission of RT France’s editorial dependence on Moscow, because if the channel were only financed and not controlled by the Kremlin as RT France claims, there should be no difficulty in presenting a contradictory debate program even in the context of conflict between France and Russia.

A second contribution of the judgment is that it develops concrete examples. To defend themselves from the regular accusations of news manipulation, RT or RT France often repeat that those who make them are unable to provide a single example and that, therefore, these accusations are imaginary. I therefore provided the court with a separate memorandum identifying and commenting on “70 examples of information manipulation by RT”. The 34-page memo distinguishes concrete cases of fabrication of facts, denial of facts, falsification of documents, falsification of translations, falsification of interviews or reports, and other practices that demonstrate manipulation of information. The judgment recognizes that I “document several situations where RT and sometimes RT France may have reported information that may have been distorted, truncated or misrepresented”.

And it gives a few examples, including that of an English-language RT broadcast claiming that the Ukrainian army had “crucified babies” and “forced mothers to watch” - facts that were totally invented. The court recalls that “the falsity of this event, although presented as seen by witnesses, [had] led to a condemnation by the British regulator”. Another example cited in the judgment is an article by RT France on the parliamentary report on the Bataclan attack, claiming that “the testimonies collected by investigators attest to shocking acts of barbarism”, the headline speaking of people “tortured, emasculated and mutilated”<sup>21</sup>, in reality based only on two indirect and unreliable testimonies and “truncated quotes”. The court concludes that there was indeed a distortion of the statement: “the article of RT France gives credence to the

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<sup>17</sup> Artem Studennikov, interviewed on Thinkerview, 27 September 2018, <https://www.youtube.com/watch?v=b0R1bSFxUsI&t=4018s>, at 1:23.

<sup>18</sup> Mona Elswah et Philip N Howard, “‘Anything that Causes Chaos’: The Organizational Behavior of Russia Today (RT)”, *Journal of Communication*, 70:5, 2020, p. 623-645, <https://academic.oup.com/joc/article/70/5/623/5912109>

<sup>19</sup> Adrien Franque and Emmanuel Fansten, “Désinformation : pourquoi RT France se retrouve dans l’œil du gendarme de l’audiovisuel”, *Libération*, 9 February 2022,

[https://www.liberation.fr/economie/medias/desinformation-pourquoi-rt-france-se-retrouve-dans-loeil-du-gendarme-de-laudiovisuel-20220209\\_CWZUPDZ5EJF7BMRLWUR3D43P7I](https://www.liberation.fr/economie/medias/desinformation-pourquoi-rt-france-se-retrouve-dans-loeil-du-gendarme-de-laudiovisuel-20220209_CWZUPDZ5EJF7BMRLWUR3D43P7I)

<sup>20</sup> Damien Canivez, “Frédéric Taddeï : ‘Par loyauté envers la France, je quitte la présentation de mon émission sur RT France’”, *Lefigaro.fr*, 22 February 2022, [https://tvmag.lefigaro.fr/programme-tv/frederic-taddei-par-loyaute-envers-la-france-je-quitte-la-presentations-de-mon-emission-sur-rt-france\\_faaa6cf0-93d0-11ec-beb7-02632d8a0b26/](https://tvmag.lefigaro.fr/programme-tv/frederic-taddei-par-loyaute-envers-la-france-je-quitte-la-presentations-de-mon-emission-sur-rt-france_faaa6cf0-93d0-11ec-beb7-02632d8a0b26/)

<sup>21</sup> “13 novembre : des victimes du Bataclan auraient été torturées, émasculées et mutilées”, RT France, 16 July 2016, <https://francais.rt.com/france/23934-13-novembre-victimes-bataclan-mutiles> (<https://archive.vn/lm7qx>).

*information given in the title, thus distorting the content of the report which it indicated to report”.*

Finally, in the case that earned RT France a formal notice from the CSA in 2018, for a translation *“unrelated”* to the remarks made, which the media regulator had at the time described as *“failures of honesty, of rigor of information and of a diversity of points of view”*<sup>22</sup>, the court considers *“that these factual elements, attesting to an altered presentation of the remarks made in the report, and placed in the aforementioned context, [allow me] to evoke a report whose translation would have been ‘falsified’”*. Generally speaking, the court considers that I had a sufficient factual basis to be able to make the defamatory remarks of which I was accused, that I expressed myself on a subject of general interest, with appropriate prudence of expression and without animosity towards the plaintiff, all elements which are *“sufficient to allow me to benefit from the exception of good faith”*.

For all of these reasons, this trial was useful. The resulting judgment can be used by researchers, journalists and the next people that RT France attacks. I would like to warmly thank my lawyers, Jean Boudot and Matthieu Boissavy, who accompanied me with serenity and professionalism during this procedure.



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<sup>22</sup> Decision n°2018-493 of 28 June 2018 “mettant en demeure la société RT France”, *JORF* n°0148 of 29 June 2018, <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000037116957>