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11 September 2012

Readers / Online Editor
The Age
PO Box 257, Melbourne VIC 3001
Via: News Desk (newsdesk@theage.com.au)

Dear Sir/Madam,

Request Correction of Inaccuracy in: 08 September 2012: The Age: No Breivik appeal as case formally ends¹:

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).

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

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 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 Supervisory Committee for Judges (Case 2012-

¹ <http://news.theage.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>

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

072⁴), as a violation of Aarhus Convention Article 3.(3)(4)(5)⁵ and general ECHR public accountability transparency (Lithgow & Others v. United Kingdom)⁶ principles.

The Norwegian Supreme Court Registrar initially refused to respond to the Application, 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. On 10 September the Secretary General of the Supreme Court: Gunnar Bergby responded, by refusing to issue a case number or refer the application to another relevant court, citing alleged lack of locus standi/legal standing.

On 11 September, the applicant provided a detailed response to Mr. Gunnar Bergby, clarifying her legal standing in terms of (I) her applications to the Oslo District Court, which were never officially refused; and still pending resolution with the Supervisory Committee for Judges; (II) her legal standing in terms of her 'legal interest' in the matter, in terms of The Dispute Act: Section 29-8: Legal Standing: (2): "A person who is not a party to the action may appeal against rulings that relate to their rights or obligation'. It is a matter for a court to make an impartial enquiry into any applicants alleged lack of 'legal standing', if or where, any respondent raises the matter as an issue of contention.

Legal Standing: Legal Interest:

I am an Ecofeminist Political Necessity Activist, who has an interest in ensuring that all political activists from all ideologies, religions, races, cultures who plead to political or military necessity have their 'necessity' evidence examined by the court, in terms of an objective and subjective test of such 'necessity evidence'; the results of such an enquiry being used to make the final determination as to the accused's guilt or innocence, or mitigation or aggravation of sentencing.

Mr. Breivik's trial was the most high profile necessity trial on the world stage, for decades. If Mr. Breivik wants to deny himself and other White Nationalists, their right to the court conducting a full impartial enquiry into their necessity evidence, by conducting a subjective and objective test thereof; then that is Mr. Breivik and White Nationalists right to deny themselves an impartial enquiry by the court of their necessity evidence.

The denial by the court, to Mr. Breivik of his right to an objective and subjective test of his necessity evidence, should not be allowed to set a precedent where environmental, immigrant, religious or other necessity activists are also denied their right to an objective and subjective examination of their necessity evidence, just because one white nationalist chooses to become a martyr, with the enthusiastic support of the Oslo District Court and Norwegian Prosecutory authorities.

As detailed in my Notice of Motion ground [A.1.g] (Necessity and Guilt Judgement's Absence of Objective and Subjective Test Enquiry and Conclusions Renders it Discriminatory Precedent) it is my assertion that the 'Nodrett/Necessity' ruling in the Oslo District Court: Breivik judgement as it currently stands discriminates against other future necessity activists, by setting a precedent whereby they can be denied (or can due to ignorance deny themselves, by lacking the knowledge to assert their right thereto); an objective and subjective examination of their necessity evidence.

My application for review is accordingly to demand the right to an effective remedy, to amend this discriminatory necessity ruling in the Oslo District Court's Breivik judgement, from affecting other necessity activists.

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) * ECHR 329 § 110 <http://www.unhcr.org/refworld/publisher,ECHR,,GBR,3ae6b7230,0.html>

ECHR: ARTICLE 13: Right to an effective remedy

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

ECHR: ARTICLE 14: Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Consequently the Sec. Gen. can refer the application for Review of the Breivik Judgement to either: (A) the Interlocutory Court, in terms of Criminal Procedure Act, Section 377; or (B) the Criminal Cases Review Commission, in terms of Section 389; or (C) an Appeals Court in terms of Section 306 read in conjunction with The Dispute Act: Section 29-8 (2).

What the court cannot do, is to deny me due process access to a court. I cannot find any statutory authority that allows a Secretary General to deny me due process access to a court, to make a judicial finding on legal standing (if or where any respondent so demands) in the official proceedings.

[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



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Encl:

- [A] 12-08-27: Review of Breivik Judgement Filing Sheet & PO complaint
- [B] 12-09-03: Supv. Comm. 4 Judges: Pending Judge Arntzen Complaint (12-072)
- [C] 12-09-10: Sup.Crt: Sec.Gen: G Bergby: Breivik Review Applic. & Response

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

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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 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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