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## **OPEN LETTER TO THE SECRETARY GENERAL ON BEHALF OF THE WORLD'S DRUG USERS AND HUMAN RIGHTS DEFENDERS**

Dear sir,

I write this letter to make you aware of the highly unfortunate situation a verdict made by the European Court of Human Rights on the 3rd of April 2012 has put your organisation and the people of Europe in.

On that day the Court, sitting in a single judge formation, decided to declare an application (case no. 67078/10) inadmissible that would, had it been reviewed properly, have begun a process that would put an end to laws that have violated basic human rights and the fundamental freedoms of people worldwide in the most terrible and obvious of ways.

I am, of course, talking about the drug laws; laws that were passed with no proper preparations over 50 years ago and until this day – like all inhuman and criminal government campaigns before them – have built their credibility on an oversized/exaggerated enemy image and the moral panic that accompanies it.

These laws, in other words, are the result of a corrupt political process.

They breed – and feed on – ignorance and fear and they have since their enactment, day by day, gradually inflicted upon society a more and more vicious cycle of death and destruction without people realizing what is actually going on.

Still, from the very beginning there have been plenty of people around who, from a place of wisdom and integrity, have seen this dynamic clearly. They have argued strongly against these laws and in favour of evidence-based drug policies, but unfortunately their voices have been subdued by the more powerful prohibitionists prejudice and contempt.

So powerful have the prohibitionists influence been that even though their position is the result of nothing but ignorance and fear, they have managed to keep these laws in place despite their obvious incompatibility with human rights law. And so much ignorance and fear have these laws generated in society that even the thought itself that they could be in violation of human rights law is impossible for most people to wrap their minds around.

Still, the evidence is unambiguous.

And when you look closer at our drug policies, it becomes clear that they actually belong to a class of laws that we as a society today look back upon with disgust and would like to think we have outgrown – laws like the homosexual, religious, and racial laws.

This, of course, may come as a surprise to most people, because we prefer to think of our self as a rather enlightened society. But the fact remains that our drug policies have the same explanatory problem when compared to human rights law as these former laws had – and that their destructive effects and consequences are of no less a serious nature.

Considering the fact that prohibitionists for so long have gone out of their way to convince us that our drug laws are a necessary evil in modern society, it's understandable that the basic similarities between these laws are not immediately obvious to you.

I therefore enclose with this letter a book called Human Rising, with additional case material that further explains these serious allegations. But to sum it up shortly the foundations of our drug policies incompatibility with human rights law rest upon two basic human rights principles – the equality principle and the proportionality principle:

- They violate the equality principle being (1) we have divided drugs into legal and illegal categories; (2) It is not any rational/scientific reason that can explain why they are divided this way (since most of the illegal drugs are no worse a threat to the individual or society than the legal drugs); and (3) it's now a provable fact that in all cases a health oriented approach towards users of drugs in either category is the most sensible/reasonable approach.

This being so, the State's irrational persecution of people who use illegal drugs equals a clear violation of ECHR Article 14 (and Protocol no. 12) which prohibits discrimination of all kinds.

- The drug laws violate the proportionality principle since they have not had any positive effect on the supply and demand factor of illegal drug use but instead have caused many unintended and harmful consequences worldwide.

These consequences are explained further in the book and the appendices and so I will not elaborate here upon the many ways in which these laws threaten society and democracy. The point here is merely that the cure (drug law) is worse for everyone than the disease (drug use) and this being so, we have a clear violation of the proportionality principle as articulated in Articles 2.2, 8.2, 9.2, 10.2.

This is, of course, just a quick overview of what we can say is our drug policies fundamental incompatibility with human rights Law. But as you can see from the book and appendices the evidence the Court has received is overwhelming. That the drug laws probably create greater harms than they prevent has in fact been argued by American professors of law since the 60's (Norval Morris and Herbert Packer) and Scandinavian professors of law since the early 90's (Johs Andenæs, Nils Jareborg and Vagn Greve).

Today it's safe to say that they do. And as you can see from the evidence, professionals from all walks of life – even former justice ministers – are now saying that “the case demonstrating the failure and harms of prohibition is airtight.”

But still, despite the fact that our drug policies' destructive consequences have become more and



more obvious for each passing year, officials in Norway and the rest of the world refuse to consider the evidence and take their responsibility towards human rights law seriously.

On the basis of this unfortunate situation, I decided to break the drug laws in order to use my rights as a defendant (ECHR Articles 6 and 13) to expose how exactly these laws violate human rights law.

But unfortunately they had already corrupted the Norwegian justice system to such an extent that it would rather set aside the rule of law and deny me (and also every other drug user in our country) the right to a Human Rights based defence and a fair trial, than let me expose them.

As a consequence of this, I am now a political prisoner and it's a provable fact that Norway, by every meaningful definition of the word, is a police state. (For more about this, see my correspondence with the justice dep. Appendices 15-19)

And so, on behalf of myself and every other drug user in Norway, I lodged a complaint to the European Court of Human Rights.

It was our great hope that the Court would do its job properly considering the overwhelming evidence it received, the importance of the case, and the gravity of the situation.

But no.

Unfortunately for the people of Europe the judge (V.A. de Gaetano), for reasons unknown, chose to dismiss the case.

He argued that "In the light of all the material in its possession and in so far as the matters complained of were within its competence, the Court found that the admissibility criteria set out in Articles 34 and 35 of the Convention [had] not been met"

He did not specify further which criteria my complaint failed to embrace. But according to the Registrar it filled every criteria to be reviewed by the Court and so it must be the evidence itself, if not the competence of the Court, the judge finds lacking.

This, of course, makes his decision highly suspect. Because the evidence in its possession is unambiguous and overwhelming, and the Court could not have received a better prepared case.

I have written a well documented book (Human Rising) especially for this occasion that in itself presents more than enough evidence for the Court to pursue further in the direction it pleases.

This book gives, as you can see, a comprehensive overview of the drug wars' destructive effects and consequences these past 50 years, as well as a complete description of exactly how our drug policies violate human rights law. It is the result of 15 years of investigative research, and in addition to this the Court has also received more than 200 pages of documentation in support of the case.

This material includes many different international reports and declarations that support the legalization argument, as well as written testimony from leading drug policy experts and politicians who are familiar with the core argument presented to the Court.

In these letters they, among other things, say that they "all in all agree with" me. And that they are "very pleased that the Court accepted" my complaint since "our opposition is so rigid and unwilling



to let reason influence their views” and “our drug policies rightly should be viewed in the context of human rights law”.

(I enclose some of this documentation here and you can also see more case documents on <http://free.roarmikalsen.info>, the web page that follows the case. But for a full review I advise you to check out Court's case file).

I have, in other words, given the Court the drug laws on a silver plate; the case material not only proves how they violate Human Rights in the most fundamental ways, but also that the closest we so far have come to a review of the legalisation/prohibition argument in an impartial, independent and competent court (The Cannabis Tribunal in Hague) already has ruled in favour of the legalisation activists – and proven that the prohibitionists can in no way defend their views (according to the Court their arguments are based on “fallacies“ and “absolutely worthless”).

Seen in this light it cannot possibly be “the material in its possession” the judge finds lacking. And so it must be competence of the Court he was referring to in his decision. This, of course, is no grounds for dismissal. And had the judge been of sufficient “high moral character” – as his job description entails – he would have had the wits to understand that his own incompetence in reviewing such an important matter in no way okayed such a move.

It is, after all, by far the most important case the court has ever had brought before it. It not only has direct implications for the world's drug users, which consists of tens of millions of people in Europe and hundreds of millions around the world, but also the rest of the population considering these laws terrible – and ever worsening– costs to society.

As my book proves, and appendix 1 confirms, the drug war has corrupted society and the body of politics to such a degree that it now threatens the very values by which western society is built upon. And when you consider all death and misery these laws have inflicted upon society, it becomes clear that they are not only in grave violation of fundamental Human Rights, but also that they fill every criteria as crimes against humanity. (“A widespread and systematic attack upon the civil population”).

They are, in other words, nothing but an instrument of the oppressors against the oppressed and for everyone else but the gangsters and war profiteers, these laws have been an utter failure.

Unfortunately, as you can see from my book, these anti-social forces have become very influential players because of these laws. And, as you can see from my way through the justice system, they have such a vested interest in maintaining them that they are hell-bent on keeping them in place, no matter what the costs to democracy and civil society.

The situation in Norway proves this for all to see; the Norwegian officials are by now well aware of their inability to defend our present policies in comparison to human rights law. But so corrupted have the drug laws' influence been, that our civil servants would rather set aside the rule of law in an attempt to perpetuate their unlawful and unjust persecution of Norwegian drug users, than end it.

This is, of course, a blatant violation of the country's obligation towards the Council of Europe, as articulated in a series of articles in the ECHR and the statute of COE.

And in a situation like this it is of paramount importance that civil servants in organisations such as yours, which were elected for the purpose of safeguarding democracy, the rule of law and the fundamental freedoms of the people from arbitrary laws and police state tactics, hold true to its founding principles.



This goes without saying. But unfortunately, the judge, with his handling of the case, has shown for history to see that he did not possess the integrity the situation called for.

If he had, he would not have used his lack of competence as an excuse for dismissing the case. Instead, he would have forwarded it to a Chamber recommending that it again forwards it to a Grand Chamber being that the case raises such serious questions regarding the interpretation of the Convention.

This would have been the only proper course of action considering the evidence presented to him.

Why he failed to do this, I don't know. Most likely he is a prohibitionist himself, and, as drug policy activists know, denying the evidence has always been their Modus Operandi. There could also be more sinister reasons, which I will explain later. But either way, with his decision, he has denied the drug users of Europe a fair trial and a Human Rights-based defence against the drug laws – and in doing so he, himself, has violated his duties and responsibilities towards the Convention.

This is, of course, not only a very unfortunate situation for the judge and people of Europe, but also for your organisation.

Because the fact that he did not have the integrity needed to review the case properly doesn't in any way change the fact that our drug policies have an obvious explanatory problem compared to human rights law – and no matter how powerful prohibitionists are, they cannot make this fact go away.

Even though they for 50 years have managed to control the debate with their fear tactics and sense of moral superiority, it's by now obvious for everyone to see that they cannot defend their policies on rational grounds.

It's also clear that they are willing to set aside the rule of law in order to avoid a rational and balanced debate from taking place – and that they intend to keep their failed policies in place no matter what the costs to society.

Even without my trial this is becoming more and more obvious to people every passing day.

The ignorance and fear that for so long made these policies possible is now quickly losing ground and people are waking up to the truth on a scale never seen before. All around the world this wave is growing stronger and it is no longer a question **if** prohibition will ever end – it's only a matter of **when**.

No matter what measures the prohibitionists are willing to employ, they cannot stop this process, and within a few years from now the legalisation activists will have grown sufficiently in number for our policies to change.

Then, those civil servants who would rather cover up a crime against humanity than help end it, will be held accountable for their contempt for the rule of law and the Conventions they have a duty to protect.

And so, in trying to bury the case Mr. V. A. De Gaetano has, in other words, only managed to dig a hole for himself.

And now, with his decision, Norway's explanatory problem towards the drug laws and the

Convention, has also become the Court's problem.

This, of course, will backfire on the whole of your organisation's credibility if you do not take proper action as quickly as possible to correct the situation – and that is why I write you this letter.

You have already seen how the drug laws are incompatible with a whole bunch of articles in the Convention and therefore Mr. De Gaetano's verdict itself is in violation of the Convention (articles 1, 6, 13, 17, 53). His decision to deny the people of Europe a defence against these inhuman laws is so morally and judicially indefensible, that the Court cannot possibly stand by it without inflicting unrepairable damage to itself.

I therefore ask you to look into the matter and demand that the Court restores the application according to Article 37.2 and rule 43.5 since extraordinary circumstances justifies such a course.

Make no mistake about it; de Gaetano's verdict has paved a way for the police state throughout Europe, and if you do nothing it will be obvious to the people that the Court is nothing but smoke and mirrors, who's only function is to lull the people into believing that their rights are properly protected from organised crimes and police state tactics unfortunate influence.

Nothing is more dangerous to society than when people in high office entrusted with their responsibility to defend Human Rights and the rule of law, at this level and in such an obvious way, abandon their duties towards the Convention and the people.

And so, I also ask that you take proper action to find out if de Gaetano is just a loose cannon aboard your ship or if, indeed, he is part of a bigger problem.

As I already have made clear, thanks to the drug war, organised criminals and war profiteers have become a major problem to our society. Together they have common interest in controlling interpretations of the conventions since they are the single greatest threat to their power and profits.

In light of Mr. de Gaetano's strange decision to undermine the integrity of the convention in such an obvious way, it's quite possible that their behind the scenes influence now stretch so far that it has corrupted even parts of the Court. And so it could be that his decision, after all, was not the result of wilful ignorance on his part, but the result of these forces' unsavoury pressure.

If that is the case, the Court's impartiality and independence is in serious jeopardy. Hence, it's of great importance to your organisation and the people of Europe that you investigate the reasons for Mr. de Gaetano's decision further. And if, indeed, these forces influence has affected the Court's integrity, you, of course, should ally yourself with those forces which loyalties still lays with the Convention and the people of Europe.

There are, after all, plenty of decent people around who would like to help a better world into being. And you now, as Secretary General, have an obligation to stand up and make sure that the Court and the Convention are safe from these anti-social forces' influence.

Considering the seriousness of the situation, I fully understand that this task may seem a little overwhelming. But all the things you have done with your life leads up to this present moment, and you must now decide if history is to remember you as one of its greatest champions of liberty or a wilful pawn of society's most corruptive forces.

You see, humanity is at a critical point in history, and if you choose wisely, you will have an important role to play in the great transformation of western society that awaits.



All it takes is for you to take a stand with the people and demand that the Court follows suit and gives the legalisation argument a fair trial in an independent, impartial and competent court.

If you do this, it will be the beginning of a process that will turn the tide for real on the gangsters and war profiteers steadily increasing strangle hold on society. And if you don't, it will be up to the people to one day hold your organisation accountable for its treason towards the Convention and humanity.

In other words, it's now up to you to decide how much worse the situation will be before it gets better, and so great responsibility rests upon your shoulders.

On behalf of all drug users and Human Rights defenders around the world I await your reply. We hope to see great leadership from you in your handling of this unfortunate situation, and if you have further questions regarding anything, feel free to contact me.

Yours sincerely,

Roar Mikalsen.