

Roar Mikalsen
PB 1094
1787 Bergi Østfold
Norway

22/2-13

Thorbjørn Jørgensen
Secretary General
Council of Europe

An Open Communication Regarding Your Office's letter
of August, 3rd, 2012.

Dear Sir.

I write this in response to our previous communication. As you know I wrote you a letter (dated June, 4th, 2012) in which I informed you about the Norwegian State's failure to comply with its obligations towards the ECHR and the Statute of the COE.

As explained in this letter the Norwegian State does not recognize Human Rights law in the area of drug policy, and its justice system has denied the drug users their right to have their rights determined by an independent, impartial and competent court. In doing so they have violated the rule of law in the most fundamental of ways and so, as a consequence of this, we are now, in effect, a police state.

The ECtHR first accepted my complaint regarding this. It was the most important case the Court ever acknowledged receiving, being that its decision would have enormous consequences not only for Europe's drug users (which are counted in the tens of millions) but also its non-drug users.

The issue to be decided upon was the drug laws' compatibility with human rights law. And considering the evidence presented to the Court there can be little doubt that had the Court done its job properly, it would have concluded that the evidence being what it is, the drug laws not only are in violation of human rights law, but that their destructive consequences, in fact, are so great that they represent a longlasting and systematic attack upon the civil population — in other words, constitute a Crime against Humanity. (A great deal of this evidence was presented to your office with my letter.)

Unfortunately, though, the ECtHR failed its responsibility towards the Convention and the people of Europe, and in a single judge decision decided against looking into the matter. It was not only a decision void of any legal or principled reasoning, but it was also a decision totally in violation of the Court's obligation towards the Convention and the people. Still, despite its unwillingness to deal with the issue respectfully, our drug laws incompatibility with human rights law (and the prohibitionists' inability to defend their policies) is becoming more and more obvious, and so, unless the Court rethinks its position on the issue, its credibility as a defender of human rights law is in serious jeopardy.

The Court's decision/reputation again reflects upon the COE and so, as it is your responsibility to see to it that the Court remains a vehicle for the effective promotion of the spiritual/moral values and the legal principles the Convention seeks to protect, I asked you to look into the matter.

Your office, however, replied that this was the Court's problem and that the Secretary General would not intervene. I therefore sent a communication to the President of the

Court asking him to reopen the case and see to it that the issue was properly resolved. Unfortunately, he does not seem eager to do so. I have not heard from him regarding the matter, and now that it is almost a year since the Court's decision, I give you a second chance to intervene.

You would do wisely to do so. Because as it now stands the Court cannot claim to be an independent, impartial and competent body, dedicated to the protection of the rule of law and the Convention. Instead, it appears to be a government-sponsored corporation — a tool in the hands of special interests — whose real function is to arrest the progress and natural application of human rights law, rather than promote it.

This, of course, is a situation that will not stand. And so I ask you again to rethink your position.

To clarify the importance that you do so, I send you a copy of my complaint to the UNHRC. I hope this will help you see the issue more clearly. If you do not, however, and I don't hear from you again, you should know that I will hold you personally responsible for your failure to comply with your obligations and responsibility towards the people of Europe. As you already know the drug law fills every criteria to be called a crime against humanity and so, if you allow this unfortunate situation to continue, I will file a complaint against you to the ICC for aiding and abetting in a crime against humanity.

I am well aware that as things now stand this will be mostly a symbolic gesture. But the drug laws cannot be shielded from review indefinitely. More and more people are waking up to discover the unfortunate effect and consequences they have had for society; the time for

their abolition therefore draws nearer every day
— and when they are gone those civil servants who
used their position to protect these laws from exposure,
will be held accountable for their crimes.

I therefore hope that you take proper action, and if
you have any further questions, feel free to
contact me.

Yours Sincerely,
Roar Mikkelsen

