



Mr. Michael O'Flaherty
Commissioner for Human Rights
Council of Europe

December 02, 2025

Final Escalation: Demand for Immediate CoE Intervention in Systemic Human Rights Crisis from Cannabis Prohibition – Threat of Inclusion in ICC Complaint

Dear Mr. O'Flaherty,

We have not heard back from the Commissioner for Rights after our letter of October 17, 2025. On behalf of the Alliance for Rights-Oriented Drug Policies (AROD), I write this final escalation regarding the entrenched human rights and rule of law violations perpetuated by cannabis prohibition across Council of Europe (CoE) member states. For 15 years, civil society has advocated for the CoE to fulfill its mandate in protecting fundamental rights, yet such efforts—detailed in [letters](#) to Secretary Generals Thorbjørn Jagland (July 4, 2012, and February 2, 2013) and Alain Berset (June 5, July 1, and [November 26, 2025](#))—have met with superficial acknowledgments and no substantive action.

This persistent inaction has allowed a crisis of law to fester, enabling judicial impunity, disproportionate harm, and democratic erosion on your watch. Building on recent developments in Norway, where AROD has filed a formal police complaint against judges, prosecutors, and officials for crimes including abuse of public authority (§§ 171–172), threats (§ 263), deprivation of liberty (§§ 254–255), and obstruction of justice (§§ 157–158) under the Norwegian Penal Code, we now demand decisive CoE intervention. For more than 30 years, Norwegian drug policy has targeted minorities despite professional opposition. In 1994, Professor Johs Andenæs warned that drug prohibition had wreaked havoc on the integrity of criminal law, but the Norwegian justice system continues to imprison offenders while protecting the drug law from principled criticism. An enduring and systemic attack on the population continues because rights law is suppressed, and failure to act will compel AROD to include CoE leadership in our forthcoming complaint to the International Criminal Court (ICC) for complicity in crimes against humanity, alongside Norwegian officials who have failed their responsibilities.



While the ICC has traditionally addressed more overt instances of crimes against humanity, the drug war must be evaluated by its outcomes: not public health protection, but tyranny and social control. This has been evident among experts for over 30 years, with millions suffering due to a judicial system that systematically denies an effective remedy. The profound damage to the justice system itself—undermining trust, entrenching impunity, and perpetuating arbitrary persecution—qualifies as a crime against humanity under the Rome Statute (Article 7), as this insidious threat has been thoroughly exposed through decades of ignored expert reports and failed reforms.

The CoE's Statute (Article 1) obligates the CoE to combat arbitrary power and promote rights-based reforms, yet cannabis prohibition exemplifies unchecked arbitrariness: a 60-year regime rooted in fear, not evidence, that has inflicted 1 million punitive sanctions in Norway alone, fueled a 1.75 billion NOK black market, and contributed to 300 annual overdose deaths. Globally, as documented in AROD's Truth and Reconciliation Commission Report (2025), it causes 400,000 deaths and 5 million wrongful imprisonments annually, with no proven public health benefits. This violates ECHR Articles 3 (inhuman/degrading treatment), 5 (liberty), 6 (fair trial), 8 (private life), 13 (effective remedy), 14 (non-discrimination), and 18 (limitations on restrictions), as well as Norway's Constitution (§§ 89, 94, 98, 102). The European Court of Human Rights (ECtHR) has compounded this by dismissing challenges like *Mikalsen v. Norway* (2012, 2023, 2024) as "manifestly ill-founded" without merits review or reasoned analysis, breaching fair trial principles (*S.A.S. v. France*, 2014). This has empowered national courts to evade proportionality assessments, as in Oslo District Court's March 28, 2025, ruling (25-013403AST-BORG/04) and Norway's Supreme Court's 17-year denial of remedies since 2008. Such protectionism not only sustains a machine at war with its own population but a \$300–500 billion global illicit market and aligns with the Secretary General's 2025 Report, *Towards a New Democratic Pact for Europe*, decrying "democratic backsliding" and "rising impunity" from judicial failures. Norway's *Politi og rolleforståelse* report (2022/2023) exposes how rights law is sidelined for administrative governance, while NOU 2002:4, NOU 2019:26, and CoE's Baseline Study (2019) confirm prohibition's inefficacy and rights infringements. PACE Resolutions 2277 (2019) and 2225 (2018) further highlight judicial independence lapses and enforcement biases, and cannabis prohibition is akin to historical persecutions in patterns of scapegoating minorities (See [Human Rising](#) (2020); [Mikalsen v. Norway: Moving a Nation Forward](#), 2023).

Recent Norwegian actions underscore the urgency: On November 5, 2025, AROD filed a police complaint against over 30 judges, prosecutors, and officials. After seeing the Norwegian police cover up its failed leadership for over 30 years, we have no illusion that the complaint will be handled properly, but it prepares Norwegian authorities for a coming complaint to the ICC for systemic abuses. Despite more than 30 years of expert warnings and judicial sabotage of effective remedies, arbitrary persecution continues on large scale, and the rule of law in 46 nations is hurt by inaction at the ECtHR. As nations regulate cannabis to protect public health,



lawyers must build integrity in systems of law, and the ECtHR arrests much-needed legal development by avoiding merits-based treatment. The independence of the justice system is endangered by political factionism at the ECtHR and the CoE, and to clarify the threat, we enclose a checklist for CoE review. This objective framework, drawn from expert sources, demands internal verification and immediate remedial action:

Question	Expected Answer	Justification and Source
Have jurists contested drug prohibition for decades and argued for proportionality analysis?	Yes	The debate has been ongoing since the 1960s, with critics pointing out the prohibition's inefficiency and disproportionality. See Dichter (Marijuana and the Law, 1968), Bonnie and Whitebread (The Forbidden Fruit and the Tree of Knowledge, 1970), John Kaplan (Marijuana: The New Prohibition, 1971), Wisotsky (Beyond the War on Drugs, 1990), Duke and Gross (America's Longest War, 1993), Johs Andenæs (Liberalising av Narkotika? 1994).
Have investigations for over 20 years recommended decriminalization based on criminal law principles?	Yes	Since the Indian Hemp Drugs Commission Report of 1894—which concluded that moderate cannabis use is largely harmless, prohibition is unjustified and counterproductive, and regulation through taxation and licensing is preferable—these findings have been echoed and expanded in numerous subsequent reports, including the Dutch Baan and Hulsman commission (1970-71), the US Shafer Commission (1972), the Canadian Le Dain commission (1972). In Norway, investigations such as NOU 2002:4 and NOU 2019:26 recommend decriminalization due to high costs and lack of effect. See Human Rising (2020) ECtHR application 2025
Have historians, criminologists, and legal sociologists warned against criminalization and pointed out scapegoating mechanisms in drug policy?	Yes	Experts such as David Musto, Louk Hulsman, Nils Christie, Ragnar Hauge, and Thomas Mathiesen have pointed out the hunt for scapegoats, with parallels to historical persecutions. See the

		documentary "Mikalsen v Norway: Moving a Nation Forward"; Truth and Reconciliation vol. 1, p. 99 (Principled Considerations).
If investigations show that punishment cannot be justified, does the legislature have a duty to investigate less intrusive measures?	Yes	This follows from the Constitution § 98, 102 and ECHR art. 8 (proportionality). See ECtHR application 2025 ; Truth and Reconciliation vol. 1, (Justification of Punishment).
Has professional responsibility been upheld and investigations followed up with less intrusive measures?	No	For over 60 years, the Norwegian Ministry of Justice and most nations have failed to assess alternatives, in violation of the proportionality principle (ECHR art. 8). Downgrading of rights law leads to a constitutional crisis, where courts ignore the duty to review, which entrenches lawlessness and collective trauma. See Human Rising (2020); ECtHR application .
If less intrusive measures are not assessed, can citizens and police be confident that the law is proper and the use of power is necessary?	No	Lack of assessment undermines the necessity principle. Investigations indicate that the cure is worse than the disease and that the police is fighting fire with gasoline. See Human Rising (2020); Truth and Reconciliation vol. 1.
While not defining it directly, CoE documents (e.g., via PACE resolutions) link extremism to threats against democracy, judicial independence, and human rights defenders, often associating it with biased enforcement and reprisals. Is drug prohibition such an ideology?	Yes	Increased police efforts correlate with more organized crime and overdoses, but supporters do not care about means that take society further away from the goal of better public health. As with other extremists, fear is so established that the rule of law's limitations must give way and violence is considered necessary to solve challenges, despite peaceful means being better suited. See UNHRC (2021); CoE Baseline Study on Human Rights and Drug Policy (2019); NOU 2019:26; Truth and Reconciliation vol. 12.
Has the ECtHR's protection of prohibition without merits review enabled national courts to evade	Yes	Dismissals in Mikalsen v. Norway (2012, 2023, 2024) as "manifestly ill-founded" breach fair trial principles (ECHR Art. 6;



proportionality, perpetuating arbitrary persecution?		S.A.S. v. France, 2014); Oslo Appeals Court (April 4, 2025) cites these to suppress remedies, sustaining sanctions. See Human Rising, 2020 ; ECtHR application 2025
Have experts pointed out conflict between governance law and rights law, with authorities prioritizing governance law, and can this cause human rights problems?	Yes	The police's role emphasizes governance law over rights. See Police and Role Understanding (2023); Truth and Reconciliation vol. 12, p. 189 (Constitutional Responsibility).
"Public health" justification makes no sense as reports confirm that drug policy has major negative consequences: When the policy is continued despite lack of goal achievement, can other purposes motivate the prohibition?	Yes	Nixon's advisor John Ehrlichman admitted that the war on drugs was used to criminalize the anti-war movement and minorities for political gain. Anna Paulina Luna stated on the Joe Rogan Experience (episode #2365, August 2025) that the government has "lots of problems that gov does not want to fix but fundraise against", suggesting that the prohibition works as intended: It divides society and enables an eternal "war for peace" to maintain power and budgets.
Is drug prohibition central to a power game that weakens open societies and democratic institutions?	Yes	Intelligence services and elite networks facilitate drug trade through collaboration with cartels. This pattern is documented over 100 years (Human Rising 2020, part 3) and major money laundering is not touched by authorities. Symbiosis between state and cartel weakens the rule of law, nourishes shadowy elements, and leads to a sustained attack on the civilian population (Rome Statute art. 7), with violations of ECHR art. 6 (fair trial). See Human Rising (2020), part three.
Is the war on drugs – like the war on terror and communism – dependent on constructed and inflated enemy images, as well as an ideal tool for imperial and control ambitions?	Yes	The war on drugs is driven by exaggerated and easily refutable enemy images, which former public officials have admitted are promoted to split populations and criminalize opposition. History shows that the prohibition functions as a tool for imperial ambitions by justifying



		militarization, mass incarceration, and control. Public panic and taboos prevent addressing violations, divide society, and maintain eternal war for power/budgets. Intelligence operates in gray zones (cf. Human Rising), with destructive dynamics where open and democratic societies are ravaged. See Human Rising (2020) part three.
Does CoE inaction allow officials to fail their mandate to protect rights, risking broader impunity and democratic erosion?	Yes	Drug policy has led to tens of millions punitive reactions without approaching a drug-free society, as Johs. Andenæs warned in 1994. Since then, professional responsibility has failed, hundreds of thousands have suffered because the state has clung to a cure worse than the disease, and a systematic and prolonged attack on society's most vulnerable groups has worsened public health and weakened the state's authority. Violations of ECHR art. 13 (effective remedy) maintain lawlessness, and 60 years of uncontrolled power use actualizes ECHR art. 18 (abuse of limitations), with "democratic backsliding" threatening the Council of Europe's democratic pact. Norway's Politisk og rolleforståelse report (2022, published 2023) highlights rights neglect, demanding CoE intervention to verify legitimate purpose and restore integrity. See Requiem for the Rule of Law: Shadows of Prohibition and the Dawn of Awakening (2025).

This checklist connects drug prohibition to crimes against humanity. For 15 years, the rule of law in 46 nations has been arrested by a failure of leadership at the ECtHR, and the CoE now faces a pivotal choice: continue the inaction, joining those remembered on the wrong side of history, or provide principled guidance to 46 nations by initiating oversight, referrals to the Pompidou Group/ECtHR, and reforms to end this crisis. Specifically, we request that you issue a thematic opinion on the human rights implications of cannabis prohibition, including recommendations for decriminalization and proportionality assessments in member states' drug policies, to address these systemic violations. Immediate steps must be taken to resolve



these issues, or the Commissioner for Human Rights and other CoE officials will be included in a complaint to the ICC for neglecting to fulfill their duty to the rule of law.

We await your substantive response within 14 days; absent action, AROD will proceed with ICC inclusion, holding CoE leadership accountable for failing 700 million citizens. This letter is the final call to open the door for justice—seize it.

Sincerely,

A handwritten signature in black ink, reading 'Roar Mikalsen', is positioned below the word 'Sincerely,'. The signature is fluid and cursive.

Roar Mikalsen

President of the Alliance for Rights-Oriented Drug Policies (AROD)