

EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Please note that this form will work correctly only with Adobe Reader 9 Upwards (download available from [www.adobe.com](http://www.adobe.com)).

Please save a copy of this form locally before filling it in using Adobe Reader, then print it and post it to the Court.

ENG - 2022/2

## Application Form

### 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

Mikalsen

2. First name(s)

Roar Alexander

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

Oslo, Norway

5. Nationality

Norway

6. Address

Alunsgjøveien 63E  
097 Oslo  
Norway

7. Telephone (including international dialling code)

+47 45833409

8. Email (if any)

roar@arodpolicies.org

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                |  |

\* On 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights.

**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

e.g. 27/09/2015

D D M M Y Y Y Y

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

e.g. 27/09/2015

D D M M Y Y Y Y

**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

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

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.

In the early 1980s, Norwegian professors of sociology of law and criminology noted scapegoating as the engine of drug policy. Thomas Mathiesen, Nils Christie, and Ragnar Hauge challenged the prohibition regime, but no debate followed. In 1994, Norwegian professor Johs Andenæs published an article in *Lov og Rett* titled "Legalization of Narcotics?" The article critiqued drug prohibition, noted how narcotics police and media shaped the debate on flawed premises, and argued for a proportionality analysis. Andenæs, who shaped Norwegian criminal law theory and reforms for over 50 years, realized that the criminalization of illicit drugs likely represented the biggest abuse of the justice system in modern times, but the Director of Public Prosecutions responded that prohibition should continue. No debate followed.

In 2002, the Norwegian Criminal Law Commission issued report NOU 2002:4 (*Ny straffelov – Straffelovskommisjonens delutredning I*), recommending penal code reforms. The report discussed restrictive drug policies since the 1960s, critiqued disproportionate penalties, highlighted prohibition's social costs and failure to meet objectives, and recommended that illegal drugs should not be criminalized. The report criticised politicians for failing to secure the rule of law and encouraged the courts to provide principled guidance. The recommendations were not implemented. That year, Andenæs stated in media that Justice Minister Odd Einar Dørum “talked before he thought” regarding drug policy.

In 2008, Ragnar Hauge, a professor of criminology and member of the Criminal Law Commission, noted in media that the treatment of NOU 2002:4 was a political problem, echoing Andenæs’ critiques of unprincipled policy-making. The conflict between professionals and politicians influenced activism, and from 2008 onward, Roar Mikalsen sent over 30 communications to the Norwegian Ministry of Justice and Director of Public Prosecutions requesting review of Section 231 of the Penal Code, which criminalizes cannabis possession, use, and distribution with penalties up to 21 years for aggravated cases. These communications were supported by Norwegian scholars, including Nils Christie and Ragnar Hauge.

In 2011, Mikalsen was convicted under Section 231 and sentenced to 8.5 years imprisonment. He appealed domestically without success.

In 2012, Mikalsen lodged an application with the ECtHR (App. No. 80297/12), which was dismissed. Similar applications in 2023 and 2024 were dismissed as manifestly ill-founded.

In 2019, the Norwegian drug reform committee issued report NOU 2019:26 (*Rusreform – fra straff til hjelp*), recommending decriminalization of personal drug use and possession. The report proposed shifting responsibility from the criminal justice system to health services, citing harms of punitive policies such as stigmatization, marginalization, and high overdose rates in Norway. The recommendations were not implemented.

In 2021, with Prop 92 L (2020-2021), the Department of Health accepted the findings of NOU 2019:26, confirming that criminalization continued on disproven premises and that punishment was not justified. The recommendations were not implemented. That year, a circular from the Director of Public Prosecutions addressed inconsistencies in minor drug cases, which media described as systemic human rights violations. Also in 2021, Roar Mikalsen protested at the Main Police Station in Oslo, delivering cannabis and requesting judicial review of Section 231. The Oslo District Court allocated three days for evidence. The prosecution requested denial of the evidence list, and the court excluded the evidence.

In 2022, the Norwegian Supreme Court issued decision HR-2022-731-A, providing limited protections for certain drug users but upholding Section 231. The decision referenced the political majority’s position that prohibition was necessary to protect society. Referencing Prop 92 L (2020-2021)’s finding that punishment continued on disproven premises, civil society did not accept this position. AROD argued that the justice system had a responsibility to provide principled guidance and protested at the Storting (Norwegian Parliament), delivering cannabis to initiate proceedings. No prosecution followed.



Statement of the facts (continued)

59.  
In 2023, a report titled *Politi og Rolleforståelse* examined police enforcement practices in drug cases, noting a tension between human rights law and administrative law, with a systemic inclination toward administrative law. AROD protested at the Office of the Director of Public Prosecutions on April 20, 2023, and distributed 100 grams of cannabis publicly after a prosecutor stated that no one could accept the cannabis and suggested bringing it home. Another 100 grams were distributed on September 7, 2023. In October 2023, AROD mailed 100 grams of cannabis to the Justice Minister, State Attorneys, and drug policy officials, accompanied by press releases requesting constitutional review of Section 231. No prosecution ensued.  
In January 2024, another 100 grams were mailed. Authorities did not prosecute. In April 2024, after notifying police, AROD opened a cannabis shop in Oslo and distributed approximately 375 grams. Police intervened and arrested Mikalsen under Section 231. He was detained briefly and released pending trial.

Subsequently, AROD established the *Folkehelseforbundet* cannabis club for approximately 300 members, modeled on frameworks in 13 European countries (e.g., Netherlands, Spain, Germany). The club received a letter from the Norwegian Ministry of Trade, Industry, and Fisheries confirming organizational rights. Articles appeared in Norwegian and Swedish press, and the police have been informed of its operations in several letters and interviews. As of September 1, 2025, the club operates without prosecution.

The Oslo City Court trial (case 24-107565MED-TOSL/01) occurred in late 2024. The court allocated two days, rejected appeals for extension on October 18, 2024, excluded UN and Council of Europe documents, 13 witnesses, and four documentaries, imposed a 10,000 NOK contempt fine, and allowed the Court Director to file a post-trial police complaint. On December 5, 2024, the court convicted Mikalsen under Section 231, sentencing him to 120 days imprisonment, a 10,000 NOK fine, and 12,420 NOK in costs.

The appeal to the Borgarting Court of Appeal (case 25-013403AST-BORG/04) was dismissed on March 28, 2025. The Supreme Court dismissed the final appeal (HR-2025-1272-U) on July 2, 2025. Prior Supreme Court dismissals occurred in 2010, 2011, and 2022.

In June 2025, AROD organized a protest outside the ECtHR in Strasbourg (June 23-24) and released a report titled "Norway's Cannabis Laws – A Human Rights Crisis Without Legitimate Purpose." AROD has announced annual protests until the matter of a legitimate purpose is resolved.

Globally, cannabis policies have evolved, including full recreational legalization in Germany (April 1, 2024, for possession up to 25g and home cultivation; July 1, 2024, for nonprofit cannabis clubs with up to 500 members), South Africa (2018, decriminalized private use/cultivation via court ruling; commercial sales regulated in 2024), Mexico (2021, decriminalized possession up to 28g via Supreme Court; full regulated market implemented in 2023), Brazil (2023, decriminalized possession for personal use via Supreme Court; medical access expanded in 2024), Malta (2021, legalized possession up to 7g and home cultivation; nonprofit clubs operational since 2023), and Luxembourg (2023, decriminalized possession up to 3g and home cultivation; full legalization planned for 2026). Additional nations have followed suit, such as Slovenia (2024, decriminalized possession up to 10g and medical use; recreational clubs under consideration), the Netherlands (longstanding tolerance since 1976; expanded regulated cultivation trials in 2023, with full national rollout in 2025), the Czech Republic (2024, legalized possession up to 10g and home growing; medical cannabis since 2013, with clubs piloted in Prague), Canada (2018, full recreational legalization with commercial sales), Uruguay (2013, first nation to fully legalize with state-regulated sales), and Thailand (2022, decriminalized possession/cultivation; commercial regulation in 2024, though recreational use restricted in 2025). As of September 1, 2025, recreational cannabis remains illegal in Norway, with limited medicinal access via compassionate use.

Statement of the facts (continued)

60.



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

61. Article invoked	Explanation
The applicant submits that Norway's application of Section 231, judicial proceedings, and inaction against the Folkehelseforbundet cannabis club makes a mockery of law, violating Articles 3, 5, 6, 8, 9, 13, 14 and 18 of the ECHR.	<p>Article 3, Prohibition of Inhuman or Degrading Treatment: Section 231 subjects cannabis users to degrading treatment through disproportionate penalties driven by moral panic, causing humiliation beyond ordinary punishment (Tyrer v. UK, 1978, § 30). Human Rising (2020) and Sannhet og Forsoning vols. 1-13 (2024) confirm prohibition's fear-driven basis, echoed by Andenæs (1994) and NOU 2002:4, NOU 2019:26. Drug-related convictions (29% of prison population) remain unjustified, straining Norway's legal system, and cannabis users face stigmatization, forced into illegal markets due to selective enforcement. Systemic marginalization violates Article 3.</p> <p>Article 5: Section 231's criminalization results in arbitrary detentions, failing "prescribed by law" and proportionality requirements (Saadi v. UK, 2008, § 67). Suppressed evidence such as Mikalsen v Norway: Moving a Nation Forward (2023), Human Rising (2020), and Sannhet og Forsoning vols. 1-13 show the failure of prohibition. Norwegian reports NOU 2002:04, NOU 2019:26, Politi og Rolleforståelse (2023) confirm excessive coercive measures and systemic neglect of human rights law. The cannabis club's model aligns with 13 European nations, and international developments highlight alternatives. As the UN Human Rights Commissioner recommends regulation, four Supreme Court dismissals and inaction against the Folkehelseforbundet cannabis club show Section 231's lack of rational basis. The professional responsibility for the law is not being maintained, the law is more intrusive than fair, and failure to review prohibition renders detentions arbitrary (Ladent v. Poland, 2008, § 55).</p>
Article 6: Right to a Fair Trial	<p>The Oslo City Court's exclusion of evidence, witness denials, contempt fine, and Court Director's post-trial complaint violated fair trial rights (Hornsby v. Greece, 1997, § 40; Al-Khawaja v. UK, 2011, § 118). The court barred UN/Council of Europe documents, 13 witnesses, and four documentaries citing ECtHR's 2023/2024 dismissals; the 10,000 NOK fine and Court Director's complaint prejudiced the defense, and higher courts upheld this without reasoning, revealing systemic judicial failures in drug cases. Exclusions prevented challenging prohibition (Näätänen v. Finland, 2009, § 43), and the fine/complaint was disproportionate (Kyprianou v. Cyprus, 2005, § 181), evidencing hostility toward human rights defenders. Article 6 of the ECHR sets out requirements for certain minimum rights in criminal proceedings, obligating the state to show that the beneficial effects of punishment are clearly greater than the harmful effects, and giving the defense a right to call witnesses. On this basis, 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, as 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." 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. This has yet to be shown and 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). This means that judicial dismissals and evidence exclusions has denied an effective remedy (Kudła v. Poland, 2000, § 157), violating ECHR Article 13 (Silver v. UK, 1983, § 113).</p>



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

62. Article invoked Article 8: Right to Respect for Private and Family Life	Explanation Deprivation of liberty is intrusive and if less restrictive means are better suited to deal with the problem of drug abuse, Section 231 disproportionately interferes with autonomy, failing the necessity test ( <i>Dudgeon v. UK</i> , 1981, § 41; <i>Pretty v. UK</i> , 2002, § 61). The Folkehelseforbundet club aligns with regulated models, which better protect public health, and constitutional courts in South Africa, Mexico, and Brazil recognize autonomy rights. Judicial reliance on HR-2022-731-A lacks proportionality, and the state enacts an arbitrary division to continue a policy that depends on scapegoats to survive. Failure to consider alternatives violates Article 8 ( <i>S.A.S. v. France</i> , 2014, § 129; <i>Lacatus v. Switzerland</i> , 2021, § 84).
Article 9: Freedom of Thought, Conscience, and Religion	Section 231 interferes with philosophical beliefs tied to cannabis use ( <i>Kokkinakis v. Greece</i> , 1993, § 31). Cannabis is used for spiritual purposes. Norway's refusal to review prohibition, despite regulated models, is disproportionate and unduly restricts personal beliefs. Lack of proportionality violates Article 9 ( <i>Eweida v. UK</i> , 2013, § 82), and the state cannot be granted any margin of discretion when moral panic is detected.
Article 13: Right to an Effective Remedy	The exclusion of evidence violated the right to an effective remedy ( <i>Hornsby v. Greece</i> , 1997, § 40; <i>Al-Khawaja v. UK</i> , 2011, § 118). Historians, criminologists, and sociologists of law have described scapegoating as the engine of drug policy, and several reports show that prohibition continues despite a failure to meet objectives. The independence of the judiciary presupposes a willingness to challenge prohibition, but Norwegian courts barred evidence citing ECtHR's 2023/2024 dismissals. The ECtHR has disparaged challenges to prohibition as manifestly ill-founded without addressing merits, violating its own benchmarks such as the requirement for reasoned decisions on arguable claims ( <i>Van de Hurk v. Netherlands</i> , 1994, § 61) and the obligation to examine substantive issues in effective remedies ( <i>Hansen v. Norway</i> , 2014, § 75). As many states regulate cannabis to protect public health, ECtHR precedence is contradicted by facts, revealing systemic judicial failures in drug cases, where dismissals without engagement perpetuate unscrutinized policies driven by moral panic rather than proportionality. Exclusions prevented challenging prohibition, denying an effective remedy as required under Article 13 ( <i>Natunen v. Finland</i> , 2009, § 43; <i>Kudla v. Poland</i> , 2000, § 157).
Article 14: Prohibition of Discrimination	Cannabis users face discriminatory treatment compared to alcohol/tobacco users ( <i>Thlimmenos v. Greece</i> , 2000, § 44). State inaction against the club versus individual prosecutions highlights inconsistency. Economic rights protections (Rt-2015-1234) contrast with neglect of cannabis users. UNHRC (2021, pp. 8-10) notes discriminatory impacts of drug laws, and as the distinction between legal and illegal substances is not rational, Article 14 have been breached. Global trends necessitate guidance and the court must convene a Grand Chamber for Category IV-High impact, as this case affects 40 million cannabis users under the Court's protection.
Article 18: Prohibition of Misuse of Power	Restrictions on rights under must be applied solely for prescribed purposes. Here, prohibition under Section 231 is misused for social control via moral panic and scapegoating, rather than legitimate public health aims (as refuted by NOU 2019:26; Prop 92 L). Systemic bias toward administrative law ( <i>Politi og Rolleforståelse</i> , 2023) perpetuates this, denying principled guidance and effective remedies. Human Rising (2020) exposes the power politics behind prohibition, revealing a tool for social control that breeds corruption. It has been 30 years since Andenæs highlighted prohibition's failure to achieve its aims (1994), yet he was not the first scholar to call for change. Preceding him were Packer ( <i>Limits of the Criminal Sanction</i> , 1968), Dichter ( <i>Marijuana and the Law</i> , 1968), Fuller ( <i>The Morality of Law</i> , 1969), Bonnie and Whitebread ( <i>The Forbidden Fruit and the Tree of Knowledge</i> , 1970), Kaplan ( <i>The New Prohibition</i> , 1971), Wisotsky ( <i>Beyond the War on Drugs</i> , 1990), Duke and Gross ( <i>America's Longest War</i> , 1993), and others who challenged drug laws—yet legal systems continue to shelter prohibition from scrutiny. Judicial independence requires challenging such misuse, but unaddressed moral panic (NOU 2019:26) subverts HR safeguards in 46 nations, violating Article 18's "predominant purpose" test ( <i>Merabishvili v. Georgia</i> , 2017, § 317). No margin of appreciation applies when panic drives policy ( <i>S.A.S. v. France</i> , 2014, § 129), demanding principled review to end 60 years of unchecked power.

#### **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	Information about remedies used and the date of the final decision
	Exhaustion of Domestic Remedies
	The applicant exhausted all remedies under Article 35 § 1. He appealed the Oslo City Court verdict (24-107565MED-TOSL/01, December 5, 2024) to the Borgarting Court of Appeal (25-013403AST-BORG/04, March 28, 2025), which dismissed it citing prior ECtHR decisions. The Supreme Court dismissed the final appeal (HR-2025-1272-U) on July 2, 2025, without reasoning. Appeals against the two-day trial limit and evidence exclusions were rejected on October 18, 2024. No further remedies exist.
	Time Limit and Importance
	The Supreme Court decision of July 2, 2025, precedes this application (submitted September 4, 2025), complying with the four-month limit in Article 35 § 1. Prior ECtHR dismissals (2012, 2023, 2024) do not apply, as this involves new facts (2024 shop and club, 2025 protest/report) (Scoppola v. Italy (No. 2), 2009, § 54). The 120-day sentence, 10,000 NOK fine, and 12,420 NOK costs form part of a 17-year pattern of denied remedies, constituting significant disadvantage under Article 35 § 3(b). Broader implications for 40 million cannabis users, amid trends like Germany's 2024 legalization and reports on systemic bias (Politi og Rolleforståelse), underscore significance (Giuran v. Romania, 2011).
	No Manifestly Ill-Founded Claims
	<p>Claims under Articles 3, 5, 6, 8, 9, 13, 14, and 18 are arguable, supported by:</p> <ul style="list-style-type: none"> <li>• Reports (Human Rising, 2020; Sannhet og Forsoning vols. 1-13, 2024; Politi og Rolleforståelse, 2023; NOU 2002:4; NOU 2019:26) on systemic issues, moral panic, and bias.</li> <li>• ECtHR case law (e.g., Dudgeon, S.A.S., Lacatus, Natunen, Kudla).</li> <li>• Documentaries (Requiem for the Rule of Law, 2025; Mikalsen v. Norway, 2023) demonstrating distinctions from prior dismissals.</li> </ul>
	No Abuse of Application
	The applicant's civil disobedience legitimately challenges Section 231, supported by evidence of systemic issues. No similar pending application exists, and new facts (Scoppola v. Italy (No. 2), 2009, § 54) distinguish this from abuse under Article 35 § 3(a).



☐ Yes☐ No☐ Yes☐ No☒ Yes☐ No

In 2010, the ECtHR (case no. 67078/10) was petitioned to deal with Norway's disregard for human rights in drug policy. On 13 April 2023 (case no 12178/23), the European Court once again failed to provide due process, and Europe/CoE needs a Grand Chamber review to build integrity in the legal systems of 46 nations.



## 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.  | Oslo City Court decision refusing 15 days for trial (02 October 2024): Appeals 2-day limit vs. 15-day request for evidence/witnesses. Evidences procedural unfairness, denial of defense on prohibition (Arts. 6, 13, 8).             | p. |
| 2.  | Defense appeal against City Court 2-day scheduling decision (02 October 2024): Appeals for 15 days, argues need for full constitutional review of §231. Supports unfair trial claims, evidence exclusion (Arts. 6, 13, 8).            | p. |
| 3.  | Appeal Court refusal of appeal for more trial time (18 October 2024): Upholds 2-day limit, deems evidence irrelevant. Shows barriers to HR proportionality review (Arts. 6, 13, 8).   | p. |
| 4.  | Defense appeal for evidence and witnesses (11 November 2024): Requests Riksadvokat witness, prohibition documentaries. Denied; shows bias, remedy denial (Arts. 6, 13, 8).  | p. |
| 5.  | Supreme Court denies 15 days for trial (07 November 2024): Rejects extended trial. Confirms remedy exhaustion, bias vs. full review (Arts. 6, 13, 35, 8).   | p. |
| 6.  | City Court verdict convicting Mikalsen (05 December 2024): Convicts under §231 for protest; 120-day sentence, fine, contempt. Excludes HR evidence; supports arbitrary detention, unfair trial (Arts. 3, 5, 6, 8).                    | p. |
| 7.  | AROD Appeal to district court (04 April 2025): Appeals Lagmannsrett on law/evidence errors. Critiques outdated precedents; shows remedy denial (Arts. 6, 13, 8).  | p. |
| 8.  | Defense Appeal (02 May 2025): Challenges refusal as unreasonable. Argues full EMK review need; evidences bias (Arts. 6, 13, 35).  | p. |
| 9.  | Appeals Court verdict dismissing appeal (28 March 2025): Upholds conviction sans merits review. Fails proportionality; unfair process (Arts. 5, 6, 13, 8).  | p. |
| 10. | Defense appeal 1 to Supreme Court (04 April 2025): Appeals law/evidence errors. Argues EMK judicial failure; supports bias (Arts. 6, 13, 8).  | p. |
| 11. | Defense appeal 2 to Supreme Court (02 May 2025): Supplements appeal vs. HR-2022-731-A. Attaches statement; evidences exhaustion (Arts. 6, 13, 35, 8).   | p. |
| 12. | Supreme Court refuses appeal (02 July 2025): Rejects appeal, affirms lower courts. No remedy, policy protection sans scrutiny (Arts. 13, 35, 6, 8).   | p. |
| 13. | AROD letter to Director of Public Prosecutions (20 February 2024): Details protest to officials; §231 review request. Supports selective enforcement, merits refusal (Arts. 5, 14, 8).  | p. |
| 14. | AROD's List of Evidence (19 September 2024): Proposes witnesses (e.g., officials), documents. Denied; evidence exclusion on prohibition (Arts. 6, 13, 8).   | p. |
| 15. | Klage på politiadvokat til riksadvokat (2024): Prosecutor obstruction complaint. Highlights bias, remedy denial (Arts. 6, 13, 14).  | p. |
| 16. | Defense statement on contempt fine (rettergangsbet) (02 December 2024): Response to contempt fine and court bias. Evidences unfair trial, judicial misconduct in drug policy cases (Arts. 6, 13).                                     | p. |
| 17. | Andenæs' 1994 Lov og Rett article "Legalisering av Narkotika?": Critiques prohibition ineffectiveness. Supports EMK disproportionality (Arts. 8, 9, 14).  | p. |
| 18. | NOU 2002:4 (Ny straffelov – Straffelovkommisjonens delutredning I): Decriminalization recommendation due to costs. Ignored policy failures (Arts. 8, 5, 13, 14).  | p. |
| 19. | Andenæs' 2002 media statement ("Dørum er gammeldags"): Outdated drug views critique. Political resistance (Arts. 8, 14).  | p. |
| 20. | Hauge's 2008 media statement ("Frykter hasjdebatten"): NOU 2002:4 as political issue. Debate suppression (Arts. 6, 13).   | p. |
| 21. | NOU 2019:26 (Rusreform – fra straff til hjelp): Decriminalization for harms. Arbitrary punishment claims (Arts. 3, 5, 8).   | p. |
| 22. | Prop 92 L (2020-2021): Accepts NOU flawed criminalization findings. Ignored in case (Arts. 8, 13).  | p. |
| 23. | Director of Public Prosecutions report on coercive measures in minor drug cases (2022): Drug inconsistencies as HR violations. Discrimination support (Arts. 14, 5).  | p. |
| 24. | Politi og Rolleforståelse (2023): Police bias to administrative vs. HR law. Systemic issues (Arts. 6, 13, 14).  | p. |
| 25. | Human Rising (2020) by Roar Mikalsen: Prohibition failures details. Civil disobedience support (Arts. 5, 6, 8, 9, 13, 14, 18). Due to space restrictions, the list of evidence is continued in a Complete List of Evidence (attached) | p. |

Any other comments

Do you have any other comments about your application?

71. Comments

The applicant requests priority treatment under Rule 41 due to ongoing systemic violations affecting 40 million cannabis users in 46 member states. A Grand Chamber referral is urged for its high-impact potential (Category IV). All referenced documents (reports, court decisions, books, documentaries) are attached for verification. The application underscores the need for principled review to address moral panic and restore judicial integrity.

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

0	3	0	9	2	0	2	5	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

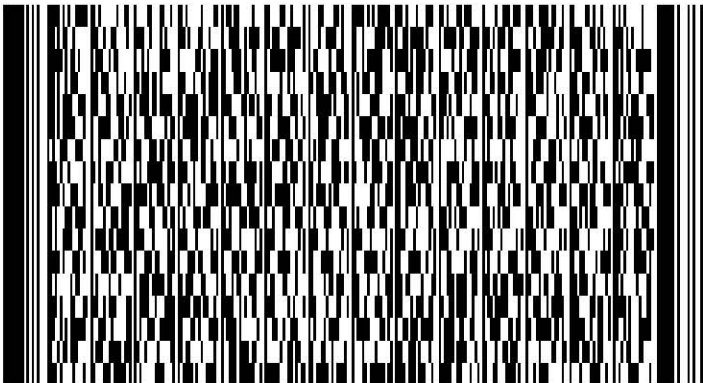
If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond. Where the applicant is represented, the Court will correspond only with the representative (lawyer or non-lawyer).

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

Roar Mikalsen
Alunsjøveien 63E
0957 Oslo
Norway

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



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