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## BRIEFING: THE STRUGGLE OVER TRUTH—RWANDA AND THE BBC

FILIP REYNTJENS\*

GOVERNMENTS AND MEDIA OFTEN DON'T GET ALONG very well, particularly when the press challenges core political positions. This is certainly the case in Rwanda, where information and communication management is an important political weapon used by the Rwandan Patriotic Front (RPF) to protect its hold on power. The RPF has developed a coherent and comprehensive narrative on the past, present, and future of the country and its citizens, and tightly policing this 'truth' is an essential ingredient of its political strategy. Domestically, this control is achieved through legislation on 'divisionism' and 'genocide ideology', as well as through repression that relegates alternative views to the 'hidden transcript'.<sup>1</sup> Independent media and critical civil society organizations have been eliminated. Internationally, the narrative is protected by the genocide credit the regime exploits and by systematically and at times aggressively countering challenges to the 'truth', directly through government statements or by using foreign lobbyists.<sup>2</sup> It also benefits from Rwanda's adherence to neo-liberal economic policies and its contribution to international peacekeeping operations.

On 1 October 2014, the British Broadcasting Corporation (BBC) aired a television documentary entitled 'Rwanda's Untold Story' (BBC2). It offered a view very different from the RPF's narrative, one that questioned its democratic credentials and human rights record. The programme claimed that the RPF had massacred Hutu civilians in both Rwanda and Zaïre/Democratic Republic of Congo, and that it had enjoyed impunity for these crimes; that it had been involved in large-scale plunder of Congolese natural resources; that death squads threatened and killed opponents abroad; that the RPF was responsible for the attack on President Habyarimana's plane, an act that

\*Filip Reyntjens (filip.reyntjens@uantwerp.be) is professor of Law and Politics, Institute of Development Policy and Management, University of Antwerp.

1. James C. Scott, *Domination and the arts of resistance: Hidden transcripts* (Yale University Press, New Haven, CT, 1992).

2. On the regime's information and communication management, see Filip Reyntjens, 'Constructing the truth, dealing with dissent, domesticating the world: Governance in post-genocide Rwanda', *African Affairs* 110, 438 (2011), pp. 1–34; Filip Reyntjens, *Political governance in post-genocide Rwanda* (Cambridge University Press, New York, NY, 2013), pp. 187–211.

sparked the genocide; and that the number of Tutsi civilians killed during the genocide was much lower than commonly accepted (and claimed by the RPF). It even suggested that more Hutu than Tutsi could have died in 1994.

As the RPF sees itself as the ultimate guardian of truth, the documentary was seen in Kigali as very threatening and as a ‘transgression, a trespassing of the boundaries of “narrative” competence ... . The BBC conferred to itself a “jurisdiction”<sup>3</sup> claimed by the RPF. Indeed the regime considers knowledge production to be an aspect of its (international) sovereignty.<sup>4</sup>

The story was actually not ‘untold’, but commonly put forward in mainstream academia.<sup>5</sup> However the fact that it was disseminated by an influential and respected broadcaster and viewed by a large audience made it an important test case. In the highly polarized context of Rwandan affairs, it was to be expected that the documentary would cause considerable controversy. And so it did, including through intense and heated debates on Twitter and Facebook, and many statements for and against the programme that were issued by individual commentators and organizations. The arguments were predictable: those critical of, or opposed to, the Rwandan regime applauded the film; those supporting it, and of course the Rwandan regime itself, vehemently attacked the BBC. I myself was interviewed for the programme, but was in no way involved in its production. I have tried to watch the documentary with analytical distance and do not agree with everything that is said or implied. However, some of the strands contained within the programme tally with my own analysis in *Political governance in post-genocide Rwanda*, and with the work of other scholars. To this extent, the documentary does reflect some of the broader debates within the academy itself.

This briefing analyses what was fundamentally at stake in the struggle between the Rwandan government and the BBC, as well as the strategies deployed. Both actors saw these issues as potentially setting an important precedent. For the RPF, the protection of core aspects of its narrative is essential for maintaining legitimacy at home and abroad, as well as indicating that it alone is in charge of setting out the “truth”, and that it does not accept

3. Richard Benda, ‘BBC and genocide in Rwanda: Conflict of competence over post-genocide narrative’, *e-ir.info*, 17 November 2014, <<http://www.e-ir.info/2014/11/17/bbc-and-genocide-in-rwanda-conflict-of-competence-over-post-genocide-narrative/>> (14 May 2015).

4. Jonathan Fisher, ‘Writing about Rwanda since the genocide: Knowledge, power and “truth”’, *Journal of Intervention and State Building* 9, 1 (2015), pp. 134–45. For a more general discussion about knowledge production under the RPF, see Johan Pottier, *Re-imagining Rwanda: Conflict, survival and disinformation in the late twentieth century* (Cambridge University Press, Cambridge, 2002).

5. A good survey can be found in Scott Straus and Lars Waldorf (eds), *Remaking Rwanda: State building and human rights after mass violence* (University of Wisconsin Press, Madison, WI, 2011). When this book appeared, the Rwandan regime launched a blog – ‘Remaking Rwanda: Facts and opinions on the ground’ – which was short on substance but attempted to assassinate the characters of several contributors to the volume, <<http://theremakingrwanda.blogspot.be/>> (12 March 2015).

challenges to that monopoly. The BBC too had to protect an asset that it considers essential, and in its own words, ‘our right to produce the independent journalism which has made us the world’s most trusted news source’.

### *Initial reactions*

There were four types of reaction to the documentary: those of the Rwandan government, that opposed it; those of Rwandan opponents abroad, who applauded it; those of non-Rwandans by and large critical of the programme; and those of non-Rwandans by and large supportive.

The headlines in the RPF-linked Kigali-based daily *The New Times* summarized the government reaction well, as a few examples in the month of October 2014 show: ‘Editorial: BBC documentary on genocide an affront to survivors’ (5 October 2014), ‘Unearthing falsehoods in the BBC documentary on 1994 genocide’ (8 October 2014), ‘Taming the British broadcaster’ (12 October 2014), ‘A tale of two genocides and the poor attempt at revisionism’ (14 October 2014),<sup>6</sup> ‘Civil society wants tough action against BBC over revisionist film’, ‘The inhumane mask behind a BBC journalist’ (both 18 October 2014), ‘Rwanda: the unreal story made at the BBC’ (22 October 2014), ‘BBC’s untold story: Normalising victimisation of a people’, ‘BBC management naivety and indifference has brought us to this point’, and ‘Rwanda’s image is under attack abroad’ (all three 27 October 2014). Speaking to Parliament, President Kagame accused the BBC of ‘genocide denial’ and of ‘tarnishing Rwandans, dehumanising them’. He continued to argue that the film expressed ‘cynicism of the highest order’, and compared the BBC to the infamous *Radio Télévision libre des mille collines* (RTL) that incited genocide in 1994.<sup>7</sup> Foreign Minister Louise Mushikiwabo warned that Rwanda would react ‘with the same weight as the offence made on this country, its leadership and the people of Rwanda’.<sup>8</sup>

Anti-BBC demonstrations were organized during the second half of October,<sup>9</sup> and lawmakers called on the government to suspend the BBC’s

6. This piece was authored by a Martin Feldstein, absent on Google. He signed as CEO of Global Crisis Solution, ‘a South Africa based Human Security Think Tank’, which doesn’t appear to exist, at least on the Internet. The Rwandan government has used trolls on Twitter on previous occasions.

7. *The New Times*, ‘Kagame speaks out on BBC genocide denial’, 15 October 2014, <<http://www.newtimes.co.rw/section/Printer/2014-10-15/181977>> (22 October 2014); *AFP*, ‘Rwandan president accuses BBC of “genocide denial”’, 14 October 2014, <<http://news.yahoo.com/rwandan-president-accuses-bbc-genocide-denial-184059595.html>> (17 October 2014).

8. *The New Times*, ‘Mushikiwabo: Burundi yet to grant probe of Rweru bodies’, 17 October 2014, <<http://www.newtimes.co.rw/section/Printer/2014-10-17/182030>> (17 October 2014).

9. Rallies even took place inside the chamber of Parliament. Interestingly, not a single demonstration not sponsored by the government has taken place in Rwanda since the RPF took power in 1994. The marchers carried neat professionally laid out and uniformly phrased banners, suggesting that the demonstrations were anything but spontaneous.

world service transmission in the country.<sup>10</sup> On the same day, the Rwanda Utilities Regulatory Authority suspended the BBC Kinyarwanda service, accusing the broadcaster of attempting to ‘rewrite Rwandan history and promoting the agenda of genocide deniers’,<sup>11</sup> thus showing that the struggle was indeed about the ‘power over memory’.<sup>12</sup> When Fred Muvunyi, chairman of the Rwanda Media Commission, challenged the Utilities Regulatory Authority’s decision on legal grounds, he was severely attacked in the regime media<sup>13</sup> and in mostly anonymous tweets. *Reporters sans frontières* denounced a ‘campaign of intimidation’<sup>14</sup> that eventually forced him to resign half a year later,<sup>15</sup> and to flee the country. Not a single voice inside Rwanda publicly defended the BBC, and the BBC Kinyarwanda service was banned indefinitely at the end of May 2015.<sup>16</sup>

Of course, Kagame’s opponents in the diaspora defended the BBC. On 5 October 2014, a group of UK chapters of Rwandan civil society organizations and political parties wrote to the BBC’s director general Tony Hall, saying that the documentary was a ‘powerful contribution to the public debate’, encouraging ‘the understanding of the genocide and other atrocities’.<sup>17</sup> The next day the UK-based Global Campaign for Rwandans’ Human Rights argued that the BBC ‘enabled the starting of a debate that will enrich Rwandan knowledge and learning that are needed to develop a peaceful and democratic environment’.<sup>18</sup> In a letter sent to Hall on 14 October, Rwanda

10. *The New Times*, ‘MPs move to have BBC transmission suspended’, 23 October 2014, <<http://www.newtimes.co.rw/section/article/2014-10-23/182246/>> (23 October 2014).

11. *The New Times*, ‘Genocide: RURA bans BBC Kinyarwanda’, 24 October 2014, <<http://www.newtimes.co.rw/section/article/2014-10-25/182336/>> (25 October 2014).

12. Jens Meierhenrich, ‘Topographies of remembering and forgetting. The transformation of lieux de mémoire in Rwanda’, in Straus and Waldorf (eds), *Remaking Rwanda*, p. 285.

13. See, for example, *The New Times*, ‘RMC got it wrong on BBC’, 7 November 2014, <<http://www.newtimes.co.rw/section/article/2014-11-07/182794/>> (7 November 2014).

14. ‘Rwanda’s media self-regulator subjected to intimidation campaign’, 7 November 2014, <<http://en.rsf.org/rwanda-rwanda-s-media-self-regulator-07-11-2014,47214.html>> (8 November 2014).

15. *The New Times*, ‘RMC chairperson resigns’, 13 May 2015, <<http://www.newtimes.co.rw/section/article/2015-05-13/188759/>> (15 May 2015).

16. *The New Times*, ‘BBC-Kinyarwanda indefinitely suspended’, 30 May 2015, <<http://www.newtimes.co.rw/section/article/2015-05-30/189268/>> (30 May 2015). The BBC said it was ‘extremely disappointed’ by the decision. ‘The BBC World Service reaches an audience of over 2 million in Rwanda who rely on the BBC for impartial news and information. We stand by our right to produce our independent journalism and strongly reject any suggestion that the documentary “Rwanda’s untold story” constitutes genocide denial’. See Dugald Baird, ‘Rwanda places indefinite ban on BBC broadcasts over genocide documentary’, *The Guardian*, 1 June 2015, <<http://www.theguardian.com/media/2015/jun/01/rwanda-places-indefinite-ban-on-bbc-broadcasts-over-genocide-documentary>> (8 June 2015).

17. Jonathan Musonera *et al.*, ‘Re: BBC Documentary “Rwanda: The untold story”’, 5 October 2014, <<http://rwandansrights.org/wp-content/uploads/2014/10/Rwandan-Community-letter-to-BBC-BBC-Documentary-Rwanda-The-Untold-Story.pdf>> (6 October 2014).

18. Rene Mugenzi, ‘IBUKA complaint to BBC is another appalling diversion from its genocide survivors’ advocacy role’, 6 October 2015, <<http://rwandansrights.org/ibuka-complain-to-bbc-is-an-other-appalling-diversion-from-its-survivors-advocacy/>> (6 October 2014).

National Congress leader Theogene Rudasingwa expressed his ‘deep gratitude to BBC for the courageous undertaking to produce and broadcast the documentary’, adding that it ‘has responded to an unmet need for dialogue and debate in contemporary Rwandan society’.<sup>19</sup> A former foreign minister who served under the RPF wrote to ‘congratulate the BBC for its impartiality and the professionalism in that documentary’.<sup>20</sup> Many more letters along those lines were sent in support of the BBC.

Foreign observers of Rwanda also intervened in the debate. Two texts critical of the BBC offer examples of coherent and well-articulated analysis of the documentary. In a piece published on OpenDemocracy on 6 October, Andrew Wallis claimed that ‘[t]he constant thread throughout the hour-long film was the desire to denigrate Kagame, through a cast-list of eight long-time enemies of the Rwandan leader. There was no balancing view, no attempt to analyse in depth or understand the history that brought Rwanda to the events of 1994’. On substance, he challenged the film on issues like the number of Tutsi genocide victims, the shooting down of Habyarimana’s plane, Rwanda’s involvement in the Democratic Republic of Congo, and other themes that he presented in a way that was close to the RPF’s vision.<sup>21</sup>

An open letter by 38 ‘scholars, scientists, researchers, journalists and historians’ led by writer and journalist Linda Melvern was sent to the director general of the BBC on 12 October. They expressed their ‘grave concern at the content of the documentary ... specifically its coverage of the 1994 genocide of the Tutsi’. The writers stated that the parts of the film which concern the genocide contain old claims made by deniers: ‘The BBC programme Rwanda’s Untold Story recycles their arguments and provides them with another platform to create doubt and confusion about what really happened.’ In particular, three ‘untenable’ claims made in the programme were of the ‘utmost concern’: the true nature of the Hutu Power militia, the attempt to minimize the number of Tutsi murdered in the genocide, and placing the blame for shooting down the presidential plane on the RPF. ‘In broadcasting this documentary the BBC has been recklessly irresponsible. The programme has fuelled genocide denial. It has further emboldened the *génocidaires*, all their supporters and

19. Theogene Rudasingwa, ‘My personal and open letter to BBC’s Tony Hall’, email, 14 October 2014.

20. Jean-Marie Ndagijimana, ‘Letter to Tony Hall, BBC Director General’, 14 October 2014, <<http://www.france-rwanda.info/2014/10/ambassador-jean-marie-ndagijimana-congratulates-the-bbc-for-its-impartiality-and-the-professionalism-in-the-documentary-rwanda-s-unt>> (20 October 2014).

21. Andrew Wallis, ‘“Rwanda: the untold story”: Questions for the BBC’, *openDemocracy*, 6 October 2014, <<https://www.opendemocracy.net/andrew-wallis/rwanda-untold-story-questions-for-bbc>> (6 May 2015). This text was published the next day in *The New Times*.

those who collaborate with them. It has provided them the legitimacy of the BBC.<sup>22</sup>

Other foreign commentators intervened on the opposite side. The writer Justin Podur came out in support of the BBC, arguing that the documentary did not deny genocide, and criticized the '38' for doing exactly what they claimed the BBC did: 'If the victims of the RPF don't count, as they do not seem to these writers, then what is this except denial? ... Rather than a letter about "genocide denial", these authors would have been more honest to write a manifesto of unconditional support for Rwanda's dictator.'<sup>23</sup> Professors Davenport (Michigan) and Stam (Virginia), under attack for the documentary's low estimate of the number of Tutsi victims, argued that they identified 'ranges (estimations with +/- error)' rather than 'single figures'. With the information available, 'the type of estimation that we provide follows the best practices currently available in the social sciences'.<sup>24</sup> Replying to the '38', Edward Herman and David Peterson, the first an emeritus professor and the second an independent journalist, strongly supported the documentary and argued that its critics 'have a penchant for slander as well as straightforward misrepresentation'. Herman and Peterson only take issue with the documentary's 'very loose and inexact use of the term "genocide"', and – flirting with denial – they refer to the genocide as 'the alleged planned extermination and killing of Rwanda's minority Tutsi population'.<sup>25</sup>

I share some of Andrew Wallis's concerns, particularly on the number of Tutsi killed during the genocide, but I have also shown that he fails to substantiate the points that he makes with regard to the shooting down of Habyarimana's airplane and the massive killing by the RPF of Hutu refugees in the then Zaïre, a crime he seriously downplays.<sup>26</sup> Regarding the open letter of the '38', their rebuttal of two of the three claims they call 'untenable' is based on a biased and selective reading of available evidence.

22. The text of the open letter can be found on Linda Melvern's website, <<http://www.lindamelvern.com>> (7 June 2015). It was published in *The New Times*, 'Global researchers protest BBC genocide revisionist film', 14 October 2014, <<http://www.newtimes.co.rw/section/article/2014-10-14/181938/>> (15 October 2014).

23. Justin Podur, 'The untold story is that of the crimes committed by the winner in the Rwandan civil war, and especially the crimes committed by the biggest winner who took all, Kagame, Rwanda's president for the last 20 years', *Telesur tv*, 11 October 2014, <<http://telesurtv.net/english/opinion/The-BBC-and-the-Rwandan-Genocide-2014>> (6 June 2016); Justin Podur, 'The BBC documentary doesn't deny the genocide', <<http://podur.org/node/1088>> (6 June 2015).

24. Christian Davenport and Allan Stam, 'GenoDynamic's response to the letter sent to the BBC', 18 October 2014, <<http://genodynamics.weebly.com>> (3 June 2015).

25. Edward S. Herman and David Peterson, 'The Kagame-power lobby's dishonest attack on the BBC2's documentary on Rwanda', *Mrzine*, 1 November 2014, <<http://mrzine.monthlyreview.org/2014/hp011114.html>> (6 June 2015).

26. Filip Reyntjens, "'Rwanda: the untold story": facts and fabrication', *openDemocracy*, 26 October 2014, <<https://www.opendemocracy.net/filip-reyntjens/rwanda-untold-story-facts-and-fabrication>> (6 June 2015).

I, too, am concerned about the use that is being made and will be made of the film – but ‘that is not a legitimate reason to unfairly attack the BBC and the programme’s producers’.<sup>27</sup>

### *Commissions of inquiry*

Two formal enquiries were conducted on the controversy. The first took place in Rwanda, where the regime used a strategy similar to that which it has deployed in the past when it felt threatened, namely the creation of a so-called ‘independent’ commission of inquiry supposed to confer a semblance of objectivity on the government’s position. In 2007, the Mucyo commission ‘proved’ the involvement of France in the genocide and cleared the RPF of all responsibility in this tragedy.<sup>28</sup> In 2009, the Mutsinzi committee ‘showed’ that the presidential plane was downed by Hutu extremists and exonerated the RPF.<sup>29</sup> On 3 November 2014, RURA established a five-member commission, headed by former prosecutor general Martin Ngoga, to investigate accusations against the BBC.

Questions were raised about the commission’s independence: ‘Members of this commission were appointed by a government institution, and we know the position of the government in this case. I doubt the independence of this commission’, said a local journalist who did not want to be named.<sup>30</sup> This concern was borne out by the selection of persons heard by the commission. All of them, it would seem, condemned the documentary,<sup>31</sup> claiming it amounted to genocide denial, and recommended sanctions against the BBC and the journalist and producer of the programme. The foreigners heard included Ugandan researcher Frederick Golooba-Mutebi,

27. Filip Reyntjens, ‘Rwanda’s untold story. A reply to “38 scholars, scientists, researchers, journalists and historians”’, *African Arguments*, 21 October 2014, <<http://africanarguments.org/2014/10/21/rwandas-untold-story-a-reply-to-38-scholars-scientists-researchers-journalists-and-historians-by-filip-reyntjens>> (2 June 2015).

28. République du Rwanda, ‘Commission nationale indépendante chargée de rassembler les preuves montrant l’implication de l’état français dans le génocide perpétré au Rwanda en 1994’ (Republic of Rwanda, Kigali, 15 November 2007), <<https://www.documentcloud.org/documents/1392372-footnote-94-mucyo-commission-report.html>> (12 June 2015).

29. ‘Report of the investigation into the causes and circumstances of and responsibility for the attack of 06/04/1994 against the Falcon 50 Rwandan presidential aeroplane, registration number 9XR-NN’ (Republic of Rwanda, Kigali, 20 April 2009), <<http://mutsinzireport.com/>> (12 June 2015). For a critical analysis see Filip Reyntjens, *A fake inquiry on a major event: Analysis of the Mutsinzi report on the 6th April 1994 attack on the Rwandan president’s aeroplane* (Antwerp, IOB Working Paper, 2010–7), <<https://ideas.repec.org/p/iob/wpaper/2010007.html>> (12 June 2015).

30. *The East African*, ‘Commission to investigate BBC to begin work as watchdog warns over attacks on media’, 15 November 2014, <<http://www.theeastafrican.co.ke/news/Commission-to-investigate-BBC-to-begin-work-/-/2558/2523786/-/jq30i4z/-/index.html>> (21 May 2015).

31. Transcripts of the hearings are not available, and the report of the commission does not provide a list of those heard. Certainly this unanimity emerged from all those whose testimony became available through reporting in the media.



Hazel Cameron of the University of St Andrews, Phil Clark of the University of London's School of Oriental and African Studies, and Richard Mgamba, managing editor of the Tanzanian daily *The Citizen*. They too carefully trod the regime's line,<sup>32</sup> and Cameron stated that the BBC 'was hoodwinked by those endeavouring to sabotage the peace process in Rwanda for their own political agenda'.<sup>33</sup>

Realizing the one-sided nature of the proceedings, having participated in the documentary myself, and after being mentioned on several occasions during the hearings, on 26 November I wrote to Ngoga, offering to be heard by the commission. Despite my insistence that 'I would hope that the Commission will avoid what the BBC is blamed for, namely listening only to one side of the story', my offer was turned down.<sup>34</sup> For its part, the BBC stated it would not appear, as it had started its own inquiry.

The Rwandan report came out on 28 February 2015.<sup>35</sup> Offering a biased and selective reading of evidence on issues addressed in the documentary, the committee found that facts fitting the Rwandan government's version were well established, while those that did not were untrue. It also argued that 'individuals opposed to the Rwandan government or those that are critical towards it were given disproportionately more airtime while those with contrary views were completely ignored',<sup>36</sup> but failed to note that Rwandan officials invited to offer their point of view declined to do so. Neither did it note, of course, that the committee itself refused to hear views contrary to the premises on which its work was built. No wonder the committee concluded that the documentary contained 'claims and assertions that are problematic' and in violation of 'Rwandan law, the BBC's own ethical

32. However, Clark argued that legal action and the suspension of BBC services would be an 'overreaction', and suggested that the government should rather go through the formal BBC complaints process – see *The East African*, 'Envoy urges Rwanda not to take BBC to court', 7 March 2015, <<http://www.theeastafrican.co.ke/news/Envoy-urges-Rwanda-not-to-take-BBC-to-court/-/2558/2645298/-/pb726i/-/index.html>> (10 March 2015).

33. As reported in *The New Times*, 'BBC had an agenda to twist Rwanda history – UK expert', 26 November 2014, <<http://www.newtimes.co.rw/section/article/2014-11-26/183439/>> (26 November 2014). It is interesting to note that Cameron wrote an article highly critical of the RPF, in which she argued that 'Kagame has skilfully orchestrated a "master narrative" that has resulted in the West's selective amnesia of historical and ongoing human rights violations. ... The effect has been to obfuscate the extent of RPA atrocities.' She concluded by denouncing the 'criminogenic behaviour of the guerrilla force of the RPA until 1994 and latterly the RPF government of Rwanda currently presided over by Paul Kagame'. See Hazel Cameron, 'Britain's hidden role in Rwandan state violence', *Criminal Justice Matters* 82, 1 (2010), pp. 18–20.

34. It is true that my offer confronted the commission with a dilemma. If it agreed to hear me, I would have said things, in Kigali (albeit through Skype), that challenged the regime's 'truth'; its refusal would lend credence to the claim that this was just a charade. The commission opted for the lesser of two evils.

35. 'Report by the Inquiry Committee on the BBC Documentary "Rwanda: The untold story"' (Inquiry Committee, Kigali, 28 February 2015), <<http://rwandabbcinquiry.rw/wp-content/uploads/2015/02/RwandaBBCInquiry.pdf>> (25 April 2015).

36. *Ibid.*, p. 27.

guidelines and limitations to press freedom'. It found 'the documentary to be minimising and denying genocide', and the 'transgressions are deemed deliberate'.<sup>37</sup> The committee recommended to 'initiate criminal and civil processes to deal with identified offences'. In order to protect its version of the "truth", it concluded that 'the government of Rwanda should establish an effective and cohesive national communication strategy, as a permanent instrument for tracking, identifying, and addressing manifestations of genocide denial in all its forms and wherever it may be found, as well as for spreading values of national interest'.<sup>38</sup>

Like the Mucyo and Mutsinzi probes, the Ngoga commission was a ritual intended to guard the regime's "truth" rather than a fact-finding exercise. Reporters Without Borders called the recommendations 'shocking': 'We are appalled by the commission of enquiry's disproportionate recommendations. By trying to censor the BBC and impose a one-sided version of history that allows no debate, the commission is violating free speech and media freedom.'<sup>39</sup> A BBC spokesperson also expressed disappointment over the findings: 'We stand by our right to produce the independent journalism which has made us the world's most trusted news source ... . We strongly reject any suggestion that any part of the documentary constitutes genocide denial.'<sup>40</sup>

The second inquiry was conducted by the BBC and came to different conclusions. Although many letters for and against the documentary were sent to the BBC's director general, one complaint – namely that of the '38' – was forwarded to the broadcaster's Editorial Complaints Unit. This occurs when complainants are not satisfied with the response received and still believe that the BBC's editorial standards have been breached. The Unit issued a provisional finding on 6 February 2015. It addressed the issues of genocide denial, the number of *interahamwe*, the number of Tutsi victims, the airplane attack, and the role of the RPF in stopping the genocide. It insisted on the fact that the programme was clearly presented as offering a different view challenging the accepted story. More specifically, the inquiry found that while it put forward controversial data on issues raised by the complainants, the documentary 'did not at any point suggest that the genocide had not happened'. On numbers of *interahamwe* and of Tutsi killed, the Unit felt that wide ranges of figures have been mooted and that there is no universally agreed consensus on precise numbers. The controversial figure proposed by Stam and Davenport 'was presented with appropriate caveats and balancing information which made clear that their

37. *Ibid.*, p. 42.

38. *Ibid.*, p. 43.

39. *The East African*, 'Envoy urges'.

40. *The Guardian*, 'BBC rejects complaint over controversial Rwanda genocide documentary', 10 April 2015, <<http://www.theguardian.com/media/2015/apr/10/bbc-rejects-complaint-rwanda-genocide-documentary>> (15 April 2015).

findings were at odds with conclusions reached by others – including the Rwandan government’. This was also the case with regard to discussions of the attack on the president’s plane and the RPF’s role in ending the genocide. The Unit concluded that the film did not lend itself to misuse of the kind suggested by the complainants, but rather showed that ‘the narrative was, arguably, more complex than many may have realised’.

The complainants reacted to the provisional findings on 16 March. They essentially restated their case, put forward additional arguments, and attempted to show precisely where and how the documentary was in breach of the BBC’s own editorial guidelines. The complainants suggested that the BBC sided with *génocidaires* and their supporters in challenging the ‘official story’. They stated, for instance, that ‘[t]he ECU claims these “controversial” figures are provided in the context of “a debate with a wide range of views with many interpretations of data”. But there is no debate.’<sup>41</sup> However, there *is* a debate: for instance, figures on the number of people killed and their ethnicity are approximations, and there is no scholarly consensus on this issue. Much of what the complainants claim has been ‘demonstrated’ has not been conclusively proven in any scientific sense. This includes key issues such as the plane attack or whether the RPF was primarily motivated by ending the genocide or winning the war.

The Editorial Complaints Unit issued its final finding on 31 March. It repeated that the references to the ‘official’ story did not dismiss that account, and that in considering what other explanations may exist, and challenging the Rwandan government’s version, it did not mislead the audience. It also stressed again that the programme did not support or promote any of the three forms of genocide denial put forward by the complainants. The central statement of the report’s finding concluded that:

Reflecting on the crimes committed by Tutsi does nothing to absolve the Hutu who are guilty of acts of genocide, and nor is presenting controversial theories (and clearly identifying them as such) on the numbers and ethnicity of those who died the same as asserting that a genocide did not happen against the Tutsi – or diminishing it. The annexe to the complaint appears to propose an idea of ‘genocide denial’ as encompassing anything which queries the ‘correct’ account, the logical conclusion of which is that there cannot be anything other than one, universally accepted version of events.<sup>42</sup>

This candid account offers a clear assessment of the way in which the struggle over “truth” has been waged by the RPF and those supporting its view. The Unit concluded that it had not been offered sufficient reason to revisit its initial finding, and referred the complainants to the Editorial Standards

41. Linda Melvern *et al.*, ‘This world – Rwanda’s untold story, BBC2, 1 October 2014’, 16 March 2015, p. 10 (author’s archives).

42. BBC ECU, ‘This World – Rwanda’s untold story, BBC2, 1 October 2014’, 31 March 2015, p. 4 (author’s archives).

Committee of the BBC Trust, if they wished to proceed further in this matter. The appeal was pending at the time of writing.

The reactions in Kigali were predictable. Martin Ngoga argued that the outcome of the BBC's inquiry reinforced rather than weakened the conclusions of his committee, as 'the BBC's findings emphasized institutional solidarity behind a fundamental wrong. It removed (the) benefit of doubt.'<sup>43</sup> An editorial in *The New Times* accused 'heartless thugs that continue to collude to misinform and manipulate unsuspecting audiences around the world', and claimed that 'BBC is among those that have generously given a platform to these ill-motivated conspiracy theorists'.<sup>44</sup> The Director General of the Rwanda Broadcasting Agency said that the outcome of the BBC inquiry was not surprising as the corporation had acted as prosecutor, defendant, and judge (he did not note that the Ngoga commission acted as prosecutor, victim, and judge). He concluded that the finding of the Editorial Complaints Unit 'is either a deliberate move to hide the grease or a complete indictment of their capacity to interpret their own editorial charter'.<sup>45</sup> These claims do not reflect the history of the Unit, which actually tends to uphold complaints. Since the beginning of 2015, out of a total of fifteen complaints, seven were upheld, one was partly upheld, and seven were resolved.<sup>46</sup>

### *Conclusion*

While the Rwandan government mobilized the accusation of 'genocide denial' in its disagreement with the BBC, that was not the main issue in this struggle over truth. The documentary does not deny the genocide, but instead strongly remembers it. Rather the struggle was over other facets of history potentially harmful to the RPF: its weak democratic credentials; its widespread killings of civilians during and after the genocide in both Rwanda and the Democratic Republic of Congo, and its impunity for these crimes; the operation of its hit squads abroad; its role in sparking the genocide by downing the presidential plane; its having pursued military victory at the expense of the saving of Tutsi; and its support by powerful friends like Tony Blair and Bill Clinton. These are the aspects of the story on which the BBC challenged the RPF's narrative on empirical grounds, and where a

43. *The New Times*, 'To the BBC: When in a hole, the first rule is to stop digging', 2 March 2015, <<http://www.newtimes.co.rw/section/article/2015-03-02/186501/>> (3 March 2015).

44. *The New Times*, 'Editorial: Keep up fight against genocide denial', 6 April 2015, <<http://www.newtimes.co.rw/section/article/2015-04-06/187616/>> (6 April 2015).

45. *The New Times*, 'Instead of being bullish, the BBC should eat humble pie', 22 April 2015, <<http://www.newtimes.co.rw/section/article/2015-04-22/188073/>> (23 April 2015).

46. *BBC*, 'Recent Editorial Complaints Unit findings', <<http://www.bbc.co.uk/complaints/comp-reports/ecu/>> (2 June 2015).

convincing case against the RPF can be made. Genocide denial is found only in marginal quarters that lack international credibility. Sensing the danger, the RPF sought to question the BBC's credibility rather than engaging in a hazardous factual rebuttal of this counter-narrative.

But this struggle also raises questions that go beyond Rwanda and the BBC. The bigger question that lies at the heart of the controversy is about who owns the construction of knowledge and whether that ownership is part of national sovereignty. Control of the "truth" cannot and should not lie with national governments in an era of global information and communication, responsibility to protect, and international criminal justice. Yet many voices in Rwanda – though probably not those forbidden to express themselves publicly – have been genuinely shocked by the spectre of a powerful international media intruding in their "truth", even if that "truth" may be factually disputable. That such media are not rebutted on substance by many of those who attack them suggests that the coverage they propose may well have a liberating effect that creates space for debate in places where such openings are rare. In other words, the truth is no one's exclusive territory, but rather should be the subject of continuing exchange and contestation.