



Mr. Alain Berset
Secretary General
Council of Europe

November 26, 2025

Final Escalation: Demand for Immediate CoE Intervention in Systemic Human Rights Crisis from Cannabis Prohibition – Threat of Inclusion in ICC Complaint

Dear Mr. Secretary General,

On behalf of the Alliance for Rights-Oriented Drug Policies (AROD), I am writing to follow-up on our previous correspondence dated June 5, 2025, July 1, 2025, and September 18, 2025, concerning the profound rule of law deficiencies sustained by cannabis prohibition. Despite an initial acknowledgment from your office on June 23, 2025, the absence of any substantive engagement since then heightens the imperative for action. For over a decade and a half, civil society has pressed the Council of Europe (CoE) to uphold its core responsibilities in safeguarding fundamental freedoms, as evidenced by [communications](#) to former Secretary General Thorbjørn Jagland (July 4, 2012, and February 2, 2013) and your own tenure. These appeals have yielded only perfunctory replies, permitting an entrenched pattern of judicial oversight lapses, disproportionate societal burdens, and institutional erosion to persist unchecked.

This ongoing disregard has entrenched a profound legal malaise, fostering unchecked authority in adjudication, unwarranted suffering, and a dilution of democratic principles. In light of advancements in Norway—where AROD has lodged a formal complaint with law enforcement against more than 30 judicial and prosecutorial figures for offenses such as misuse of official power (§§ 171–172), coercion (§ 263), unlawful detention (§§ 254–255), and interference with justice (§§ 157–158) under the Norwegian Penal Code—we now insist on resolute CoE involvement. Over three decades, Norway's approach to substance regulation has disproportionately impacted marginalized groups, notwithstanding scholarly critiques. As early as 1994, legal scholar Johs Andenæs cautioned that such prohibitions had compromised the foundational integrity of penal frameworks, yet the system persists in incarcerating individuals while shielding regulatory measures from rigorous ethical scrutiny. This represents a sustained infringement on societal well-being, suppressed by the marginalization of rights-based jurisprudence, and continued institutional inertia will necessitate the incorporation of CoE executives into our impending submission to the International Criminal Court (ICC) for



aiding in offenses against humanity, paralleling the accountability sought from Norwegian authorities.

Although the ICC has historically prioritized overt manifestations of atrocities, the protracted "war on drugs" demands scrutiny through the lens of its tangible consequences: not genuine safeguards for communal welfare, but mechanisms of dominance and division. Expert consensus over the past 30 years has illuminated this reality, with vast numbers enduring harm amid a judiciary that routinely withholds meaningful recourse. The extensive erosion of legal trust—through fortified exemptions from oversight, normalized disproportionate penalties, and entrenched selective enforcement—aligns with the Rome Statute's definition of crimes against humanity (Article 7), encompassing widespread or systematic assaults on civilian populations. This characterization is bolstered by precedents where policy-driven systemic harms have been addressed, such as apartheid's codified racial subjugation or the Philippines' drug enforcement campaign, where a 2020 UN assessment documented "near impunity" for violations, noting that high-level directives effectively granted "permission to kill" and that such rhetoric, combined with institutional vilification, elevated to incitement while prioritizing security over due process and accountability. In these instances, impunity not only perpetuated cycles of abuse but obstructed broader advancements in legal and societal protections, mirroring the drug prohibition's role in fostering arbitrary detentions, extrajudicial harms, and a global illicit economy valued at \$300–500 billion.

The CoE's foundational charter (Article 1) mandates countermeasures against arbitrary governance and the advancement of rights-centric transformations, yet the 60-year legacy of cannabis prohibition embodies unbridled discretion: a framework predicated on alarm rather than empirical validation, imposing 1 million sanctions in Norway alone, sustaining a 1.75 billion NOK underground market, and exacerbating around 300 overdose fatalities yearly. On a worldwide scale, as outlined in AROD's 2025 Truth and Reconciliation Commission Report, it precipitates 400,000 avoidable deaths and 5 million unjust imprisonments annually, absent demonstrable gains in public safety. These outcomes infringe upon European Convention on Human Rights (ECHR) provisions including Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty), Article 6 (fair trial), Article 8 (respect for private life), Article 13 (effective remedy), Article 14 (prohibition of discrimination), and Article 18 (limitations on rights restrictions), alongside Norway's constitutional safeguards (§§ 89, 94, 98, 102). The European Court of Human Rights (ECtHR) has exacerbated this by rejecting petitions such as Mikalsen v. Norway (2012, 2023, 2024) as "manifestly ill-founded" without substantive examination or articulated rationale, contravening established fair hearing standards (*S.A.S. v. France*, 2014). This has enabled domestic tribunals to sidestep necessity and proportionality evaluations, as seen in the Oslo District Court's decision of March 28, 2025 (25-013403AST-BORG/04) and the Norwegian Supreme Court's consistent refusal of redress since 2008. Such institutional safeguards not only maintain an apparatus antagonistic to its citizenry but also fuel democratic regression, consistent with your 2025 Report, *Towards a New Democratic Pact for Europe*, which warns of "democratic backsliding" and escalating exemptions from judicial scrutiny. Norway's 2022/2023 *Politi og rolleforståelse* analysis



reveals a prioritization of administrative imperatives over rights protections, while inquiries like NOU 2002:4, NOU 2019:26, and the CoE's 2019 Baseline Study affirm the policy's futility and infringements. Parliamentary Assembly of the Council of Europe (PACE) Resolutions 2277 (2019) and 2225 (2018) further highlight judicial independence lapses and enforcement biases, and cannabis prohibition is akin to historical persecutions in patterns of scapegoating minorities (see [Human Rising](#), 2020; [Mikalsen v. Norway: Moving a Nation Forward](#), 2023).

Recent Norwegian developments amplify the call for intervention: On November 5, 2025, AROD submitted a [police complaint](#) targeting over 30 officials. Given the historical pattern of institutional evasion spanning more than three decades, we harbor no expectations of impartial handling, yet this step lays groundwork for an ICC referral addressing entrenched misconduct. Amidst expert admonitions and judicial obstructions to redress, arbitrary pursuits endure, compromising legal standards across 46 jurisdictions. As progressive regulations emerge elsewhere to enhance communal health, the imperative for legal practitioners is to restore systemic credibility, yet the ECtHR's reluctance to engage on merits stifles essential evolution. Political influences imperil judicial independence within the ECtHR and CoE, and to delineate this peril, we append a diagnostic framework for CoE assessment. Derived from authoritative analyses, this tool necessitates internal validation and swift corrective measures:

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 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 Human Rising (2020) ECtHR application 2025
Have historians, criminologists, and legal sociologists warned against criminalization and pointed out scapegoating mechanisms in drug policy?	Yes	Experts such as David Musto, Louk Hulsman, Nils Christie, Ragnar Hauge, and Thomas Mathiesen have pointed out the hunt for scapegoats, with parallels to historical persecutions. See the documentary "Mikalsen v Norway: Moving a Nation Forward"; Truth and Reconciliation vol. 1, p. 99 (Principled Considerations).
If investigations show that punishment cannot be justified, does the legislature have a duty to investigate less intrusive measures?	Yes	This follows from the Constitution § 98, 102 and ECHR art. 8 (proportionality). See ECtHR application 2025 ; Truth and Reconciliation vol. 1, (Justification of Punishment).
Has professional responsibility been upheld and investigations followed up with less intrusive measures?	No	For over 60 years, the Norwegian Ministry of Justice 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); ECtHR application .
If less intrusive measures are not assessed, can citizens and police be confident that the law is proper and the use of power is necessary?	No	Lack of assessment undermines the necessity principle. Investigations indicate that the cure is worse than the disease and that the police are fighting fire with gasoline. See Human Rising (2020); Truth and Reconciliation vol. 1.



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; Truth and Reconciliation vol. 12.
Has the 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 Human Rising, 2020 ; ECtHR application 2025
Have experts pointed out conflict between governance law and rights law, with authorities prioritizing governance law, and can this cause human rights problems?	Yes	The police's role emphasizes governance law over rights. See Police and Role Understanding (2023); Truth and Reconciliation vol. 12, p. 189 (Constitutional Responsibility).
"Public health" is the justification, but reports confirm that drug policy has major negative consequences. When the policy is continued despite lack of goal achievement, can other purposes motivate the prohibition?	Yes	Nixon's advisor John Ehrlichman admitted that the war on drugs was 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 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 Human Rising (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, with destructive dynamics where open and democratic societies are ravaged. See Human Rising (2020) part three.
Does CoE inaction allow officials to fail their mandate to protect rights, risking broader impunity and democratic erosion?	Yes	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 Politisk rolleforståelse report (2022, published 2023) highlights rights neglect, demanding CoE intervention to verify legitimate purpose and restore integrity. See Requiem for the Rule of Law: Shadows of Prohibition and the Dawn of Awakening (2025).
--	--	--

This evaluative framework ties drug prohibition to offenses against humanity under the Rome Statute, drawing analogies to systemic policies like apartheid, where codified discrimination enabled widespread persecution, or enforced disappearances in conflict zones, prosecuted for their deliberate, policy-sustained nature. For 15 years, legal advancement in 46 nations has been halted by leadership shortfalls at the ECtHR, presenting the CoE with a defining juncture: perpetuate the oversight, aligning with historical precedents of institutional complicity, or deliver principled directives through monitoring, referrals to the Pompidou Group and ECtHR, and initiatives to dismantle this impasse. Urgent measures are essential to rectify these structural flaws; otherwise, the Secretary General and pertinent CoE personnel will feature in an ICC filing for dereliction in upholding legal standards, under modes of liability for facilitating crimes through omission (Articles 25 and 28).

We anticipate a comprehensive reply within 14 days; without affirmative steps, AROD will advance the ICC process, seeking redress for the neglect affecting 700 million individuals. This communication serves as the ultimate invitation to champion equity—embrace it.

Sincerely,

A handwritten signature in black ink, reading '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)