



Ms. Margaret Satterthwaite
Special Rapporteur on the Independence of Judges and Lawyers
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland

July 2, 2025

Addressing Judicial Failures in Cannabis Prohibition

Dear Special Rapporteur Satterthwaite,

With a resolute commitment to justice, the Alliance for Rights-Oriented Drug Policies (AROD) seeks your support to confront the systemic rule of law crisis caused by cannabis prohibition, which undermines judicial independence and fair trial rights (ICCPR Article 14, ECHR Article 6) in Europe and the United States. Our 12-year advocacy, detailed in 2013–2025 correspondence with the Council of Europe (CoE)—including letters to Secretary General Alain Berset, [PACE](#), the Pompidou Group, Commissioner O’Flaherty, and Committee of Ministers Chairperson Borg—exposes judicial failures to protect fundamental rights, as evidenced by [Mikalsen v. Norway](#) (2012, 2023, 2024) and [Constitutional Challenges to the Drug Law](#) (2017).

Failure of Law

Cannabis prohibition fuels a €12.1 billion illicit market (EUDA EU Drug Market: Cannabis 2023), undermining the rule of law. In Norway, AROD estimates 1 million punitive sanctions, a 1.75 billion NOK black market, and 300 annual overdose deaths (Nasjonal rapport 2022). Globally, our [Truth and Reconciliation Commission Report](#) estimates 400,000 deaths and 5 million wrongful imprisonments, violating ICCPR Article 14 and ECHR Article 6 through unprincipled judicial decisions. In the U.S., Constitutional Challenges documents over 100 failed challenges to drug laws, with courts’ reliance on the “demon drug” myth dismissing privacy, liberty, and equal protection claims (Mallan Court, p. 183). NOU 2019:26 and NOU 2002:04 confirm Norway’s panic-driven policies, with Norwegian jurists calling for change for over 30 years. PACE Resolution 2277 (2019) notes “serious violations of the rule of law” across CoE states, aligning with the CoE’s 2025 Report’s call for “reforms where standards fall short,” highlighting critical challenges to judicial independence.



Judicial Failures

The ECtHR's dismissal of Mikalsen v. Norway as "manifestly ill-founded" without reasoned analysis violates procedural fairness (S.A.S. v. France 2014, 2019 UN Guidelines on Legal Aid). Norway's courts, citing these dismissals, block review (Oslo City Court, November 25, 2024), rendering ECHR protections ineffective since 2010. In the U.S., courts' [confused](#) analysis prioritizes prejudice over constitutional principles, undermining ICCPR Article 14. These failures, driven by the "demon drug" myth, erode judicial independence, as your 2024 report on judicial bias highlights.

Regulation as a Solution

Regulation aligns with your mandate to ensure judicial independence by reducing reliance on unprincipled rulings. Malta's 2021 legalization (7g possession, non-profit social clubs) cut arrests by 60% (EUDA European Drug Report 2024–2025), restoring judicial integrity by aligning with evidence-based policy. Uruguay and Canada reduced illicit markets by 50–60% (2013–2023). The UN High Commissioner's 2024 CND statement urges regulation to protect rights, mitigating judicial failures in Norway and the U.S.

Call for Action

AROD's Requiem for the Rule of Law [event](#) (June 23–24, 2025) and 12-year CoE [engagement](#), including our recent letter to UN Special Rapporteur Nougères, demand action. Your 2024 report underscores the need for impartial judiciaries.

We urge you to:

- conduct country visits to Norway and the U.S.: investigate judicial failures in drug enforcement (Nasjonal rapport, Constitutional Challenges);
- issue a communication to Norway and the U.S.: demand explanations for ICCPR Article 14 violations;
- report to the HRC: include prohibition's judicial impacts in your March 2026 report, supporting AROD's Truth and Reconciliation Commission.

Civil society demands action. As nations like Malta regulate cannabis to uphold justice, your leadership can restore judicial integrity. We respectfully request a meeting and a response by August 1, 2025.

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)