

**Declaration by the Batwa indigenous people on the decision by the African Commission on
Human and Peoples' Rights, adopted at its 71st ordinary session:
communication 1588/15**

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

1. A reminder first that for decades, our ancestors (great-grandparents and grandparents) lived on their ancestral lands, now the PNKB, in perfect harmony with nature and that they protected it sustainably using our traditional knowledge and practices, **in particular** the sustainable conservation of biodiversity. Second that from the 1970s onwards, the Democratic Republic of the Congo (DRC) expelled us from these lands on the pretext of creating the PNKB and maintaining the integrity of its boundaries, and that these evictions continue to this day.

As a result of these evictions, since 1970 we have been victims of multiple human rights violations (arbitrary arrests, burning of our homes, the assassination of members of our communities, discrimination, etc.), without the DRC finding a durable solution to our grievances, despite the signing of several agreements (Whakatane mechanism roadmap of 2014, PANORAMA hotel roadmap of 2019, etc.).

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

And whereas this whole situation has caused and continues to cause us, the indigenous Batwa people, enormous harm. **Having had no result in the national courts**, we lodged a complaint with the African Commission on Human and Peoples' Rights (ACHPR) in February 2016. **The aim of the action was to see that the DRC be declared guilty, that our rights be recognised and, therefore, that they be reinstated.**

The decision of the Commission following our complaint has been published. We would like to thank the African Commission on Human and Peoples' Rights, which has recognised first that the DRC was in violation of articles 1, 2, 3, 4, 8, 14, 16, 17 para. 1 and 3, 22 and 24 of the African Charter on Human and Peoples' Rights, in particular the right to life, respect for freedoms, dignity, privacy and the right to security ; and we recommend that the DRC :

- Adopts, in consultation with the Batwa people, the legislative and other measures deemed necessary to put in place the process to demarcate the Batwa's ancestral territory, and grant relevant title deeds and any related rights;
- Reinstates the Batwa in their ancestral territory;
- Refrains from any action that might prevent the Batwa from being able to enjoy or use their ancestral lands while the appropriate measures referred to above are being agreed and implemented;

- Annuls all laws, ordinances and other measures prohibiting the presence of the Batwa on their ancestral lands and their traditional use and enjoyment of them;
 - Removes non-Batwa from Batwa ancestral lands and territory within a period not exceeding 6 months from notification of this decision.
3. In view of the above, we ask the African Commission on Human and Peoples' Rights to follow up on the implementation of these recommendations by the DRC so that our rights are reinstated.
 4. To all state authorities in the DRC, at all levels, that they respect the commitments contained in all duly ratified treaties and agreements. But also that they respect national laws.
 5. We, the indigenous peoples, call on ourselves to adopt measures to protect the biodiversity of the Kahuzi Biega forest landscape in a sustainable way, as we have done in the past.

WE ARE READY TO TAKE UP THIS CHALLENGE TO PROTECT AND SUSTAINABLY USE OUR ANCESTRAL LANDS. WILL OTHERS BE READY TO HELP US DO THIS?

Bogamanda, the 2nd August 2024

For the indigenous peoples

1. MBUWA KALIMBA

2. SHAMULISI MWABWA

3. MAO MBI NYA MU SHI

4. MALISETO

NSA BARONGO

5. KANDEBO

BAHIDIA

6. MANASE

SIRIRE

7. PLACIDE

CIKONA

8. BAHATI

NGABOYELA

9. BAHATI

MALENSA

10. BITAWA

CHILONGI

11. MOISE

MALIASI

12. FLETOGO MAROBA

13. DUNIA CHINTABA

14. LIRAKU KAFUNDO philippe ~~RECEIVED~~
15. FREDDY MASUMBUKO ~~RECEIVED~~
16. MABELE MALIASI ~~RECEIVED~~
17. SHANGULO POLIPOLI Bug 71
18. MEZALI KAVURA ~~RECEIVED~~
19. KABONGO RWAMANGERA ~~RECEIVED~~
20. BUKUZE KAHAMIRE ~~RECEIVED~~
21. MUBIWA MUBAUA ~~RECEIVED~~
22. MATENAO MOTAUA ~~RECEIVED~~
23. KISANGULO MUTEEMBO ~~RECEIVED~~
24. JOHN MALENGA ~~RECEIVED~~
25. DELPHE YONASI ~~RECEIVED~~
26. SEPT - KABUVE ~~RECEIVED~~
27. WAGOMA - KARAN ~~RECEIVED~~
28. KILIBA LEON ~~RECEIVED~~
29. KARUME NYARUMA ~~RECEIVED~~
30. BAKAYA NGUBE ~~RECEIVED~~
31. NEEMA SIRIBE ~~RECEIVED~~
32. RACHELE KALIBIRO ~~RECEIVED~~
33. CHARLIE ~~RECEIVED~~
34. SEKA MABELI ~~RECEIVED~~
35. NABITU MOTALGORE ~~RECEIVED~~
36. MUPOTO-CHIRALI ~~RECEIVED~~
37. MYAZIMINGI MULEKA ~~RECEIVED~~
38. CHIMONGI KABWANA ~~RECEIVED~~