



His Excellency Patrick Engelberg
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Luxembourg to the Council of Europe
Permanent Representation of Luxembourg to the Council of Europe
65, allée de la Robertsau
67000 Strasbourg
France

January 12, 2026

Urgent Call for Luxembourg to Champion Rule of Law and Progressive Drug Policies within the Council of Europe

Dear Ambassador Engelberg,

I write to you on behalf of the Alliance for Rights-Oriented Drug Policies (AROD), an organization dedicated to advocating for evidence-based drug policies grounded in human rights and the rule of law. Building on our December 29, 2025, communication to the International Criminal Court (ICC) alleging crimes against humanity under Article 7 of the Rome Statute through the systemic enforcement of drug prohibition, and our 2025 letters to the Council of Europe (CoE) Secretary General highlighting institutional failures, we urge Luxembourg to leverage its leadership within the CoE to address these injustices and advance progressive reforms.

As detailed in our ICC submission, supporting documents, and CoE correspondence, the "war on drugs" has functioned as a tool for empire-building and social control, mirroring historical arbitrary persecutions such as the witch hunts of the 15th-18th centuries, the Nazi crusades of the 1940s, and South Africa's apartheid regime. Rooted in fear, racism, and delusion rather than public health evidence, these policies have distorted natural market dynamics into a narrative of victims and aggressors, enabling widespread atrocities and eroding open societies. In Europe, the CoE's failure to uphold the European Convention on Human Rights (ECHR) has been stark: despite obligations under Articles 3 (prohibition of inhuman treatment), 5 (right to liberty), 6 (fair trial), 8 (private life), 13 (effective remedy), 14 (non-discrimination), and 18 (limitations on restrictions), the European Court of Human Rights (ECtHR) has dismissed principled challenges—such as *Mikalsen v. Norway* (2012, 2023, 2024)—as "manifestly ill-founded" without reasoned analysis, violating procedural fairness and entrenching impunity. In Norway alone, six decades of unchecked power have imposed approximately 1 million punitive sanctions, fueled a 1.75 billion NOK black market, and contributed to around 300 annual overdose deaths, disproportionately affecting marginalized



groups. Globally, AROD's 2025 Truth and Reconciliation Commission Report estimates 400,000 annual deaths and 5 million wrongful imprisonments, with no demonstrable public health benefits.

These systemic failures are further underscored by the Organization of American States (OAS) 2013 report, "The Drug Problem in the Americas," which critiques the "war on drugs" as a "dismal failure" that has fueled mass incarceration, violence, and corruption without reducing demand or supply. The report exposes U.S. hypocrisy—domestic legalization in states like California while enforcing repression abroad—and calls for treaty reforms to enable sovereign experimentation, decriminalization, and regulation to disrupt criminal empires. With Resolution 2335 (2020), the Parliamentary Assembly echoes these concerns, noting "that strong evidence suggests that purely repressive policies which ignore the realities of drug use and dependence have been counterproductive and generated large-scale human rights abuses. These include highly damaging spillover effects in terms of public health and mortality rates, violence and corruption, discrimination, stigmatisation and marginalisation, disproportionate sentencing and prison overcrowding." The Assembly welcomes the 2019 UN publication entitled "International Guidelines on Human Rights and Drug Policy," intended to address these issues and ensure an effective remedy—yet the Norwegian justice system and the ECtHR have failed to deliver on basic rule of law protections.

While leadership failures at the CoE ensure that the Resolution's recommendations have been effectively ignored, a few progressive nations are leading the way to prevent jurists from remaining instruments of oppression. Luxembourg's pioneering 2023 cannabis legalization—allowing home cultivation and possession—exemplifies this shift, aligning with UN recommendations (e.g., A/HRC/54/53) and positioning your nation as a beacon for evidence-based policies. Yet, as individual member states like Luxembourg, Germany, and Malta progress, the CoE's leadership vacuum becomes increasingly evident: our unanswered appeals to Secretary General Alain Berset (June 5, July 1, September 18, and November 26, 2025) highlight "democratic backsliding" and "rising impunity" as warned in the CoE's 2025 Report, *Towards a New Democratic Pact for Europe*, allowing outdated prohibitions to persist and undermine collective human rights commitments.

On this basis, we implore Luxembourg to seize opportunities within the CoE system—such as initiating resolutions at the Committee of Ministers, supporting Parliamentary Assembly (PACE) inquiries, or advocating for ECHR-compliant reforms—to confront this erosion of the rule of law. This could include pressing for a Grand Chamber review of cases like *Mikalsen v. Norway*, endorsing a Truth and Reconciliation Commission to document harms across member states, or coordinating with progressive nations to renounce UN conventions incompatible with ECHR protections. By leading these efforts, Luxembourg can bridge the gap between national advancements and pan-European accountability, countering the use of drug prohibition as a pretext for coercion and fostering responsible regulation that protects health, reduces black markets, and restores judicial integrity.



AROD stands ready to provide further documentation, including our full ICC submission, CoE letters, and annexed materials, available at <https://www.rodppolicies.org/international-criminal-court-submission>. UN agencies have been notified of the urgent need to undo this regime, with communications available at <https://www.rodppolicies.org/un-human-rights-correspondence>. We request a prompt response and opportunities for collaboration to terminate this era of systemic injustice

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 distinguishable.

Roar Mikalsen

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