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07 September 2012

Readers Editor
Sydney Morning Herald
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Dear Sir/Madam,

Request Correction of Inaccuracy in: Sydney Morning Herald: *No Breivik Appeal as Case Formally Ends*¹:

No Breivik appeal as case formally ends

Lawyers for right-wing extremist Anders Behring Breivik have confirmed he will not appeal his conviction and sentencing for bombing and shooting attacks in Norway that killed 77 people.

After meeting Breivik in prison, his main lawyer Geir Lippestad said there was "no doubt" the legal process is now over and his prison term would begin at midnight on Friday (0800 AEST Saturday).

The Oslo district court handed down the 21-year sentence on August 24, after convicting Breivik for Norway's worst acts of violence since World War II - a bombing in Oslo and a shooting rampage on the island of Utoya.

Breivik's decision did not come as a surprise. He told the court last month that he would not appeal its ruling.

Lippestad and co-lawyer Vibeke Hein Baera expressed relief that the case had come to an end.

Siv Hallgren, one of the lawyers who represented victims and bereaved at the 10-week trial, said her clients welcomed that there would not be an appeal case, news agency NTB reported.

The case has not 'formally ended':

[1] 27 August Application to Supreme Court for Review of Breivik Judgement.

On 27 August 2012 an application² was filed with the Norwegian Supreme Court for Review of the Oslo District Court: Breivik Judgement, to set aside (A) the Necessity ruling, and (B) the conviction and Remit to Oslo District Court for hearing of further evidence to conclude

¹ <http://news.smh.com.au/breaking-news-world/no-breivik-appeal-as-case-formally-ends-20120908-25kjb.html>

² <http://ecofeminist-v-breivik.weebly.com/27-aug-12-review-applic.html>

Objective and Subjective Necessity Test Evidentiary Enquiry. The finding of guilt, in the absence of full Objective and Subjective Necessity Test Conclusions renders the Guilt Finding Inadequate.

Additionally the application for review also requested an Order to Set Aside the Oslo District Court: Breivik Judgement's failure to disclose the pending Judicial Ethics violation complaint (PDF³) against Judge Wenche Arntzen, filed on 06 June 2012 to the Secretariaty for the Supervisory Committee for Judges (Case 2012-072⁴), as a violation of Aarhus Convention Article 3.(3)(4)(5)⁵ principles and general ECHR public accountability transparency (Lithgow & Others v. United Kingdom)⁶ principles.

The Norwegian Supreme Court Registrar has so far refused to issue a Case Number for the Application for Review of the Breivik Judgement, or to provide reasons for their refusal. A complaint of Slow Case Processing against the Supreme Court Registrar was submitted to the Parliamentary Ombudsman on 02 September 2012. (Annex A)

Mr. Breivik, his attorneys: Mr. Geir Lippestad and Ms. Baera; and Ms. Siv Hallgren, Ms. Yvonne Mette Larsen and Mr. Frode Elgesem (attorney's liaison for all attorneys representing victims families) are all well aware of the Application for Review.

[2] Notifications to Norwegian Foreign Press Association (FPA)

The Norwegian Foreign Press Association⁷ as well as all their members, which include journalists from Reuters, Agence France Presse (AFP), Associated Press (AP), Al Arabija, Al Jazeera, BBC, Bloomberg, Globe and Mail, Xinhua, Die Welt, Irish Times, Himalayan Times, Itar-Tass, etc., were notified by 13:00 hrs (GM+2) on 07 September 2012 of:

- (A) Application for Review of Breivik Judgement filed with Norway Supreme Court;
- (B) Complaint filed with Parliamentary Ombudsman against Supreme Court, for slow case processing;
- (C) Pending Judicial Ethics violation complaint against Judge Wenche Arntzen.

Respectfully Submitted



Lara Johnstone
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Encl: [A] Norway Supreme Court: Application for Review of Breivik Judgement: Filing Sheet.
[B] Supreme Court Registrar Slow Case Processing to Parl. Ombudsman.

³ http://issuu.com/js-ror/docs/120530_tilsynsutvalget_arntzen?mode=window&viewMode=doublePage

⁴ <http://ecofeminist-v-breivik.weebly.com/12-072-judge-wenche-arntzen.html>

⁵ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
<http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

⁶ The rule of law requires legislation (or judgements or court officials decision-making) to be adequately accessible and sufficiently precise to enable people to regulate their affairs in accord with the law (Lithgow & others v United Kingdom).

Lithgow & others v. United Kingdom (1986) * EHRR 329 § 110 <http://www.unhcr.org/refworld/publisher,ECHR,,GBR,3ae6b7230,0.html>

⁷ <http://www.fpanorway.com/2008/08/members.html>



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The Oslo district court handed down the 21-year sentence on August 24, after convicting Breivik for Norway's worst acts of violence since World War II - a bombing in Oslo and a shooting rampage on the island of Utøya.

Breivik's decision did not come as a surprise. He told the court last month that he would not appeal its ruling.

Lippestad and co-lawyer Vibeke Hein Baera expressed relief that the case had come to an end.

Siv Hallgren, one of the lawyers who represented victims and bereaved at the 10-week trial, said her clients welcomed that there would not be an appeal case, news agency NTB reported.

Trond Henry Blattmann, head of a support group for bereaved, said: "We were pleased with the sentence and hoped it would not be overturned."

The youth wing of the Norwegian Labour Party on Friday unveiled plans to repair and construct new buildings on Utøya, where 69 people were gunned down by Breivik. But it said that in the future no summer camps would be held on July 22 - the day of the rampage.

A building that served as a cafe where 13 youths were shot would be pulled down, while a memorial was planned on the island.

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