



## About this application form

This form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the "Notes for filling in the application form". Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) requires that a concise statement of facts, complaints and information about compliance with the admissibility criteria MUST be on the relevant parts of the application form itself. The completed form should enable the Court to determine the nature and scope of the application without recourse to any other submissions.

### Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

### Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

## A. The applicant

### A.1. Individual

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to section A.2.

1. Surname

2. First name(s)

3. Date of birth

2	1	1	2	1	9	7	5
D	D	M	M	Y	Y	Y	Y

 e.g. 31/12/1960

4. Place of birth

5. Nationality

6. Address

7. Telephone (including international dialling code)

8. Email (if any)

9. Sex  male  female

### A.2. Organisation

This section should only be filled in where the applicant is a company, NGO, association or other legal entity. In this case, please also fill in section D.1.

10. Name

11. Identification number (if any)

12. Date of registration or incorporation (if any)

D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

13. Activity

14. Registered address

15. Telephone (including international dialling code)

16. Email

**B. State(s) against which the application is directed**

17. Tick the name(s) of the State(s) against which the application is directed.

- |   |  |
|---|--|
| <input type="checkbox"/> ALB - Albania                | <input type="checkbox"/> ITA - Italy               |
| <input type="checkbox"/> AND - Andorra                | <input type="checkbox"/> LIE - Liechtenstein       |
| <input type="checkbox"/> ARM - Armenia                | <input type="checkbox"/> LTU - Lithuania           |
| <input type="checkbox"/> AUT - Austria                | <input type="checkbox"/> LUX - Luxembourg          |
| <input type="checkbox"/> AZE - Azerbaijan             | <input type="checkbox"/> LVA - Latvia              |
| <input type="checkbox"/> BEL - Belgium                | <input type="checkbox"/> MCO - Monaco              |
| <input type="checkbox"/> BGR - Bulgaria               | <input type="checkbox"/> MDA - Republic of Moldova |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - North Macedonia     |
| <input type="checkbox"/> CHE - Switzerland            | <input type="checkbox"/> MLT - Malta               |
| <input type="checkbox"/> CYP - Cyprus                 | <input type="checkbox"/> MNE - Montenegro          |
| <input type="checkbox"/> CZE - Czech Republic         | <input type="checkbox"/> NLD - Netherlands         |
| <input type="checkbox"/> DEU - Germany                | <input checked="" type="checkbox"/> NOR - Norway   |
| <input type="checkbox"/> DNK - Denmark                | <input type="checkbox"/> POL - Poland              |
| <input type="checkbox"/> ESP - Spain                  | <input type="checkbox"/> PRT - Portugal            |
| <input type="checkbox"/> EST - Estonia                | <input type="checkbox"/> ROU - Romania             |
| <input type="checkbox"/> FIN - Finland                | <input type="checkbox"/> RUS - Russian Federation* |
| <input type="checkbox"/> FRA - France                 | <input type="checkbox"/> SMR - San Marino          |
| <input type="checkbox"/> GBR - United Kingdom         | <input type="checkbox"/> SRB - Serbia              |
| <input type="checkbox"/> GEO - Georgia                | <input type="checkbox"/> SVK - Slovak Republic     |
| <input type="checkbox"/> GRC - Greece                 | <input type="checkbox"/> SVN - Slovenia            |
| <input type="checkbox"/> HRV - Croatia                | <input type="checkbox"/> SWE - Sweden              |
| <input type="checkbox"/> HUN - Hungary                | <input type="checkbox"/> TUR - Türkiye             |
| <input type="checkbox"/> IRL - Ireland                | <input type="checkbox"/> UKR - Ukraine             |
| <input type="checkbox"/> ISL - Iceland                |  |

**C. Representative(s) of the individual applicant**

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

**C.1. Non-lawyer**

18. Capacity/relationship/function

19. Surname

20. First name(s)

21. Nationality

22. Address

23. Telephone (including international dialling code)

24. Fax

25. Email

**C.2. Lawyer**

26. Surname

27. First name(s)

28. Nationality

29. Address

30. Telephone (including international dialling code)

31. Fax

32. Email

**C.3. Authority**

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative

36. Date

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

**Electronic communication between the representative and the Court**

37. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

By completing this field you agree to using the eComms system.

**D. Representative(s) of the applicant organisation**

Where the applicant is an organisation, it must be represented before the Court by a person entitled to act on its behalf and in its name (e.g. a duly authorised director or official). The details of the representative must be set out in section D.1.

If the representative instructs a lawyer to plead on behalf of the organisation, both D.2 and D.3 must also be completed.

**D.1. Organisation official**

38. Capacity/relationship/function (please provide proof)

39. Surname

40. First name(s)

41. Nationality

42. Address

43. Telephone (including international dialling code)

44. Fax

45. Email

**D.2. Lawyer**

46. Surname

47. First name(s)

48. Nationality

49. Address

50. Telephone (including international dialling code)

51. Fax

52. Email

**D.3. Authority**

The representative of the applicant organisation must authorise any lawyer to act on its behalf by signing the first box below; the lawyer must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated in section D.2 above to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

53. Signature of organisation official

54. Date

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

I hereby agree to represent the organisation in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

55. Signature of lawyer

56. Date

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

**Electronic communication between the representative and the Court**

57. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

By completing this field you agree to using the eComms system.

## Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the four-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

### E. Statement of the facts

58.

On 11 September 2021, outside Oslo's main police station, the applicant set up a table with cannabis and psilocybin products. Before this act of civil disobedience, the applicant, who is a leader of the Alliance for rights-oriented drug policies (AROD) and a 2019 nominee of the Vaclav Havel and Martin Ennals human rights awards, informed the police, the Ministry of Justice, and the Ministry of Health that the political process had failed to protect the rights of drug users. Since 2002, Norwegian reports have noted that criminalization of drug use is not compatible with constitutional principles, and the applicant sought to save lives and improve livelihoods by having the Norwegian justice system review the drug policy.

Background for ARODs civil disobedience: Since 2009, Norwegian drug users have complained to the Justice Department and the Director of Public Prosecutions that drug policy is driven by moral panic and that a human rights analysis is needed to ensure that the drug laws are within the limits of human rights, but prohibitionists in power ensure that the drug law remains protected from scrutiny.

The problem is systemic and even the European Court has failed its mandate. After the Norwegian Supreme Court refused to intervene on behalf of drug users in 2010, sitting in a single judge setting, Justice De Gaetano protected the Norwegian drug policy from scrutiny in 2012, leaving European drug users to hang. Even though the application was supplemented by letters of support from politicians and experts on drug policy, this judge decided that "in the light of all the materials in its possession, and in so far as the matters complained of were within its competence, the admissibility criteria set out in Articles 34 and 35 of the Convention" had not been met.

Even so, the judicial reasoning was thorough, the applicant qualified, and nothing vindicated the decision of the Court. Speaking of the argument, it was examined by professors of law, and De Gaetano presented no good reasons for dismissing the case. The failure of the European Court to provide an independent, impartial, and competent tribunal is demonstrated by the fact that more recent courts have looked at this issue as it refers to the possession and use of cannabis specifically, and the reasoning presented by these courts is fully in line with the applicant's analysis, only eclipsed by his perspective.

While other courts have recognized autonomy rights for cannabis use, the appellant claims that a right to cannabis use must include a legal market. The wickedness inflicted on society by alcohol prohibition was nothing compared to the prohibition of drugs, and as Germany and other nations seek to regulate the cannabis market to protect public health, no state can take for granted that cannabis prohibition is necessary. A rights analysis is needed and the European Court has a responsibility to 700 million people under its jurisdiction to ensure human rights protection.

Justice Gaetano failed in this mission, but the European Court was given another opportunity after the Norwegian Supreme Court, on 20 December 2022, for the third time without any valid justification, denied the right to judicial review to drug users. April 2023 the European Court was asked to decide (1) if there is a right to use cannabis and (2) if this right includes access to a safe supply. Both the Council of Europe's Parliamentary Assembly and the Pompidou Group have lamented the lack of guidance from the Court, and as several reports describe moral panic as the engine of drug policy, drug users had hope that the problem of arbitrary persecution would be addressed.

For 15 years, Norway has set aside the rule of law to protect the drug policy from judicial review and considering the importance of this case, it should have been labelled for more expeditious processing as an "impact" case under the European Court's new category IV-High. Since the 1970s, liberty and autonomy rights have held more sway in the constitutional hierarchy than economic rights, meaning that they shall be reviewed more carefully. Yet, while the Norwegian Supreme Court has interfered in the political process when the shipbuilders and the real estate industry's economic rights were at risk, the justice system refuses to do the same for a persecuted minority, and this is a violation of ECHR articles 6 and 13.

In Hansen v Norway, the ECtHR has emphasized that the court cannot refuse to consider an appeal holding that it is "clear that the appeal will not succeed". These are the exact same words as the Supreme Court used to protect the drug law from scrutiny and other similarities are striking.

**Statement of the facts (continued)**

59.

Mikalsen went from three days in the City Court to five hours because the justice system did not want to provide judicial review. No witnesses or evidence that supported the allegation of human rights violations were allowed, and the Higher Court followed up. Despite all arguments for the conviction being refuted, the Supreme Court offered no reason why the appeal would not succeed, and the same happened to Hansen.

Procedurally, it is difficult to find more identical cases. Substantively, however, these cases are worlds apart, and the most profound difference is that Hansen's was a civil case, having to do with his ex-wife and the sale of property, while Mikalsen's case concerned the right to freedom for millions of people. Considering the greater ramifications, the European Court was expected to present a decent ruling, but instead, on 13 April 2023, sitting in a single judge setting, Madam Justice Schembri Orland covered up the misconduct of her predecessor, Vincent De Gaetano.

According to Justice Orland, "in light of all the material in its possession" the Court could not find any appearance of a violation of the rights and freedoms set out in the convention. Even so, the argument was vetted and supported by professionals, and the judge does not elaborate as to why the complaint is "manifestly ill-founded". Instead, just like the Norwegian justice system, Justice Orland takes for granted that the prohibition of cannabis fulfils a legitimate purpose, without offering any explanation, and this ruling does not conform with the standard of the European Court.

It comes as no surprise that the power of public panic was too much for Justice De Gaetano. Coming from a history of putting drug law violators behind bars for more than 30 years, the argument for human rights clearly proved too much for his discernment, but Justice Orland should have known better. In 2021, Malta became the first EU nation to legalize cannabis, and she was also involved in Thörn v Sweden. In Thörn, the Court established that the conviction of Mr Thörn and his fine of approximately 520 euros had entailed an interference with his right to respect for his private life. Mikalsen has suffered no less interference with his right to respect for his private life. Relying on Article 8 (right to respect for private and family life), both applicants have complained about their conviction for manufacturing or possessing narcotics, and so why the different treatment?

In Thorn, a chamber of seven judges offered a comprehensive ruling on the Court's refusal to grant a right of cannabis users to grow their own medicine. Thorn had good reasons, but because he accepted that the prohibition was necessary to protect society, the Court did not find a violation. A significant difference, therefore, between Thorn and Mikalsen is that the former accepted the idea of a legitimate purpose. The Swedish state argued that cannabis prohibition was necessary to protect society, and Thorn agreed. On this basis, the European Court accepted the state's argument that prohibition was necessary to combat the flow of illegal drugs – but does it make sense to use the problems that come with a prohibition to justify punishment?

Elsewhere in the world, the control of the drug trade by criminal organizations, accompanying social problems, crime for profit and insecurity, are the reason why state leaders want to regulate the drug market. In September 2022, Colombia's president referred to the prohibition on drugs as "genocide" and told the UN that "democracy will die" if the state does not take control of the market, and so the assessment of Sweden is, to put it mildly, controversial.

With Mikalsen v Norway, the European Court was challenged on this issue. Also the Norwegian Justice Department claims that the prohibition is necessary to fight the problem of illicit drugs, and should not the ECtHR have asked the State to explain itself? The potential ramifications of Thorn are minuscule compared to the potential ramifications of Mikalsen v Norway, so why not offer a comprehensive ruling on the question of a legitimate purpose? Is it manifestly ill-founded to question the necessity of prohibition? Can this not be done?

We do not know because another difference between Thorn and Mikalsen is that the European Court launched a press release on its refusal to exempt medical cannabis users from the law. In this press release, reasons for the decision were given, and it is significant that the court has not done the same in the case of Mikalsen v Norway. It appears that the European Court wants no attention on the issue, just like the state of Norway.

Even so, reasons must be given. Neither Norway nor the European Court can deny a proper hearing without good reasons, and another significant difference between Thorn and Mikalsen is that Thorn did not voluntarily inform the authorities.

**Statement of the facts (continued)**

60.

In Mikalsen v Norway, the applicant brought cannabis to the police station to submit the drug policy to constitutional review, and was given three days in the City Court to show a connection between drug policy and the arbitrary persecution of the past. The connection is found in scapegoating, which has been known by criminologists and sociologists of law for more than 40 years. The defense therefore had evidence that linked the drug law to the arbitrary persecution of the past, but the Norwegian police wanted none of this, and all the appellant's witnesses and evidence was denied. Just like Hansen, Mikalsen was denied basic rule of law protection and the European Court must right a wrong.

Thorn was allowed to present evidence and to summon witnesses, but in Mikalsen's case the treatment does not conform with the guidelines. In situations where the domestic courts were called upon for the first time to determine the legal issue raised, a detailed examination of the applicable law is needed, and this was not done. Instead, principles of adversariality and equality of arms were breached, leaving important matters to be decided.

When it comes to the manner in which a decision has been arrived at, an institutional requirement is that the judgment must be able to examine all the complainant's submissions on their merits, point by point, without declining to examine any of them, and to give clear reasons for rejecting them. On these grounds, both the Norwegian justice system and the European Court have failed to present an appearance of independence. The refusal to inquire whether cannabis prohibition fulfils a legitimate purpose is evidently not "objectively justified" as Germany and other nations intend to regulate the cannabis market to protect public health. Instead, ascertainable facts raise doubts as to the impartiality of the Court and refusing to try the merits of the prohibition does not conform with the Court's duties.

The Court has emphasised that appearances are important. Justice must not only be done: to inspire confidence in the legal system, it must also be seen to be done, and in other cases the Court has recognised the public's increased sensitivity to the fair administration of justice. The guarantees enshrined in Article 6 § 1 include the obligation for courts to give sufficient reasons for their decisions. This is a consequence of the subsidiarity principle, and the price of protecting an emperor with no clothes becomes apparent when considering the treatment of Mikalsen as measured against Thorn and Hansen.

To this day, no proper legal reason has been provided for the refusal to deal with the relationship between section 231 of the Norwegian Penal Code and human rights. For fifteen years, the Norwegian state has protected the drug law from review by ignoring constitutional guarantees, and unless the ECtHR shall expose the exact same double standards that has ensured the downfall of Norwegian law, these Maltese Justices' misapplication of justice must be undone.

The hunt for scapegoats is a wound that will not heal until the gap between theory and practice is addressed, and the Court must ensure representation and participation in the political process for those who lack a political voice. The integrity of law depends on it, and the question of a legitimate purpose cannot be ignored without undermining the rule of law.

Therefore, to assist the rule of law, Norwegian activists are now openly violating the drug law to challenge its authority. Again and again, large amounts of cannabis has been brought to the Storting and the Office of the Director of Public Prosecutions to begin legal proceedings but the State refuses to press charges. This is a testimony to the power of the human rights argument, and the system will continue to suffer until justice is done.

After the mistreatment on the issue of a legitimate purpose by the European Court in April 2023, Life Liberty Productions produced a three-part documentary series which presents the case to the world. It paints a picture of rights violations and cover-ups, and the ECtHR should act now rather than later to protect the citizenry.

Link to the documentary: <https://www.youtube.com/@LifeLibertyProductions>

The original complaint was delivered within the 4-months window, but the application was clearly mistreated. That is why the Court received another communication in August 2023 and this application is in response to your letter of 22 August. It has taken nearly 2 months to get the documents that you asked for from my lawyer and the police, but you now have another opportunity to provide legal protection to 700 million people. This has yet to be done, and so no matter what the Court holds, you should take care to provide a legal opinion that can stand the test of time.

**F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments**

61. Article invoked	Explanation
ECHR article 3	<p>The application of section 231 of the Norwegian Penal Code is incompatible with Article 3 of the ECHR, which states that "no one shall be subjected to torture or to inhuman or degrading treatment or punishment". "Inhuman" and "degrading" are associated with arbitrariness. To the extent that principles of equality, proportionality, autonomy, and presumption of liberty are not observed, that we are dealing with unreasonable discrimination in the field of intoxicants, and that we have allowed double standards to define a policy, there will be a violation of Article 3. That is the case unless the questions posed by the rights-oriented debate are answered. (see chapter 8 in A Right to Drugs?)</p>
ECHR article 5	<p>The application of section 231 of the Norwegian Penal Code is incompatible with Article 5 of the ECHR which states that "everyone has the right to personal liberty and security. No one shall be deprived of his liberty except . . . in accordance with a procedure prescribed by law." "Prescribed by law" means that section 231 must be within a framework as defined by principles of human rights. The law must reflect an informed balancing of the individual's right to freedom as measured against society's need for protection. However, in this context, drug policy is characterised by public panic. This means that there is a mismatch between section 231 and human rights. The professional responsibility for the law is not being maintained, and the law is more intrusive than fair. As a society, without good reason, we expose an outgroup to evils that we do not wish for the ingroup, and this is a violation of Article 5 – unless the questions raised by the rights-oriented debate are answered.</p>
ECHR article 6 and 13	<p>Article 6 of the ECHR sets out requirements for certain minimum rights in criminal proceedings. Article 6 No. 2 obliges the state to show that the beneficial effects of punishment are clearly greater than the harmful effects, and Article 6 No. 3 includes a right to call witnesses. It is on this basis that AROD has challenged the law. Unlike other cases brought before the European Court, we do not accept that prohibition is necessary to protect society. After 60 years of drug policy on totalitarian premises, the cure can be shown to be worse than the disease, and there is a problem between means and ends. This becomes more obvious as the legalization of cannabis moves forward. In Uruguay, Canada, and American states where cannabis has been legal for many years, the vast majority find that life is better. This is not surprising, for as the COE Parliamentary Assembly noted in its baseline study on drug policy and human rights: "Strong evidence suggests that the consequences of purely repressive policies include also death, violence, ill-treatment, discrimination, stigmatisation, marginalisation, absence of fair trials and inadequate sentencing."</p> <p>It remains to be seen whether prohibition can be shown to be necessary in a modern society, but the burden of proof rests on the state to demonstrate that measures are necessary to achieve the objectives they are intended for, and that no less restrictive means are available to achieve the same aims.</p> <p>This has yet to be shown, and this is why AROD wanted those responsible for policy to testify on the merits of prohibition. Nevertheless, assisted by shallow reasoning, the courts have ensured that no documents, witnesses, or documentary movies which supported the allegation of human rights violation were allowed. This means that there has been no effective remedy, for as the Pompidou Group noted on the need for a constant review of human rights: «Proportionality also speaks to the importance of evaluation and review. The question of outcomes is key. Even if a restriction is deemed proportionate to the legitimate aim in the development of an intervention, it still needs to remain under review if rights are to be fully respected. After some time it may transpire that the intervention in question is not achieving its aims. By definition, a measure that has not or cannot achieve its aim is disproportionate to any restrictions on human rights it may entail. It cannot be 'necessary' for the achievement of an aim". (Drug Policy and Human Rights in Europe, p. 17)</p>



**Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)**

62. Article invoked ECHR article 8	Explanation
	<p>The application of section 231 of the Norwegian Penal Code is incompatible with Article 8 of the ECHR, which states that "Everyone has the right to respect for his private and family life, his home and his correspondence." It continues that "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."</p> <p>"Necessary in a democratic society" is the key. Traditionally, the state has had a wide margin of discretion, but the Norwegian Royal Commission documented that there are no good reasons for punishing drug use. Therefore, more and more courts are invalidating the drug law with regard to Article 8. The Royal Commission elaborated on this in its report but did not consider the implications for distribution, as the government ruled out a regulated market. However, deprivation of liberty is an intrusive tool and if less invasive means are better suited to deal with the problem of drug abuse, it is difficult to see the necessity of a cure that hurts worse than the disease. In fact, professionals and presidents warn against the side-effects of the drug prohibition as one of the greatest challenges of our time and in this regard, no one has identified any necessity. For this reason, it can be argued that positive human rights obligations include a regulated market, and the Court must weigh the state's reasons for demonising and imprisoning those who possess more than a minimum of user doses. Are there good reasons for this? Is it vital for the right to self-determination whether people have 1 or 20 grams, or does the state enact an arbitrary division to be able to continue a policy that depends on scapegoats to survive?</p>
ECHR article 9	<p>The application of section 231 is incompatible with Article 9 which states that "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance." It goes on to say that "Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others."</p> <p>This means that a human rights analysis is needed to assess the interference with freedom of thought, conscience, and religion. Principles of law raise the bar for criminalisation, and the state cannot be granted any margin of discretion as long as important questions remain unanswered. Public panic, after all, has been proven and the attached documentation shows how the right to freedom of thought, conscience, and religion entails a right to take drugs. There is no doubt that cannabis and psilocybin use does offer something positive. There is also no doubt that these substances play an important role for seekers of the divine – and if those responsible for the drug policy cannot respond to the questions of the rights-oriented debate, the prohibition is invalidated by Article 9 of the ECHR.</p>
ECHR article 14	<p>The application of section 231 of the Norwegian Penal Code is incompatible with Protocol 12 and Article 14 of the ECHR, which states that "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." "Other status" is crucial. The summary is not exhaustive, and any discrimination must withstand a human rights analysis if there is deprivation of liberty. Therefore, to the extent that there is an irrational distinction between legal and illegal substances and in the approach to different users, there will be a violation of Protocol 12 and Article 14. We will be dealing with arbitrary persecution—which will be the case if the questions in A Right to Drugs? chapter 8 remain unanswered.</p>

**G. Compliance with admissibility criteria laid down in Article 35 § 1 of the Convention**

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the four-month time-limit.

63. Complaint	<p>Information about remedies used and the date of the final decision</p> <p>For 14 years, despite an obligation for COE member States to search for a fair balance between the demands of the general interest of the community and the protection of the individual's fundamental rights, Norway has failed to perform such analysis. The legislature and the courts continue to take for granted that human rights is compatible with cannabis prohibition even though Germany and other states reject this notion. With the expansion of legal regimes, it is becoming difficult to justify up to 21 years in prison for activities that are legal elsewhere, and for this reason the appellant brought cannabis and psilocybin products to the main police station in Oslo. He did this to provide an opportunity for the Norwegian justice system to ensure constitutional protection, but the legal process did not honour human rights.</p> <p>In a letter to the police (21-12-2021), AROD described the merits of the case and the connection to the ECHR. In another letter (02-02-2022), AROD asked the police to incorporate into the list of evidence literature, witnesses, and documentary movies that documented the connection between moral panic and human rights violations, but the prosecution opposed a rights analysis and requested the court to deny the evidence of the defense. On 9 April 2022 AROD asked the City Court to maintain the list of evidence, but on 4. May 2022 the court gave a ruling with such conclusion:</p> <ol style="list-style-type: none"> <li>1. All witness evidence in the defence's list of evidence of 5 April 2022 is denied.</li> <li>2. All documentary films in the defence's list of evidence of 5 April 2022 are denied.</li> <li>3. All documentary evidence in the defence's list of evidence of 5 April 2022 is denied.</li> </ol> <p>On 16 May 2022 the defense appealed this decision. On 31 May 2022 the Appeals Court rejected the appeal, and while a request immediately was filed for the hearing to be postponed, the defense did not get to try the justness of this decision. Instead, the day after, on 1 June 2022, hearings were held in the City Court. It was the same judge that had denied the defence's request for maintenance of the list of evidence. Due to a lack of confidence with regards to the competence and impartiality of the judge, a complaint was filed, but the trial continued despite objections from the defense. Throughout the proceedings, the appellant's right to judicial review of the law was ignored, and on 14 June 2022 the judge presented a 15 days suspended sentence and a fine of 5000 N.KR. According to the judge, this was just and proportional, and the Appeals Court agreed. On 26. October 2022, therefore, the Appeals Court rejected the arguments raised by the defense and on 20. December 2022 the Supreme Court followed up, rejecting the right to try the law.</p> <p>Before the City Court, the Appeal Court and the Supreme Court, it was maintained that the rights under the ECHR articles 3, 5, 8, 9 and 14 have been breached due to the application of the Criminal Act section 231. It was furthermore argued that the procedural errors made by the District Court breached ECHR article 6 both in the proceedings before the District Court, in the appeal before the Appeal Court and in the Supreme Court. As a result of this, all effective remedies has been exhausted on all counts where the Norwegian authorities and the Norwegian court system are in breach of the ECHR. No legal reasoning was provided, which is incompatible with 200 years of Norwegian legal development, even though the appeal had been lodged within the deadline.</p> <p>We therefore put our faith in the European Court. Considering that the drug-free ideal no longer governs policy, society must choose between a regulated and a criminal drug market, and more and more countries understand that the former is better for the health of society. This is why Germany intends to regulate the cannabis industry. Not only do cannabis users have a right not to be arbitrarily held to a different standard than alcohol users, but the police have a right to provide a better service, the prosecution and the courts have a right to build on proper ethics, and the people have a right not to be burdened by dysfunctional and toxic laws.</p>
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**I. List of accompanying documents**

You should enclose full and legible *copies* of all documents. No documents will be returned to you. It is thus in your interests to submit copies, not originals. You **MUST**:

- arrange the documents in order by date and by set of proceedings;
- number the pages consecutively; and
- **NOT** staple, bind or tape the documents.

70. In the box below, please list the documents in chronological order with a concise description. Indicate the page number at which each document may be found

1.		p.
2.	The decision of the District Court (14-06-22)	p.
3.	The appeal of the defense (14-07-22)	p.
4.	The decision of the Appeals Court (26-10-22)	p.
5.	The appeal of the defense to the Supreme Court (23-11-22)	p.
6.	The decision of the Supreme Court (20-12-22)	p.
7.	Roar Mikalsen, A Right to Drugs? The European Court’s responsibility for Human Rights in Drug Policy (2023)	p.
8.	Roar Mikalsen, Human Rising: The Prohibition Psychosis and its Constitutional Implications (2019)	p.
9.	Roar Mikalsen, To Right a Wrong: A Transpersonal Framework for Constitutional Construction (2017)	p.
10.	Mikalsen v Norway: Moving a Nation Forward: <a href="https://www.youtube.com/@LifeLibertyProductions">https://www.youtube.com/@LifeLibertyProductions</a>	p.
11.		p.
12.		p.
13.		p.
14.		p.
15.		p.
16.		p.
17.		p.
18.		p.
19.		p.
20.		p.
21.		p.
22.		p.
23.		p.
24.		p.
25.		p.

**Any other comments**

Do you have any other comments about your application?

**71. Comments**


**Declaration and signature**

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

**72. Date**

2	0	1	0	2	0	2	3	e.g. 27/09/2015
D	D	M	M	Y	Y	Y	Y	

The applicant(s) or the applicant's representative(s) must sign in the box below.

**73. Signature(s)**    Applicant(s)    Representative(s)   - tick as appropriate


**Confirmation of correspondent**

If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).

**74. Name and address of**    Applicant    Representative   - tick as appropriate


**The completed application form should be signed and sent by post to:**

The Registrar  
European Court of Human Rights  
Council of Europe  
67075 STRASBOURG CEDEX  
FRANCE

