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03 September 2012

Per Edgar Kokkvold: General Secretary
Kjell Nyhuus: Commission Secretary
Press Complaints Commission (PFU)
Box 46 Sentrum, 0101 Oslo
Email: pfu@presse.no

CC: Editor: Nina Berglund, News and Views from Norway
CC: Mr. Anders Breivik: c/o Lippestad Attorneys

Request for Written Reasons for PFU 28 August 2012 decision refusing to process Complaint against Nina Berglund, Editor: News & Views from Norway: Violation of 3.1, 3.2, 4.5 of Code of Ethics of the Norwegian Press in Article: Breivik Moved to New Prison¹; in the absence of Mr. Breivik's consent.

Chronology of Facts with regard to PFU Complaints Policies²:

On 31 July 2012, I filed a Complaint against Nina Berglund, Editor: News & Views from Norway: Violation of 3.1, 3.2, 4.5 of Code of Ethics of the Norwegian Press in Article: Breivik Moved to New Prison: Erroneous Statement: 'Breivik Guilt Established Long Ago'

On 31 July 2012, a request of consent was submitted to Mr. Breivik, via Lippestad attorneys. Mr. Jordet (Lippestad Attorneys) provided Mr. Breivik with a written copy of the request for consent. Mr. Breivik has not yet bothered to practice that alleged 'honour' he holds so dear, by providing a written response of consent or objection; thereby implying that he does not consent, but lacks the honour to say so.

On 15 August a representation was submitted to Press Complaints Commission to process the complaint, in the absence of Mr. Breivik's consent, in accordance to PFU principle at: **Hvem kan klage? | Who Can Complain?**³

I utgangspunktet kan alle klage, men dersom du ikke er identisk med den eller dem saken gjelder, må du som hovedregel innhente et skriftlig samtykke fra disse.

Basically anyone can complain, but if you are not identical to the person or persons in question, you must generally obtain a written consent from them.

Why?

Hvorfor?

¹ <http://www.newsenglish.no/2012/07/24/breivik-moved-to-new-prison/>

² <http://ecofeminist-v-breivik.weebly.com/press-comp-comm-pfu.html>

³ <http://presse.no/Klage-til-PFU/Hvem-kan-klage>

Bakgrunnen for krav om samtykke, er at all saksbehandling i PFU er offentlig. En «fellende» uttalelse fra utvalget skal publiseres av det innklagede presseorganet. Vi vet at mange ikke ønsker noen videre omtale av en sak, og vi må derfor vite at de(n) direkte berørte, er innforstått med at saken er brakt inn for PFU.

Hva hvis jeg ikke får samtykke?

Skulle det ikke være aktuelt å innhente slikt samtykke, ber vi om at du opplyser oss om dette. Klagen vil da bli forelagt utvalget som referatsak. Når særlige forhold tilsier det, kan PFU bestemme at klagen behandles uten at samtykke er innhentet.

The reason for the requirement of consent, that all proceedings in the PFU is public. A "joint" statement from the Committee shall be published by the defendant press organ. We know that many do not want any further discussion of a case, and we must know that the other (s) directly concerned, agree that the case is brought before the PFU.

What if I do not consent?

Should it not be possible to obtain such consent, we ask that you inform us of this. The complaint will then be referred to the committee that referatsak. When special circumstances so warrant, the PFU decide that the complaint be processed without permission.

My **15 August⁴** representation to the PFU of **special circumstances - (public interest in editorial ethics & accurate reporting about any accused individual/legal court related matters / public interest in not being deceived and manipulated to support the witchhunting of an accused by mobjustice trial by media) - justified that the PFU process my complaint, in the absence of Mr. Breivik's consent, stated:**

Irrespective of whether Mr. Breivik himself believes in his guilt, and is involved in a massive Bullshit the Public Relations Image Management Campaign; EVERY ACCUSED -- EVEN THOSE WHO PLEAD GUILTY, OR CONSIDER THEMSELVES GUILTY -- SHOULD ONLY BE REPORTED ON, AS '[FOUND] GUILTY'; ONCE A COURT OF LAW HAS MADE A 'FINDING OF GUILT'.

So, whether Mr. Breivik consents to my complaint, or not; I request information as to the procedure to process this complaint, in the absence of Mr. Breivik's consent; either by

(A) presentation to the committee, that special circumstances of [editorial/journalistic] ethics (factual legal findings of guilt, cannot be made by an accused, their lawyer, or any journalist, or editor; only an impartial court of law; and any reporter/editor who reports an accused to have been found guilty (irrespective if they pled guilty or not) is MISSTATING LEGAL FACTS) warrant that the complaint be treated without Breivik's consent; Or

(B) An appeal to the Press Association's Secretary General, on his own initiative to request the matter be processed, as it is -- I imagine -- a matter of great fundamental public interest, that journalists not go around accusing people of 'findings of guilt' without a proper court of law having made such a legal finding of guilt.

On **17 August⁵** the PFU were again submitted a copy of the 15 August **request for special circumstances of public interest in editorial accurate reporting about an accused**, which justified processing my complaint in the absence of Mr. Breivik's consent.

On **17 August⁶**, PFU: Mr. Kjell Nyhuus responded that my representation that **special circumstances of public interest in editorial accurate reporting about an accused, justified processing my complaint in the absence of Mr. Breivik's consent**, would be decided upon by the committee on 28 August:

⁴ http://ecofeminist-v-breivik.weebly.com/1/post/2012/08/120815_pfu-comm.html

⁵ http://ecofeminist-v-breivik.weebly.com/1/post/2012/08/120817_pfu_nwv1.html

⁶ http://ecofeminist-v-breivik.weebly.com/1/post/2012/08/120817_PFU-1323.html

The Norwegian Press Complaints Commission will on August 28th decide if your complaint can be handled by the commission without consent from Mr. Beivik. We will also discuss with Ms. Berglund of Views and News if her website is within our competence (our area).

On 29 August⁷, PFU were contacted for the decision of the 28 August PFU meeting:

The Press Complaints Commission in its meeting on August 28th 2012 decided that your complaint against Views and News from Norway cannot be handled without written consent from Mr. Breivik.

The website Views and News from Norway is within the Commission's competence.

On the same day, the following correspondence subsequently occurred. I requested written reasons for the Commission's decision:

Request Written Reasons for the Press Complaints Decision:

Could you kindly ask the Press Complaints Commission to provide me with their written reasons and the arguments their decision is based upon, that my News and Views from Norway complaint cannot be handled without written consent from Mr. Breivik.

Are the Commission stating that as long as any accused consent to the deception of the public, editors and journalists are allowed to deceive the public in their newspapers; that findings of guilt are not made in courts of law, but by newspaper editors and journalists?

If not, could they please clearly and specifically clarify what their decision concludes, based upon what arguments and evidence.

Mr. Berglund responded by providing a copy of the Commission Statute (as if the Statute has no exceptions to it, which are decided based upon the circumstances of the evidence presented to the Commission in any such circumstance):

Enclosed you'll find the statutes for the Commission. I have marked the relevant sentence in yellow.

"In those instances where the complainant is not identical with the person or persons concerned in the matter, the consent of the person or persons concerned must be procured."

I responded that I requested the Commission's written reasons that found my argument of special circumstances of journalist ethics and public interest in accurate reporting on court matters to be without merit:

I did not ask for the Statutes of the Commission.

I asked for the written reasons in terms of the Commission's ruling/judgement response to my presentation to the Committee that:

>>Special circumstances of journalistic/editorial ethics warrant that the complaint be treated without Breivik's consent.

Factual legal findings of guilt, cannot be made by an accused, their lawyer, or any journalist, or editor; only an impartial court of law; and any reporter/editor who reports an accused to have been found guilty -irrespective if the accused pled guilty or not - is MISSTATING LEGAL FACTS.<<

⁷ http://ecofeminist-v-breivik.weebly.com/1/post/2012/08/120829_pfu-nwv.html

Could you kindly ask the Committee to provide WRITTEN REASONS -- namely how and why they argue that an editor or a journalist can publish LIES -- make findings of guilt about an accused who has not been found guilty by a court of law; as long as the accused consents to such deception of the public?

I have not yet received any response from the PFU of their written reasons for their decision.

Relief Requested:

The written reasons for the decision which is to include the committee's evaluation of the facts and the relevant Principles in Conflict: Editorial Ethics | Public Interest in Accurate Information | Mr. Breivik's Representation (Verbal, written and behaviour); such as:

- A. The Findings of Fact, such as:
 - (1) On 24 July 2012 News and Views Editor Ms. Nina Berglund erroneously reported in **Breivik Moved to New Prison**⁸, that "**Breivik's trial ended in late June and his guilt was established long ago**"; prior to any court of law having made any 'finding of guilt'.
- B. The Relevant Principles in Conflict, such as:
 - (1) **Statutes of the Press Complaints Commission: 5. Complaints Procedure:**"In those instances where the complainant is not identical with the person or persons concerned in the matter, the consent of the person or persons concerned must be procured."
 - (2) **Code of Ethics 4.5. Presumption of Innocence:** "In particular avoid presumption of guilt in crime and court reporting. Make it evident that the question of guilt, whether relating to somebody under suspicion, reported, accused or charged, has not been decided until the sentence has legal efficacy. It is a part of good press conduct to report the final result of court proceedings, which have been reported earlier."
 - (3) **Committee's Prior Stare Decisis Precedent Rulings on Editorial Ethics on Presumption of Innocence, Public Interest in Accurate Reporting, etc**
- C. Application of Facts to the Relevant Principles in Conflict:
 - (1) How, why and which Editorial Ethics and Public Interest principles justify an editor or journalist to publish inaccurate derogatory statements about an accused's alleged guilt in the absence of any court having made any finding of guilt, simply because an accused consents to such journalist deceiving the public?
 - (2) How and why does the lack of written consent from an accused, justify the PFU to deceive the public (their readers), about matters of legal findings of guilt and innocence and encourage trial by media; instead of trial by evidence in a court of law?

Alternatively, I would imagine if the Committee is seriously concerned about the issue of Mr. Breivik's lack of consent, then the Committee could ask Mr. Breivik to provide the Committee

⁸ <http://www.newsinenglish.no/2012/07/24/breivik-moved-to-new-prison/>

with an argument upon which he justifies his lack of consent; which would provide the Committee with a better understanding and whether Mr. Breivik's reasons and evidence for his lack of consent are justified with regard to the relevant principles involved.

I would imagine that generally speaking the only justifications for denying a complainant's complaint, in the absence of consent from the 'concerned person' would be:

- (1) the 'person concerned' is not a public person, but a private person
- (2) the matter of interest relating to the 'concerned person' is a private matter, not in the public interest
- (3) the 'person concerned' has made a clear verbal or written or behavioural statement that unequivocally conveys their desire that they do not want any further discussion of the case
- (4) further public discussion about the matter of interest related to the 'person concerned' would be damaging to the reputation or emotional wellbeing of the 'concerned person'.
- (5) Mr. Breivik is not a private person, but a very public person.
- (6) The factual inaccuracy is not a private inaccuracy, but a legal inaccuracy, which sets a precedent for journalists and editors to malign other accused, as being 'found guilty' without any court of law having made a finding of guilt
- (7) Mr. Breivik has never requested any media publication that he does not want any further discussion of his alleged guilt/innocence by the media; to the contrary; he slaughtered 77 persons (and would have slaughtered more) because of media censorship about his alleged necessity motives for his criminal act.

The Committee has provided no justifications for their decision whatsoever, detailing what factors 'Public Interest in Accurate Reporting' and 'Non Consent of Person Concerned' and Editorial Ethics' they considered, and how and why the facts in this matter are relevant to the relevant principles in conflict.

Respectfully Submitted



Lara Johnstone
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www.ecofeminist-v-breivik.weebly.com
Habeus Mentem: Right 2 Legal Sanity
www.facebook.com/Habeus.Mentem

Statutes of the Press Complaints Commission

1

The Press Complaints Commission was established by The Norwegian Press Association with the objective of supervising and furthering ethical and professional standards of the press in Norway.

As part of this work the Press Complaints Commission evaluates complaints concerning the press in Norway and its evaluations are then published. The Commission may also hear complaints about the way in which institutions, organisations and individuals treat the press and its representatives in the course of their work to provide information. In principle the area of competence in which the Press Complaints Commission can act, includes all publications - the daily press, the weekly press, periodical publications and online publications - where the basic organisations within the Norwegian Press Association have their members.

2 Guidelines

As guidelines for the work of the Press Complaints Commission, the following will be used: "The Code of Ethics" - which was adopted by The Norwegian Press Association in 1936 and subsequently amended, most recently in 2007 - and "The Editor's Code" - established in 1953 by The Norwegian Newspaper Publishers' Association and The Association of Norwegian Editors, revised in 2004. The «Code of advertorials» is also a part of the PCCs guidelines.

3 Composition

The Norwegian Press Complaints Commission is made up of 7 representatives, 3 of whom come from outside the press. The Commission Chairman, as well as the other members, are appointed by the National Executive of The Norwegian Press Association. The appointment is made for periods of two years, starting on July 1 in the year the appointment is made. Within the Commission, working committees of three members may be established, of whom two members shall be from the press organisations. A member is disqualified if special circumstances exist which may diminish trust in his or her impartiality. There are also ten substitutes.

4 Filing a Complaint

The Press Complaints Commission may deal with complaints from individuals, from organisations, institutions and public authorities. The Secretary General of the Norwegian Press Association may also raise matters at his/her own initiative, if these are found to be matters of principle, or where it is found to be fair to aid the person or persons implied.

A complaint must be filed within 6 months after the publication. Exemptions from this time limit can be made within a reasonable time if the complainant has had no opportunity to acquaint himself with the matter and if it is a matter of principle.

5 Complaints Procedure

The secretariat of the Norwegian Press Association acts as a secretariat for the Press Complaints Commission. Its duty is to prepare all cases for the Commission, make the necessary investigations and make sure that stipulated time limits are kept, and that the

Commission deals with these matters as quickly as possible.

After a complaint has been forwarded to the secretariat, it will first be put before the party against whom the complaint is directed. If the matter is settled amicably with the complainant, the parties shall notify the Commission to this effect within a term of two weeks, in general.

If an amicable settlement cannot be reached, the party against whom the complaint was filed, will be given one week to prepare his or her response to the Commission. This response will be put before the complainant who also has one week to make any comments. Finally, the party against whom the complaint was filed, will be given one week to prepare a final response, if the complainant in his last comment has referred to new facts. If warranted by special circumstances, longer terms may be granted for responses and comments. This will always be warranted if the editor responsible has not had an opportunity to discuss matters with the employee concerned, or when the matter cannot be given due consideration within the time limit stipulated.

In those instances where the complainant is not identical with the person or persons concerned in the matter, the consent of the person or persons concerned must be procured.

When the documents of the case have been made known to the parties involved, the Press Complaints Commission will discuss the matter in depth and draw up a statement with a full presentation of the facts of the case, and as precise a conclusion as possible. When a matter is raised by the Secretary General, the same procedure shall apply. The complainant shall be made aware as early as possible about the limitations on the complaints procedure which follow from § 4.

6 Publication of the Statement

Statements issued by The Press Complaints Commission, are public. The statement in a concrete matter is first sent to the parties. Only when it may be assumed to have reached the parties, will it be released for publication. When a statement from the Commission relates to publications which do not appear every day, the time of its being made public should match the dates of publication. Good press ethics warrant that any "condemning" statements should be published as soon as possible, in a conspicuous place in the publications concerned in the matter, accompanied by the standard logo of The Press Complaints Commission.

In special cases, such as e.g. when publication might infringe on people`s privacy, the Commission may determine that the statement shall not be made public, or that it shall be made public in such a way as not to disclose the names of the complainant or the defendant.

7 Amendments to the Statutes

An initiative to amend the Statutes of The Press Complaints Commission may be taken by The Norwegian Press Association, The Norwegian Union of Journalists, The Association of Norwegian Editors, The Norwegian Newspaper Publishers` Association, or by the Commission itself. A final resolution to amend the Statutes is adopted by the National Executive of the Norwegian Press Association in accordance with the Statutes of The Norwegian Press Association.