

## Checklist for ICC review. (Annex C)

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 <a href="#">Human Rising (2020)</a> <a href="#">ECtHR application 2025</a>
Have historians, criminologists, and legal sociologists warned against criminalization and pointed	Yes	Experts such as David Musto, Louk Hulsman, Nils Christie, Ragnar Hauge, and Thomas Mathiesen have pointed

out scapegoating mechanisms in drug policy?		out the hunt for scapegoats, with parallels to historical persecutions. See the documentary <a href="#">"Mikalsen v Norway: Moving a Nation Forward"; Truth and Reconciliation vol. 1</a> , p. 99 (Principled Considerations).
Has professional responsibility been upheld and investigations followed up with less intrusive measures?	No	For over 60 years, the Norwegian Ministry of Justice, CoE and UN bodies, 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); <a href="#">ECtHR application</a> .
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; <a href="#">Truth and Reconciliation vol. 12</a> .
Has the CoE and ECtHR's protection of prohibition without merits review enabled national courts to evade proportionality, perpetuating arbitrary persecution?	Yes	Dismissals in Mikalsen v. Norway (2012, 2023, 2024) as "manifestly ill-founded" breach fair trial principles (ECHR Art. 6; S.A.S. v. France, 2014); Oslo Appeals Court (April 4, 2025) cites these to suppress remedies, sustaining sanctions. See <a href="#">Human Rising, 2020</a> ; <a href="#">ECtHR application 2025</a>
"Public health" is the justification, but reports confirm that drug policy	Yes	Nixon's advisor John Ehrlichman admitted that the war on drugs was

has major negative consequences. When the policy is continued despite lack of goal achievement, can other purposes motivate the prohibition?		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 <a href="#">Human Rising</a> (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 <a href="#">Human Rising</a> (2020) part three.

<p>Does CoE inaction allow officials to fail their mandate to protect rights, risking broader impunity and democratic erosion?</p>	<p>Yes</p>	<p>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 Politi og rolleforståelse report (2022, published 2023) highlights rights neglect, demanding CoE intervention to verify legitimate purpose and restore integrity. See <a href="#">Requiem for the Rule of Law: Shadows of Prohibition and the Dawn of Awakening</a> (2025).</p>
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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 CoE and ECtHR, and the ICC now faces a pivotal choice: continue the inaction, joining those remembered on the wrong side of history, or ensure accountability that restores the rule of law to 46 nations by initiating oversight and reforms to end this crisis. Immediate steps must be taken to resolve systemic issues, or the ICC will fail its duty to the rule of law.