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## Declaration of the Batwa Indigenous People in Response to the Decision of the African Commission on Human and Peoples' Rights Adopted During its 71st Ordinary Session: Communication 1588/15

We, the Batwa indigenous people of the Kahuzi-Biega National Park (PNKB), victims of evictions and human rights violations, declare the following:

1. **First and foremost**, we recall that for decades, our ancestors (great-grandparents and grandparents) lived on their ancestral land, which is now the Kahuzi-Biega National Park (PNKB), in perfect harmony with nature. They sustainably protected it through our knowledge and traditional practices, especially in the sustainable conservation of biodiversity. Secondly, since the 1970s, the Democratic Republic of Congo (DRC) has expelled us from this land under the pretext of creating the PNKB and maintaining the integrity of its boundaries. These expulsions continue to this day.

As a result of these expulsions, since 1970, we have been victims of multiple human rights violations (arbitrary arrests, the burning of our houses, killings of members of our communities, discrimination, etc.), and the DRC has yet to find a sustainable solution to our claims, despite certain agreements signed (Whakatane Mechanism Roadmap of 2014, PANORAMA Hotel Roadmap of 2019, etc.).

2. **Considering** that the DRC is a signatory to the African Charter on Human and Peoples' Rights;

**Considering** that this entire situation has caused, and continues to cause, enormous harm to us, the Batwa indigenous people. After having no results at the national judicial level, we filed a complaint in February 2016 with the African Commission on Human and Peoples' Rights (ACHPR). The purpose of this complaint was to seek condemnation of the DRC, recognition of our rights, and, consequently, their restoration.

Following our filed complaint, the decision was made. We thank the African Commission on Human and Peoples' Rights for initially recognizing the violation by the DRC of Articles 1, 2, 3, 4, 8, 14, 16, 17 (paragraphs 1 and 3), 22, and 24 of the African Charter on Human and Peoples' Rights, which include the right to life, respect for freedoms, dignity, privacy, and the right to security; and we recommend the following to the DRC:

- To adopt, in consultation with the Batwa, the necessary legislative and other measures deemed essential to establish a mechanism for the demarcation and granting of property titles for the Batwa's ancestral territory, as well as the rights related to it;
- To reintegrate the Batwa into their ancestral territory;



- To refrain from any actions that could prevent the Batwa from enjoying or using their ancestral lands while the aforementioned appropriate measures are being taken and implemented;
  - To repeal all laws, ordinances, and other measures prohibiting the presence of the Batwa on their ancestral lands, as well as their traditional use and enjoyment of these lands;
  - To remove, within a period not exceeding 6 months from the notification of this decision, non-Batwa individuals from the Batwa's ancestral lands and territories.
3. In light of the above, we ask the African Commission on Human and Peoples' Rights to monitor the implementation of these recommendations by the DRC so that our rights can be restored.
  4. We call on all state authorities of the DRC at all levels to respect the commitments contained in all duly ratified international treaties and agreements, as well as to respect national laws.
  5. As for us, the indigenous peoples, we call upon ourselves to adopt, as we did in the past, measures aimed at the sustainable protection of the biodiversity of the Kahuzi-Biega forest landscape. **WE ARE READY TO TAKE ON THIS CHALLENGE OF PROTECTING AND SUSTAINABLY USING OUR ANCESTRAL LANDS. ARE OTHERS READY TO HELP US DO IT?**

Done in Bogamanda, on **02/08/2024**,  
For the indigenous peoples