



2016 Guidelines for setting up national or local sessions of the International Tribunal on Evictions [ITE] [25/2/2016 final version]

1. Introductory note on the ITE Guidelines

These guidelines are in response to requests from organizations struggling for the right to housing and citizens' and inhabitants movements struggling against evictions and who want to hold local ITE sessions in their countries or in their cities. Building these guidelines is an evolving process, and the ones presented here will be improved thanks to the contributions of the activists and professionals who will carry out or have been involved in court sessions, and in previous ITE sessions. We hope that on the following the 5th session of the ITE in Quito, these guidelines will be modified and adjusted for the 2017 sessions.

2. ITE Background and Rationale

Forced evictions of millions of people of all ages are a global phenomenon, and they are increasing in brutality and scale. Faced with this scandal, international organizations have become shamelessly more and more silent, allowing more and more widespread impunity to take place. The initiatives of residents' organizations, of citizens of both genders, to resist eviction and find solutions are multiple, at neighborhoods, cities, countries or international levels. These initiatives suffer from a major lack of institutional and political support.

The number of people affected by evictions is in the millions every year, in all regions, and a precise account is quite difficult to obtain. In effect, global monitoring of the number of people, whose house is taken or land is grabbed by government, private developers or other powerful interests, is more and more difficult to assess. The monitoring carried out by the UN and presented as part of the slum index has been unilaterally stopped by UN Habitat. The Advisory Group on Forced Evictions [AGFE] that gathered scarce information, from the field and from the affected people, was also stopped as well by UN Habitat. From a grassroots perspective, the world reports on evictions prepared by the Centre on Housing Rights & Evictions (COHRE) have not been issued now for close to ten years, since COHRE closed.

One of the initiatives that challenges this current situation is the **International Tribunal on Evictions**, a court of opinion with an important moral and media weight. It has given voice to thousands of the voiceless, especially for victims and people at risk. It was launched by the International Alliance of Inhabitants on the suggestion of the World Assembly of Inhabitants (WSF Dakar 2011) as the main activity of the World Zero Evictions Days, every year in October, in collaboration with international networks and local organizations. It has met annually in Geneva since 2011, and in 2014 it was held in Milan. The next session of the ITE will be held in Quito, as an

integral part of the People's Social Territorial Alternative Forum that will take place in parallel, and in an autonomous way to the UN Habitat III Conference (Quito, October 2016) as part of the People's Alternative Social Territorial Forum. The ITE is part of the "*The Urban and Community Way*" the strategy for the convergence of struggles,. As a matter of fact, the ITE is a way to give more visibility to the campaigns, to the struggles and to the victories that are taking place.

3. What is the ITE?

The ITE, as an ethical and opinion tribunal, is a unique forum that gives a voice to the individuals, the families or the neighborhoods who are dramatically affected and whose life and livelihoods are traumatically destroyed. Through a systematic identification of the cases, documented and presented by the people themselves and their defenders, the following aspects are highlighted:

- Where are they taking place: countries and cities.
- Description of the most commonly found situations
- Number of people concerned and size of the cases. For instance, during the last session of ITE, around 160 000 people were affected in the 32 cases that were presented.

A listing in several languages [Annex 2] will record the case. In the case of local or national sessions, it will be translated into the languages spoken by the people affected.

4. What are the expected results of the local sessions of the ITE?

Each session of the ITE produces recommendations and a report that are widely disseminated in various languages to the media and to governments, as well as to supranational and international organizations. In the context of Habitat III, echoing the voice of the homeless and of those threatened by imminent evictions is essential and should have a strong impact.

5. Which cases will be considered for the ITE?

- Individual or collective cases
- Eviction through the market, often hidden or less visible, but massive in general term
- Forced evictions, which, in international terminology, are those in violation of the right to adequate housing of the United Nations
- Forced evictions considered unfair by victims.
- All forms of spoliation and dispossessions related to ownership and use of land.

Indeed, many evictions and demolitions are carried out legally in a given national legal framework yet can violate the rights and treaties ratified by those countries. It is therefore quite possible that some sessions of the ITE will also consider cases of evictions that were carried out following a formal national judgment, but which violate either international law or the ethical values recognized by the ITE.

The ITE distinguishes three types of situations and considers them all:

- A. Those where evictions have already taken place, leading to the displacement of families, eviction from their houses or lands, demolition of houses, but also in many cases the destruction of entire neighborhoods, ones that have been there for many years.
- B. Those in which the eviction process is underway and for which eviction is imminent.
- C. Those in which there is a short-term foreseeable threat of eviction and residents are receiving a first threat for unpaid rent; or the alleged owner is threatening the inhabitants of a neighborhood waving a title acquired by dishonest means. This very widespread third category also corresponds to situations where the approval of plans or planning documents that provide for infrastructure, public facilities or urban transformations will result in evictions.

These three situations raise different questions, and thus possibilities for different actions and defenses. When evictions take place, even if there is compensation, this can often take many years or goes unpaid. And when eviction processes are in progress, or imminent, with short term foreseeable threat, it becomes essential to follow up on evictions and compensation especially with displaced families.

6. Does the ITE only consider cases of housing evictions?

The answer is no, even though historically the ITE was set up to address cases of evictions and housing demolitions. The 2016 session as well as local and national sessions of the ITE will address all forms of evictions: housing related of course, but also street vendors, craftspeople, displaced persons and communities, evictions resulting from war displacements, mega projects, mines, dikes, urban farmers deprived of their land, land grabbing, and all other forms of land dispossession leading to the loss of the use or ownership of land.

7. Elements to consider for the establishment of a national or local session

Local and national sessions of the ITE are decentralized and need to be tailored to the local realities, to the capacities of the organizers, to the imminence of evictions, which are analyzed and judged, to the existing level of potential repression and to possible social and political forces that can be mobilized so that the local ITE is a success.

This being said, the following information is intended to facilitate the preparation of local sessions and is based on years of past experience.

7.1. Steps

- Establish an organizing a committee locally and nationally, that is clearly defined and independent. It will bring together all relevant actors in the defense of victims of evictions, and adheres to the principles of the ITE
- Get in touch with the international committee organizing the 2016 Quito ITE, explaining the committee the intentions of the local ITE
- Signing of an MOU [agreement of principle between the ITE international committee and the local organizers or local committee organizing the local/national ITE.
- Dissemination of a form for the registration of cases that can be connected to the online computer ITE system [see Annex 2]
- Collect and analyze the different cases
- Select the case [up to five] to be presented by the complainants and heard by the court

- Mobilization of society, media, and various potentially interested parties.
- Holding the Court, usually over one or two days. The sessions are open, and the jury deliberates, after listening to the statements of the complainants, the party responsible for the evictions and asking questions to better understand the situation.
- Issue of recommendations, and a written decision, signed by the jury, which is read in public and widely disseminated

7.2 Composition and role of the Jury

The Jury is composed of authorities on forced evictions, human rights, particularly housing rights, from inhabitants organizations, from the academic world, NGOs, media, national or international bodies or organizations of inhabitants. In local/national sessions, the jury may be composed of local, national and international members. Before starting the session, the Jury meets to choose his / her Rapporteur, whose functions includes coordinating the drafting of the recommendations and reading them in a solemn act.

During the Session, the members of the Jury are provided with detailed information on each case. They listen carefully to the presentation made by the witnesses, and ask clarifying questions that will enable them to make recommendations at the end of the Tribunal. Before the start of the session, the Jury meets to know each other and to choose a Rapporteur, whose functions include coordinating the drafting of the Recommendations and reading these at the end of the session.

7.3. Protagonists of the ITE

- **Witness:** a person authorized to witness a case of expulsion and charged to present this to the jury.
- **Member of the Jury:** a person appointed by the Organizing Committee and its partners because of their expertise in forced evictions, human rights, primarily housing and land rights, and ability to write credible recommendations as part of a court opinion.
- **Rapporteur:** a person designated by the Jury members in the Jury to coordinate the writing and reading of the Recommendations.
- **Moderator:** an independent person appointed by the Organizing Committee to moderate the Tribunal session and uphold its principles.
- **Facilitator:** a person designated by the Organizing Committee to facilitate the smooth progress of the ad hoc Tribunal on Evictions Session, synthesize the exchange and to transcribe oral testimony, and writing on the ITE website.
- **Member of the Organizing Committee:** a person designated to compose the ITE national or local sessions to coordinate the organization of the session and to follow up the overall activities.

7.4. Parallel activities of the ITE

According to local capacities and possibilities of concrete actions, several types of activities can be conducted. The central principle is that the holding of the local/national ITE should be useful for people who have been or are at risk of being evicted. It is up to each local team to define the actions that will be able to provide the best support to those concerned: media outreach, campaigning, demonstrations, dialogue with the authorities, practical suggestions for dealing with situations, etc.

7.5. Follow up of the local and national ITE sessions

Following the local or national sessions of the ITE, the Jury meets to make recommendations for each of the cases presented. The recommendations will be made public immediately, generally at the end of a march or a festive popular event, or not. These recommendations address the economic and institutional actors, public or private, responsible for the forced evictions presented at the Session as well as organizations of civil society

who support affected people. They are also sent to representatives of local and/or national government, international organizations and others that the Jury regards as relevant to the issue such as Special Procedures of the UN CESCR, Special [United Nations] Rapporteur for adequate housing, DESC Committee, etc.

7.6. Required documents for a session of the ITE

Documents produced locally to be sent to the International Coordination ITE Committee, are in particular:

- MOU – Memorandum of Understanding- signed between the ITE local/national committee and 2016 ITE International Committee
- Uploading of the evictions cases [using the existing form] on the online system
- Summary report on the cases
- An Executive Report
- Recommendations - Verdict of the Tribunal jury
- Any mobilization and dissemination tools;
- Video registration of the local/national ITE tribunal session
- Newspaper clippings paper/online
- Annotated version and proposed changes to this guide [the proposals will feed into the 2017 version]
- Proposals and suggestions from the jury to deal with the cases presented
- Summary of the concrete actions that have followed the session, e.g., demonstrations, protest letters, prosecuting those responsible, Zero Eviction Campaign, media campaign, inquiry, etc.
- Follow-up Report of the cases within 6 months

7.7. Coordination of sessions: Who to inform?

If a local or national social organization wishes to hold a court session, it must come in contact with the International Committee of the 2016 ITE whose coordinators are indicated below. They will validate the proposal and the name of the person who will be responsible for permanent contact.

Following the holding of the session, the national or local organizers send a report containing the information specified in point 7.6.

8. Contacts and communication languages of the [provisional] International Committee of the ITE 2016.

- Segundo Martinez Neptali Santi [neptam@yahoo.com]
 - CEDHU, comisión ecumenica of derechos humanos, Ecuador
 - Working languages: Spanish,
- Soha Ben Slama [sohabenslama2013@gmail.com]
 - Collective for The Right to Decent Housing, Tunisia
 - Working languages: Arabic, French, English, Italian, reads Spanish
- Varghese Theckanath [msihyd2009@gmail.com]
 - Institute social Montfort, MSI, India
 - Working language: English, Hindi,
- Yves Cabannes [ycabanes@mac.com]
 - Prof. Emeritus. UCL / DPU, UK
 - Working languages: English, French, Spanish, Portuguese
- Cesare Ottolini [info@habitants.org]
 - International Alliance of Inhabitants, Italy
 - Working language: French, Spanish, English, Italian

9. Sessions of local ITE planned for the year 2016 [Provisional as of 1st February 2016]

- India, Taiwan, Kenya, Tanzania, Mali, Morocco, Argentina.

10. Appendix and information material

- Appendix 1. [International Call for Cases for the ITE 2016 Session in Quito](#)
- Appendix 2. Form for the registration of cases in [English](#), [French](#), [Spanish](#), [Italian](#), and [Portuguese](#)
- Appendix 3. Synthesis Report / Executive postponement of cases received by the ITE in 2014 [versions available in English, French, Spanish]
- Appendix 4. Types of causes of evictions [People's Guide for the Zero Evictions Campaign] http://www.habitants.org/zero_evictions_campaign/presentation/zero_evictions_campaign
- Appendix 5. ITE resolutions/recommendations committee
- Appendix 6. Useful links
 - o [Zero Eviction Campaign](#)
 - o [Urban and Community Way](#)
- Appendix 7. Information material

International Days – ForuMMedia 2011: all videos online

Foreign guests invited by the ForuMMedia Habitat Participatif stayed with inhabitants from participative associations (Geneva, 29 September – 2 October 2011) All the videos from the ForuMMedia Habitat Participatif in Geneva in October 2011 are now available online. The forum was organized by PALC (Productions à la Chaine) with support from the International Alliance of Inhabitants as part of the World Zero Evictions Days - for the Right to Habitat. Of particular interest is the video of the Zero Evictions Campaign launch <http://www.darksite.ch/alachaine/spip/spip.php?article181> .

Geneva Habitat Forum 2012, a weapon for the right to housing

Geneva, United Nations (Demir Sonmez, 29/09/12) Over 400 participants have declared the Geneva Habitat Forum, which took place on the eve of World Zero Eviction Days - for the Right to Housing, a success. The opening conference, the awards for the civil society initiatives for sustainable cities, the International Evictions Tribunal and the Inhabitants March to the Palais des Nations Unies were among the strong points of the mobilization. [Recommendations of the International Tribunal on Evictions – 3rd Session \(Genève, 18/10/2013\)](#)

Recommendations of the International Tribunal on Evictions - Fourth Session (Milan, 9th October 2014)

Recommendations to the Ministers for Social Affairs of the European Union

The International Tribunal on Evictions (ITE) met for its 4th Session in Milan on 9th October 2014. A Jury made up of four experts in housing rights, from the academic world, NGOs and activist organizations, has analyzed the dossiers on 32 cases of eviction in 24 cities of 11 countries in Europe, Africa, Asia, Latin America and it has heard the inhabitants' testimonies regarding the violations of the Right to Housing.

Website: <http://www.tribunal-evictions.org/>