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Thorbjørn Jagland  
Secretary General  
Council of Europe

December 21, 2018

## **Submission of report demonstrating Largescale Violations of ICCPR/ECHR and a Call to Action.**

Dear Sir.

We are an organization dedicated to the rule of law and the application of human rights to drug policy. We write to inform you of an unfortunate situation that has arisen on your watch.

As you can see from the attachments, there is evidence that the current policy paradigm is in violation of basic human rights and that Norway has been denying drug users an effective remedy for ten years.

A case even reached the ECtHR in 2012, which were tragically mishandled. In a single-judge decision (case no. 67078/10), the Court, for all practical purposes, excused itself of its own incompetence, thus denying 40 million European drug users their right to have the issue brought before an independent, impartial, and competent tribunal.

Despite hundreds of letters of appeal to the Court's president, as well as your office, the Court refused to reverse its decision, and your office—you personally—washed your hands of this situation in 2012.

The appendices will refresh your memory. As you will remember, despite our pleas to the European Court of Human Rights, no steps were taken to aid the Norwegian people in its trials against unjust persecution; the evidence was even destroyed without due process, and we bring this issue to your personal attention because of recent drug political developments.

Since the flawed 2012 treatment of the European Court, there has been an international movement towards recognizing the human rights of drug users. Not only have three constitutional courts this year (Georgia, Mexico, South Africa) done what the Court failed to do; with the legalization of cannabis in USA and Canada, we have seen the beginning of a wave that will end in the international regulation of this trade, and the position of the ECtHR is increasingly out of step with not only the rest of Europe, but also the COE.

As you can see from our communication with the Executive Secretary, presuming that leaders act responsibly, the troubled relationship with First principles, next year, will be at the heart of European drug policy. The COE's drug policy arm, the Pompidou Group, has already committed to honoring the implications of principled reasoning. And as the evidence that we are dealing with large-scale human rights atrocities is overwhelming, the Secretary General (and the ECtHR) would do well to rethink your position on denying drug users their day in court.



As you can see from the report (Human Rising: The Prohibitionist Psychosis and its Constitutional Implications), it is plain to see that the implications for this decision have been terrible, not only for the Norwegian people, but for Europe—and the COE—as well.

When it comes to the people of Europe, they have been deprived of a much-needed opportunity to have their rights determined. And when it comes to the COE, the European Court's decision has cost a loss of credibility. As you well know, these institutions are supposed to be our best defense against tyranny, and yet—as more and more constitutional courts are invalidating the drug law—they appear more and more as apologists for state policies out of control.

Indeed, as moral panic becomes more difficult to maintain, the people of Europe are slowly waking up to the reality of unjust oppression. In Portugal, Norway, and elsewhere, citizens are beginning to ask whether the state is justified in its intrusion. Human rights organizations such as Amnesty has already begun to focus their efforts towards this issue, and if you have any ambition of redeeming what is lost, you must act quickly.

Your decision to leave drug users hanging has clearly cost Norwegians (and indirectly, Europeans) the rule of law. Thousands have died needlessly, and many more thousands have been arbitrarily imprisoned—and as more and more constitutional courts can be counted upon to invalidate the drug laws, COE should sooner rather than later reassess the situation.

When it comes to this, an earlier edition of Human Rising was a part of the evidence that was unduly destroyed by the Court. Ten years later, it has been updated, translated, and made available to a wider audience, and we suggest that you avail yourself of this opportunity to right a wrong.

Exceptional circumstances call for exceptional measures. Thus, we expect you to find a way to correct the situation—and while you are well-aware of the responsibilities of your Office, the attachments will enlighten you on the impossible diametrics between the status quo and human rights law.

It may be a controversial matter. Nevertheless, we expect that you will abide by your duties and not let the fact that you are a Norwegian disengage your human rights commitments. Should you fail to comply, your successor will be asked to correct your mistakes, and so we hope to hear from you soon.

Yours sincerely,

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is fluid and cursive, with the first name 'Roar' and last name 'Mikalsen' clearly legible.

Roar Mikalsen  
President of AROD  
The Alliance for Rights-Oriented Drug Policies



### **List of Appendices:**

- (1) Letter to Secretary General Jagland, June 4, 2012
- (2) Letter to Secretary General Jagland, February 22, 2013
- (3) Letter to the UN Human Rights Committee, September 24, 2018
- (4) Letter to the Pompidou Group, November 27, 2018
- (5) Answer from Pompidou Group, Executive Secretary, December 14, 2018
- (6) Human Rising: The Prohibitionist Psychosis and its Constitutional Implications (2018).