

# **Annexure “B”**

## Oslo District Court (Oslo tingrett) – Judgment.

**The 22 July case. Criminal law. Murder. Terror. Sanity. Preventive detention. The Penal Code section 147a first subsection paras. a and b, cf. the Penal Code sections 148 first subsection first penalty alternative and 233 first and second subsections, and 233 first and second subsections, cf. section 49, and the Penal Code section 147a first subsection para. b, cf. sections 233 first and second subsections, and 233 first and second subsections, cf. section 49.**

A man b. 1979 was sentenced to preventive detention for a term of twenty-one years and a minimum period of ten years for two terror acts by which among other things 77 people were killed.

The defendant killed 8 people while 9 persons were seriously injured when he detonated a car bomb in the Government District in Oslo. The explosion also caused extensive material damage.

The same day the perpetrator killed 69 people, of which the majority were participants at the Workers' Youth League (AUF)-run summer camp at Utøya Island. Most were killed by shooting or as a consequence thereof. In addition 33 youths were seriously injured. Besides the physical injuries a considerable number of people suffered mental aftereffects.

The court found the defendant to be sane, i.e. not psychotic, at the time of crime, and was thereby liable to penalty. The defendant had acknowledged having committed the acts of which he was accused, pleaded not guilty to the charges. (Summary by Lovdata.)

*Avsagt: 24.08.2012 i sak TOSLO-2011-188627-24E*

*Saksgang: Oslo District Court (Oslo tingrett) TOSLO-2011-188627-24E (11-188627MED-OTIR/05). The judgment has legal force.*

*Parter: The Public prosecuting authority (Public Prosecutor Svein Holden, Public Prosecutor Inga Bejer Engh) vs. A (Advocate Geir Lippestad, Advocate Vibeke Hein Bæra, Advocate Tor Eskild Kvinge Jordet and Assistant Lawyer Odd Ivar Ausnes Grøn.*

*Dommere: Presiding judge: District Court Judge Wenche Elizabeth Arntzen. Professional judge: District Court Judge Arne Lyng. Lay judges: Ernst Henning Eielsen, Diana Patricia Fynbo, Anne Elisabeth Wisløff.*

### 1. Background of the case

On Friday, 22 July 2011 at 15:25, a bomb exploded in the Government District in Oslo. The explosion resulted in eight persons being killed and nine seriously injured. Nearly 500 people were in the vicinity when the bomb exploded, and were thus also in danger. Several of these sustained physical injuries and psychological suffering. The explosion also caused extensive material destruction, first and foremost of the premises of the Office of the Prime Minister and the Ministries in the Government District, but also of nearby buildings.

Later the same day, from about 17:21, a massacre started on Utøya in Hole Municipality. At the time, 564 persons were on the island, 530 of whom were youth attending the Norwegian Labour Youth (AUF) summer camp. This afternoon, altogether 69 persons were killed. Most were killed by shooting or as a consequence thereof. Furthermore, 33 youngsters were injured, this too by shooting or as a consequence thereof. In addition to physical injuries, a large number of persons suffered psychological aftereffects.

A, born \*.\*.1979, was apprehended by the police on Utøya at approximately 18:34, suspected of having committed the crimes at the Government District and on Utøya.

Oslo Public Prosecutor's Office has, as ordered by the Director General of Public Prosecution, issued an indictment against A in this case. The indictment to be examined is dated 13 April 2012, and after corrections during the main hearing on 21 May and 21 June 2012 it has the following contents:

**The Public Prosecutors of Oslo** hereby indict A, born \*.\*.1979, Åsta Øst, 2450 RENA, before Oslo District Court, pursuant to section 39 of the Penal Code, for sentence to be passed for his transfer to compulsory mental health care, cf. chapter 5 of the Mental Health

Care Act, for having in a psychotic state committed an otherwise punishable act, namely the violation of:

## I

### **Section 147a of the Penal Code, first subsection paras. a) and b), cf. sections 148 first subsection first penalty alternative and 233 first and second subsections**

*for having committed a terrorist act in violation of section 148 of the Penal Code, first subsection, first penalty alternative (bringing about an explosion whereby loss of human life or extensive damage to the property of others could easily be caused) and of section 233 first and second subsections (premeditated murder where particularly aggravating circumstances prevail) with the intention of seriously disrupting a function of fundamental importance to society, such as the executive authority, or creating serious fear in a population.*

#### **Grounds:**

On 22 July 2011 at approximately 15:17 in Grubbegata in Oslo, following prior deliberations and planning, he parked a VW Crafter van with registration number BR 99834 outside the entrance of the H-block of the Government District, housing, *inter alia*, the offices of the Prime Minister and Minister of Justice. At the time, a total of at least 250 persons were in the H-block and surrounding ministry offices and some 75 persons in the streets in the immediate vicinity thereof. In the vehicle he had placed a selfmade bomb weighing approximately 950 kg, consisting, *inter alia*, of artificial fertilizer, diesel and aluminium. He ignited a fuse with a burn time of some seven minutes and thereafter left the scene by foot to a previously parked getaway car, a Fiat Doblò with registration number VH 24605. The bomb detonated at 15:25:22 with a **violent** firepower and shockwave in keeping with his intentions, bringing a large number of persons who found themselves in the buildings of the Government District or at street level into immediate mortal danger, and causing massive material damage to the same buildings, as well as to surrounding buildings.

By means of the explosion, he did kill the following eight persons, who all sustained **extensive** blast injuries:

1. N001, born \*.\*.1979

He was at the entrance of the H-block and close to the van and died immediately of massive injuries caused by the shockwave and splinters/objects that hit him.

2. N002, born \*.\*.1977

She was at the entrance of the H-block and close to the van and died immediately of massive injuries caused by the shockwave and splinters/objects that hit her.

3. N003, born \*.\*.1981

She was outside the entrance to the H-block and died quickly of very extensive injuries to the head and body caused by the shockwave and splinters/objects that hit her.

4. N004, born \*.\*.1959

She was in the reception area on the ground floor of the H-block and died immediately of extensive injuries to the neck and spinal cord caused by the shockwave and splinters/objects that hit her.

5. N005, born \*.\*.1950

She was in the reception area on the ground floor of the H-block and died immediately of extensive injuries to the chest and abdomen caused by the shockwave and splinters/objects that hit her.

6. N006, born \*.\*.1984

She was in the reception area on the ground floor of the H-block and died immediately of massive injuries to the head and body caused by the shockwave and splinters/objects that hit her.

7. N007, born \*.\*.1978

He was in Grubbegata next to the driveway leading to the main entrance of the H-block and died immediately of massive injuries to the head, chest and abdomen caused by the shockwave and splinters/objects that hit him.

## 8. N008, born \*.\*.1954

She was in the proximity of the fountain at Einar Gerhardsen Square and died quickly of extensive injuries to the throat and chest caused by the shockwave and splinters/objects that hit her.

By means of the explosion, he did also attempt to kill a large number of persons, including the others who found themselves in the H-block and surrounding streets. He did not succeed in his intention, but nine persons sustained serious physical injuries, as follows:

## 9. N009, born \*.\*.1949

He was in the proximity of the fountain at Einar Gerhardsen Square and sustained extensive fracture injuries and wounds to the head/face and right lower leg, chest wounds and haemorrhaging under the dura mater. Several splinters had to be removed surgically from his chest and face and his right leg had to be subsequently amputated below the knee. N009 was hospitalized in Oslo University Hospital from 22 July until 19 September 2011, where he was operated on approximately 13 times. Thereafter he was moved to Sunnaas Hospital until 15 November of the same year and Fram Health Rehabilitation Centre until 10 January 2012.

## 10. N010, born \*.\*.1964

She was in the proximity of the fountain at Einar Gerhardsen Square and sustained extensive wounds to the head/face, chest, arms and legs, fractures to the skull and facial bones and injuries to both ears. The artery of her left upper arm was ruptured, causing injuries to nerves, muscles and ligaments of the same arm. Damaged tissue had to be removed from the chest. With was hospitalized in Oslo University Hospital from 22 July until 26 August 2011, where she underwent several operations, *inter alia*, to remove splinters.

## 11. N011, born \*.\*.1986

He was in Grubbegata at Einar Gerhardsen Square and sustained serious wounds to the arms and legs, as well as burns to one of his arms. Thoresen was hospitalized in Oslo University Hospital from 22 July until the middle of August 2011 and underwent four operations, *inter alia* to remove splinters. He underwent another operation on 21 March 2012, during which a 20 x 25 mm splint was removed from the left leg.

## 12. N012, born \*.\*.1944

He was on the 4th floor of the H-block, in an office facing Grubbegata, and sustained extensive wounds and fracture injuries to the head/face, including a fractured jaw and extensive dental injuries, in addition to wounds on the arms and left flank. There was also pulmonary haemorrhaging and minor bleeding in the brain. Multiple eye injuries have resulted in substantially impaired vision in both eyes. N012 was hospitalized in Oslo University Hospital from 22 July until 24 August 2011, where he was operated on several times. Thereafter he was a patient at the Cato Rehabilitation Centre until 21 September of the same year.

## 13. N013, born \*.\*.1987

She was in the reception on the ground floor of the H-block and sustained serious head injuries, involving a cranial fracture, crush injuries to cerebral tissue and bleeding under the thin meninges. Furthermore, she sustained, *inter alia*, a fracture of the facial skeleton, pressure injuries to both lungs, injury to the liver and a number of wounds to the head/face and on both legs. N013 was hospitalized in Oslo University Hospital from 22 July until 22 August 2011, where she underwent lifesaving treatment and was operated on several times. Thereafter she was a patient at Sunnaas Hospital until 17 November of the same year and was subsequently readmitted to the same hospital from 3 January until 22 February 2012 for cognitive rehabilitation.

## 14. N014, born \*.\*.1950

She was on the 7th floor of the H-block and sustained extensive wounds to the head and face. Her injuries were treated at the Oslo Emergency Clinic and several of

them were closed with a total of some 60 sutures. N014 also sustained an injury to the left eye, resulting in impaired binocular vision.

15. N015, born \*.\*.1961

She was on the 10<sup>th</sup> floor of the H-block and was hit by an approximately 30 cm long, fingerthick wooden splint that penetrated the head next to the left ear, passing backwards between the cranium and the skin. N015 was treated at the Oslo Emergency Clinic, where the wooden splint was removed surgically and the wound closed with 27 sutures. She also sustained concussion and damage to a muscle in the jaw.

16. N016, born \*.\*.1980

He was on the first floor of the government building R4 in an office facing Grubbegata and sustained, *inter alia*, serious head injuries involving bleeding between the brain and outer meninges, serious injuries to the abdomen involving inner bleeding, as well as a fracture of the neck. N016 was hospitalized in Oslo University Hospital from 22 July until 10 August, where he underwent lifesaving treatment and was operated on several times. Thereafter he was a patient at Sunnaas Hospital until 15 September 2011.

17. N017, born \*.\*.1956

He was at Johan Nygaardsvold Square between the H-block and Akersgata and sustained extensive fracture injuries and wounds to, *inter alia*, the head/face and to both legs, as well as fractures of the shoulder blade, collar bone and several ribs. Both lungs were punctured. His right ankle was crushed and his left leg had to be subsequently amputated above the knee. N017 was hospitalized in Oslo University Hospital from 22 July until 25 August 2011, where he underwent 10 operations before being transferred to Sunnaas Hospital for further treatment.

Moreover, a further 200 persons at least were physically injured as a result of the explosion, displaying varying injury patterns, such as cuts, fractures and hearing impairments, of which many were treated in hospital/emergency clinic or given other medical treatment. In addition, many of the abovestated injured persons and others who found themselves in the vicinity of the explosion, as well as surviving relatives/next of kin, have suffered mental aftereffects of varying gravity caused by the events described above.

The bomb explosion resulted in the inability of a number of government offices, including the Office of the Prime Minister, the Ministry of Justice and Public Security, the Ministry of Trade and Industry, the Ministry of Petroleum and Energy, the Ministry of Health and Care Services, the Ministry of Labour, the Ministry of Finance, the Ministry of Education and Research, to be used, and the ministries affected were unable to attend to and carry out their functions as executive powers before a certain period of time had elapsed. The explosion and the effects thereof have also given rise to serious fear in parts of the Norwegian population.

## II

### **Section 147a of the Penal Code, first subsection (b), cf. section 233 first and second subsections**

*for having committed a terrorist act in violation of section 233 of the Penal Code, first and second subsections (premeditated murder where particularly aggravating circumstances prevail) with the intention of causing serious fear in a population.*

#### **Grounds:**

On Friday 22 July 2011, subsequent to having acted as described in detail under count I, he did drive in the getaway car to the Municipality of Hole where he knew that the organization AUF (Norwegian Labour Youth) were holding their traditional summer camp on the island of Utøya. There were 564 persons on the island. By posing as a police officer and dressed in a uniformlike outfit, he was transported – carrying, *inter alia*, a Ruger brand Mini 14 semiautomatic rifle cal. 223 and a Glock brand semiautomatic 9 mm pistol – to Utøya onboard the ferry M/S Thorbjørn, where he disembarked at approximately 17:15. Up until the time of his arrest by the police on the

same day at approximately 18:35, he did shoot, following prior deliberation and planning, with his rifle and/or pistol, at a number of persons who were on the island, in the water or onboard boats, including civilians who came to their rescue, exposing them to immediate mortal danger. Panic and mortal fear in children, youth and adults arose during the shooting, further intensified by the fact that there were limited possibilities of escape or hiding. While moving around the whole island, he did shoot at persons running away and/or hiding and/or whom he lured to appear from hiding with information that the police had arrived.

He did kill 69 persons, of whom 67 were hit by fatal gunshots, fired by the described weapons. Two persons died as a result of fall injuries and/or drowning while attempting to get away, without having been hit by gunshots. The persons killed are as follows:

1. N018, born \*.\*.1960

He was between the Information Building and the pier and was shot five times with the pistol; two shots hit the occiput/neck, causing substantial brain injury. One shot hit him in the back, penetrating the right lung into the frontal part of the upper thorax. N018 died of the gunshot injuries to the head and chest.

2. N019, born \*.\*.1966

She was standing between the Information Building and the pier and was shot three times with the pistol and/or rifle; two shots travelled straight through the skull/brain. One shot hit her in the back, penetrating the thoracic wall, upper lobe of the left lung and further upward into the left part of the throat and through the skull base. N019 died of the gunshot injuries to the head.

3. N020, born \*.\*.1967

He was standing between the Information building and the Cafe Building and was shot five times with the pistol and/or rifle. One shot entered close to the left ear, leaving on the right side of the chin to subsequently reenter through the soft tissue of the upper chest. A second shot entered the left side of the abdomen, passing, *inter alia*, through the stomach and right lung and leaving through the thoracic wall. A third shot entered the right side of the chest, passing through the right lung and leaving through the right side of the back. A fourth entered the right cheek. N020 died of the gunshot injuries.

4. N021, born \*.\*.1967

She was outside the main entrance of the Cafe Building and was shot three times with the rifle, twice in the head and once in the back. The shots to the head entered the right cheek, one passing through the brain stem and uppermost cervical vertebra, the other passing through the head and leaving on the left side. The shot to the back caused, *inter alia*, injury to both lungs and crush injury to the liver. N021 died of the gunshot injuries to the head and back/chest.

5. N022, born \*.\*.1981

He was outside the main entrance of the Cafe Building and was shot three times – two pistol shots in the occiput and one rifle or pistol shot in the back. The shots to the occiput passed through the head, leaving the left temple and left eye, respectively. The shot to the back caused the fracturing of the 5<sup>th</sup> and 6<sup>th</sup> ribs, extensive fracture injuries to the 4<sup>th</sup> thoracic vertebra and crush injuries to the lungs. N022 died of the gunshot injuries to the head.

6. N023, born \*.\*.1986

He was outside the main entrance of the Cafe Building and was shot three times – two pistol shots in the head and one rifle shot in the back. One of the shots to the head entered in front of the left ear and into the temple, damaging the frontal part of the brain, whereas the other shot entered on the left side of the chin, via the lower jaw and skull base on the right side, through the brain, leaving in the right temple region. The shot to the back passed through the 12<sup>th</sup> rib, damaging the liver, right lung and heart. N023 died of the gunshot injuries to the head.

7. N024, born \*.\*.1994

She was in front of the Cafe Building and was shot twice in the head with the pistol

and/or rifle. One of the shots entered through the left jaw angle, passing through the facial skeleton and leaving through the right side of the forehead. The other shot entered through the left side of the occiput, leaving through the top of the skull. N024 died of the gunshot injuries to the head.

8. N025, born \*.\*.1995

He was in the vicinity of the outdoor stage next to the Cafe Building and was shot at least twice with the pistol and/or rifle, one shot to the head and one shot to the chest. The shot to the head entered through the right temple, passed through the head, leaving through the left side of the neck, causing laceration of cerebral tissue and crush injuries to the skull. The shot to the chest left through the back, causing general injury to the heart, vessels and lungs. N025 died of the gunshot injuries to the head and chest.

9. N026, born \*.\*.1996

She was in the tent camp next to the Cafe Building or inside the building itself and was shot twice with the pistol and/or rifle, through the left shoulder and back of the right knee respectively. The gunshot injury in the back caused extensive crush injuries to the lungs. N026 died of the latter injuries and external blood loss from the gunshot injuries to the shoulder and leg.

10. N027, born \*.\*.1988

He was in the tent camp southwest of the Cafe Building and was shot twice with the pistol and/or rifle. One shot entered the back, passing onward into the occiput, through the right occipital lobe of the brain and down into the right frontal lobe. The other shot entered the right side of the occiput, passing through the occipital lobe of the brain and leaving through the right temple. The gunshot wounds in the head led to immediate loss of consciousness and N027 died the following day at Oslo University Hospital of the head injuries.

11. N028, born \*.\*.1995

She was in the doorway between the Little Hall and the Big Hall of the Cafe Building and was shot three times with the pistol and/or rifle, of which one shot to the head entered the left side of the occiput, passing through the brain into the skull base, causing substantial fracture injuries to the cranium and laceration of cerebral tissue. N028 died of the gunshots injuries to the head.

12. N029, born \*.\*.1993

She was in the Little Hall of the Cafe Building and was shot six times with the pistol and/or rifle, of which one shot to the head entered through the right temple and left through the vertex, crushing the right temporal lobe and damaging the left parietal/occipital lobe. N029 died of the gunshot injuries to the head.

13. N030, born \*.\*.1993

She was in the Little Hall of the Cafe Building and was shot at least three times with the pistol, once in the head and once in the chest. The shot to the head entered next to the right ear, damaging the brain. The shot to the chest entered through the right flank, passing through the right lung, diaphragm and liver and leaving through the left side of the chest. N030 died of the gunshot injuries to the head and chest/abdomen.

14. N031, born \*.\*.1994

She was in the Little Hall of the Cafe Building and was shot at least three times with the pistol, twice in the head and once in the back. Both shots to the head entered on the right side, causing substantial brain damage. The shot entering through the back damaged both lungs and ruptured the aorta. N031 died of the gunshot injuries to the head and chest/abdomen.

15. N032, born \*.\*.1993

She was in the Little Hall of the Cafe Building and was shot three times with the pistol and/or rifle, of which one shot to the head and one to the back. The shot to the head entered next to the right ear, passing through the brain and leaving through the left temple and causing fracture injuries to the cranium, tearing over the brain

stem and crushing the cerebellum. The shot to the back passed through the thorax and superior lobes of both lungs, leaving through the upper part of the right breast. N032 died of the gunshot injuries to the head.

16. N033, born \*.\*.1994

He was in the Little Hall of the Cafe Building and was shot five times with the pistol and/or rifle, of which one shot to the head and one to the chest. The shot to the head entered through the left cheek, passing through the middle cranial cavity and leaving through the right side of the vertex. The shot to the chest entered through the right side of the torso, passing through the right lung and leaving through the left side of the back and causing substantial internal blood loss. N033 died of the gunshot injuries to the head and chest.

17. N034, born \*.\*.1993

He was in the Little Hall of the Cafe Building and was shot eight times with the pistol and/or rifle, of which two shots to the head/face. One of the shots to the head entered through the left side of the forehead, passing through the frontal part of the brain and leaving through the right side of the vertex. The other shot entered through the left corner of the mouth, passing through the mouth and lodging in the upper part of the cervical vertebral column. N034 died of the gunshot injuries to the head and cervical vertebral column.

18. N035, born \*.\*.1996

He was in the Big Hall of the Cafe Building and was shot three times with the pistol and/or rifle, of which two shots to the face/head. One of the shots to the head entered through the left temple, penetrating the brain and leaving through the right temple. The other shot entered through the point of the chin, penetrating the facial skeleton and brain. N035 died of the gunshot injuries to the head.

19. N036, born \*.\*.1992

She was in the Big Hall of the Cafe Building and was shot at least three times with the pistol, of which one shot to the face/head and one to the throat. The shot to the face/head entered through the mouth, penetrating the posterior pharynx into the cervical vertebral column. The shot to the throat entered through the right cerebral hemisphere, lodging on the inside of the skull. N036 died of the gunshot injuries to the head and throat.

20. N037, born \*.\*.1995

She was in the Big Hall of the Cafe Building and was shot three times with the pistol and/or rifle, of which two shots to the head. The shots to the head penetrated the skull and cerebellum. N037 died of the gunshot injuries to the head.

21. N038, born \*.\*.1984

He was in the Big Hall of the Cafe Building and was shot three times in the head with the pistol and/or rifle. One shot entered the right temple, passing through the skull bone and brain, another entered at the right nose wing, passing through the facial skeleton and down into the upper lobe of the left lung, while a third entered the left cheek, leaving through the neck. N038 died of the gunshot injuries.

22. N039, born \*.\*.1993

She was in the Big Hall of the Cafe Building and was shot at least twice with the pistol and/or rifle, of which two shots to the head/face. One of the shots entered the right side of the forehead, penetrating the brain. The other entered the right cheek, lodging in the 5<sup>th</sup> vertebra of the cervical vertebral column. N039 died of the gunshot injuries to the head/face.

23. N040, born \*.\*.1994

He was in the corridor further in from the Little Hall of the Cafe Building and was shot six times with the pistol and/or rifle, of which one shot to the head entering through the left nose wing. The projectile fragmented and parts of it left through the right ear, causing haemorrhaging from the underside of the brain. N040 died of the gunshot injuries to the head.

24. N041, born \*.\*.1994



She was on Lovers' Path (Kjærlighetsstien) and was shot twice with the pistol and/or rifle, of which one shot to the throat, which continued into the head through the skull base and brain. N041 died of the gunshot injuries to the head.

25. N042, born \*.\*.1990

He was on Lovers' Path and was shot once in the head with the pistol or rifle. The shot entered the right side of the vertex into the left side of the forehead through the medulla oblongata of the brain. N042 died of the gunshot injuries to the head.

26. N043, born \*.\*.1993

He was on Lovers' Path and was shot five times with the pistol and/or rifle, of which two shots to the face/head, one to the throat, one to the back and one to the left thigh. The shots to the face/head entered the left cheek, crushing the facial skeleton and leaving the right cheek/right side of the throat. The shot to the throat damaged the left external jugular vein, the shot to the back penetrated the left lung, damaging the heart and passing through to the abdomen, while the shot to the left thigh penetrated the musculature, leaving through the right gluteus. N043 died of the gunshot injuries.

27. N044, born \*.\*.1994

She was on Lovers' Path and was shot three times with the pistol and/or rifle, of which one shot to the head. The shot to the head entered through the vertex, penetrating, *inter alia*, the skull, the left parietal lobe and right frontal lobe. N044 died of the gunshot injuries to the head.

28. N045, born \*.\*.1993

She was on Lovers' Path and was shot at least twice with the pistol and/or rifle, of which one shot to the face/head. The shot entered the right side of the chin, leaving through the neck and causing the shattering of the two uppermost cervical vertebrae and crush bleeding of the medulla oblongata. N045 died of the gunshot injuries to the head/throat/neck.

29. N046, born \*.\*.1994

She was on Lovers' Path and was shot three times with the pistol and/or rifle, of which one shot to the occiput, damaging the posterior part of the cerebrum and cerebellum and causing fracture lines on both sides of the temporal bone. N046 died of the gunshot injuries to the head.

30. N047, born \*.\*.1993

He was on Lovers' Path and was shot twice with the pistol, of which one shot to the occiput leading to crush injuries of the medulla oblongata and the right cerebellar hemisphere. N047 died of the gunshot injuries to the head.

31. N048, born \*.\*.1992

She was on Lovers' Path and was shot twice in the head with the pistol and/or rifle. One of the shots entered through the right side of the occiput, penetrating the brain. The other shot entered through the vertex, passing, *inter alia*, through the brain the skull base, throat and down into the left thoracic cavity. N049 died of the gunshot injuries to the head.

32. N049, born \*.\*.1992

He was on Lovers' Path and was shot three times with the pistol and/or rifle, of which one shot to the head and two to the neck. The shot to the head entered the left side, through the left cerebral hemisphere, leaving through the neck. One of the shots to the neck passed through the upper edge of the right cerebral hemisphere and into the frontal cranial cavity. N049 died of the gunshot injuries to the head.

33. N050, born \*.\*.1993

She was on Lovers' Path and was shot twice with the pistol and/or rifle through the head. One of the shots entered through the left cheek, leaving through the right side. The other shot entered the left part of the vertex, passing, *inter alia*, through the brain and skull base. N050 died of the gunshot injuries to the head.

34. N051, born \*.\*.1994

He was at the water's edge between the escarpment below Lovers' Path and Naked

Point (Nakenodden) and was shot four times with the pistol and/or rifle, of which two shots to the right flank below the armpit. One of the shots entered the thorax, penetrating the oesophagus and trachea and leaving above the left collar bone. The other shot penetrated both lungs and aorta, leaving through the left flank. N051 died of the gunshot injuries to the chest as a result of haemorrhaging.

35. N052, born \*.\*.1992

He was in the area close to the escarpment below Lovers' Path and was shot twice with the pistol and/or rifle, of which one shot went through the back penetrating the trachea and oesophagus and leaving through the sternum, rupturing the right carotid artery. N052 died of the gunshot injuries to the chest.

36. N053, born \*.\*.1995

She was on the uppermost part of the escarpment below Lovers' Path and was shot four times with the pistol and/or rifle, in the neck, back and flanks respectively. The shot to the neck perforated the vertebral column, damaging the medulla spinalis as well as the oesophagus, trachea and right carotid artery. The shot to the back penetrated the thoracic wall, left lower pulmonary lobe, diaphragm and abdominal cavity. Both shots to the right and left flanks penetrated the vertebral column, damaging the medulla spinalis and tearing over the renal arteries. N053 died of the gunshot injuries.

37. N054, born \*.\*.1997

She was in the area by the escarpment below Lovers' Path and was shot twice with the pistol and/or rifle. One of the shots penetrated, *inter alia*, the left lung, the main stem of the pulmonary artery and the aorta. The other shot crushed the 11<sup>th</sup> chest vertebra and liver, leaving through the right flank. N054 died of the gunshot injuries to the chest causing internal and external blood loss.

38. N055, born \*.\*.1995

*She was in the area by escarpment below Lovers' Path and was shot at least once with the pistol or rifle. The shot entered through the right groin, rupturing the pelvic artery on the right side and leaving through the right flank. N055 died of blood loss from the gunshot injuries to the abdomen.*

39. N056, born \*.\*.1994

She was in the forest east of the Schoolhouse and was shot twice with the pistol and/or rifle, in the head and left iliac crest. The shot to the head entered through the left eye, shattering the skull and left cerebral hemisphere. N056 died of the gunshot injuries to the head.

40. N057, born \*.\*.1996

He was in the forest east of the Schoolhouse and was shot three times with the pistol, twice in the head and once in the throat. The shots to the head entered through the left side of the forehead, causing substantial brain damage. The shot to the throat entered through the left side, penetrating the left lung and leaving through the back. N057 died of the gunshot injuries to the head and chest.

41. N058, born \*.\*.1992

He was at the water's edge at Stoltenberg Rock (Stoltenberget) and was shot once in the occiput with the pistol or rifle. The shot penetrated the skull and brain, causing, *inter alia*, a crushing of the brain. N058 died of the gunshot injuries to the head.

42. N059, born \*.\*.1993

He was at Stoltenberg Rock and was shot three times with the pistol and/or rifle, twice in the head and once in the back. The shots to the head entered below the left eye and left temple, causing substantial damage to the skull and brain. The shot in the back damaged the left lung and heart, causing massive haemorrhaging in the thoracic cavity. N059 died of the gunshot injuries to the head and chest.

43. N060, born \*.\*.1993

*She was at Stoltenberg Rock and was shot three times in the head with the pistol and/or rifle. One shot to the right side of the occiput penetrated the brain, lodging in the upper part of the spinal canal. Another entered from behind into the left*

*temple, through the brain, leaving through the right eye. A third shot entered the right side of the occiput, penetrating the brain. N060 died of the gunshot injuries to the head.*

44. N061, born \*.\*.1993

He was in Bolsjevik Cove (Bolsjevika) and was shot once in the head with the pistol or rifle. The shot entered through the posterior part of the vertex into the lower part of the occiput, damaging the posterior parts of the brain, including the pons Varolii. N061 died of the gunshot injuries to the head.

45. N062, born \*.\*.1992

She was in Bolsjevik Cove and was shot three times with the pistol and/or rifle, of which one shot to the head and one shot to the back. The shot to the head entered through the right side of the chin, shattering the uppermost cervical vertebrae and skull base and thereafter penetrating the brain. The shot to the back damaged the spleen, left kidney, pancreas, stomach, liver and left lung. N062 died of the gunshot injuries to the throat/head and abdomen/chest.

46. N063, born \*.\*.1994

She was in Bolsjevik Cove and was shot three times with the pistol and/or rifle, of which one shot to the head. The shot entered through the left temple, passing straight through the brain and exiting behind the right ear, shattering the posterior parts of the brain and skull. N063 died of the gunshot injuries to the head.

47. N064, born \*.\*.1992

He was in Bolsjevik Cove and was shot four times with the pistol and/or rifle, of which two shots to the back. The shots to the back damaged the spine, ribs, right lung, aorta and oesophagus. N064 died of the gunshot injuries to the chest.

48. N065, born \*.\*.1993

She was in Bolsjevik Cove and was shot three times with the pistol and/or rifle, twice in the head and once in the back. One of the shots to the head entered below the chin, travelling through the facial skeleton, skull base and brain. The other entered through the left eye, travelling through the skull base and brain. The shot to the back damaged internal organs in the upper left part of the abdominal cavity, left diaphragm cupola, apex of the heart and left lung. N065 died of the gunshot injuries to the head and chest.

49. N066, born \*.\*.1992

She was in the area of the Pumphouse and was shot once in the head with the pistol or rifle. The shot entered the lower part of the left cheek, exiting through the left side of the head, damaging large portions of the brain and skull roof. N066 died of the gunshot injuries to the head.

50. N067, born \*.\*.1995

She was in the area of the Pumphouse and was shot once in the abdomen with the pistol or rifle. The shot entered the right upper part of the abdomen, damaging the liver, duodenum and inferior vena cava. N067 died of blood loss, caused by the gunshot injuries to the abdomen.

51. N068, born \*.\*.1993

He was in the area of the Pumphouse and was shot three times with the pistol and/or rifle, of which one shot to the head and one to the back. The shot to the head entered through the left eye into the brain, causing fracture injuries to the cranium and substantial crush injuries to the underside of the left frontal lobe. The shot to the back entered the rear of the right thoracic cavity into the upper lobe of the right lung. N068 died of the gunshot injuries to the head and back/chest.

52. N069, born \*.\*.1994

He was in the area of the Pumphouse and was shot at least three times with the pistol and/or rifle. The shots hit him in the left shoulder, lower back and left flank. The shot to the left shoulder penetrated the shoulder blade and upper part of the thorax, damaging, *inter alia*, the left carotid artery and lung apex. The shot to the lower back caused the fracturing of the 11<sup>th</sup> and 12<sup>th</sup> ribs, as well as damage to the

spinal column, leaving substantial amounts of metal fragments in the abdomen. The shot to the left flank damaged, *inter alia*, the left kidney, spleen and left liver lobe. N069 died of the gunshot injuries to the chest and abdomen.

53. N070, born \*.\*.1990

She was by the Pumphouse and was shot three times with the pistol and/or rifle, of which one shot to the head. The shot to the head entered the right side of the occiput, exiting through the left temple and causing substantial brain damage. N070 died of the gunshot injuries to the head.

54. N071, born \*.\*.1995

He was by the Pumphouse and was shot twice with the pistol and/or rifle, in the occiput and back respectively. The shot to the occiput caused damage to the skull bone and right cerebral hemisphere, while the shot to the back shattered the cervical vertebral column. N071 died of the gunshot injuries to the head and throat.

55. N072, born \*.\*.1991

He was by the Pumphouse and was shot once in the head with the pistol or rifle. The shot caused damage to large portions of the left side of the skull and brain. N072 died of the gunshot injuries to the head.

56. N073, born \*.\*.1992

He was by the Pumphouse and was shot once in the head with the pistol or rifle. The shot entered through the corner of the left eye, damaging the upper part of the cranium and causing massive brain damage. N073 died of the gunshot injuries to the head.

57. N074, born \*.\*.1991

She was by the Pumphouse and was shot three times with the pistol and/or rifle, of which one shot to the head and one to the chest. The shot to the head entered the right side of the occiput and left through the left temple, causing substantial damage to the brain. The shot to the chest grazed first the right side of the head, and the projectile fragmented so that a fragment entered the chest, into the left thoracic cavity, damaging the left lung. N074 died of the gunshot injuries to the head and chest.

58. N075, born \*.\*.1995

He was by the Pumphouse and was shot three times with the pistol and/or rifle, of which two shots to the head. The shots to the head entered on the left side and right temple, respectively, causing extensive fracture injuries to the skull and fragmentation of the brain. N075 died of the gunshot injuries to the head.

59. N076, born \*.\*.1989

He was by the Pumphouse and was shot four times with the pistol and/or rifle, of which one shot with the rifle to the back and one shot with the pistol to the neck. The shot to the back damaged the left lung and caused haemorrhaging in the left thoracic cavity. The shot to the neck ruptured the spinal column at the level of the 3<sup>rd</sup> cervical vertebra. N076 died of the gunshot injuries to the neck and chest.

60. N077, born \*.\*.1993

She was by the Pumphouse and was shot three times with the pistol and/or rifle, of which one shot to the throat and one to the back. The shot to the throat penetrated the left lower jaw, entering the cranial cavity and causing fracturing of the skull base and damage to the left frontal lobe of the brain. The shot to the back shattered the 4<sup>th</sup> to the 7<sup>th</sup> ribs, tearing up the right lung and thoracic cavity. N077 died of the gunshot injuries to the head and chest.

61. N078, born \*.\*.1983

He was in the area of the Pumphouse and was shot twice in the head with the pistol and/or rifle. One of the shots entered through the left cheek, crushing the brain stem and cerebellum and damaging the cervical vertebral column. The other entered behind the right ear and exited through the right cheek. N078 died of the gunshot injuries to the head.

62. N079, born \*.\*.1992

He was in the area of the Pumphouse, at the water's edge or in the water, and was shot once in the head with the pistol or rifle. The shot entered through the left temple and exited through the left side of the occiput, causing extensive damage to the skull and underlying parts of the brain. N079 died of drowning, but the gunshot injuries to the head led to immediate loss of consciousness and contributed to his death.

63. N080, born \*.\*.1988

She was at the water's edge at South Point (Sydspissen) and was shot twice in the back with the pistol and/or rifle. One of the shots entered through the left side of the back, penetrating the vertebral column into the right side of the throat. The other shot entered through the right side of the back, penetrating the thoracic wall and right lung. N080 died of the gunshot injuries to the back.

64. N081, born \*.\*.1996

He was at the water's edge at South Point and was shot at least three times with the pistol and/or rifle, of which one shot to the head and one through the throat. The shot to the head entered through the right side, shattering the skull and brain. N081 died of the gunshot injuries to the head and throat.

65. N082, born \*.\*.1995

She was at the water's edge at South Point and was shot once in the head with the pistol or rifle. The shot entered through the right ear, penetrated the frontal part of the brain and exited through the left temple, causing damage to the cranium and crushing of the frontal part of the brain. N082 died of the gunshot injuries to the head.

66. N083, born \*.\*.1991

She was at the water's edge at South Point and was shot at least once with the pistol or rifle. One shot entered through the shoulder, passing via the throat into the skull, causing damage to blood vessels and throat/pharynx and haemorrhaging of the underside of the brain. N083 died of the gunshot injuries to the head and throat.

67. N084, born \*.\*.1994

She was at the water's edge at South Point and was shot three times with the pistol, of which one shot to the head and one to the chest. The shot to the head penetrated the neck, travelled through the cerebellum and brain stem, causing fracturing of the skull and substantial crush injuries to the brain. The shot to the chest passed through the right lung, the spinal column and penetrated the rear thoracic wall, causing substantial haemorrhaging in the thoracic cavity. N084 died of the gunshot injuries to the head and chest.

68. N085, born \*.\*.1994

*He fled from the island by starting to swim, but died of drowning and was found outside South Point at a depth of 6 metres.*

69. N086, born \*.\*.1994

He fled and fell off a cliff near the island's west point and into the water, sustaining a fracture of the skull and pelvis, tearing of the right lung and spleen and massive haemorrhaging in the right thoracic cavity. N086 died of fall injuries and/or drowning.

*In addition to the abovestated murders, he did attempt to kill a number of other persons, albeit without succeeding in his intentions. In the course of the attempted murders, he did shoot and injure 33 persons as follows:*

70. N087, born \*.\*.1991

*She was in the tent camp and was shot with the pistol or rifle while escaping. N087 was hit in the right forearm and several projectile fragments were removed at an outpatients clinic.*

71. N088, born \*.\*.1991

He was in the tent camp and was shot with the pistol or rifle while escaping. He was hit once in the back near the right shoulder blade. The shot led to fracture injuries of the shoulder blade and 3<sup>rd</sup> and 4<sup>th</sup> ribs, numerous projectile fragments in

the body and damage to the right lung. N088 was hospitalized in Oslo University Hospital from 22 July until 1 August 2011.

72. N089, born \*.\*.1992

She was in the tent camp and was shot with the pistol or rifle while escaping. N089 was hit by a projectile fragment in the right thigh, but no serious injury was caused.

73. N090, born \*.\*.1994

She was in the tent camp and was shot with the pistol or rifle while escaping. She was hit by several projectile fragments in the left lower leg. N090 was admitted to Asker and Bærum Hospital for approximately one day from the evening of 22 July, where she underwent surgery, involving wound toilet and removal of several fragments.

74. N091, born \*.\*.1996

She was in the tent camp and was shot with the pistol or rifle while escaping. She was hit in the right shoulder and upper arm. She was also shot in the right side of the stomach, either simultaneously or somewhat later. The shot to the shoulder caused fracturing of the shoulder blade and damage to the right lung. The shot to the stomach entered the subcutis and fatty tissue. N091 underwent hospital treatment for approximately 12 days from 22 July in, *inter alia*, Oslo University Hospital, where she underwent surgery involving extensive wound toilet.

75. N092, born \*.\*.1995

She was in the tent camp and was shot with the pistol or rifle while escaping and hit in the right forearm. The shot went through the arm. N092 was admitted to Oslo University Hospital on 22 July, where she underwent surgery involving wound cleansing and lavage.

76. N093, born \*.\*.1994

She was in the tent camp and was shot with the pistol or rifle while escaping. She was hit in the left lower leg, but no serious injury was caused.

77. N094, born \*.\*.1989

She was in the Little Hall of the Cafe Building and was shot at least four times with the pistol and/or rifle, including in the face, both forearms and left breast. The shot to the face caused extensive injury to the left half of the face, including a fracture of the lower jaw. The shots to the forearms caused soft tissue lesions, a fracturing of knucklebones in the right midhand and impaired mobility of several fingers. The shot to the left breast caused muscular and fatty tissue injuries. She was admitted, via Asker and Bærum Hospital, to Oslo University Hospital, where she underwent surgical treatment of the lower jaw fracture and wounds. N094 was discharged on 19 August 2011.

78. N095, born \*.\*.1994

She was in the Little Hall of the Cafe Building and was shot twice with the pistol and/or rifle in the left knee and left shoulder. The shot to the knee entered on the inside, passed through the fat/musculature of the thigh and lodged under the skin on the outside of the thigh. The shot to the shoulder did not cause serious injuries. She was admitted to Asker and Bærum Hospital on 22 July, where she underwent surgical treatment for her leg injury and for removal of the projectile. On the following day, N095 was transferred to Telemark Hospital for further treatment and she was discharged on 30 July 2011.

79. N096, born \*.\*.1993

He was in the Little Hall of the Cafe Building and was shot at least once with the pistol or rifle, of which once in the left foot. The shot entered on the outside, causing a fracture of the bone in the midfoot and lodging in the heel bone. He was admitted to Asker and Bærum Hospital on 22 July where he underwent surgical treatment, involving wound toilet and removal of a projectile. On the following day, N096 was transferred to Østfold Hospital for further treatment and he was discharged on 2 August 2011.

80. N097, born \*.\*.1991

He was in the Little Hall of the Cafe Building and was shot once in the face with the pistol. The shot entered the left side of the face, passing through the palate and leaving under the right eye, causing, *inter alia*, crush injuries to the eye socket and injury to the optic nerve. N097 was admitted to Oslo University Hospital on 22 July, where he underwent several operations before being discharged on 1 August 2011.

81. N098, born \*.\*.1990

She was in the doorway between the Little Hall and the corridor of the Cafe Building and was shot once in the right knee with the pistol or rifle. The shot entered on the outside of the knee, passed through the femur, causing a fracture thereof. N098 was admitted to Ringerike Hospital on 22 July where the femoral fracture was stabilized and she was transferred the following day to Østfold Hospital, where she underwent surgery to remove the projectile, wound toilet and treatment of the femoral fracture. She was discharged therefrom on 31 July 2011.

82. N099, born \*.\*.1992

He was first in the Big Hall of the Cafe Building and was shot several times with the pistol and/or rifle and was hit in both thighs and right ankle. Thereafter he fled out of the building and ended up at the island's South Point where he was subsequently shot while hiding behind a rock in the water. The shots gave rise to wounds and N099 was hospitalized in Ringerike Hospital from 22 to 25 July 2011, where soft tissue and a projectile fragment were removed from the right thigh and the gunshot wounds cleansed and sutured.

83. N100, born \*.\*.1992

She was in the Big Hall of the Cafe Building and was shot several times with the pistol and/or rifle in the throat, left upper arm and left little finger. The shot to the throat caused the fracturing of the 3<sup>rd</sup> and 4<sup>th</sup> cervical vertebrae and damage to the spinal cord, as well as extensive tissue damage. The shot to the upper arm caused extensive fracture injuries. She was admitted to Oslo University Hospital on 22 July, where she was operated on several times for fixation of the cervical fracture, frame fixation of the left upper arm and partial amputation of the left little finger, in addition to wound toilet. N100 was transferred to St. Olav's Hospital on 15 August where she was hospitalized until 30 November 2011.

84. N101, born \*.\*.1994

She was on Lovers' Path and was shot once in the left side of the head with the pistol or rifle. The shot caused scalp lesions and a cerebral haemorrhage. N101 was hospitalized in Ringerike Hospital, Oslo University Hospital and Vestfold Hospital from 22 to 25 July 2011.

85. N102, born \*.\*.1993

She was on a ledge of the escarpment below Lovers' Path and was shot once in the back with the pistol or rifle. The shot entered through the left part of the lower back, damaging, *inter alia*, the left kidney and the pancreas tail, colon and spleen. She was initially admitted and operated on in Drammen Hospital, where the left kidney was removed and the colon repaired, and she was thereafter transferred to Oslo University Hospital on 24 July for new operations. In addition to the abovedescribed abdominal injuries, she sustained extensive injuries to the nerve roots of the lumbar back, involving paralysis of musculature, especially in the left thigh. Following discharge on 18 August, N102 was transferred to Sunnaas Hospital for further treatment.

86. N103, born \*.\*.1993

He was at the water's edge below Lovers' Path and was shot at least four times with the pistol and/or rifle. He was hit in the head, left shoulder region, left hand and right forearm. The shot to the head entered the right side and caused extensive injuries, involving an open cranial fracture and damaged brain tissue, in addition to damage to the right eye and adjacent bone structure. He has lost vision in his right eye. The shot to the shoulder region shattered the shoulder joint and damaged the

nerves leading into the left arm. The shot to the left hand caused extensive injuries and resulted in the amputation of three fingers. N103 was admitted to Oslo University Hospital on 22 July, where he underwent intensive treatment and was operated on numerous times before being transferred to Sunnaas Hospital on 15 August 2011 for further treatment.

87. N104, born \*.\*.1992

She was between the water's edge and Lovers' Path and was shot several times with the pistol and/or rifle. She was hit in the stomach, right elbow/upper arm, right knee region and right part of the thoracic wall. The shot to the stomach damaged, *inter alia*, the colon, small intestine and abdominal wall. The shot to the elbow/upper arm caused extensive soft tissue damage and the shot to the knee damaged tissue, ligaments and joint capsule. She was initially admitted to and underwent emergency surgery at Ringerike Hospital, where, *inter alia*, a portion of the colon was removed, and was thereafter transferred to Oslo University Hospital on 23 July, where she underwent several operations, *inter alia*, to remove the right part of the colon and a portion of the small intestine. Upon discharge on 22 August, N104 was transferred to the University Hospital of North Norway, where she was hospitalized until 29 August 2011.

88. N105, born \*.\*.1993

He was in the water below Lovers' Path and was shot with the pistol and/or rifle and hit in the right flank. A smaller projectile fragment entered the upper right part of the stomach, without causing any serious injuries.

89. N106, born \*.\*.1994

She was in the escarpment below Lovers' Path and was shot at least twice with the pistol and/or rifle, of which one shot entered under the right shoulder blade and/or stomach and one shot entered the inside of the right upper arm. She sustained gunshot injuries to the right lung, fracturing of two ribs and a number of projectile fragments in the thoracic wall and flank on the right side. N106 was admitted to Oslo University Hospital on 22 July, where she underwent surgery and was discharged on 10 August 2011.

90. N107, born \*.\*.1996

She was in the escarpment below Lovers' Path and was shot several times with the pistol and/or rifle. She was hit in the left flank/stomach, throat region and both thighs. The shot to the left flank/stomach led to massive bleeding, and parts of the small intestine and colon had to be removed. The shot to the throat necessitated the removal of parts of the musculature between the shoulder and back and skin transplants. The gunshot injuries to the thighs necessitated the removal of muscle mass, especially from the left thigh. She was hospitalized in Oslo University Hospital from 22 July to 16 August and was operated on a total of six times. Thereafter N107 was transferred to the University Hospital of North Norway from 26 August to 13 September for further treatment.

91. N108, born \*.\*.1994

She was on a ledge below Lovers' Path and was shot at least twice in the right arm with the pistol and/or rifle. The gunshots caused a relatively large open wound on the forearm and two wounds on the upper arm. N108 was hospitalized in Ringerike Hospital from 22 to 24 July 2011, where she underwent surgical treatment, involving, *inter alia*, wound toilet and the removal of projectile fragments.

92. N109, born \*.\*.1992

He was on a ledge below Lovers' Path and was shot once below the left knee cap with the pistol or rifle, whereupon he fell down the escarpment, resulting in a fracture of the left eye socket. The gunshot gave rise to an open fracture of the tibia, extensive soft tissue damage and permanent nerve damage in the lower leg. He was admitted to Ringerike Hospital on 22 July where he underwent surgery, *inter alia*, to mount an external fixation to stabilize the tibia fracture. On the following day, N109 was transferred to the University Hospital of North Norway, where he



underwent surgery to treat the eye socket injury, fracture injuries in the leg and wound toilet.

93. N110, born \*.\*.1995

She was at the Pumphouse and was shot once in the right part of the chest with the pistol or rifle. The shot entered into the right thoracic cavity and penetrated the lung. She was admitted to Ringerike Hospital on 22 July where an accumulation of air and blood in the thoracic cavity was ascertained, and she was thereafter transferred to Oslo University Hospital, where she underwent several surgical procedures to treat the wounds in the chest, as well as to remove foreign bodies from the face. N110 was discharged on 4 August 2011.

94. N111, born \*.\*.1991

He was at the Pumphouse and was shot three times with the pistol and/or rifle. He was hit in the right and left thighs and left part of the scrotum. The gunshots caused three major wounds, involving extensive tissue damage. He was admitted to Ringerike Hospital on 22 July and transferred to Stavanger University Hospital on the following day. N111 was operated on several times, *inter alia*, to remove projectile fragments, for wound toilet and skin transplants, prior to discharge on 17 August 2011.

95. N112, born \*.\*.1990

He was at the Pumphouse and was shot several times with the pistol and/or rifle. He was hit in the abdomen, left shoulder and left thigh. The stomach, liver, left lung and heart were damaged. The gunshots to the shoulder and thigh necessitated the subsequent amputation of the arm and leg. He was admitted to Ringerike Hospital on 22 July, where he underwent emergency lifesaving treatment and was then transferred to Oslo University Hospital the same night, where he underwent a series of operations before being transferred to Sunnaas Hospital on 11 October 2011 for further treatment.

96. N113, born \*.\*.1995

He was in the vicinity of West Point (Vestspissen) and was hit by a number of projectile fragments from shots fired by the pistol or rifle which struck rocks in the immediate vicinity of his hiding place. A large number of fragments hit him, *inter alia*, in the left lower part of the face. N113 was hospitalized in Oslo University Hospital from 22 to 27 July 2011, where he underwent surgical removal of some 150 minor fragments from the face.

97. N114, born \*.\*.1996

He was in the vicinity of West Point and was shot once in the left flank with the pistol or rifle. The gunshot caused lesions and projectile fragments in the pelvic area. N114 was admitted to Oslo University Hospital on 22 July and underwent several wound cleansing procedures under general anaesthesia.

98. N115, born \*.\*.1989

He was at South Point and was shot once in the left shoulder with the pistol or rifle. He was admitted to Ringerike Hospital on 22 July and underwent surgery to remove, *inter alia*, damaged tissue and metal fragments before being transferred to Telemark Hospital on 24 July, where he underwent several operations. N115 was discharged at the beginning of August 2011.

99. N116, born \*.\*.1994

She was at South Point and was shot three times with the pistol and/or rifle. She was hit in the right forearm, right shoulder and right part of the face. The shot to the face entered the jaw bone, fracturing the angle of the lower jaw. The shot to the forearm gave rise to, *inter alia*, an open crush fracture of both bone shafts and extensive soft tissue damage, and the arm had to be amputated at the elbow. The shot to the shoulder gave rise to extensive soft tissue damage and crush fracturing of the joint capsule of the humerus. N116 was admitted to Ringerike Hospital on 22 July and thereafter transferred to Oslo University Hospital, where she was hospitalized until 19 August 2011.

## 100.N117, born \*.\*.1993

She was at South Point and was shot twice with the pistol and/or rifle, including one shot to the left side of the face. The shot to the face entered through the left cheek, causing several fractures of the head/facial skeleton and projectile fragments penetrated into the brain. N117 was admitted to Oslo University Hospital on 22 July, where she underwent two operations before being transferred to Sunnaas Hospital on 19 August for further treatment.

## 101.N118, born \*.\*.1993

She was at South Point and was shot, *inter alia*, in the right thigh with the pistol or rifle. The gunshot caused a wound and the accumulation of projectile fragments in the thigh. She was admitted to Oslo University Hospital on 22 July and underwent surgery, involving wound treatment and wound toilet. On the following day, N118 was transferred to Østfold Hospital, where she underwent two further operations in the thigh, involving wound toilet, removal of projectile fragments and skin transplant.

## 102.N119, born \*.\*.1993

She was at South Point and was shot once in the left flank by the pistol or rifle. The projectile entered the abdomen, causing extensive damage to internal organs, including the stomach, colon and one kidney. The kidney and parts of the colon had to be removed. N119 was hospitalized in Oslo University Hospital from 22 July to 12 August 2011, where she was operated on several times.

A number of other persons who were on Utøya sustained physical injuries, such as fractures, cuts, etc. in their attempts to save themselves and others. In addition, a large number of persons who were on the island, surviving relatives/next of kin, as well as persons who came to rescue in boats and by other means have suffered mental aftereffects of varying gravity as a result of the abovedescribed events.

The acts committed at Utøya have given rise to serious fear in parts of the Norwegian population.

The defendant has committed extremely serious offences on a scale that has never previously been experienced in our country in modern times. In the defendant's own opinion, these acts have been legitimate and lawful, and there is undoubtedly an imminent and obvious risk that new serious offences of the same nature may occur. Considerations of public safety require a sentence ordering his transfer to compulsory mental health care, and the conditions set out in section 39 no. 1 have been met.

Submission will be made for the confiscation of three weapons (a Ruger brand semiautomatic Mini 14 rifle cal. 233, a Glock brand 9 mm semiautomatic pistol and a Benelli brand pump shotgun) with the appurtenant ammunition. Furthermore, submission will be made for the confiscation of objects used to manufacture the bomb mentioned under count I of the Indictment, as well as any clothing/equipment, etc. used during the commission of the acts described under counts I and II.

Any claims for damages/compensation for nonpecuniary damage by surviving relatives and aggrieved parties will be filed by their respective counsel, cf. section 428 and section 264 b second subsection of the Criminal Procedure Act.

In light of the disclosure of the case at the time of the indictment, there are no grounds for a submission of regular punishment, cf. section 44 first subsection of the Penal Code. Nevertheless, the prosecuting authority expressly reserves the right to make a submission during the main hearing for a sentence of imprisonment or preventive detention with a time frame of 21 years, based on the overall presentation of evidence in court, for which the defendant and defence counsel must be prepared. In such event, section 62 of the Penal Code shall apply.

No civil claims were presented in connection with the criminal proceedings, nor did the Prosecuting Authority submit a petition for any confiscations.

The main hearing was held in the period from 16 April to 22 June 2012 over 43 days in court. The defendant appeared and acknowledged having committed the acts of which he is accused. However, he pleaded not guilty to the charges.

The Court heard 114 witnesses, of whom 21 were privately appointed expert witnesses and 6 were courtappointed expert witnesses. The evidence was presented as may be read in the court records.

***The prosecutor submitted the following plea:***

For A, born \*.\*.1979, to be committed to compulsory mental health care pursuant to the Penal Code, section 39, for having committed the acts described in the indictment issued by Oslo Public Prosecutor's Office dated 13 April 2012.

In the alternative:

For A, born \*.\*.1979, to be convicted for the violation of the Penal Code section 147a first subsection paras. a) and b), cf. section 148 first subsection, first penalty alternative and section 233 first and second subsections, and the Penal Code section 233 first and second subsections, and the Penal Code Section 233 first and second subsections cf. the Penal Code section 49, and the Penal Code section 147a first subsection letter b, cf. section 233 first and second subsections, and the Penal Code section 233, first and second subsections, cf. the Penal Code section 49, all seen in conjunction with the Penal Code section 62, to preventive detention for a term of 21 years and a minimum period of 10 years.

From the said term and the said minimum period, a deduction of 381 days (as of 21 June 2012) shall be made for time spent in custody.

***The defence counsel presented the following plea:***

Primarily:

For the petition of the Prosecuting Authority of A 's transferral to compulsory mental health care to be dismissed.

In the alternative:

For A to be acquitted.

For A to be treated as leniently as possible.

The defendant has, from the moment of his arrest, in all police interviews and in all court hearings and at the trial, acknowledged the very acts of which he is indicted. His statements during the investigations on the planning and execution of the bomb explosion at the Government District and on the shooting on Utøya have been confirmed by police investigations. The defendant has maintained his police statements in court. Hence, there is no doubt that the defendant has committed the acts of which he is indicted.

Although the Court will discuss the objective and subjective conditions for punishability further on in the judgment, in relation to the relevant penal provisions, the deaths will henceforth be referred to as murders, the personal injuries as attempted murders and the explosion at the Government District and the shooting on Utøya as terrorist acts.

## **2. On the defendant and his activities in the time before the preparations for the terrorist acts**

### **2.1 The defendant's family background, childhood and school years**

The defendant was born on \*.\*.1979. The parents were married at the time, and lived in — gate in Oslo. The mother had the daughter B, who is 6 years older than the defendant, from a previous relationship. The father had 3 children from a previous marriage, and worked at the Ministry of Foreign Affairs. When the defendant was 6 months old, the family (the mother, the father, the defendant and his half sister) moved to London, where the father worked as an embassy counsellor.

The parents split up when the defendant was a year and a half old. The mother then moved back to the apartment in — gate with the defendant and his half sister.

In 1981, the defendant's mother contacted the social welfare office, applying for respite care in the form of weekend home stays for the defendant. The application was accepted, but after some time the arrangement was discontinued. In December 1982, the defendant moved with his mother and sister to X in Oslo. The defendant later entered nursery school at the Y, where he stayed until he started primary school.

The defendant's mother contacted the family counselling office in early 1983, and was referred to the National Centre of Child and Adolescent Psychiatry (SSBU). The family stayed at the family day unit of the Juvenile Psychiatric Clinic from 1 to 25 February 1983. The defendant was 4 years old at the time. The stay first resulted in a letter from SSBU to the Child Welfare Services suggesting a weekend foster home.

Based on information on the care situation of the defendant, his father filed a suit in the spring of 1983, claiming that the responsibility for daily care of the defendant should be transferred to him. The case was later settled, and the defendant continued to live with his mother. The defendant had holiday stays with his father until the age of 15, after which the contact was broken.

In October of 1983, SSBU sent another letter to the Child Welfare Services, stating, *inter alia*, that «A's care situation is so deficient that he is at risk of developing more serious psychopathology». The letter was treated as a note of concern, and investigations were instigated. The Child Welfare Services did not find foster home placement appropriate, but recommended home inspections for a short period. Oslo Child Welfare Committee closed the case without implementing any form of assistance in the summer of 1984.

In the time period from 1986 to 1995, the defendant attended Z Primary School and Æ Lower Secondary School.

The defendant and his mother moved to —veien in Oslo in 1994. By then, the sister had moved out to live on her own.

The same year – in December 1994 – a new child welfare case was opened. The grounds were a note from the Child Welfare Emergency Service Team after the defendant was stopped by the police at Oslo Central Station, when he arrived by train from Denmark with 43 spray paint cans in his bag. In February/March 1994, the defendant was reported to the police twice for graffiti. The Child Welfare Services closed the case without taking any measures on 15 March 1995.

In the fall of 1995, the defendant entered Ø Upper Secondary School, where he was a student for 1 year before switching to the upper secondary school Å. He left school out of his own will during the third and final year in the fall of 1997 without graduating with a diploma. According to the defendant's statement, he left school because he wanted to earn money and establish himself as an entrepreneur.

The defendant left his mother's home in 2000. First, he rented a room in — gate in Oslo and in 2001 he moved into a shared apartment in — gate. In September 2003, he moved to an apartment at — gate, where he lived alone until the fall of 2006, when he moved back in with his mother at —veien. In April 2011, the defendant rented a small farm in Åmot Municipality in Østerdalen, and he moved there in May 2011. The Court will revert to the time from 2006 onwards under the discussion of the question of criminal sanity.

The defendant has not done compulsory military service or civilian national service.

## **2.2 The defendant's work experience and business activities**

In the summer of 1997, the defendant was employed in the company Direkte Respons Senteret. First, he worked part time and later full time with the company. His duties were related to telemarketing and customer service. According to the defendant, he was promoted to team leader after some time. In 2001, the company was acquired and the name changed to SNT Norway. He continued to work in the company until April 2003.

During the period while the defendant was employed in Direkte Respons Senteret, he founded and ran several types of business through various companies.

In the summer of 1998, the defendant and a friend founded the company A og C Marketing AS. The company sold telecom services, but the business generated little income and was dissolved after a short period.

Media Group AS was founded in the summer of 1999. The company did development and sales of outdoor marketing spots in Oslo. In June 2001, the defendant sold the shares in the company without making a profit.

In July 2001, the defendant founded the sole proprietorship Citygroup. He had a go at various types of business, including sales of software solutions and advertising business. The

company was dissolved in December 2004.

The defendant was in Liberia in 2002, probably in order to check out the possibility of purchasing diamonds. The police have confiscated receipts dated prior to the trip to Liberia from the purchase of two raw diamonds and a magnifying lens, and they have disclosed telephone calls to various diamond vendors in Norway, England and the USA both before and after the trip. The defendant himself has explained that he was in Liberia to meet a Serbian nationalist.

In December 2002, the defendant set up the website *Diplomaservice.com*. Through this website, he sold false diplomas apparently issued by various institutions of higher education.

In January 2005, he founded the company E-Commerce Group AS. From within this enterprise, he continued with the sale of diplomas. He employed 2 persons fulltime in Norway and rented offices in Pilestredet in Oslo. After some time, the sales of the false diplomas generated considerable income, for which tax was mostly not paid.

To enable money laundering of the income from the sales of false diplomas, the defendant founded the company Brentwood Solutions LTD in a tax haven in the Caribbean. The income was deposited in an account in the name of Brentwood Solutions LTD in a foreign bank, and later transferred to E-Commerce Group AS as payment for services. Police investigations have shown payments of altogether NOK 3 687 588 for sales of false documents in the period from 2002 to 2006. The defendant discontinued the operations of E-Commerce Group AS in the first half of 2006. By then he had a not insignificant share portfolio, in addition to savings from the sales of diplomas. The company then went into compulsory liquidation in January 2008.

After the defendant discontinued the sales of false diplomas in the winter of 2006, he has not had any income from any employments or from his own enterprise. Nor has he received any financial support from the public authorities.

In addition to the abovementioned activities, the defendant has been trading in shares from 1997, except in the period 1998 to 2002. In the years 2005 and 2006, he made slightly less than 350 transactions in his own name or in the name of E-Commerce Group AS. In the years 2007 to 2009, the defendant sold shares for a bit more than 1.1 million NOK, spread over 60 transactions.

### **2.3 The period from 2006 – World of Warcraft**

In the autumn of 2006, the defendant, as already mentioned, moved back in with his mother in —veien. In the following year, he had practically no contact with friends. His main activity this year was playing the online game World of Warcraft.

The period from 2006 is central in the assessment of the criminal sanity of the defendant; hence, the Court will go into further detail on his gaming activities and what World of Warcraft is about.

The defendant set up an account to play World of Warcraft on 2 March 2006. WoW, with a recommended lower age limit of 12, is an online roleplayer game in which several players can play on teams with a common objective. The game is mainly about solving assignments for rewards. Such an assignment may be anything from collecting carrots to killing a dragon. Solving an assignment in the game may take weeks. As you proceed, solving assignments, you will get access to «gold» and «properties» and be awarded points. Gradually, you can advance to new levels in the game. All playing takes place in real time online, and the players collaborate verbally through microphone headsets connected to each player's computer.

The defendant played a character by the name A Nordic until 2009. In 2009, his character changed the name to Conservatism. In the document *Agenda New.doc*, which is a diary found on a seized computer in the apartment in —veien, the defendant writes that he has had several roles in the game, including guild master [*sic* ], and played in several guilds until 2009. A guild is the same as a team, and a guild master is a team leader. A team leader is responsible for coordinating the players' efforts in the game.

According to the defendant's diary, he was a guild master for the team Virtue in 2006. This was confirmed by a witness who played World of Warcraft actively himself in the

period 2005 to 2008, in periods on the same guild as the defendant. After the expansion pack The Burning Crusade was released, the defendant joined the guild Unit in 2007, where the witness was the guild master. The witness described the Unit activity level as high. The players would play six to seven days a week, and for up to 12 to 16 hours a day, including their own preparations. The witness himself played 16 hours a day, and believed that the defendant played nearly as much. He explained that the defendant's player rank was «Officer», and that the defendant was the best officer the witness had had. In the diary, the defendant describes himself as a deputy guild master until the guild split up later on the same year. The defendant then joined the team Nevermore, where he was a regular player for 18 months.

The player witness further described the defendant as a social player, with many friends in the game. The defendant appeared knowledgeable, and was good at motivating guild mates. He never discussed politics, but might for instance discuss soccer. The defendant never mentioned that he was writing a book. The witness has not met the defendant outside of cyberspace.

The defendant's World of Warcraft account was inactive from 29 May to 10 December 2008. According to the defendant's own posting to World of Warcraft forum sites, in this period he played the computer game Age of Conan. The defendant resumed playing World of Warcraft on 10 December 2008, and on 20 January 2009 he joined the guild Goosfraba. A chart shows that in the period from 23 November 2010 until 3 March 2011, the defendant played on average 6.5 hours a day, and on certain days as much as 17 hours. There is no evidence of any playing time after 3 March 2011.

### **3. The runup to the terrorist acts**

#### **3.1 The compendium**

The same day the terrorist acts were committed, the defendant distributed a compendium, also referred to as the Manifesto, to a number of email addresses. The compendium was written under the pseudonym A2. It has not been established when the defendant started working on the compendium; however, he claims himself it was in 2007. At the trial the defendant stated that the compendium had been made to create a foundation for the development of a revolutionary right in Europe.

The compendium consists of 1518 pages – 1801 pages after the police's reformatting – and it is written in English. It is titled «2083 A European Declaration of Independence». The defendant explained that 2083 refers to the year that will mark the 400<sup>th</sup> anniversary of the Battle of Vienna in 1683. He believes this was one of the two most important battles in the history of Europe, because it prevented the Ottoman Empire from conquering all of Western Europe. The rest of its title, European Declaration of Independence, is supposedly taken from an essay written by a blogger known as Fjordman.

The compendium is divided into three books. Book 1 is titled: «What you need to know, our falsified history and other forms of cultural Marxist/multiculturalist propaganda». Book 1 provides a subjective presentation of European history with a particular emphasis on describing Islam as a violenceoriented ideology. Little of its content has been written by the defendant himself; it consists of texts taken from different sources, presumably from the Internet. Book 2 is titled «Europe Burning». The defendant has described book 2 as the ideological part of the compendium. Some of it has been written by the defendant himself, but most of it has been taken from the writings of others. Book 3 is titled «A declaration of preemptive War» and it was written by the defendant himself. He describes this book as the military part of the manifesto, where the reader is encouraged to participate in an ongoing civil war in Europe.

In book 3, the defendant has, amongst other things, described his own tasks, and circumstances linked to the preparations for and execution of the terrorist acts on 22 July 2011. He has furthermore given a description of a network he calls the Knights Templar. He writes, *inter alia*, that he took 50 pages of notes during the network's founding meeting in London in 2002, which later formed the basis of the compendium. In police interviews and

in his statement in court, the defendant has upheld the compendium's description of the basic features of the Knights Templar. He has nonetheless gradually toned down the importance of the organisation and its members, stating, *inter alia*, that he in the compendium has presented a pompous description of the factual circumstances.

### 3.2 Knights Templar

According to the police's notes, the defendant said the following when he was arrested on 22 July 2011:

«We want to seize power in Europe within 60 years. I am a Commander of the Knights Templar Norway. The Knights Templar was established in 2002 in London with delegates from 12 countries. We are crusaders and nationalists.»

The defendant's presentation of his role within the Knights Templar has been central in relation to the question of his criminal sanity. The police investigation shows that the network most probably does not exist, and the question is whether the defendant's description of the Knights Templar may be a manifestation of delusions. The Court shall therefore present the main features of the defendant's description of the Knights Templar.

The defendant has stated that he came into contact with militant nationalists on the Internet in 2001, later leading to the establishment of the Knights Templar. NATO's bombing of Serbia during the conflict in Kosovo in 1999 was, according to the defendant, «the straw that broke the camel's back» for many of these militant nationalists.

In April 2002, the defendant went to Liberia, purportedly to meet a militant Serbian nationalist, before continuing to London to participate in the founding meeting of the Knights Templar. The police investigation has shown that the defendant was in Liberia at the time in question, but there is nothing to indicate that the defendant had any contact with a Serbian during his stay there. The police believe the purpose of the trip was to explore the possibilities of buying diamonds.

The defendant has all along maintained that he met three other nationalists at the founding meeting in London. The police investigation confirms that the defendant was in London in early May 2002; however, it has not been established what he did or who, if any, he met during his stay there. Neither in police interviews nor at the trial did the defendant want to give any further information about the establishment of or the members of the Knights Templar, presumably because such information may contribute towards revealing other members of the Knights Templar network.

According to the defendant's statement, the Knights Templar is not an organisation in the traditional sense. The defendant has all along maintained that between 15 and 80 persons from different European countries belong to the network. They operate as autonomous and independent oneman cells, and there is no contact among them. With the current situation in Europe, it is impossible to establish a European militant organisation, because it will be discovered by national intelligence services. The defendant has also upheld his earlier statement that he met persons with links to the Knights Templar network during two farright extremist gatherings in the Baltic in 2004. The police investigation has revealed that the defendant was in Lithuania in January and in Estonia in April 2004, presumably to open accounts that later were used for laundering the proceeds of fake school certificate sales.

The defendant has furthermore explained that the Knights Templar is a network of militant nationalists. The name comes from the Knights Templar Order, which was a Catholic monastic order with military functions. This monastic order participated in the Crusades in the twelfth and thirteenth centuries. According to the defendant, the Knights Templar is to defend the interests of the European indigenous people by contributing to the deportation of as many Muslims as possible from Europe. According to the defendant, the Knights Templar is a military order and a military tribunal that defines its own targets and means, including who are to be killed.

The Knights Templar network's ideal is the «crusader identity». A knight is a «perfect foot soldier» in the struggle against Muslim invasion in Europe. The defendant refers to himself alternately as «cell commander», «knight» and «foot soldier». The defendant explained

in court that the symbols including rituals, medals and uniforms described in the compendium do not exist, but that they are meant as suggestions to future members.

Based on the evidence provided during the main hearing, the Court has not found grounds indicating that the Knights Templar exists. The Court shall revert to the significance of this in the assessment of the defendant's criminal sanity.

### **3.3 The defendant's stated motives – ideology**

The defendant has stated political motives for the terrorist acts of 22 July 2011. The defendant's political views are presented in his compendium and have also been discussed during police interviews and during the court-appointed experts' conversations with him. At the trial, the defendant started his statement with a prepared, continuous account of his political views. He also underwent a lengthy incourt examination on this topic. Below follows a short presentation of some of the principal elements of the defendant's views.

The defendant is of the opinion that ethnic Norwegians have been under attack in the form of ethnic «deconstruction» since the Labour Party opened up for mass immigration in the 1960s. Norway has been transformed into a multicultural state, where the Norwegian indigenous population is in the process of being exterminated. All the parties in Parliament (Storting), but particularly the Labour Party, are responsible for this. Today's immigration policy will result in Muslims forming the majority population, first in large cities such as Oslo, during the course of 5 to 10 years, and later throughout the entire country.

Leading Norwegian politicians are participating, according to the defendant, in cooperation with European elites where the aim is to promote «multiculturalism». The multicultural project has never been submitted to Norwegian voters, but, on the contrary, has been kept concealed by politicians and the media. The Norwegian press has defining powers and real freedom of expression does not exist. What is today called democracy is in reality a cultural Marxist dictatorship. When nationalists and cultural conservatives are not allowed access to the media, it will not be possible either to stop the «deconstruction» of Norwegian ethnicity, culture and Christian value base, by using peaceful means. Armed revolution is then the only alternative. The defendant claims that if he and likeminded persons can force the Labour Party to change their immigration policy, then this could contribute to preventing civil war in Norway.

The defendant is of the opinion that Norwegian culture has been destroyed by the Marxists through a Marxist cultural revolution. The curriculum of Norwegian schools supports this. Songs such as «Children of the Rainbow» are used to brainwash school pupils. Women should not work, but devote themselves to their families and the production of ethnic Norwegian children. Institutions should also be established for this purpose. The defendant wishes to see a militant church, as the church was before the Reformation when the Pope was the highest military leader in Europe. Christian leaders in Norway and the rest of Europe should support militant nationalists who are fighting against the de-Christianization of Europe.

The defendant described himself as an ultranationalist. The mandate to kill in order to save «his people» is something he has given himself as cell commander of the Knights Templar. By means of the acts of 22 July 2011, he wanted to provoke a witch hunt against moderate cultural conservative nationalist. The witch hunt will contribute to more censorship, which in turn will lead to polarization and contribute to further radicalization. The more people lose faith in a peaceful fight, the more will become revolutionaries. The defendant describes the terrorist acts of 22 July as a preemptive attack in defence of the Norwegian indigenous people and Norwegian culture. He himself is merely a tool for a revolution. Universal human rights allow for the defence of one's own ethnic group and culture.

The defendant explains his own radicalization as the result of confrontations that he and his friends have had with Muslims during childhood and adolescent years. None of the defendant's friends who testified in court during the trial were able to confirm any of these incidents. The Court takes for a fact that the development of the defendant's anti-Islam views are connected, *inter alia*, with his rightwing extremist contacts on the Internet.



The Court would note that the evidence presented at the trial has demonstrated that the defendant's extreme immigrationcritical views are shared by others. Both the terrorist attacks in the USA on 11 September 2001 and the cartoon dispute in Denmark have nourished anti-Islamic currents. Within rightwing extremist groups there are also others who believe that there exists a secret cooperation to Islamize Europe, something that is expressed, *inter alia*, on a number of websites. Such conspiracy theories clearly have gained some foothold. One such conspiracy theory is called Eurabia. The supporters of this conspiracy theory claim, *inter alia*, that European countries are systematically being Islamized through planned immigration from Muslim countries. Few likeminded people share the defendant's view that this Islamization must be combated by means of terrorism. It suffices for the Court to refer to the fact that the witnesses Postdoctoral Fellow Lars Gule, journalist Øyvind Strømme, Professor Mattias Gardell, Senior Researcher Brynjar Lia and Professor Tore Bjørge all gave detailed accounts on this score.

### 3.4 Preparations

The defendant initiated the practical preparations for the terrorist acts in 2009.

In May 2009, he set up the company Geofarm, which in the course of March 2011 was converted into A Geofarm. The purpose of this business enterprise was presumably to purchase ingredients for the manufacture of the bomb.

It has been established that the defendant applied for credit cards to several credit card companies during September/October 2009. In total, he had ten different credit cards which he used. The total credit limit was NOK 235 000. The credit cards were hardly used before April 2011. The defendant ran out of funds in his Norwegian bank accounts on 26 April 2011. Most transactions after this date were made with credit cards. The remaining credit on 23 July 2011 was NOK 27 618.

In the compendium, the defendant is depicted in a selfmade uniform with references to the Knights Templar. The police have traced the purchases of uniform insignia back to eleven different purchases from eleven suppliers in five countries between September 2009 and May 2010.

Both in the Government District and on the island of Utøya, the defendant wore clothes and equipment which bore resemblance to the uniform of the police. The police have identified a total of 36 purchases from 29 suppliers in eight countries linked to this equipment between April 2010 and March 2011; however, most of the purchases were made between May and July 2010.

The defendant acquired four weapons – two rifles, one pistol and one shotgun – as well as ammunition for the weapons. He resold one of the rifles. In total, the police have identified 22 purchases linked to the weapons/ammunition from 14 retailers in four countries. Most purchases were made between May 2010 and June 2011.

On 6 April 2011, the defendant signed the lease to rent Vålstua farm in Østerdalen Valley from 1 May 2011. The rent was NOK 10 000 per month. The defendant paid a deposit of NOK 30 000. He moved to the farm on 4 May 2011. The main purpose of renting the farm was its suitability for the manufacture of the bomb.

The bomb which was detonated in the Government District, weighed 950 kilos with a probable explosive force of between 400 and 700 kilo of TNT. The explosive in the bomb, made by the defendant himself, consisted of a mixture of artificial fertiliser, diesel and aluminium. The police have identified 43 purchases from 36 suppliers in five countries between September 2010 and July 2011 which are linked to the manufacture of the bomb.

In court, the defendant described how the various components of the bomb were produced and put together to make the bomb. During interviews with the police, he also described the manufacturing process. The description has subsequently been verified by the police, who concluded that the bomb was manufactured like the defendant explained. The police have also carried out a test detonation of a bomb manufactured according to the defendant's descriptions.

The bomb was manufactured at Vålstua farm, and the defendant spent several weeks on this process. The Court was shown an illustration which the defendant himself made at the

request of the police. The drawing shows the manufacturing process of the bomb. An essential component was artificial fertiliser, which he bought from Felleskjøpet at Rena. The artificial fertiliser came in pills (small spheres) that had to be ground. The defendant used food processors to accomplish this.

On 15 July 2011, the defendant picked up the «bomb van», a VW crafter, from Avis car rental in Oslo. The defendant also rented a Fiat Doblò. On 20 July, he drove the Crafter to Oslo. He parked the car in the vicinity of his mother's flat and spent the night there. On 21 July 2011, he took the train back to Rena and a taxi back to the farm. At the farm, the defendant completed his last preparations before driving the Doblò to Oslo and parking it near his mother's flat at approximately 23:30. The defendant spent the night at his mother's flat.

In the morning of 22 July 2011, some activity on the defendant's computer has been registered from 08:15 until 10:39. The defendant then prepared to distribute his compendium. He then drove the Doblò, which he later used as a getaway car, from Skøyen to Hammersborg Torg Square, in the vicinity of the Government District, and paid for a parking ticket at 12:03. He walked from Hammersborg Torg Square, via the Government District, where he was filmed by CCTV cameras from 12:06:59 until 12:09:19, to Stortorvet. He then took a taxi back to his mother's flat.

Back in the flat, he uploaded the video «Knights Templar 2083 – Movie Trailer» to the websites Veoh.com and Youtube.com. The defendant explained that the video was made around February 2010, and that it is a short version of the compendium. The defendant made the video by downloading pictures from the Internet, edited some of them in Photoshop and combined all the pictures with text and music in Windows Movie Maker, the video editing programme. The video, which is mentioned at the beginning of the compendium, is a 12-minute 22-second footage. It consists of 99 still photos with images and/or text. The video is divided into four parts: (1) The Rise of Cultural Marxism in Western Europe, (2) Islamic Colonization, (3) Hope, (4) New Beginning.

The defendant sent out an email with the compendium as an attachment to a number of email addresses. The police examination of the defendant's computer showed that he attempted to send it to 8 109 email addresses at 14:09. The email with the compendium was registered as being received by 958 email addresses.

The defendant has explained that he used two Facebook accounts to distribute the email. He sent out friend requests to a great number of people, and whenever his friend request was accepted, he would save the email address in a list which in the end totalled 8 109 email addresses. Moreover, he has said that the addresses were collected in the course of a period of just over 4 months, from November 2009 to February 2010.

As part of the defendant's performanceenhancing preparations, he took three courses of anabolic steroids over an 18-month period prior to the terrorist attacks; one from February until May 2010, one from December 2010 until February 2011, and one from April until 22 July 2011. The last course consisted of a daily intake of 40 mg of Dianabol from 25 April to 15 June 2011, followed by a daily intake of 50 mg of Stanozolol. The defendant explained that he also worked out at a fitness centre and exercised by going hiking with a stonefilled backpack. Additionally, he obtained shooting practice through his membership in a pistol club.

Furthermore, the defendant took a stimulant called «ekastack», during the last two or three days before the terrorist attacks. Ekastack consists of ephedrine, caffeine and Aspirin. Professor Jørg Mørland, Dr. Med., of the National Institute of Public Health, who carried out an expert assessment of whether the defendant was under the influence at the time of committing the acts, wrote the following about the substance ephedrine in his expert report:

«Ephedrine can, depending on the dosage, have a stimulating effect on the central nervous system, similar to that of amphetamine. Higher dosages and higher blood concentrations can give intoxication symptoms where increased selfconfidence, increased willingness to take risks and chances, as well as impaired critical sense, may occur. It is also assumed that there will be an increased risk of aggression and violence.»

From the ephedrine and caffeine concentrations found in blood and hair samples taken during the early hours of 23 July 2011, Mørland concluded that during the period 12:00 to 15:30 on 22 July 2011, the defendant was «slightly to moderately» under the influence of a central nervous system stimulant, similar to the influence achieved after an oral intake of 10–30 mg of amphetamine by someone not accustomed to using it. The use of anabolic steroids was not considered to have resulted in any additional effect, but «the possibility that it may have exaggerated any aggression and hypomania/mania can not be completely ruled out».

The defendant has also explained that he prepared himself mentally for the forthcoming terrorist acts by using a meditation technique to «deemotionalise» himself. This technique, which according to the defendant is the same as the one used by Japanese warriors, involved efforts where he concentrated intensely on what he was doing, while listening to specially selected music. The defendant was observed with earplugs when he was walking around on Utøya, but he said himself that he did not listen to music while he was on the island.

Finally, the defendant explained that he played a violent computer game called «Call of Duty, Modern Warfare II» in the time leading up to the terrorist acts. He allegedly used the game to simulate combat with the police Delta force. Police investigation confirms that he played «Call of Duty» since 2010 for about 130 hours.

#### **4. Particulars of the terrorist acts**

##### **4.1 The Government District**

###### **4.1.1 Introduction**

On Friday 22 July 2011 around 15:00, the defendant drove the bomb van (the Crafter) from Skøyen to the Government District, where he parked it at 15:17 near Einar Gerhardsen Square. There are a number of CCTV cameras in the area. The bomb explosion itself and its impact have therefore been well documented, and approximately a 15-minute video footage from the relevant time period was played to the Court.

In the video, one can see the car being parked just outside the entrance to the H-block. As stated above, the defendant had placed a selfmade bomb of approximately 950 kilos inside the car. The defendant lit a fuse with a burn time of some seven minutes and then left the car by foot. The video shows that he walked briskly in the direction of his getaway car (the Doblò). The defendant was wearing a selfmade uniform with reflective ribbons and insignia, which resembled the police uniforms. He wore a bulletproof vest and a helmet with visor and he had a pistol in a holster strapped to his thigh.

The footage shows images from the explosion at 15:25:22 filmed by several CCTV cameras.

Eight people died as a result of the explosion. Many persons were injured, several of them seriously. The indictment names the dead and the nine persons who were most seriously injured. During the prosecution's opening statement, a list of 480 persons who were present in the Government District when the bomb detonated, but whose names were not included in the indictment, was submitted. At the trial, several of these persons gave detailed and strong testimonies about their experiences, which the Court has also used as its basis for the further presentation of the course of events. It was purely a matter of chance that no further human lives were lost.

No buildings collapsed as a result of the explosion, but several of the buildings in the Government District were completely destroyed by the bomb. Buildings inside a 100-metre radius of the blast were especially hard hit. Furthermore, shattered window panes were registered in a vicinity of 400 metres from the blast site. A large number of window panes in the Government District were shattered and building façades incurred material damage. Outside the H-block, glass, building debris and documents were strewn, blown out by the shock wave from the bomb. The bomb van left a 3–4-metre crater. Inside the buildings, furniture and equipment were smashed. The bomb sent heavy smoke aloft causing fire to break out in the R4 building, which houses the Ministry of Petroleum and Energy and the Ministry of Trade and Industry.

Dead and injured persons were found in the midst of the chaos of glass, documents and building debris, both inside and outside. Many injured people managed to get out on their own, but it was difficult to find the way inside the destroyed premises. Search and rescue work was also made difficult because of the extensive damage. In addition to the efforts of the fire and rescue personnel, security personnel, health personnel and the police, ministry employees and bypassers did what they could to help.

Many of those affected, including those who were not physically injured, have later struggled with psychological aftereffects of varying scope and duration. The Court received accounts of anxiety, a sense of feeling unsafe, depression, sleeplessness and concentration difficulties. Many people have been on sick leave after the terrorist attack. Professor Are Holen, Department of Neuroscience, Norwegian University of Science and Technology, and Associate Professor Dagfinn Winje, submitted their expert reports on 10 April 2012 concerning possible health problems that may result from the terrorist attacks in the Government District and on Utøya Island. Acute strain problems, posttraumatic stress disorder (PTSD), depression and/or various types of anxiety disorders are among the mental injuries that may be expected. At the trial, the experts elaborated further on various factors of the traumatising incident that may lead to an increased prevalence of mental injuries and reactions. Among other things, they emphasised factors such as the cause and gravity of the incident, whether the incident could have been predicted and prevented, and the scope of personal loss suffered, including the death of or serious injury to persons close to them.

#### **4.1.2 The murders**

The Court will first give an account of each individual murder. The descriptions below of where the deceased were located and the cause of death are based on the autopsy reports, as well as the statements of Police Superintendent Ole Morten Størseth and Doctor Arne Stray-Pedersen at the National Institute of Public Health.

N001, born \*.\*.1979, worked in the Law Department of the Ministry of Justice. He was on holiday, but was stopping by his workplace to hand in a manuscript. N001 was in the process of crossing Einar Gerhardsen Square on his way into the reception area of the H-block and was in the immediate proximity of the van when the bomb exploded. N001 died immediately of massive injuries caused by the shockwave and splinters/objects that hit him.

N002, born \*.\*.1977, worked in the International Secretariat of the Ministry of Justice. She was on her way out of the H-block and in the immediate proximity of the van when the bomb exploded. N002 died immediately of massive injuries caused by the shockwave and splinters/objects that hit her.

N003, born \*.\*.1981, worked in the Ministry of Labour and Social Inclusion. She was outside the entrance of the H-block when the bomb exploded and she died instantly of very extensive injuries to the head and body caused by the shockwave and splinters/objects that hit her.

N004, born \*.\*.1959, worked in the Office of the Prime Minister. She was in the reception area on the ground floor of the H-block when the bomb went off. She died immediately of extensive injuries to the neck and spinal cord caused by the shockwave and splinters/objects that hit her.

N005, born \*.\*.1950, worked as a receptionist with the Government Administration Services, and was on duty in the H-block at the time in question. She was in the reception area on the ground floor when the bomb exploded and she died immediately of extensive injuries to the chest and abdomen caused by the shockwave and splinters/objects that hit her.

N006, born \*.\*.1984, worked in the Civil Affairs Department of the Ministry of Justice. She was in the reception area on the ground floor of the H-block when the bomb exploded, and died immediately of massive injuries to the head and body caused by the shockwave and splinters/objects that hit her.

N007, born \*.\*.1978, did not have any connection to the ministries, but was running his own restaurant in Kristian Augusts gate. He happened to be walking past Grubbegata near the driveway leading to the H-block main entrance when the bomb went off. He died immediately of massive injuries to the head, chest and abdomen caused by the shockwave

and splinters/objects that hit him.

N008, born \*.\*.1954, did not have any connection to the ministries either. She was on her way home from work at EL & IT Forbundet (the Electrician and IT Workers' Union), and was in the proximity of the fountain at Einar Gerhardsen Square when the bomb exploded. She died rapidly of extensive injuries to the throat and chest caused by the shockwave and splinters/objects that hit her.

#### 4.1.3 The attempted murders

In the explosion, nine persons were seriously injured. Apart from two of these – N009 and N010 – they all testified in court. For Mr. N009 and Ms. N010, their police statements were read out at the trial. For all of them, medical certificates were submitted, describing their injuries in further detail.

The indictment provides an accurate description of the physical injuries inflicted upon these aggrieved parties. Nevertheless, the Court will give a brief description of the injuries. The descriptions below of how each person was injured, and the extent of the injuries, are based on the statements of the aggrieved parties and on medical certificates.

In addition to the physical injuries, are the psychological aftereffects. Here, the Court will not mention these specifically. However, it is obvious that many of the aggrieved parties have had considerable psychological reactions as a consequence of the terrorist act.

N009, born \*.\*.1949, was on his way to pick up his wife, who works in the Ministry of Justice, and he was standing outside the couple's car by the fountain at Einar Gerhardsen Square when the bomb exploded. He sustained extensive fracture injuries and wounds to the head/face and right lower leg, chest wounds and haemorrhaging under the dura mater. Several splinters had to be removed surgically from his chest and face, and his right leg subsequently had to be amputated below the knee. N009 was hospitalized in Oslo University Hospital from 22 July until 19 September 2011, where he was operated on approximately 13 times. Thereafter he stayed in Sunnaas Hospital until 15 November 2011 and at Fram Health Rehabilitation Centre until 10 January 2012.

N010, born \*.\*.1964, happened to cross Einar Gerhardsen Square to catch the bus, and was close to the fountain when the bomb exploded. She sustained extensive wounds to the head/face, chest, arms and legs. She had fractures to the skull and facial bones and injuries to both ears. The artery of her left upper arm was ruptured, causing injuries to nerves, muscles and ligaments of the same arm. Damaged tissue had to be removed from the chest. Her hearing has been impaired and she is suffering from tinnitus. She has a large scar from her chest to her right armpit. She has lost the force of her left arm, and is unable to lift her right arm. N010 was hospitalized in Oslo University Hospital from 22 July until 26 August 2011, where she underwent several operations, *inter alia*, to remove splinters.

N011, born \*.\*.1986, had a summer job at OBOS very close to the Government District, and was in Grubbegata at Einar Gerhardsen Square when the bomb exploded. He sustained serious wounds to the arms and legs, as well as burns to one of his arms. N011 was hospitalized in Oslo University Hospital from 22 July until the middle of August 2011 and underwent five operations, *inter alia*, to remove splinters. He has also had intense abdominal pains, possibly related to internal bleeding. N011 has been admitted to hospital thrice due to these pains.

N012, born \*.\*.1944, is employed with the Correctional Services Department at the Ministry of Justice. He was on the 4<sup>th</sup> floor of the H-block when the bomb went off. N012 fell unconscious as the bomb went off, and he woke up after a while without vision. N012 sustained extensive wounds and fracture injuries to the head/face, including a fractured jaw and extensive dental injuries, in addition to wounds on the arms and left flank. There were also lung and liver injuries caused by the pressure, and minor bleeding in the brain. Multiple eye injuries have resulted in an 80% loss of vision. N012 was hospitalized in Oslo University Hospital from 22 July until 24 August 2011, where he was operated on several times. Thereafter he was at the Cato Rehabilitation Centre until 21 September 2011. At the time of the trial, several operations still remained to be done. His hearing has been reduced, and he has suffered from head pains.

N013, born \*.\*.1987, had a summer job as a receptionist with the Government Administration Services. On 22 July she was on duty in the reception on the ground floor in the H-block. N013 was found on the outside of the building. She sustained serious head injuries, involving a cranial fracture, crush injuries to cerebral tissue and bleeding under the thin meninges. Furthermore, she sustained a fracture of the facial skeleton, pressure injuries to both lungs, injury to the liver and a number of wounds to the head/face and on both legs. N013 was hospitalized in Oslo University Hospital from 22 July until 22 August 2011. She underwent lifesaving treatment and was operated on several times. After the explosion she was in a coma for a long time, and later she has had vision loss and posttraumatic amnesia. For instance, she did not remember her parents' names. From Oslo University Hospital she was transferred to Sunnaas Hospital, where she stayed until 17 November 2011, and she was later hospitalized in the same hospital in the period 3 January to 22 February 2012 for cognitive treatment. N013 has studied political science for three years, but she has forgotten what she learned. She has plans to resume her studies, but is now being taught at lower secondary school level.

N014, born \*.\*.1950, is employed at the International Secretariat of the Ministry of Justice, and was on the 7<sup>th</sup> floor of the H-block when the bomb exploded. She made her way out of the building together with N015 and another colleague. N014 was taken to the emergency clinic and treated for extensive wounds to the head and face. Several of the wounds and injuries were closed with a total of some 60 sutures. N014 also sustained an injury to the left eye, resulting in impaired binocular vision. She has problems with coordination and depth vision, and suffers from dizziness and impairment of memory. She also has balance problems.

N015, born \*.\*.1961, works in the Polar Department of the Ministry of Justice. She was on the 10<sup>th</sup> floor of the H-block when the bomb exploded. N015 got out of the building together with N014 and another colleague. During the explosion she was hit by an approximately 30 cm long, fingerthick wooden splinter from the window ledge that penetrated the head next to the left ear, passing backwards between the cranium and the skin. N015 was treated at the Oslo Emergency Clinic, where the wooden splinter was removed surgically and the wound closed with 27 sutures. She explained at the trial that splinters were still coming out of her head. In addition to the abovementioned injury, she also sustained a concussion and an injury to a jaw muscle.

N016, born \*.\*.1980, works in the Norwegian Water Resources and Energy Directorate. He was on the first floor of the government building R4 when the bomb went off. N016 sustained, *inter alia*, serious head injuries involving bleeding between the brain and outer meninges, serious injuries to the abdomen involving considerable internal bleeding, as well as fractures of the neck and several ribs. N016 was hospitalized in Oslo University Hospital from 22 July until 10 August, where he was in a coma for nearly two weeks. He underwent lifesaving treatment and was operated on several times, and had to have, *inter alia*, parts of the small intestine removed and a drain tube inserted in the brain to relieve pressure after the haemorrhage. Besides, N016 was treated for pneumonia he contracted while in the coma. He was transferred to Sunnaas Hospital, where he stayed until 15 September 2011. Then he stayed at home for a month, before again being hospitalized in Sunnaas for one month.

N017, born \*.\*.1956, works in the Ministry of Transport and Communications, but was at Johan Nygaardsvold Square between the H-block and Akersgata when the bomb exploded. He was struck by flying objects and thrown across the square by a pressure wave. N017 was taken to Oslo University Hospital, where extensive fracture injuries and wounds to, *inter alia*, the head/face and to both legs were ascertained. He sustained fractures of the shoulder blade, collar bone and several ribs. Both lungs were punctured. The right ankle was crushed, and the left leg subsequently had to be amputated above the knee. He was kept in an induced coma for a few weeks. Especially the left side of the body was badly affected, with damaged muscles in the left arm. N017 was hospitalized in Oslo University Hospital from 22 July until 25 August 2011, where he underwent 10 operations before being transferred to Sunnaas Hospital for further treatment. He stayed in Sunnaas Hospital for seven months.

#### **4.1.4 Consequences for the central government administration**

Ingelin Killengreen, Secretary General of the Ministry of Government Administration, Reform and Church Affairs, stated at the trial that the terrorist attack had taken a heavy toll on the work at the Office of the Prime Minister and in the affected ministries. In addition to the loss of competent staff members, a number of employees had to be placed on sick leaves because of physical or psychological injuries that in part were quite serious. Also for employees not at work on 22 July 2011 it has been a heavy burden to have their workplace destroyed by a terrorist attack. Many have subsequently experienced mental reactions with a sense of fundamental uncertainty. The situation of the employees has not been made any the easier by the enormous workload that arose in the wake of the terrorist attack.

Work at the Office of the Prime Minister and the affected ministries was further complicated as a consequence of the enormous material damage caused by the bomb explosion. Comprehensive rescue work was initiated immediately and all the ministries in the Government District had to be evacuated. Timeconsuming efforts aimed at setting up alternative office solutions for several thousand employees also had to be initiated immediately. After having taken care of its functions in the Prime Minister's residence and in the Government's official residence for entertaining, the Office of the Prime Minister was given some office premises at the Ministry of Defence. For staff members of the various ministries and the Government Administration Services, different solutions were provided like home offices, rented premises and premises belonging to government agencies. Contact between staff members was maintained through the extensive use of courier cars, taxis and mobile phones. Additionally, access to the ICT systems had to be reestablished and security provisions applicable to information and premises had to be implemented. The terrorist attack also led to reprioritizing of daytoday tasks and to cases being delayed.

The efforts to obtain new premises have been an ongoing process and it still remains to be decided whether the buildings of the damaged Government District are to be used again. The financial consequences are also considerable. Expenses covered in 2011 and 2012 are estimated at MNOK 600, while a new Government District probably will cost between 5 and 10 billion NOK. It will take between 10 and 12 years to complete a new Government District.

## **4.2 Utøya Island**

### **4.2.1 Introduction**

After the defendant had lit the fuse of the bomb, he walked to the getaway car parked at Hammersborg Square and drove out of Oslo city. The defendant explained that he heard on the car radio that four persons had died and that the H-block had not collapsed. He thought then that the explosion had been a failure and he decided to go through with part II of the planned terrorist attack; to kill everybody attending the Norwegian Labour Youth (AUF) summer camp at Utøya. The defendant had checked AUF's website and he knew that Gro Harlem Brundtland was going to visit Utøya on 22 July 2011.

The defendant drove to the Utøya pier on the mainland side. The distance from this point to the ferry landing on Utøya is nearly 650 metres. The vessel MS Thorbjørn is used for transporting passengers. He stopped the car by the road leading down to the pier, he took off his bulletproof vest and he put on a combat vest with ammunition in the breast pockets. The defendant was still wearing uniformlike pants with reflective ribbons and a sweater with an emblem. Around his neck he hung a selfmade ID that was similar to the one used by the police.

He then drove down to the ferry landing and parked the car. At the ferry landing he talked to a camp participant who was on duty as a security guard for the AUF on the mainland side that day. The guard explained at the trial that the defendant drove slowly and in a controlled manner down to the ferry landing and he did not notice anything unusual about his behaviour. The defendant introduced himself as a police officer, and at the request of the security guard he exhibited his ID. The defendant said that he had come to secure the Utøya island in the wake of the terrorist attack in Oslo.

The guard then called the shipmaster of MS Thorbjørn and asked him to come and pick up a policeman on the mainland side. In addition to the deckhand, the shipmaster's cohabitant N019 also came with the ferry when it crossed over to pick up the defendant. The defendant brought with him a long box that he said contained bombdetection equipment. The defendant also fetched a rifle, which N019 asked him to cover. The rifle was then covered with two plastic bags. The shipmaster did not react to the defendant's behaviour on the mainland side either, but he explained in court that the defendant spoke fast and with determination and that he seemed «rigid» while talking with N019 on board the vessel.

The defendant was transported to Utøya on board the ferry MS Thorbjørn, and he arrived there at about 17:17 hours. He brought with him a semiautomatic rifle, a pistol, ammunition for both firearms, smoke grenades and other equipment.

There were 564 persons on the island of Utøya on 22 July 2011, most of whom were camp participants and members of the Norwegian Labour Youth, the AUF. The youngest camp participant was 13 years old. Others present on the island were administrative staff and their family members, including two children aged 10 and 11, representatives of Norwegian People's Aid and Norwegian and international guests.

Until the defendant was apprehended by the police at the Schoolhouse around 18:34 hours, he fired shots with his rifle and pistol at a number of persons on the island, in the water and on board boats. Police Superintendent Morten Støen from the National Criminal Investigation Service, KRIPOS, stated that the investigation had revealed that probably a total of 121 shots were fired with the pistol and 176 shots with the rifle. The defendant shot and killed a total of 67 persons on Utøya. In addition, two persons died of injuries they sustained while fleeing. The defendant shot and injured an additional 33 persons. Furthermore, a number of persons that were on Utøya sustained physical injuries while fleeing. In their opening statement, the prosecutors presented a list of 462 persons that were on the island of Utøya, but who have not been mentioned by name in the indictment. Several of them gave detailed and shocking statements at the trial, and these have been taken into consideration in the Court's presentation of the course of events below.

Shortly before the defendant shot and killed his first victims, the camp participants had received information about the explosion in the Government District. Panic arose as they realised shots were being fired on Utøya. Some hid indoors and in tents, while others ran to find hiding places around on the island and down towards the water's edge. Several tried to reach the mainland by swimming or using boats. Many observed in shock and disbelief that friends, fiancés and a cohabitant were shot and killed. Heartbreaking scenes unfolded as people hid, ran or swam for their lives while at the same time trying to help and comfort each other. In some places, the living and the dead lay side by side. Some were paralysed by fear as they were being shot at, some pretended to be dead, while others begged for their lives. Many hyperventilated. Telephone calls were made and text messages were exchanged with family and friends, partly to ask for help, partly to calm them down, and partly also to bid farewell. Many called the police's emergency phone number without getting through. In the ensuing panic and chaos, a number of persons were physically injured. Many had run off without shoes. The terrain was slippery because of the rain and people stumbled and slid through the forest, falling down steep slopes towards the water's edge.

Many of the survivors sustained psychological injuries and ailments of varying duration and seriousness. The Court has heard accounts of anguish, restlessness, depression and low spirits, apathy and inertia, nightmares and sleeplessness, concentration problems and feelings of guilt. Many have had to postpone their studies and some are on longterm sick leave. The quick and brave efforts of local residents of Hole Municipality and of camping tourists at Utvika Camping contributed towards limiting the damage and the number of victims. Several of them have subsequently been suffering from psychological aftereffects. According to the prosecution's list of those affected by the terrorist attacks that are not named in the indictment, five persons assisting in the rescue efforts were shot at. One of them gave evidence during the main hearing about his and his wife's rescue efforts. As already mentioned, the expert witnesses Holen and Winje have explained the mental health problems that may strike all those who were affected by the terrorist acts on Utøya on 22



July 2011.

#### 4.2.2 The murders

Below the Court shall examine each of the murders in the order they appear in the indictment, which corresponds to the assumed order in which they were committed on 22 July 2011. The two persons who died of injuries sustained while fleeing are, as in the indictment, mentioned last. In the indictment, a more extensive description is given of the injuries the victims sustained as a consequence of the shots. The descriptions below of where the victims were found and their causes of death are based on the autopsy reports and the evidence given by Police Superintendents Gøran Dyresveen and Trond Sandsbråten, and by Professor Dr. Med. Torleiv Ole Rognum, Head Physicians Kari Ormstad, Åshild Vege and Per Hoff-Olsen; the latter four all belong to the Norwegian Institute of Public Health. The more detailed description of the course of events is also based on witness statements from the survivors. Time indications, which are exact approximate times, have been taken directly from an overview of the course of events submitted by the prosecutors during their opening statement. Unless otherwise stated in connection with each individual victim, those killed and injured were youth participating at the summer camp of the Norwegian Labour Youth, the AUF.

After the defendant went on shore at the ferry landing on Utøya, he walked in the direction of the Information Building, hereinafter referred to as the Main Building, while the shipmaster of MS Thorbjørn drove the defendant's box up to the rear side of the Main Building. Between the ferry landing and the Main Building the defendant shot and killed two persons at about 17:21 hours.

N018, born \*.\*.1960, usually worked as a police officer at the Police National Immigration Service, and he was a volunteer civilian security guard at Utøya during the summer camp. He shook hands with the defendant between the Main Building and the pier, and was shortly afterwards shot from behind. He was hit by one shot to the occiput, one shot to the neck, one to the right side of his back, one shot to the left side of the lower back and one shot in his right upper arm. The shot to the occiput caused immediate unconsciousness and rapid death.

N019, born \*.\*.1966, she was the manager of AUF's management company Utøya AS and she had been working on Utøya for a number of years. N019 too was between the Main Building and the pier when she was shot. She was hit by three shots. One shot entered the right vertex, one shot entered the right cheek and one shot entered the back. The gunshot injuries to the head led to immediate death.

The defendant walked on past the Main Building in the direction of the Cafe Building. Here, he shot a person near the gravel road.

N020, born \*.\*.1967, was previously a security officer and he had been a security guard at the summer camps on Utøya for a number of years. He was between the Main Building and the Cafe Building when she was shot five times. He was hit by one shot close to the left ear, one shot to the left side of the abdomen, one shot to the right side of the chest, one shot to the right side of the back and one shot through the left cheek. The shot to the head caused immediate unconsciousness. N020 died of the gunshot wounds.

Next, the defendant continued towards the Cafe Building, where he shot and killed three persons outside the kiosk by the east end of the Cafe Building around 17:23. At some point after the defendant started shooting, one of the camp participants shouted in exasperation from an open window, asking him what he was doing. The defendant said he was a policeman who had come to protect them, which would be easier if they gathered outside.

The following persons were killed outside the kiosk by the Cafe Building:

N021, born \*.\*.1967, she worked for Norwegian People's Aid at Utøya. She was shot three times. She was hit by two shots to the head and one in the back. The head injury led to immediate unconsciousness and rapid death.

N022, born \*.\*.1981, was a painter by profession and was at Utøya as a trade union representative. He had given a presentation earlier that day. He was hit by two shots to the occiput and one in the back. N022 died immediately of the gunshot injuries to the head.

N023, born \*.\*.1986, was shot three times. He was hit by two shots to the head and one in the back. N023 died of the gunshot injuries to the head.

The defendant then walked south of the Cafe Building, where he shot and killed two youth and shot and mortally wounded two persons who later were found at the tent site. This happened around 17:25.

The following persons were killed by the south side of the Cafe Building:

N024, born \*.\*.1994, was in front of the Cafe Building. She was shot twice to the head. This happened after she had tried to talk sense into the defendant. N024 died immediately of gunshot injuries to the occiput.

N025, born \*.\*.1995, was in the vicinity of the outdoor stage by the Cafe Building, and was shot two or three times. He was hit by one shot to the head and one to the chest. N025 also had an entry wound in the left forearm, just below the elbow. This injury may have been caused by the projectile that passed through the head, or it may have been a separate shot. N025 died immediately of the gunshot injuries to the head and chest.

N026, born \*.\*.1996, was at the tent camp by the Cafe Building, and was shot three times. She was hit by one shot to the left shoulder, one shot to the back of the right knee and one shot to the front of the right calf. The gunshot injury in the back and the crush injuries to the lungs and external haemorrhage are assumed to have caused her death. According to V001's witness statement, N026 remained alive for several hours after being shot. The Court assumes this to be true.

N027, born \*.\*.1988, was at the lower part of the tent camp southwest of the Cafe Building, and was shot twice. He was hit by one shot in the back and one to the occiput. The gunshot injuries to the head caused immediate loss of consciousness. N027 died the next day at Oslo University Hospital from the head injuries.

The defendant then entered the Little Hall in the Cafe Building, where a number of persons had sought refuge. Some fled out through doors and windows in the adjacent rooms, while others remained in the Little Hall, where they sought refuge behind a piano and a table. The defendant shot and killed seven youth in the Little Hall from about 17:26.

The persons killed in the Little Hall were:

N028, born \*.\*.1995, was standing in the doorway between the Little Hall and the Big Hall of the Cafe Building and was shot three times. She was hit by one shot to the head, one from the rear to her right upper arm and one shot to her right thigh. N028 died immediately of the gunshots injuries to the head.

N029, born \*.\*.1993, was standing outside the door opening leading into the Big Hall and was shot six times. She was hit by one shot to the right temple, one shot to the throat, one shot to the right shoulder, one shot to the abdomen, one shot to the right flank and one shot to the right upper arm. The shot to the head led to immediate loss of consciousness and very rapid death.

The five others who were killed in the Little Hall were located along the wall between the Little and Big Hall.

N030, born \*.\*.1993, was shot three, possibly four times. She was hit by one shot to the head, one shot to the chest, one shot to the right hip and possibly a grazing shot to the back of her left lower leg. The head injury led to immediate loss of consciousness and rapid death.

N031, born \*.\*.1994, was shot four times. She was hit by two shots to the head, one shot to the back and one shot to the left shoulder. N031 died immediately of the gunshot injuries to the head and chest/abdomen.

N032, born \*.\*.1993, was shot three times – one shot to the head, one shot to the thorax and one shot to the right forearm. The gunshot injuries to the head led to immediate loss of consciousness and very rapid death.

N033, born \*.\*.1994, was shot six times. He was hit by one shot to the head, one shot to the chest, one shot to the right shoulder, one shot below the right knee, one shot to the right upper arm and one shot to the right arm. The head injuries led to immediate loss of consciousness. N033 died of the gunshot injuries to the head and chest.

N034, born \*.\*.1993, was shot eight times. He was hit by two shots to the head, one shot

to the right wrist, one shot to the left arm, one shot to the left upper arm, one shot to the thorax, one shot to the left leg and one shot to the left thigh. N034 died of the gunshot injuries to the head and cervical vertebral column.

From the Little Hall, the defendant moved to the Big Hall, which is located next door, where he shot and killed three persons who had huddled together along the wall towards the Little Hall and two persons along the windows. The time was now 17:27. Many had at this point in time managed to escape from the Big Hall through the corridor and adjacent rooms.

The persons killed in the Big Hall were:

N035, born \*.\*.1996, was shot three, possibly four times. He was hit by two shots to the head and one shot to the thorax. He may possibly have had a gunshot wound on the tip of his index and middle fingers. N035 died immediately of the gunshot injuries to the head.

N036, born \*.\*.1992, was shot three, possibly four times. She was hit by one shot to the mouth, one shot to the throat, one shot to the left shoulder and possibly one grazing shot to the left side of the abdomen. The gunshot injuries to the head and throat led to immediate loss of consciousness and very rapid death.

N037, born \*.\*.1995, was shot three times. She was hit by two shots to the head and one shot to the right shoulder. The gunshot wounds to the head led to immediate loss of consciousness and very rapid death.

N038, born \*.\*.1984, was hit by three shots. He was hit by one shot to the corner of his right eye, one shot to the right nose wing and one to the left cheek. The gunshot wounds to the head led to immediate loss of consciousness and rapid death.

N039, born \*.\*.1993, was shot twice, possibly three times. She was hit by one shot to the right side of the forehead and one shot to the right cheek. She also had an entry wound on the back of her right hand. This shot may thereafter have entered her right cheek. The injury to her head was immediately fatal.

The defendant then left the Cafe Building, but reentered and shot and killed one person in the corridor by the door leading into the Little Hall at approximately 17:28.

N040, born \*.\*.1994, was shot six times. He was hit by one shot to the head, one shot to the left flank, one shot to the left elbow, one shot to the right index finger, one shot to the left buttock, one shot to the rear of the right thigh. The injury to the head led immediately to loss of consciousness and rapid death.

After that, the defendant left the Cafe Building, walked through the tent camp and out onto what is called Lovers' Path. Here he shot and killed 15 persons in the period from approximately 17:31 to 17:37. The first 10 killings took place along a fence behind Lovers' Path southwest of the tent camp, where 11 young people had lain down in a cluster. Only one of them survived. The defendant tried to confuse them by asking them where the perpetrator was.

The persons who were killed along the fence behind Lovers' Path southwest of the tent camp were:

N041, born \*.\*.1994, was shot twice. She was hit by one shot to the throat which continued into the head, and one shot to the left shoulder. N041 died immediately as a result of the gunshot injuries through the head.

N042, born \*.\*.1990, was shot once in the head. He died immediately of the gunshot injuries.

N043, born \*.\*.1993, was shot five times. He was hit by two shots to the head, one shot to the throat, one shot to the back and one shot to the left thigh. N043 died rapidly of the gunshot injuries.

N044, born \*.\*.1994, was shot three times. She was hit by one shot to the head, one shot under the skin of her back and one shot to the right thigh. The gunshot injuries to the head led to immediate loss of consciousness and rapid death.

N045, born \*.\*.1993, was shot three times. She was hit by one shot to the head, one shot to the back and one shot through her right hand. N045 died immediately of the gunshot injuries to the head/throat/neck.

N046, born \*.\*.1994, was shot three times. She was hit by one shot to the occiput, one

shot to the right shoulder blade and one shot to the left ankle. N046 died immediately of the gunshot injuries to the head.

N047, born \*.\*.1993, was shot twice. He was hit by one shot to the occiput and one shot to the right ankle. The gunshot injuries to the head caused immediate loss of consciousness and rapid death.

N048, born \*.\*.1992, was shot twice in the head. The gunshot injuries to the head caused immediate loss of consciousness and rapid death.

N049, born \*.\*.1992, was shot three times. He was hit by two shots to the head and one shot to the neck. The gunshot injuries to the head caused immediate loss of consciousness and rapid death.

N050, born \*.\*.1993, was shot three times. She was hit by two shots to the head and one shot to the left middle finger. N050 died immediately of the gunshot injuries to the head.

Thereafter, the defendant walked a few metres southward and shot youths who had hidden under the cliff between Lovers' Path and the shore. Of all those who had climbed or slid down to hide on cliff ledges and along the edge of the water in this area, five were killed.

The persons killed on or under the cliff between Lovers' Path and the shore were:

N051, born \*.\*.1994, was located at the water's edge between the cliff below Lovers' Path and Naked Point. He was shot four times. He was hit by two shots to the right flank, one grazing shot to the right side of the back and one shot to the right side of the abdomen. N051 was found in the water, approximately 30 meters from the shore. N051 died immediately of the gunshot injuries to the chest.

N052, born \*.\*.1992, was shot twice. He was hit by one shot to the back and one shot to the outer side of his right knee. The gunshot injuries to the chest led to rapid loss of consciousness and rapid death.

N053, born \*.\*.1995, was shot four times. She was hit by one shot to the neck, one shot to the back, one shot to the right flank and one shot to the left flank. N053 died rapidly of the gunshot injuries to the neck and back.

N054, born \*.\*.1997, was shot twice in the left shoulder. She sustained gunshot injuries to the chest that caused immediate loss of consciousness and rapid death.

N055, born \*.\*.1995, was shot once in the right groin and was possibly also hit by a grazing shot. The gunshot injuries to the abdomen led to loss of consciousness and relatively rapid death.

The defendant then walked toward South Point and through the forest in the direction of what is called the Schoolhouse. He shot and killed two persons in the forest east of the Schoolhouse between 17:40 and 17:44.

The persons killed in the forest east of the Schoolhouse were:

N056, born \*.\*.1994, was shot twice. N056 was hit by one shot to the head and one shot to the abdomen. N056 died immediately of the gunshot injuries to the head.

N057, born \*.\*.1996, was shot three times. He was hit by two shots to the head and one to the throat. The head injuries led to immediate loss of consciousness and rapid death.

Thereafter the defendant moved to the Schoolhouse and fired two shots through the door without hitting any of the nearly 50 persons who were hiding in the building. He then moved on to the pier below the Main Building where he fired shots at the boat Reulf carrying twelve escaping youths. The boat sustained gunshot damage, but none of the youths were hit. When the defendant passed by the Main Building on his way to the pier, he threw a smoke grenade at a window in the Main Building in order to try and smoke out the persons hiding there. When the pane failed to shatter, he threw another smoke grenade at the building from the opposite side. This smoke grenade went off inside the building, but no one came out. At the trial, the defendant stated that he had also brought diesel with him in order to put fire to the buildings on the island, but he had lost his lighter and was therefore not able to carry out this part of the plan. Only later did he find out that diesel is noncombustible.

The defendant then went back to the Cafe Building, where he found a mobile phone and called the police for the first time at approximately 18.00. He came through to the police and

stated that he was willing to give himself up. Contact was interrupted shortly afterwards. The defendant then walked on to Stoltenberg Rock and Bolsjevik Cove where many youths had gathered along the shore. Here he shot and killed eight youths during the period from approximately 18:01 to 18:08.

The persons killed at Stoltenberg Rock were:

N058, born \*.\*.1992, was shot once in the back of the head. The gunshot injuries to the head led to immediate loss of consciousness and rapid death.

N059, born \*.\*.1993, was shot three times. He was hit by two shots to the head and one to the back. The gunshot injuries have in combination led to immediate loss of consciousness and rapid death.

N060, born \*.\*.1993, was shot three times in the head. The gunshot injuries to the head led to immediate loss of consciousness and rapid death.

The persons killed at Bolsjevik Cove were:

N061, born \*.\*.1993, was shot once in the head. N061 died immediately of the gunshot injury to the head.

N062, born \*.\*.1992, was shot three times. She was hit by one shot to the throat/head, one shot to the back and one shot to the left hand. N062 died immediately of the gunshot injury to the throat/head.

N063, born \*.\*.1994, was shot three times. She was hit by one shot to the head, one shot to the left shoulder and one shot to the left breast. N063 died immediately of the gunshot injury to the head.

N064, born \*.\*.1992, was shot four times. He was hit by two shots to the back, one shot to the left buttock and one shot through the left wrist. N064 died rapidly of the gunshot injury to the chest.

N065, born \*.\*.1993, was shot three times. She was hit by two shots to the head and one shot to the back. N065 died immediately of the gunshot injury to the head and chest.

The defendant moved thereafter to the so-called Pumphouse. Here too, many persons had gathered, whom he tried to deceive by asking them if they had seen the perpetrator. The defendant said he was a police officer, that the perpetrator was still on the island and that he had a boat that could save them by taking them over to the mainland. Some of the youths moved forward toward the defendant and when one of the youths asked whether he could identify himself, the defendant started firing. From approximately 18:13, the defendant shot and killed 14 youths at the Pumphouse and in the lake water beyond.

The persons killed by the Pumphouse were:

N066, born \*.\*.1992, was shot once in the head. N066 died almost immediately from the gunshot injuries to the head.

N067, born \*.\*.1995, was shot once in the abdomen. N067 died of haemorrhaging from the gunshot injuries to the abdomen. She lost consciousness within a minute and died immediately thereafter.

N068, born \*.\*.1993, was shot three times. He was hit by one shot to the head, one to the back/chest and one to the left hip. The head injuries caused immediate loss of consciousness and rapid death.

N069, born \*.\*.1994, was shot at least three times, possibly four times. He was hit by one shot to the left shoulder, one to the lower back and one to the left flank. He was also injured by a grazing shot to the left hand. The gunshot injuries to the throat caused rapid loss of consciousness. N069 died of the gunshot injuries to the chest and abdomen.

N070, born \*.\*.1990, was first shot in the right leg by the café. She was subsequently shot twice at the Pumphouse – one shot to the head and one through the left hand. N070 died immediately of the gunshot injury to the head.

N071, born \*.\*.1995, was shot twice. He was hit by one shot to the occiput and one to the back. The gunshot injuries to the head and throat led to immediate loss of consciousness and rapid death.

N072, born \*.\*.1991, was shot once in the head. N072 died immediately of the gunshot injury to the head.

N073, born \*.\*.1992, was shot once in the head. N073 died immediately of the gunshot injury to the head.

N074, born \*.\*.1991, was shot three times. She was hit by one shot to the occiput, one grazing shot to the face where a projectile fragment entered the thoracic cavity, and one shot to the left elbow. The head injury caused immediate loss of consciousness and rapid death.

N075, born \*.\*.1995, was shot three times. He was hit by two shots to the head. He was also wounded in the right upper arm. N075 died immediately of the gunshot wounds to the head.

N076, born \*.\*.1989, was shot four times. He was hit by one shot to the back, one to the neck, a grazing shot to the neck and another grazing shot to right side of the occiput. The shot to the neck led to immediate loss of consciousness and rapid death.

N077, born \*.\*.1993, was shot three times. She was hit by one shot to the throat, one to the back and one to the right buttock. The gunshot injuries to the head and chest led to immediate loss of consciousness and rapid death.

N078, born \*.\*.1983, was at the water's edge below the Pumphouse. He was shot twice in the head. The gunshot injuries to the head led to immediate loss of consciousness and death.

N079, born \*.\*.1992, was shot once in the head. The gunshot injury to the head led to immediate loss of consciousness and fairly rapid death.

From the Pumphouse, the defendant moved to the West Point where he fired at people and boats. At approximately 18:24 he called and spoke to the police for the last time. During this call as well, the defendant stated that he was willing to give himself up.

The defendant then walked to the South Point of Utøya where many youths had gathered. Some were hiding in the bushes, whereas others were preparing to swim over to the mainland. The defendant shot and killed five youths at the water's edge at approximately 18:30.

These persons were killed at the water's edge at the South Point:

N080, born \*.\*.1988, was shot twice in the back. N080 died of the gunshot injuries to the back. It took several minutes before she died.

N081, born \*.\*. was shot three, possibly four times. He was hit by one shot to the head and one through the throat. Two shots went through the right arm and hand. One of the shots travelled further into the head. N081 died immediately of the gunshot injuries to the head.

N082, born \*.\*.1995, was shot once in the head. The gunshot injury to the head led to immediate loss of consciousness and rapid death.

N083, born \*.\*.1991, was shot at least once. He was hit by one shot to the shoulder which continued into the head. The other gunshot wound stemmed from a grazing shot to the right hand and could have been caused by the shot to the shoulder. The gunshot injuries to the head and throat led to immediate loss of consciousness and rapid death.

N084, born \*.\*.1994, was shot three times. She was hit by one shot to the neck, one to the chest and one to the left buttock. N084 died of the gunshot injuries to the head and chest. The head shot led to immediate loss of consciousness and rapid death.

From the South Point, the defendant walked toward the Schoolhouse where he was arrested by the police at 18:34.

Two persons died while trying to escape from the defendant's shots.

N085, born \*.\*.1994, was among the persons fired at outside the South Point the first time the defendant was there at approximately 17:40. N085 was not hit, but drowned while attempting to escape from the island by swimming away. He was found outside the South Point at a depth of 6 metres. His respiratory tract was filled with foam and he had heavily inflated lungs. He had no physical injuries.

N086, born \*.\*.1994, died as a result of a fall while attempting to escape between approximately 17:37 and 18:01. He fell off a cliff at the island's West Point and down into the water. He sustained, *inter alia*, a fractured cranium, pelvic fracture, tear in the right lung and spleen and comprehensive haemorrhaging in the right thoracic cavity. The cause of death is not clear. The fall injuries have not caused immediate death. Changes in his respiratory tract could indicate drowning.

### 4.2.3 Attempted murders

In additions to those murdered, altogether 33 persons were hit and injured by gunshots. The defendant stated in court that it had been his intention to kill all present on Utøya. That this was indeed the intention of the defendant is also clear from the statements of the injured and other witnesses who described his determined conduct during the shooting. With a couple of exceptions, the defendant shot at every person he saw.

The injured parties testified in court, with the exception of N091 and N114. The descriptions below of how each person was injured, and the extent of the injuries, are based upon the testimonies and medical certificates of the injured parties. As regards the injuries, the Court limits itself to accounting for the number of gunshot injuries and the physical consequences of these injuries. The Court also includes certain brief descriptions of the defendant, provided by the injured parties. Selfevidently, many of the aggrieved parties have also had considerable psychological reactions following the terrorist act. We refer to the general discussion on this matter in section 4.1.1.

The following persons were shot and injured by the defendant:

N087 was born on \*.\*.1991. N087 stated that she was in a tent at the tent camp when she understood somebody was shooting on Utøya. She and her girlfriend ran out. While fleeing the perpetrator, she was shot in the right forearm. She heard many shots; there was panic and chaos around her. N087 and her girlfriend were able to swim to the mainland. The water was icy cold, and she lost the feeling in her legs and arms. On the mainland side, she was received by ambulance personnel, and was quickly evacuated to an Esso gas station nearby.

Several projectile fragments in the arm had to be surgically removed. N087 has been on medical leave since February this year, and is still receiving treatment.

N088 was born on \*.\*.1991. N088, like N087, was at the tent camp when he heard gunshots. A group of youngsters came running, shouting that he must run. He ran into the forest. He turned around and saw an armed man in uniform emerge from the Cafe Building. The man stood at the top of the hill, and it seemed as if he was trying to gain an overview of what was going on. He did not talk to anybody, he just stood there looking. Suddenly he raised the gun at N088 and the others who were with him. N088 was hit once in the back, near the right shoulder blade. He hid under a tree and was able to call the emergency hotline 113. He was advised what to do, and was later called by the police. The gunshot injury made it very difficult to breathe, and he believes he fainted several times while lying under the tree.

The gunshot caused fraction injuries to the shoulder blade and in the 3<sup>rd</sup> and 4<sup>th</sup> rib. He got numerous projectile fragments in the body, and the right lung was damaged. N088 was hospitalized in Oslo University Hospital from 22 July until 1 August 2011. His lung function has been somewhat reduced by the gunshot injury.

N089 was born on \*.\*.1992. N089 explained that she was sitting on the outdoor stage near the tent camp when she heard bangs. Many persons came running, saying there was a man firing shots. A man in a police uniform came walking calmly down the path. At that point in time, N089 was standing together with between 30 and 50 persons at the end of the tent camp. When several in that group walked towards the defendant, he lifted the rifle and fired shots. N089 and the others ran into the forest. She said that she heard many shots and that bullets passed just above her head. While fleeing she was hit by a bullet fragment in her right thigh, but the injury was not a serious one. She did not notice that she had been hit and continued running, first towards Lovers' Path, then changing direction towards the South Point. From there she started swimming together with several others. When they had reached a certain distance from the shore, she saw the defendant coming down to the South Point. The defendant shouted in a loud voice that they should stop and return. She saw him aiming at people standing there and she saw them fall. While N089 was swimming she had an asthma attack, which made it very difficult for her to breathe and consequently very difficult to swim. She vomited several times while swimming. After about one hour in the water she was picked up by a rowboat between 50 and 100 metres from the mainland and brought into safety.

After the swim, N089 suffered an inflammation in her hip and knee, obliging her to use crutches for one month. She still has pains in her hip, knee and thigh.

N090 was born on \*.\*.1994. She was at the tent camp when the defendant landed on Utøya. While she was fleeing the shooting, she was shot at and hit by several bullet fragments in her left lower leg. N090 ran to the South Point, where she undressed and started swimming. Since the water was cold she changed her mind and swam back to shore. She then ran to the pier below the Main Building, where some persons were trying to start the vessel Reiulf. N090 jumped into the water again and was pulled on board the boat. She saw a man in a police uniform by the pier, but she did not immediately understand that it was the perpetrator. There were some who shouted that he was the perpetrator. The defendant fired shots at them and several shots hit the boat. The defendant seemed calm and in no hurry.

N090 was admitted to Asker and Bærum Hospital for about 24 hours, where she underwent surgical treatment with wound toilet and removal of several fragments. She still has splinters in her lower leg and it hurts if she uses her leg too much.

N091 was born on \*.\*.1996. N091 did not give evidence in court. Her police statement relates that she was at the tent camp when she realised shots were being fired on the island. While she was fleeing the place, she was shot at and hit in her right shoulder and upper arm. She was also shot in the right side of abdomen, either simultaneously or somewhat later. The shot to the shoulder caused fracturing of the shoulder blade and damage to the right lung. The shot to the abdomen penetrated the subcutis and fatty tissue.

N091 underwent hospital treatment for approximately 12 days from 22 July 2011 in, *inter alia*, Oslo University Hospital, where she underwent surgery involving extensive wound toilet. According to a medical certificate of 22 February 2012, the damage to the shoulder area may entail permanent injury.

N092 was born on \*.\*.1995. N092 was at the tent camp when she was shot while fleeing and she was hit in her right forearm. The shot went through the arm. She stated that it felt like being hit with a bat. She ran to the Schoolhouse and was taken into a bedroom, where her wounds were examined by a person from Norwegian People's Aid. She hid under the bed. After a while, the defendant came over to the Schoolhouse and fired shots through the window. Several of those present screamed in fear. N092 thought the defendant was inside the Schoolhouse and that he would enter the bedroom. She heard the shots gradually become more distant.

N092 was admitted to Oslo University Hospital on 22 July 2011, where she underwent surgery including wound cleansing. She was then transferred to a local hospital.

N093 was born on \*.\*.1994. She was sitting inside the tent with two girlfriends when somebody shouted that they had to get out. They walked down to a group that had gathered at the end of the tent camp. Suddenly everybody started to run. Chaos ensued, and several tripped over tent ropes. She did not see the defendant. N093 was shot while fleeing and she was shot in her left lower leg, but no serious injury was caused. She ran to the South Point, where she took off some clothes and started swimming. When she had come about 100 metres away from the beach she heard shots and saw a figure dressed in dark clothes. It looked like he shot at a person on the beach. N093 was picked up by a boat and she received help when she was let off on the mainland.

N094 was born on \*.\*.1989. She explained that she was on the kitchen team and that she was in the Cafe Building doing dishes when she heard a bang. She sought refuge in the Little Hall, where she and several others hid behind a piano. N094 was shot at least four times. The shots first hit her hands, then her jaw and then her chest. N094 explained that she tried to keep her jaw in place. She did not see the defendant, but she now knows that he stood over the piano while he was shooting. He then moved in behind the piano and continued firing at those lying there. N094 got up and ran out of the building. There she collapsed. She was bleeding profusely from her wounds and tried to stop the bleeding while crying out for help. Many ran past her, looking scared. V002 came over to her and managed to carry her over to the skateboard ramp between the Cafe Building and the Pumphouse. There her wounds were dressed and the haemorrhages stopped.

N094 was admitted to Oslo University Hospital and she underwent surgical treatment of



the jaw fracture and the wounds. She underwent surgery a total of five times and she was discharged from the hospital on 19 August 2011.

N095 was born on \*.\*.1994. She was in the Little Hall in the Cafe Building when she was shot twice. One shot hit her left knee and one shot hit her left shoulder. N095 explained that many shots were fired in quick succession. Several persons were shot, and one of them fell on top of N095. She lay with her eyes closed. The shooting stopped and she heard the defendant reload. He then fired controlled single shots. N095 did not hear the defendant say anything in the Little Hall. When the defendant had gone out, she heard shouts but did not understand the words. She first thought there were several perpetrators shouting messages to each other, but she has later thought that they were battle cries.

The shot that hit N095 in the knee entered on the inside, continued through fat/muscles in the thigh and lodged under the skin on the outside of the thigh. The shot to the shoulder did not cause serious injuries. She was admitted to Asker and Bærum Hospital on 22 July 2011, where she underwent surgical treatment for her leg injury and removal of the projectile. The following day, N095 was transferred to Telemark Hospital for further treatment. She was discharged on 30 July 2011.

N096 was born on \*.\*.1993. He was in the Little Hall in the Cafe Building, where he was shot once in the left foot and once in the arm. The defendant fired many quick shots at the many persons who were in the Little Hall. According to N096, the defendant reloaded, and several of those who were in the same place as N096 tried to hide behind a piano and a table. The defendant then fired shots at them. N096 let himself fall down and played dead. A friend of his, N034, fell partially on top of N096. So did N033. Both N034 and N033 were shot several times in the body before the defendant shot them in the head, whereupon they died. After the defendant had shot N034, he reloaded very calmly. Then he entered the Big Hall, where he continued shooting.

The shot that hit N096 in the foot, entered on the outside, fractured bones in the metatarsus and wound up in the heel bone. He was admitted to Asker and Bærum Hospital on 22 July 2011, where he underwent surgical treatment with wound toilet and removal of a projectile. The following day, N096 was transferred to Østfold Hospital for further treatment, where he was discharged on 2 August 2011. He has undergone a total of four operations. N096 still has a lot of pain in his foot, and he takes painkillers almost every day.

N097 was born on \*.\*.1991. N097 was in the Little Hall in the Cafe Building when he saw the defendant arriving, walking calmly up the stairs to the Cafe Building. According to N097, the defendant looked confused and his face seemed contorted with a mixture of anger and joy. N097 was in the Little Hall with his female friend N029. When the defendant entered the room, N097 pulled N029 down to the floor, so that she lay beside him. She was killed.

N097 was shot once in his face with the pistol. The shot entered the left side of the face, passing through the palate and exiting under the right eye, causing, *inter alia*, crush injuries in the eye socket and injury to the optic nerve. The projectile was millimetres away from the main artery. After some critical hours, he was taken to Oslo University Hospital by helicopter, where he underwent several operations before being discharged on 1 August 2011. He explained that the injury in the palate now has healed completely, but that parts of his face are still numb. He has only 10 percent vision left on his right eye, and he sometimes has double vision. He has been on a 90 percent sick leave since 22 July 2011.

N098 was born on \*.\*.1990. N098 explained that she was in the doorway between the Little Hall and the corridor of the Cafe Building when she was shot at. She was hit by one shot to her right knee. N098 has stated that after she was hit, she ran over to the Dining Hall, where she jumped out the window. She then ran to the Pumphouse, where two other persons dressed her wound. N098 tried to run on, but she did not manage because of the gunshot injury to her leg. According to N098's statement, she was then carried some distance by others on the island. However, the sound of shots was drawing closer and she asked the others to run. As for herself, she lay down on the ground and played dead. She saw the defendant five to ten metres from where she lay, but the defendant continued walking without doing any more to her. After a while, N098 was carried on board a boat that arrived,

and she was evacuated together with several others.

The shot that hit N098, entered on the outside of the knee, passed through the femur and fractured it. N098 was admitted to Ringerike Hospital, where the femoral fracture was stabilised. The following day she was transferred to Østfold Hospital, where she underwent surgical interventions including removal of the projectile, wound toilet and treatment of the femoral fracture. She was discharged on 31 July 2011. She is to undergo another surgery in the autumn of 2012 to remove a plate in her leg.

N099 was born on \*.\*.1992. N099 has explained that he was in the Big Hall in the Cafe Building when he was shot. Next, he fled the building. He was unaware that he had been shot until he met someone who told him so. Because of the gunshot injuries it became increasingly difficult to walk, but he received help from three other persons and he ended up at the South Point. N099 has stated that while he was sitting there, the defendant came and asked with a calm, kind voice: «Have you seen him?» N099 perceived this as the defendant trying to trick them into believing that he was a police officer looking for the perpetrator.

N099 chose to hurl himself into the water. He does not know how to swim, but he managed to move 2 or 3 metres away under water. He saw projectiles strike around him. When he surfaced he saw blood around him, and he believes he was hit by bullets while he was in the water. He managed to get over to a rock, where he hid until he was saved.

N099 was hit in both thighs and the right ankle. The bullets caused gunshot wounds, and N099 was admitted to Ringerike Hospital from 22 to 25 July 2011. He underwent surgery twice, where soft tissue and a projectile fragment were removed from his right thigh and the gunshot wounds were cleaned and sutured.

N100 was born on \*.\*.1992. N100 explained that after the information meeting concerning the explosion in the Government District, she sat down in a corner of the Big Hall to charge her mobile phone. She sat together with N035 and N036. N100 spotted the defendant, who shot at them. All three were hit. N035 and N036 were killed. N100 was shot in the neck, left upper arm and left little finger. As a consequence of the shots she was thrown backwards. N100 has testified that N036 ended up lying on top of her, and that she understood that N036 was dead.

The shot to the throat caused the fracturing of the 3<sup>rd</sup> and 4<sup>th</sup> cervical vertebrae and damage to the spinal cord, as well as extensive tissue damage. The shot to the upper arm led to extensive fracture injuries. She was admitted to Oslo University Hospital on 22 July, where she was operated on several times for fixation of the cervical fracture, frame fixation of the left upper arm and partial amputation of the left little finger, in addition to wound toilet. N100 was transferred to St. Olav's Hospital on 15 August, where she was hospitalised until 30 November 2011. Due to the internal fixation of the neck with a titanium plate, her throat is more constricted. She has sustained permanent damage to the spinal cord and permanent nerve damage in the hand. She suffers from spasms in the legs and in one arm. She can not run. If she sits down for a while, she has difficulty walking because the muscles tighten.

N101 was born \*.\*.1994. N101 stated that she was on Lovers' Path and was shot once in the left side of the head. N101 was the only one in a group of eleven people who survived. They had lain down next to each another and played dead. N101 was holding the hand of her best friend N044 when the defendant came and shot them one by one. N101 explained that she noticed that her friend was killed. After a while, N101 managed to drag herself into the forest. There she met V003, who helped her on her way. Finally, they reached the so-called Rock Tent, which they entered after V003 had checked that it was empty. V003 went off to find some bandages to dress N101's wounds with. N101 heard shots while V003 was gone and for a while she thought that V003 had been killed. However, V003 returned with bandages and dressed N101's wounds. N101 explained that she then saw some dark shoes and dark trousers pass by outside the tent and that she recognised the defendant's legs. After a while a policeman entered the tent. N101 saw that the uniform was different, but nevertheless thought they would be killed. The policeman reassured them. He stepped outside and returned with another policeman plus an injured boy. They had to wait in the tent for a while because the area had not been secured.

The shot that hit N101 caused scalp lesions and a cerebral haemorrhage. N101 was hospitalised in Ringerike Hospital, Oslo University Hospital and Vestfold Hospital from 22 to 25 July 2011.

N102 was born \*.\*.1993. N102 stated that she was standing by the Toilet and Shower Block when somebody came running past and said that there was shooting on the island. N102 then ran along Lovers' Path and tried to hide on a cliff ledge below the path. She was nevertheless shot by the defendant, at least once. As a result of the shot or shots, she was thrown off the ledge where she was lying. N102 explained that she hyperventilated and that it felt as if her body was swelling up. Her legs did not obey her, but she managed to pull herself down to some bushes, after which she fell down into the water. Gradually, she developed severe hypothermia, felt nauseous and vomited blood. She was finally helped out of the water and was later transported off the island.

One shot entered the lower back, damaging, *inter alia*, the left kidney and the pancreas tail, colon and spleen. She was initially admitted and operated on in Drammen Hospital, where, *inter alia*, the left kidney was removed and the hole in the colon repaired. She was thereafter transferred to Oslo University Hospital on 24 July for new operations. In addition to the abovementioned abdominal injuries, she sustained extensive injuries to the nerve roots of the lumbar back, involving paralysis of musculature, especially in the left thigh. Following discharge on 18 August, N102 was transferred to Sunnaas Hospital for further treatment. She still uses crutches and has strong pains in the left leg.

N103 was born \*.\*.1993. Hanssen stated that he and his 14-year old brother were in the tent camp when they realised that shots were being fired on Utøya Island. They ran off and hid under a cliff ledge below Lovers' Path. There were about ten people there when they first arrived, but more kept coming. N103 was shot and he fell down to the edge of the water. While he was lying there, he was shot again. His brother managed to get away without being shot.

N103 was hit by five shots – in the head, left shoulder region, left hand, thigh and right forearm. The shot to the head entered the right side and caused extensive injuries, involving an open cranial fracture and damaged brain tissue, in addition to damage to the right eye and adjacent bone structure. He has lost vision in his right eye and uses an ocular prosthesis. The shot to the shoulder region shattered the shoulder joint and damaged the nerves leading into the left arm. The shot to the left hand caused extensive injuries and resulted in the amputation of three fingers. N103 was admitted to Oslo University Hospital on 22 July 2011, where he underwent intensive treatment and was operated on numerous times before being transferred to Sunnaas Hospital on 15 August 2011 for further treatment.

N104 was born \*.\*.1992. N104 stated that she was on her way to the Cafe Building when she heard shots. First she hid inside a tent and then ran over to the «Troms County camp». Those who had gathered there were very uncertain about what was happening, so she ran off into the forest. There she met N091 who had been shot. While she was pulling N091 along, she saw N027 lying on the ground. He was breathing but she was not able to establish contact with him. She met V004, who then took care of N091. N104 then went to hide under the cliff ledge near Lovers' Path. While she was lying there, she swapped places with V005. As N104 looked up, she saw the defendant. He shot her in the stomach. N104 explained that it felt as if the stomach exploded. She moved towards the edge of the water and was then shot in the arm. Nevertheless, she managed to move forward and hid sitting down against the cliff at the water's edge.

N104 was hit in the stomach, right elbow/upper arm, right knee region and right part of the thoracic wall. The shot to the stomach damaged, *inter alia*, the colon, small intestine and abdominal wall. The shot to the elbow/upper arm caused extensive soft tissue damage and the shot to the knee damaged tissue, ligaments and the joint capsule. She was initially admitted to and underwent emergency surgery at Ringerike Hospital, where, *inter alia*, a portion of the colon was removed. She was thereafter transferred to Oslo University Hospital on 23 July 2011, where she underwent several operations to, *inter alia*, remove the right part of the colon and a portion of the small intestine. Upon discharge on 22 August, N104 was transferred to the University Hospital of North Norway, where she was hospitalised until 29

August 2011.

N105 was born \*.\*.1993. N105 stated that he saw the defendant walk by the Cafe Building and that the defendant shot a person three times. N105 ran away with N051 and V006. They were hiding at the edge of the water below Lovers' Path.

N105 was shot at and was hit in the right flank. A smaller projectile fragment entered the upper right part of the stomach, without causing serious injuries.

N106 was born \*.\*.1994. She stated that she was on Utøya Island with her 14-months younger sister, N037. Her sister was killed. N106 was in the tent at the tent camp when she heard gunshots. She ran down to the cliff below Lovers' Path, where she was shot twice.

N106 was shot once in the stomach and also sustained a 10-cm long wound to the inside of her right upper arm. She sustained injuries to the right lung and below the right shoulder blade, fracturing of two ribs and a number of projectile fragments in the thoracic wall and flank on the right side. N106 was admitted to Oslo University Hospital on 22 July, where she was operated on seven times and was discharged on 10 August 2011. She still has pains in the forearm.

N107 was born \*.\*.1996. N107 stated that she was with some other people from Troms County in the tent camp when they heard gunshots. N107 too ran to the cliff below Lovers' Path. Initially, she was lying under a ledge, but when the gunshots came nearer, she inched down towards the edge of the water. There she was shot a total of four or five times.

N107 was hit in the abdomen, throat region and both thighs. The shot to the abdomen led to massive bleeding, and parts of the small intestine and colon later had to be removed. The shot to the throat necessitated the removal of parts of the musculature between the shoulder and back and she had to have skin grafts. The gunshot injuries to the thighs necessitated the removal of muscle mass, 400 grams from the left thigh and 200 grams from the right. She was hospitalised in Oslo University Hospital from 22 July to 16 August and was operated on six times. N107 was thereafter transferred to the University Hospital of North Norway from 26 August to 13 September for further treatment.

N108 was born \*.\*.1994. N108 stated that she was standing in front of the Cafe Building, where she met a friend, when she heard several bangs. They ran to Lovers' Path, where N108 then hid under the cliff ledge below the path. She was shot at least twice.

The gunshots entered the right arm causing a relatively large open wound on the forearm and two wounds on the upper arm. N108 was hospitalised in Ringerike Hospital from 22 to 24 July 2011, where she underwent surgical treatment, involving, *inter alia*, wound toilet and the removal of projectile fragments. She was thereafter transferred to the University Hospital of North Norway, where she was hospitalised for two weeks.

N109 was born \*.\*.1992. N109 explained that he was in the barn near the Main Building when he heard bangs and shouting outside. He went outside and saw one person being shot. N109 then ran away along with several others. He turned around and saw the defendant continue forward walking calmly and controlled. N109 ran to the tent camp, where several others from Troms AUF were standing around. N109 then saw the defendant shoot one person in a guard's uniform. Those who were standing there panicked, and N109 ran into the forest and up to Lovers' Path. He heard numerous gunshots which kept coming closer. He saw a girl who was shot several times in the back. He realised that the person he saw wearing a police uniform was the perpetrator. N109 ran until he passed out and woke up at the edge of the water.

N109 was shot once below the left knee cap. As a result of the fall, he also sustained a fracture of the left eye socket. The gunshot gave rise to an open fracture of the tibia, extensive soft tissue damage and permanent nerve damage in the lower leg. He was admitted to Ringerike Hospital on 22 July where he underwent surgery to, *inter alia*, mount an external fixation to stabilise the tibia fracture. On the following day, N109 was transferred to the University Hospital of North Norway, where he underwent surgery to treat the eye socket injury, fracture injuries in the leg and wound toilet.

N110 was born \*.\*.1995. N110 stated that she was in the Cafe Building when she heard bangs. She ran to the Pumphouse and threw herself into the water, where she was shot once in the right part of the chest. The gunshot entered the right thoracic cavity and penetrated the

lung.

N110 was admitted to Ringerike Hospital on 22 July 2011, where an accumulation of air and blood in the thoracic cavity was ascertained. She was thereafter transferred to Oslo University Hospital, where she underwent surgery to treat the wounds in the chest, as well as to remove foreign bodies from the face. N110 was discharged on 4 August 2011. She has spontaneous chest pains. The projectile is too close to the spinal cord to be removed and is consequently still lodged in the chest. She has reduced lung capacity.

N111 was born on \*.\*.1991. N111 stated that he was in the Cafe Building when he heard gunshots. He ran outside, down a slope, and over to the Pumphouse. There he hid together with several other people. The defendant came towards them, saying he was from the police, and that the perpetrator had not been caught, and that a boat was waiting at the pier to evacuate them. N111 and others asked the defendant to show his badge. According to N111, no more than one minute passed before the defendant started shooting.

N111 was shot three times, in the right and left thighs and the left part of the scrotum. The gunshots caused three major wounds, involving extensive tissue damage. He was admitted to Ringerike Hospital on 22 July and transferred to Stavanger University Hospital on the following day. N111 was operated on several times, *inter alia*, to remove projectile fragments, for wound toilet and skin transplants, prior to discharge on 17 August 2011.

N112 was born on \*.\*.1990. N112 stated that he was in the Cafe Building when he heard gunshots. He saw through the windows that people were running towards the tent camp, and that one person was shot and fell down. N112 saw the defendant walk calmly. When shots were fired at the windows, N112 ran outside and ended up at the Pumphouse with others. The defendant came there and said he was from the police and that boats would arrive to evacuate them. N112 doubted whether the defendant was a police officer, due to what he had seen from the Cafe Building. Some people asked the defendant to show his badge. One person, who walked towards the defendant, was shot. He also saw the defendant shooting other people in the head. N112 tried to hide and to protect himself by putting his arms over his head, but was shot twice. The defendant then walked a little bit away, but soon returned. N112 was breathing hard, so the defendant understood that he was alive. He was then shot for the third time. After that he held his breath for the defendant to believe that he was dead. Once the defendant had left, N112 called for help. Nobody responded; all around him were dead.

The gunshots hit N112 in the left shoulder, left thigh and in the abdomen. The shot injuries in the shoulder and thigh necessitated the subsequent amputation of the arm and leg. The gunshot to the abdomen caused damage to the stomach, liver, left lung and heart. N112 was admitted to Ringerike Hospital on 22 July, where he underwent emergency lifesaving treatment, and was then transferred to Oslo University Hospital the same night. There, he underwent a series of operations before being transferred to Sunnaas Hospital on 11 October 2011 for further treatment.

N113 was born on \*.\*.1995. N113 stated that he was in the dining hall of the Cafe Building when he heard gunshots. Together with others, he ran outside and down the slope behind the Cafe Building. He first hid near the Pumphouse, before he waded along the water's edge in a group of about 30 people over to the West Point. N113 then curled up in a ball on the ground, only partially hidden. He heard a loud bang and heard a sharp zing in his head. He saw the water turn red around him. The projectile had struck a rock next to him, and N113 was hit by a number of projectile fragments, *inter alia*, in the face, thigh, and knee. He was later taken away by a boat that arrived on the site.

N113 was hospitalized in Oslo University Hospital from 22 to 27 July 2011, where he underwent surgical removal of some 150 fragments from the face.

N114 was born on \*.\*.1996. N114 did not testify in court. His statement to the police reads that he was in the vicinity of the West Point. He was shot once in the left flank. According to the medical certificate that was read out, the gunshot caused lesions and projectile fragments in the pelvic area. N114 was admitted to Oslo University Hospital on 22 July 2011 and underwent several wound cleansing procedures under general anaesthesia.

N115 was born on \*.\*.1989. N115 explained that he walked towards the Cafe Building.

While standing there, he heard bangs, but he did not understand they were gunshots. When he saw several youth running, he walked towards the tent camp along the Cafe Building. N115 saw the defendant come walking between the kiosk and the forest. A girl walked towards the defendant, who raised his pistol and shot her. She fell, and N115 ran through the tent camp and into the forest. They were about 50 to 60 people running. Many of those who ran, stumbled in the chaos, and the bullets whizzed past them. N115 arrived at the South Point, where he started to swim. He was swimming with clothes and hiking boots on, and realized that he would not be able to swim away from Utøya. Hence, he started to swim back, but had trouble staying afloat. Since the water was shallow a long way out, he touched bottom and was able to walk up. While standing in water up to the hips, the defendant came walking and stopped 5–6 meters away from N115. The defendant stood on a rock on the water's edge while looking out on the water, shouting that he was going to kill them all. His face turned red while shouting, and his voice cracked. The defendant shot at those who were swimming. The projectiles made water columns when hitting the surface. The defendant turned to N115, who shouted for him not to shoot. The defendant pointed his rifle at N115, but just as it seemed that he was going to shoot, the defendant turned around and walked away. He doesn't know why the defendant did not shoot him. N115 was able to come ashore and found his mobile phone. He got into contact with the police at 17:59, and was told to stay hidden, and that the police were on their way. N115 lay on the ground with a jacket covering him when the defendant returned, shot all around, and N115 was hit.

N115 was shot once with the pistol or rifle in the left shoulder. He was admitted to Ringerike Hospital on 22 July 2011 and underwent surgery to remove, *inter alia*, damaged tissue and metal fragments. He was transferred to Telemark Hospital on 24 July, where he underwent several operations. N115 was discharged at the beginning of August 2011.

N116 was born on \*.\*.1994. N116 was in the Cafe Building when she heard gunshots. She was standing by a window in the Big Hall and watched the defendant walk by outside. She stated that he stopped and turned around. She was not certain whether he aimed and shot, or whether he only pointed [the weapon]. Chaos broke out in the Big Hall. N116 got out and ran down a steep slope. She ran to the Pumphouse, where she and several others hid in the bushes. A group of young people arrive, among them N116's best friend N084. They ran together on to the South Point. The defendant came and asked: «Have you seen him, has he been around here?» The defendant seemed very determined and as if he was in no hurry. When he talked to them, he did not seem to have any interest in hearing the replies. Then the defendant started to shoot. N116 was shot three times; in the right forearm, right shoulder and right part of the face. She looked over at N084 and understood that she was dead.

The shot to the face entered the jaw bone, fracturing the angle of the lower jaw. The shot to the forearm gave rise, *inter alia*, to an open crush fracture of both bone shafts and extensive soft tissue damage, and the arm had to be amputated at the elbow. The shot to the shoulder caused extensive soft tissue damage and crush fracturing of the joint capsule of the humerus. N116 was admitted to Ringerike Hospital on 22 July and thereafter transferred to Oslo University Hospital, where she was hospitalised until 19 August 2011.

N117 was born on \*.\*.1993. N117 explained that she was in the Big Hall when the shooting started on Utøya. She then ran outside and down a slope in the direction of the Pumphouse. N117 suffers from asthma and got difficulties breathing. Several people started to swim from the Pumphouse, but N117 and the people she was standing with, decided not to swim for fear of drowning. They tried to comfort each other. One of the other persons standing there was N080, who was later killed at the water's edge at the South Point. She thinks she sat there for about one hour. When they heard the gunshots approaching, the group started to run along the Lovers' Path south towards the Naked Point and the South Point. They passed a group of approximately ten dead bodies that lay near a fence. Several times during this run she had asthma attacks, and they stopped at the South Point for fear that she would suffer more attacks. They sat down near the water's edge, and N117 saw a man, dressed in black, come towards them. He came around the tree she lay up against, and shot her in the arm and the face.

The shot to the face entered through the left cheek, causing several fractures of the

head/facial skeleton and projectile fragments penetrated into the brain. N117 was admitted to Oslo University Hospital on 22 July, where she underwent two operations before being transferred to Sunnaas Hospital on 19 August for further treatment.

N118 was born \*.\*.1993. N118 explained that she was in the Big Hall when she heard several shots. She ran with other people out on the Lovers' Path and stopped in the slope below the Lovers' Path. She heard shots and saw several persons get hit. She ran around the Lovers' Path with a friend to hide. She finally ended up at the South Point, where she sat down with other people in some bushes. A small boy around the age of ten was there, terrified and screaming. She tried to calm him down. The defendant arrived, and the group scattered. N118 was shot in the right thigh, and then ran into the water. While in the water, she saw the defendant talk to the little boy.

The gunshot caused a wound and the accumulation of projectile fragments in the thigh. N118 was admitted to Oslo University Hospital on 22 July 2011 and underwent surgery, involving wound treatment and wound toilet. On the following day, she was transferred to Østfold Hospital, where she underwent two further operations in the thigh, involving wound toilet, removal of projectile fragments and skin grafting.

N119 was born \*.\*.1993. N119 explained that after having been to the information meeting in the Big Hall, she heard gunshots. When somebody called out that they should run, she and a girlfriend ran to the Pumphouse. She sat there with others and they tried to comfort each other. She then ran on to the South Point with several others. On the Lovers' Path, she passed several dead people lying next to each other. At the South Point, she hid by some trees. A little boy screamed that his daddy was killed. She saw the defendant and thought that the police had arrived. Then she felt an explosion in her stomach.

N119 was shot once in the left flank. The projectile entered the abdomen, causing extensive damage to internal organs, *inter alia*, the stomach, colon and one kidney. The kidney and parts of the colon had to be removed. N119 was hospitalized in Oslo University Hospital from 22 July to 12 August 2011, where she was operated on several times.

It follows from the presentation above that the defendant in objective terms has acted as described in counts I and II of the indictment. The Court shall now proceed to discuss the subjective requirements for punishment.

## **5. The Penal Code, section 147a first subsection a) and b)**

Count I of the indictment regarding the bomb in the Government District concerns the violation of the Penal Code, section 147a first subsection a) and b). Count II of the indictment regarding Utøya concerns the violation of the Penal Code, section 147a first subsection b).

The Penal Code, section 147a first subsection a) and b) is of the following tenor:

«Any criminal act mentioned in section 148, 151 a, 151 b first subsection, cf. third subsection, 152 second subsection, 152 a second subsection, 152 b, 153 first to third subsections, 153 a, 154, 223 second subsection, 224, 225 first or second subsection, 231, cf.232, or 233, is considered to be a terrorist act and is punishable by imprisonment for a term not exceeding 21 years when such act has been committed with the intention of a)seriously disrupting a function of fundamental importance to society, such as legislative, executive or judicial authority, power supply, safe supply of food or water, the bank or monetary system or emergency medical services or disease control, b)creating serious fear in a population, [...]»

In other words, an act of terrorism consist of a serious criminal act (the primary crime) in combination with an intention described in paras. a) or b), in the preparatory works [of the Penal Code] termed «terror intent», cf. Proposition to the Odelsting (Ot.prop.) No. 61 (2001–2002) page 35. (The intention described in para. c) is not of interest in the case at hand.) Terror intent means that the ensuing damage was intentional, or that the perpetrator considered it to be certain or preponderantly probable that the primary crime would create the effects mentioned in paras. a) or b). In the absence of any terror intent, the primary crimes will still be punishable, but under the ordinary provisions of the Penal Code.

The following is stated about the Penal Code, section 147a first subsection a) in Ot.prop. No. 61 (2001–2002) page 93:

«The central delimitation lies in that the function that is disrupted must be of fundamental importance to society, and in that the intent must encompass disrupting this function seriously. The criterion «seriously» establishes strict requirements in terms of duration, scope and effects of the disruptions. A number of elements must be included in the assessment; the size of the area affected by the disruption, how many persons are affected, how large the economic consequences of the act are, how lasting the effects are, and how vital the fundamental function that is disrupted is. Lesser disruptions are not sufficient.»

The following is stated about the Penal Code, section 147a first subsection b) in Ot.prop. No. 61 (2001–2002) page 93:

«Not all acts of terrorism are committed to seriously disrupt a function of fundamental importance to society, or to compel someone as mentioned in para. c). Some acts of terrorism are committed with the intention of creating serious fear in a population. For instance, the attacks on the USA on 11 September 2001 hardly fulfil the requirements under paras. a) or c), but there is no doubt that the attacks created serious fear in the American population, and that for this reason it is natural to characterise the attacks as acts of terrorism.

The expression «a population» entails that a population in another country as well as a population in Norway are protected; moreover, this requirement may be fulfilled even if not the entire population of a country is concerned, but only the population of a certain region. Even an ethnic minority may make up «a population» in a country or across national borders, like for instance the Sami population. The Ministry emphasises that it takes a lot to fulfil the requirements of para. b), cf. in particular the expression «serious fear». In the assessment of whether the criteria are fulfilled, it will be of significance, *inter alia*, whether the acts take place in one or in several places, how serious their consequences are or could have been, and what kind of objects the acts are aimed at. Attacks against the supreme authorities of a country, or against national symbols, may lead to the requirement of serious fear in a population being fulfilled even if the acts are restricted to a geographical area of limited size.»

The indictment makes reference to premeditated murders (the Penal Code, section 233 first and second subsections) and premeditated attempted murders (the Penal Code, section 233 first and second subsections, cf. section 49), as well as explosion that may easily lead to extensive destruction or loss of human life (the Penal Code, section 148 first subsection first penalty alternative). Consequently, the violations of these provisions are cited as the primary crimes under the Penal Code, section 147a.

In the Government District, the defendant killed eight persons by means of an explosion. The defendant has admitted having made a bomb with a strong explosive force, having placed it inside the Government District and having lit the fuse. He has furthermore admitted that he did this in order to make the H-block collapse and to kill those inside the building. According to the defendant's statement, all ministry employees were «legitimate targets». The defendant furthermore stated that he in advance had accepted that also others than ministry employees would be killed.

There is no doubt that the defendant committed all the murders in the Government District with premeditation. The bomb blast was carefully planned and it was executed on the basis of a carefully considered decision. Against this background, the Court finds it has been proved that the guilt requirement pursuant to the Penal Code's section 233 first and second subsections and pursuant to section 148 first subsection first penalty alternative is fulfilled as regards count I of the indictment. Additionally, the Court finds that in assessing the question of punishment, to which the Court shall revert, it is clearly to be assumed that the crime has been committed under especially aggravating circumstances. It follows from the description under point 4.1.2 above that the murders were committed in a particularly



cruel way.

At Utøya, the defendant killed 69 persons. The murders at Utøya were planned as a continuation of the plan to blast the bomb in the Government District. According to the defendant's statement, several alternatives were considered. Utøya was chosen, *inter alia*, because the participants at the summer camp according to the defendant were «political activists» from the Labour Party's youth organisation, and consequently «legitimate targets». Many of those who fell after having been hit by shots were then shot in the head at pointblank range. The defendant himself described this as «followup shots».

As regards N085 and N086, who died of drowning and fall injuries, respectively, there is no doubt that the defendant was aware that young people on Utøya would try to escape, and that he wanted the injuries they would sustain during their escape to lead to their death. The defendant has stated himself that his original plan was to scare as many as possible into swimming so that they would drown. He wanted, as he said, to use the water as a «weapon of mass destruction».

There is no doubt that the defendant committed all the murders at Utøya, including the murders on N085 and N086, with premeditation. The Court makes reference to the fact that the murders were thoroughly planned and were executed on the basis of a carefully considered decision. Against this background, the Court finds it has been proved that the guilt requirement pursuant to the Penal Code's section 233 first and second subsections is fulfilled as regards count II of the indictment. Additionally, the Court finds that in assessing the question of punishment, to which the Court shall revert, it is clearly to be assumed that the crime has been committed under especially aggravating circumstances. It follows from the description under point 4.2.2 above that the murders were committed in a particularly cruel way.

For the 9 persons who according to the indictment were injured in the Government District and the 33 persons who were injured at Utøya, the primary crime is attempted premeditated murder. Considering the bomb's explosive force and its location, it was evident to the defendant that anyone being in the vicinity of the bomb probably would be killed. Those injured at Utøya were shot by the defendant. The defendant has stated that his intention was to kill as many as possible in the Government District and everyone at Utøya. The explosion and the murders had been thoroughly planned and the attempted murders were executed on the basis of a carefully considered decision. The Court finds there is no doubt that all the attempted murders in the Government District and at Utøya were committed with premeditation. Also the attempted murders were executed in a particularly cruel way, and thus under especially aggravating circumstances.

The Penal Code's section 147a makes reference to section 233 concerning murder, but it does not make reference to section 49 concerning attempt. As to the attempted murders, which in counts I and II of the indictment form part of the two continuous crimes, several approaches are imaginable under criminal law. They may be considered attempted murders outside the scope of the terrorism provision (section 233, cf. section 49), as attempted terrorism (the Penal Code, section 147a, cf. section 49), or as the primary crime of consummate terrorism (the Penal Code, section 147a, cf. section 233, cf. 49). Whether the prosecuting authority considered the attempted murders as attempted terrorism or as a part of consummate terrorism, was not stated clearly in the indictment until it was amended at the trial. Following the amendment, the Court assumes that the indictment concerns consummate terrorism through, *inter alia*, attempted murders. During the trial, the defence had no remarks to such an application of the law.

In the opinion of the Court, also attempted murder can form part of the primary crimes of a terrorist act. It follows from the Penal Code, section 49 first subsection, that the punishability of an act, including violations of section 233, originates when there is an attempt. A «criminal act» as mentioned in the list in section 147a can thus be considered to exist also at the experimental stage. It is furthermore evident from section 147a third subsection that threats to commit such primary crimes as mentioned in the first subsection, depending on circumstances, may constitute the primary crime of an act of terrorism. Considering this, the provision's internal congruity would become poor if the same were not

to apply to attempts at such crimes.

The Court shall not discuss the issue of the dividing line between a consummate act of terrorism on the basis of an attempted primary crime and an attempted act of terrorism as such. In any case, the case at hand concerns two consummate acts of terrorism that also consist of consummate murders. Notwithstanding this, the Court finds reason to note that the question of whether the attempted murders constitute independent primary crimes under section 147a, is of no significance to the question of guilt or the fixing of the sentence. The attempted murders will in any case be covered by the objective description of acts in the Penal Code, section 231, cf. section 232, to which reference is also made in section 147a, or they will also be aggravating circumstances in relation to the two acts of terrorism, which even without the attempted murders merit the maximum sentence under the law.

As regards the terror intent *per se*, the Court notes that the bomb explosion in the Government District caused serious disruptions of the function of the central government administration. The Court makes reference to the presentation in point 4.1.4 concerning the consequences for the central government administration. The defendant himself has stated that the aim of the terrorist attack was to strike at the central government administration and those working there. Against the above background, there is no doubt that the defendant detonated the bomb in order to seriously disrupt the function of the executive authority, cf. the Penal Code, section 147a first subsection a).

For both terrorist attacks, the defendant's intention was additionally to create serious fear in the population, cf. section 147a first subsection b). The defendant's plan was not only to kill members of the government, government employees and politically active youth. As described in point 3.1 concerning the defendant's ideology, he wanted, *inter alia*, to provoke reactions to radicalise the resistance against Muslim immigration in Norway and Europe. His means for reaching his political goals was extreme violence that affected many persons, and which through massive attention in the media also was intended to create serious fear in the population. There is no doubt that the defendant's intention in executing the terrorist attack on the Government District and on AUF's summer camp at Utøya also was to create fear in the population.

Against this background, the Court finds it has been proved beyond any reasonable doubt that the defendant had such terror intent as described in the Penal Code, section 147a first subsection paras. a) and b) when attacking the Government District, and as described in para. b) when attacking at Utøya.

The defendant has submitted that he must be acquitted because of the principle of necessity, since he carried out «preventive» attacks to obtain his political goals, presented above in point 3.3.

As regards this submission, the Court briefly notes that neither the provisions of the Penal Code concerning necessity nor international human rights, which the defendant also invokes, allow the murder of government employees, politically active youth or others, to further extreme political goals. It is evident that this submission cannot be accepted.

The Court now proceeds to discuss the issue of the defendant's criminal sanity.

## **6. Criminal sanity**

### **6.1 Section 44 of the Penal Code and the standard of proof**

By an amendment to the Act of 17 January No. 11, the rules in section 39 of the Penal Code concerning preventive supervision of, *inter alia*, criminally insane offenders were replaced by the rules for the transfer to compulsory mental health care and preventive detention. At the same time, section 44 of the Penal Code was given its current wording. The amendments entered into force on 1 January 2002. One of the amendments to section 44 was that the term «insane», which covered both psychoses and mental retardation to a high degree, was replaced by the term «psychotic». Section 44 of the Penal Code concerning criminal sanity now has the following wording:

«A person who was psychotic or unconscious at the time of committing the act shall not be liable to a penalty.

The same applies to a person who at the time of committing the act was mentally retarded to a high degree.»

Being psychotic at the time of committing the act will unconditionally exempt the person from punishment, regardless of whether the offence is a result of the psychosis. This is often referred to as the medical principle.

In the preparatory works of the new provision, the Ministry describes the psychosis alternative under the then applicable law in Proposition to the Odelsting No. 87 (1993–1994) on page 22 as follows:

«When considering the type of conditions to be considered as psychoses in the sense of the Penal Code, decisive importance must be attached to the way in which psychiatry at any given time defines the concept of psychosis. Today, psychiatrists agree that the principal characteristic of a psychosis is that the relationship to reality is significantly disturbed. The ability to react adequately to ordinary impressions and influences is lacking. The psychotic person often loses control over his thoughts, emotions and actions. Intellectual functions, on the contrary, may be intact. The dividing line between psychosis and other mental disorders is not sharp.»

In September 1989, the Special Sanctions Committee, a subcommittee of the Penal Code Committee, submitted its recommendation for an amendment of the criminal insanity rules and special sanctions. The recommendation was published in the Norwegian Official Report NOU 1990:5. The Committee proposed that the term «insanity» in section 44 of the Penal Code be replaced by the following wording:

«A person who was psychotic at the time of committing the act and hence unable to make a realistic assessment of his relationship to the surrounding world shall not be liable to a penalty.»

The committee's further description of the psychosis term is found in NOU 1990:5 on page 38, and reads as follows:

«The key criterion of a psychosis is that the ability to make a realistic assessment of one's relationship to the surrounding world is significantly impaired. There is general agreement on this criterion.

The offender's failing ability to make a realistic assessment of his relationship to the surrounding world must be relatively general, i.e. the impairment must include significant aspects of reality for the offender to be declared psychotic. On the other hand, an all-encompassing failure of the ability to assess reality is not necessarily required. It should also be mentioned that a flawed perception of reality in a limited sector may, for the patient, assume such dimensions and have such consequences for his relationship to the surrounding world that it would be correct to assess him as psychotic. In general terms, the crime itself should not be decisive for a psychosis diagnosis.»

The Ministry adopted the proposal to replace the term «insane» by the term «psychotic», but without the Special Sanctions Committee's suggested specification. In Proposition to the Odelsting No. 87 (1993–1994) on page 28, this is explained as follows: 2

«Deciding the question of exemption from punishment should depend as little as possible on the judge's own discretion. Conditions of criminal insanity must be described in a terminology that is recognized in psychiatric science. The term «insanity» in current legislation should therefore be replaced by «psychosis», which in the Ministry's view is the more precise and contemporary designation for the mental disorders concerned.

The Ministry does not support the proposal of the Special Sanctions Committee to specify in the text of the law what the concept of psychosis entails. It must be expected that persons who are to practice this provision, i.e. lawyers with the help of psychiatrists, are aware of the characteristics of a psychotic state. For them, any specification is unnecessary. However, people in general probably know little about the characteristics of a psychosis. But for them, a specification would, in the Ministry's

view, be confusing rather than informative, since it is conceivable that there are psychotic offenders who, to a greater or lesser degree, have the ability to make realistic assessments.»

The amendment to the wording of section 44 specifies that this part of the Code's rules on criminal insanity is based on the psychiatric psychosis conditions. The psychiatric diagnostic system, currently ICD-10 (International Statistical Classification of Diseases, Injuries and Causes of Death), with which Norway is obliged to comply under international agreements, will therefore be material when evaluating sanity. Nevertheless, the Court takes for a fact that the intention was never to amend the previous state of law concerning the correlation between the legal and psychiatric psychosis concepts.

In NOU 1990:5 page 42, the prevailing state of the law is described as follows:

«When assessing whether a state is to be regarded as «insanity» in the sense of section 44 of the Penal Code, forensic psychiatrist are not formally bound by the guidelines set out in ICD 9. This involves an interpretation of the Penal Code's legal concepts. All the same, there is undoubtedly a close correlation between the general psychiatric diagnostic system and forensic psychiatry. Ordinarily, the use of concepts coincides.»

The Court does not need to consider the instances where the diagnostic psychosis term differs from the legal term, such as in the case of chronic psychoses caused by intoxication and medication. Nor will the Court consider whether the diagnostic and the legal diagnostic terms differ in the gray zone between psychoses and other mental disorders. As discussed below, none of the expert witnesses believe that the defendant was a borderline case, nor has the Court taken that as its basis. The question in our case is, in other words, whether the defendant was psychotic in a diagnostic – and consequently also in a legal – sense when he committed the acts.

The District Court will now discuss the degree of probability that must exist if the Court is to find the defendant criminally sane, the so-called standard of proof.

The standard of proof in the Penal Code is not statutory but is deduced from the Supreme Court's practice. As far as the evidentiary strength is concerned, the District Court relies on the Supreme Court judgment included in the Supreme Court Law Reports 1979 page 143, where the following is stated on page 147:

«I agree with the appeal court judge in that the same standards cannot be applied to the strength of the evidence as in the question of whether there is evidence that a defendant has committed the act as stated in the indictment. But I do not necessarily agree with the judge in that a preponderance of probability is sufficient. Should the forensic psychiatric expert witnesses reach differing conclusions, the defendant should, in my view, be exempted from punishment unless the court – i.e. the jury in cases tried by the Court of Appeal – should find that there can be no reasonable doubt that the defendant was criminally sane at the time of committing the act. But the circumstance that the possibility of insanity at the time of the act is mentioned in the forensic psychiatric report is not sufficient for the defendant to be considered criminally insane and hence exempt from punishment.»

The prosecution referred to a statement in the Supreme Court Law Reports 1998 page 1945 (page 1947) about there being only differences in nuance between the standards of proof related to the various conditions of punishability. This decision concerned the standard of proof for a quantity of imported drugs, and not for criminal insanity. The general statement about the various conditions of punishability was consequently not necessary to justify the outcome of the case (*obiter dictum*), and is hence less important as a source of law for assessing the standards of proof for criminal sanity. However, legal scholars have in their books taken this to mean that there «is no basis for any particular reduction in the standards of proof» in case law, see Matningsdal and Bratholm: *The Annotated Penal Code* («*Straffeloven kommentarutgave*»), 2<sup>nd</sup> edition, page 366.

In the decision included in the Supreme Court Law Reports 2003 page 23, concerning the question of criminal sanity, the Supreme Court reported in para. 13, the above cited

formulation of the standard of proof in the Supreme Court Law Reports 1979 page 143, but does not mention the statement regarding the differences in nuance from the Supreme Court Law Reports 1998 page 145. As one can see from paras. 16 and 17 of the ruling, the Court of Appeal found that there was sufficient basis for deeming the defendant criminally sane despite the fact that the expert witnesses with the approval of the Board of Forensic Medicine under a «*certain doubt*» concluded that the defendant was not insane at the time of committing the act. The Supreme Court writes the following about the actual assessment of evidence in para. 18:

«I cannot see that the Court of Appeal has based itself on any erroneous understanding of the evidentiary rules when assessing whether A was criminally sane at the time of committing the act. The Court has taken as its point of departure the judgment in Supreme Court Law Reports 1979 page 143. On the basis of the forensic psychiatric report, their statements before the Court of Appeal and other evidence, the Court has, following a thorough discussion of A's criminal sanity, concluded, with a sufficient degree of certainty, that she was not psychotic at the time of the act. [...] The Court attached importance to the expert witnesses' conclusion, the premises for the conclusion and their oral statements at the trial and compared this with other evidence in the case. In light of the law and past practice, no requirement for a more specific wording of the standard of proof can be derived, see Supreme Court Law Reports 1979 page 143, on page 147.»

In para. 14 of the ruling, the Supreme Court moreover refers to the preparatory works of section 44 of the Penal Code, in which the Proposition to the Odelsting No. 87 (1993–1994) page 114–115 states as follows:

«If there is reasonable doubt as to the offender's criminal sanity, the Court must acquit him by virtue of the general rules related to the burden of proof of the Penal Code. In practice, somewhat weaker standards as to evidentiary strength are often applied when it comes to the defendant's criminal sanity than in respect of other conditions of punishability. In consequence, the Ministry concludes that the same requirements cannot be made in terms of evidentiary strength for criminal sanity as for the circumstance of whether the defendant has committed the act mentioned in the indictment. On the other hand, a preponderance of probability for criminal sanity would not necessarily be sufficient.»

When the [Norwegian] Parliament (the Storting) discussed the bill concerning new criminal insanity rules, there was broad agreement about retaining the unconditional exemption rule for psychotic persons. However, the Parliament rejected the Government's proposal for a discretionary exemption for offenders with, *inter alia*, other psychotic conditions. In the Recommendation to the Odelsting No. 34 (1996–1997) section 5.4, the grounds given are that «Exemption from punishment should be reserved for conditions where there can be no doubt about the basis for exemption». During the ensuing parliamentary debate, too, representatives for the majority argued that the exemption must be limited to «evidently», «clearly» or «indisputably» psychotic persons, where no doubt exists about the grounds for exemption from punishment. The Court interprets the Committee's note and the representatives' arguments as statements concerning which mental conditions that should justify exemption from punishment, and not as statement about the standard of proof under section 44. The Court refers to the fact that there was broad agreement that the then applicable rules for criminal sanity had generally worked satisfactorily, but that the most important problems were linked to the borderline cases. The Court also refers to the fact that the above cited Ministry statement about the standard of proof, taken from the Supreme Court Law Reports 1979 page 143, was not refuted during the parliamentary process. The Court believes that the statements are under no condition sufficient to reverse a standard of proof established by the courts. Nevertheless, the parliamentary process indicates that section 44 must not be interpreted in a broader sense to also include unclear borderline cases and complex psychotic conditions.

The District Court finds there are good reasons for such a lower standard of proof for criminal sanity. Though it is true that punishment is an intended evil expressing society's strong reproach of a crime, such a reproach would presuppose the offender to have criminal capacity. The sentence however also implicates an element of atonement, giving the convicted the opportunity to «settle his debts». In this perspective, the punishment is not exclusively an evil, but also a road back to society. If the standard of proof for criminal sanity is placed too high, this route would be shut off to many offenders with true criminal capacity. Besides, it is principally doubtful whether it is wise to bereave offenders of criminal capacity, and hence also moral and legal autonomy, by an unwarranted pathologization of their mind. Furthermore, with respect to society and those directly affected by a crime, the considerations to a fair retribution indicate that criminals with an actual criminal capacity must be sentenced. Certainly, the preparatory works of the new Penal Code of 2005 state that retribution cannot be the purpose of the sentence, cf. the Proposition to the Odelsting no. 90 (2003–2004) page 77. Notwithstanding, the Court finds that the subjective conditions for punishment, linking liability to guilt and criminal capacity, show that penal law does not exclusively build upon utilitarian considerations like prevention and renovation. The starting point of the legislators that «anybody must be held responsible for their acts», cf. the Recommendation to the Odelsting no. 34 (1996–1997), point 5.4, appears to be based upon a wider approach to the purpose of the punishment.

The Court further finds it unfortunate to transfer offenders who most likely no longer have a genuine need for treatment, to compulsory mental health care. It is true that a dangerous person who is not (or no longer) psychotic may be transferred to an institution under the correctional services «when particular reasons speak in favour thereof», cf. Act of 2 July 1999 no. 62 on Mental Health Care, Section 5–6. This possibility of transfer is nevertheless restricted, cf. the Supreme Court Law Reports 2011 page 1043, paragraph 27, and may only take place with the consent of the Court. Dangerous persons may thus be kept in the mental health care for years independently of the state of mind. On the other hand, as long as the Penal Code section 39 does not have any requirements for the state of mind at the moment of the judgment, it is not possible to safeguard against this.

The defence has submitted that the standard of proof must be lowered down towards the preponderance of probability if the defendant himself, such as in this case, wishes to be found criminally sane. In the enforcement of a penal sanction system, it is difficult for the Court to see that any emphasis can be placed on the wish of the defendant regarding the question of guilt. Equality before the law is a basic principle in criminal justice, and the application of law must not depend on such subjective aspects. Furthermore, a certain standard of proof must nevertheless be established to ensure that the wish of the defendant is not psychotically motivated. As the prosecution has pointed out, we may also raise the question as to what would be the consequence if the convicted later were to change his mind.

The defence has further contended that the standard of proof must be lowered in an equivalent manner if sentencing a defendant to be transferred to compulsory mental health care might be considered. The prosecution has maintained, *inter alia*, that the procedural system in cases determined by a jury prevents such differentiation. This is because the jury determines the question of guilt before the professional judges and four of the members of the jury determine the question of the reaction. Strictly speaking, it is hence not possible to make an overall assessment encompassing the question of criminal sanity and the question of transfer to compulsory mental health care.

The Court has, in its determination of this case, not found it necessary to assess whether the standard of proof needs to be further lowered in the cases where transfer to compulsory mental health care is considered. As will be evident in the following pages, the Court regardless finds that the standard of proof for criminal sanity, as worded most recently in the Supreme Court Law Reports 2003 page 23, is met.

Before the Court proceeds to treat the diagnostic assessment and the remaining evidence, [we] remark that the standard of proof applies to the overall result of the evidence, in other words the very conclusion, and not to each individual factor of evidence, cf. the Supreme Court Law Reports 2005 page 1353 paragraph 14.

## 6.2 The work and conclusions of the expert witnesses

In the preparations to the proceedings, the District Court appointed four expert witnesses, all specialists in psychiatry, to assess the criminal sanity of the defendant. The expert witnesses have had identical mandates, but have examined the defendant at different times.

Torgeir Husby and Synne Sørheim were appointed on 28 July 2011. They submitted their forensic psychiatric report on 28 November 2011, in which they concluded that the defendant was psychotic at the time of the acts and during the observation. The Board of Forensic Medicine did not make any written remarks to the report of these psychiatrists.

Agnar Aspaas and Terje Tørrissen were appointed on 13 January 2012. In the court order of 10 February 2012, the Court decided, upon request from the psychiatrists, to submit the defendant to psychiatric examination for up to four weeks, cf. the Criminal Procedure Act, section 167. Aspaas and Tørrissen submitted their forensic psychiatric report on 10 April 2012, in which they concluded that the defendant was not psychotic at the time of the acts or during the observation. They believed the defendant suffers from a dissocial and narcissistic personality disorder. In several letters, the Board of Forensic Medicine has raised questions relating to the report of these psychiatrists, and the expert witnesses submitted a supplementary report on 30 April 2012 upon request from the board.

All four expert witnesses were present during the trial and testified in court, maintaining their previous conclusions. Representatives of the Board of Forensic Medicine also testified.

When the court-appointed expert witnesses reach different conclusions, the Court needs to go into the premises of the forensic psychiatric reports and assess these against the oral statements of the expert witnesses and the remaining evidence presented during the trial, cf. the Supreme Court Law Reports 2003 page 23, paragraph 18, cited above. In other words, it is not sufficient to refer to that there is disagreement between the expert witnesses, and then conclude that the standard of proof is not met. In NOU (Green paper) 1990:5, page 47, the following is stated about the responsibility of the court when the expert witnesses disagree:

«When the medical principle is retained, it will in reality still be the psychiatrists' task to determine which offenders are exempt from criminal liability. But the principle whereby the court is formally free, in relation to the experts, is retained also after the committee's proposal. In practice, the court's own view will assume particular importance in those cases where the experts disagree.»

When making its assessment, the Court applies this view.

## 6.3 On psychosis in general

Below, the Court shall discuss the question of whether the defendant was psychotic at the time of the criminal acts, using the assessments of the expert witnesses as a starting point. The experts Husby and Sørheim found that the defendant suffers from paranoid schizophrenia, and the Court will first assess this diagnosis in section 6.4. Next, in section 6.5, the diagnosis of paranoid psychosis will be considered, as the other psychotic disorder discussed by the psychiatrists. The Court will, in section 6.6, give an account of examinations made by treating and advisory health personnel. These examinations are relevant to both diagnoses. Finally, in point 6.7, the compulsory observation is assessed in conjunction with the Criminal Procedure Act section 167, before the Court makes its overall assessment in point 6.8.

As it transpires from the above review of the legal aspects, the psychiatric diagnosis system holds a central position in the assessment of criminal sanity.

The expert witnesses Aspaas and Tørrissen provide an instructive summary of the central symptoms of psychosis in point 21.4 of their report. This is cited below, except for the part on hallucinations, which are not relevant in our case:

«Psychoses in general

Psychosis is understood as a state involving an impaired, erroneous or failing perception or interpretation of reality. The principal symptoms of a psychosis are hallucinations, delusions and disturbing thought processes, characterized as formal thought disturbances. A psychotic disorder is often accompanied by so-called negative

symptoms, i.e. functional impairment. Below follows a short description of these symptoms.

- Hallucinations ...
- Delusions are ideas about matters that are contrary to what is perceived as real by others. Examples of delusions are ideas of being under surveillance or being persecuted, that the body is decaying or changing, or entirely unrealistic thoughts about own talents, competence, influence, prosperity, etc. The latter are called psychotic delusions of grandeur or grandiose delusions. Bizarre delusions designate psychotic ideas about phenomena that are not physically possible, e.g. that one's thoughts are broadcast, that thoughts are governed by extraneous forces or that emotions and impulses are forced upon one from outside. When assessing delusions, it is necessary to take into consideration what are generally accepted ideas and thoughts in the culture, subculture or environment in which a person lives.
- Formal thought disturbances designate phenomena related to thought processes. Examples of this are slow thinking (latency), exaggerated vagueness, thoughts coming to a stop or becoming illogical or incoherent, or that thoughts follow arbitrary associations and hence give no meaning. «Neologisms» are a form of thought disturbance designating the coining of new words – incomprehensible words that a person invents himself and which do not exist in the normal vocabulary. Compound words are common in Norwegian and are not normally considered as neologisms.
- Negative symptoms are used to designate various forms of functional impairment which often accompany psychotic disorders. Loss of initiative, passivity, blunted or inadequate emotional life, impaired ability for interpersonal contact, lack of interest or drive, social withdrawal and aimless behaviour are examples of negative symptoms. Often, neglect will be observed in other areas as well, such as personal hygiene, nutrition, control of finances, ability to care for oneself and nextofkin, etc.
- Depersonalization and derealisation are terms designating that a person has changed his perception of himself or stands outside himself or sees his surroundings or the world as changed. This can occur in certain psychoses, but can also be seen under severe stress or in the face of serious danger, especially in vulnerable people.»

Before the Court goes into detail on the diagnostic criteria of the psychotic states in question, we include Husby and Sørheim's summary of what they have considered to be the various delusions of the defendant. What follows is from pages 225 to 226 in their report:

«The observee believes that he is by prescriptive right the ideological leader of the organization *Knights Templar*, which has the mandate to be a military order as well as a martyr organization, military tribunal, judge, jury and executioner. He believes that he is responsible for determining who is to live and die in Norway. This responsibility is perceived as real, but also a heavy burden. These phenomena are regarded as bizarre, grandiose delusions.

He believes that a significant portion of the population (several hundred thousand) support the reported acts. He believes that his love is overdeveloped. He believes he is a pioneer in a European civil war. He compares his situation with historical war heroes such as Tsar Nicholas and Queen Isabelle. These phenomena are regarded as grandiose delusions.

The observee believes that it is likely, albeit with somewhat varying estimated degrees of likelihood, that he could be the new regent in Norway following a *coup d'état* and power takeover. If he becomes the new regent, he will take the name *Sigurd the Crusader the Second*. He believes that he has donated five million kroner to the fight. He believes he could be given responsibility for deporting several hundreds of thousands of Muslims to ports in North Africa. These phenomena are regarded as grandiose delusions.

The observee believes that there is an ongoing process of ethnic cleansing in Norway



and that he lives in fear of being killed. He believes that a third nuclear world war could be triggered as a result of the events that he sees himself a part of. He believes that there is an ongoing civil war in the country. The observee is working with proposals for solutions aimed at improving our Norwegian ethnic, genetic pool, eradicating disease and reducing the divorce rate. He foresees reservations (for «indigenous Norwegians»), DNA testing and mass childbirth factories. These ideas are considered as elements of a bizarre, paranoid delusional system.

The observee believes that the Glücksburgs (the Norwegian and European royal families) will be removed by a revolution in 2020. As an alternative to recruiting a new regent from the Guardian Council, DNA testing will be made of the remains of Olav the Holy or Harald Hard Rule. Thereafter, the Norwegian population will be DNA tested in order to find the person with the greatest genetic similarity, who could then be instated as the country's new regent. These ideas are considered as elements of a bizarre, paranoid delusional system.»

On pages 227 to 228, they have included the following passage from the defendant's statement made at Utøya:

«In his statement to the police at 20:15 on 22.07.2011, the observee states that he is a commander, and he goes on to say: *We are crusaders and nationalists*. The observee states that the reported acts committed the same day are the manifestations of the beginning of a very bloody civil war. He claims, in the same statement, that the Knights Templar Norway have given him the authority to execute A, B and C traitors and that the organization is the highest military, police and political authority in Norway. These symptoms are considered to be grandiose and paranoid delusions.»

The experts Husby and Sørheim on the one hand, and Aspaas and Tørrissen on the other, disagree as to whether the notions herein described are psychotic delusions or must be understood as an expression of rightwing extremist points of view in combination with a grandiose and narcissistic personality. The defendant has expressed the same fundamental ideas to both sets of experts, but has toned down the presentation of the Knights Templar's and his own role in the consultations with the experts Aspaas and Tørrissen. The Court will revert to the significance of this toning down.

#### 6.4 Paranoid schizophrenia

According to the expert witness' mandate, «the international diagnostic system (currently ICD-10) [...] shall be used for the diagnostics and differential diagnostics relevant to the forensic psychiatric assessment».

ICD-10 Chapter V contains a criteriabased diagnostic system for mental and behavioural disorders prepared by the World Health Organization (hereinafter WHO) published in what is often referred to as the «Green Book». WHO has also prepared clinical descriptions and diagnostic guidelines in the so-called Blue Book. It is only the blue book that has been translated into Norwegian. The Court's discussion below takes as a point of departure the researchbased and precise diagnostic criteria of the Green Book. According to the expert witnesses, this should not be of decisive importance for the diagnosing, although the Blue Book allows for a higher degree of clinical discretion.

The expert witnesses Husby and Sørheim believe the defendant has had clear psychotic symptoms since 2006 with gradual deterioration. They believe he suffered from paranoid schizophrenia both at the time of the acts and when they examined him. On page 234 of the report they find «his entire symptom picture unaltered from the descriptions before and during the reported acts and until the entire examination». Consequently, the Court finds it unnecessary to discuss the relationship between his mental state at the time of the reported acts and at the time of the examination.

In the Green Book, the special diagnostic criteria for paranoid schizophrenia (F20.0) are described as follows:

- A. The general criteria for Schizophrenia (F20.0–F20.3 [above]) [must be met.]
- B. Delusions or hallucinations must be prominent (such as delusions of persecution,

reference, exalted birth, special mission, bodily change or jealousy; threatening or commanding voices, hallucinations of smell or taste, sexual or other bodily sensations).  
C. Flattening or incongruity of affect, catatonic symptoms, or incoherent speech must not dominate the clinical picture, although they may be present to a mild degree.

The diagnosis paranoid schizophrenia (F20.0) is in other words conditional upon the general criteria for schizophrenia being met, and upon delusions or hallucinations being prominent (exemplified, *inter alia*, by ideas of being persecuted and being of exalted birth and being convinced of having a special mission in life).

The general criteria for the diagnosis of schizophrenia, cited below, require the presence of at least one symptom from symptom group 1 (letters a) to d)), or at least two symptoms from symptom group 2 (letters a) to d)). Below, the Court shall denominate the symptoms of symptom group 2 by the letters e) to h) in line with the expert witnesses' lettering of the same criteria from the Blue Book. The experts Husby and Sørheim have found the criteria b) (perceptual delusions) and d) (bizarre delusions) from symptom group 1, as well as f) (thought disturbances and neologisms) and h) (negative symptoms) from symptom group 2 to be present.

The parties disagree as to whether the defendant meets the general criteria for schizophrenia. This disagreement is in particular linked to symptom group 1 letter d), which in the Green Book is described as follows:

«(d) persistent delusions of other kinds that are culturally inappropriate and completely impossible (e.g. being able to control the weather, or being in communication with aliens from another world).»

Translated into Norwegian, this means persistent delusions that are culturally inappropriate and completely impossible, for instance being able to control the weather, or communicating with beings from an alien world.

In the diagnostic conclusion on page 228, the expert witnesses Husby and Sørheim write that the defendant

«has had clear symptoms from symptom group ....d) Persistent, bizarre delusions, exemplified by the idea that he is taking part in a civil war where he is responsible for determining who is to live and die, as well as expecting a takeover of power in Europe».

At the trial, these experts summarized the defendant's fundamental delusions in the following precise wording:

«He believes that he is to save us all from doom in a fight between good and evil. In this fight, he believes that he has a responsibility and a calling to determine who is to live and die. This responsibility is rooted in a leading position in a nonexistent organization.»

The experts specified that the core element of these delusions is the defendant's perception of his own role and of this responsibility being a reality.

The head of the Psychiatric Group of the Board of Forensic Medicine, Karl Henrik Melle, stated during the trial that it was not immediately evident to the Group that the delusions described in the expert witness' report were of such a nature as described in criterion d).

Nor did the expert witnesses Aspaas and Tørrissen or other health personnel find any delusions under criterion d), a fact to which the Court will return. Ulrik Fredrik Malt, Professor of Psychiatry, who during his testimony in court gave a thorough presentation of the diagnostic criteria under ICD-10, was of the opinion that none of the delusions described in Husby and Sørheim's report fell within criterion d). Svern Torgersen, Professor of Psychology, who has worked with schizophrenia for many years, expressed the same opinion during his testimony.

As regards the more detailed assessment of the criteria under letter d), the Court takes as a point of departure that the delusions must be «culturally inappropriate».

The experts Husby and Sørheim write on page 57 of their report that they «have not taken

a stance on the observee's political message or position». Nonetheless, during their review of the compendium they have placed his political ideas into a political context when they write the following on page 62:

«Without going into the observee's political views, the experts have ascertained that his image of the state of Europe and the state of Norway is extreme and appears to lack any factual basis when it comes to many of his interpretations and assertions. However, the bulk of this material appears more to be an application of existing, political trends than a creation made by himself, as much of it is a cutandpaste exercise from a variety of websites and historical sources. This also means that his quotations and conclusions are shared by a number of other people both in Norway and the rest of Europe.»

This political context is however absent in the expert witness' running assessment of the defendant's symptoms, and in the diagnostic assessment starting on page 220. In that assessment, the defendant's various statements are understood in the light of his «stable, detailed and all-encompassing paranoid and grandiose delusions», as described by the experts in their summing up of his delusional universe on page 229 of the report. The Court misses a wider discussion of alternative interpretations of the defendant's various statements, especially on the basis of the rightwing extremist subculture of which he claims to be part.

The Court makes reference to the fact that the defendant became politically active at the age of 18. He joined the Progress Party's Youth in 1997 and the Frogner local chapter of the Progress Party in 1999. For some time he held elected offices at the local chapter level in both organisations. The defendant has explained that he was attracted, *inter alia*, by the Progress Party's restrictive immigration policies. The Court lacks an overview of the defendant's political participation until he was forced to leave the Progress Party in 2006 and left the Progress Party's Youth in 2007. The defendant's friends have however described him as a stubborn person with strong and «strange» opinions and with an intense interest in politics. Since 2009, the defendant has been an active writer on [www.dokument.no](http://www.dokument.no) [*sic*], a website that is critical to immigration. The defendant's rightwing extremist ideology is also documented through his compendium.

During the trial, anti-Islamic and rightwing extremist ideas and rhetoric were thoroughly elucidated. In rightwing extremist circles, words like «war» and «civil war» are used often in a figurative and strongly exaggerated sense. It is not uncommon to use symbols and historical parallels in the communication of extremist messages. Antiimmigration circles also express views of ethnic doom, demographic warfare, and the necessity of a future takeover of power.

In the compendium on page 952, the defendant himself describes what he means by «civil war». The European civil war, phase 1 – 1999–2030 is an «[o]pen source warfare, military shock attacks by clandestine cell systems» and «Further consolidation of conservative forces». These phrases can hardly be said to contain delusions of an ongoing conventional civil war. A more obvious interpretation is to consider this to be a platform statement on how to reach the defendant's goal of getting the Muslims out of Europe. Such an interpretation is supported by the defendant's statement during the interrogation at Utøya after his arrest when he said he participated in a «political» war.

The experts Husby and Sørheim have also emphasised the intensity of the defendant's statements. On page 62 of their report they go on to write the following after the above quotation:

«However, the experts have been struck by the intensity of the observee's war terminology and his perception and description of being in a war, which in turn leads up to the reported acts. The experts have seen, both in the compendium but also in other contacts with him during the course of our own talks with him and examination of the police interview reports, that he in fact has an emotional and real perception of war, doom and own duty as a saviour.»

Also during the trial, these experts noted that the defendant became intense and experienced physiological reactions when acts of murder and violence were described. They

believed the defendant was driven by ideas of violence and not by politics.

Nonetheless, the question is whether the intensity of the defendant's ideas indicates that they should be classified as delusions under criterion d). Again, an alternative interpretation would be to understand his intensity as a manifestation of a fanatical and farright extremist worldview, combined with a grandiose and narcissistic personality. The circumstance that the defendant in other contexts has toned down his statements on war, doom and his own task as a saviour, speak in favour of such an alternative interpretation.

The Court's assessment thus far is that the defendant's statement of being a participant in a civil war with expectations of a takeover of power in Europe can be understood in a political context that is significant in farright extremist subcultures. Nonetheless, the Court assumes that the defendant alone planned the acts of murder concerned, which subsequently seem to have been endorsed by only a quite limited number of persons.

This brings the Court to the second criterion under letter d); that the delusions must be «completely impossible». During the trial, the experts Husby and Sørheim specified that what is completely impossible is the defendant's selfperceived responsibility and calling to decide who is to live and die.

The question is whether the idea of having such a responsibility or calling is completely impossible in the sense used in criterion d). At the trial, Professor Malt explained that the criterion «completely impossible» is not clearly defined, and that consequently there is room for different interpretations. It is common to apply this criterion to delusions that are strange, weird, absurd and beyond what is physically possible. Professor of Psychology Svenn Torgersen explained at the trial that the delusion must represent a «break with naturalscience thinking». In their report, the experts Aspaas and Tørrissen use the designation «physically impossible», which seems to be in keeping with this. In the test SCID-1 under the American diagnostic system DSM-IV, the concept «bizarre» is applied to the same criteriabased delusion.

Naturally, the Court agrees with the expert witnesses Husby and Sørheim in that a selfperceived responsibility or calling to decide who gets to live and die is fully unacceptable from an ethical point of view. However, as the defence also argued, a person's conception of having such a calling goes to the very core of politically or religiously founded terrorism. The defendant has in a fanatical and cynical manner maintained that the selection of victims and object for his misdeeds on 22 July 2011 was politically motivated. It is difficult for the Court to see that his conceptions of murders and terrorist acts to attain a future political goal – regardless how incomprehensible and reproachable they may be – can be «completely impossible», which is how this diagnostic criterion is normally applied according to information at hand. Like the Court will revert to, the expert witnesses also disagree about whether such conceptions constitute pathological delusions.

In this context, the Court will not pursue the defendant's role in Knight's Templar, since any genuine conviction about playing a leading role in a nonexistent organisation can hardly be deemed to be «completely impossible» in relation to criterion d). The Court will revert to the significance of the Knights Templar below when it deals with paranoid psychosis.

Based on the above, the Court believes that the defendant has not had delusions that are sufficiently subculturally inappropriate and impossible to be covered by the usual scientific and clinical application of criterion d).

As already mentioned, it will suffice that at least one symptom from symptom group 1 or at least two symptoms from symptom group 2 are met in order for the basic criterion for the schizophrenia diagnosis to be met. Even though the expert witnesses Husby and Sørheim also found that criterion b) in symptom group 1 and criteria f) and h) in symptom group 2 were met, the prosecuting authority said in its closing arguments that its demand for judgment to have the defendant transferred to compulsory mental health care was based on criterion d) being satisfied. This was because the prosecuting authority believed that the other criteria were based on a weaker foundation. The Court has an independent responsibility for the application of law and will therefore also address the other symptoms that the expert witnesses Husby and Sørheim deemed existed.

Criterion b) has been defined in the Green Book as follows:

«(b) delusions of control, influence, or passivity, clearly referred to body or limb movements or specific thoughts, actions, or sensations; delusional perception.»

Translated into Norwegian this means delusions of being controlled, influenced by external forces, or passivity with a clear reference to body or limb movements, or specific thoughts, actions, or sensations; delusional perception.

On page 228 of the diagnostic evaluation, the expert witnesses Husby and Sørheim write that the defendant showed

«clear symptoms from symptom group b): Delusions in respect of perception and control, exemplified by the feeling that the observee knows what others are thinking.»

The expert witnesses' observations have been described in more detail in two minuted talks. One observation from the first talk with the defendant on 10 August 2011 is found on page 88 of the expert witnesses' report:

«One of the expert witnesses asks how the observee was to determine whether we were speaking the truth, had we answered the questions. The observee smiles and says: I already know that. Thousands of hours of sales work have enabled me to predict with a probability of 70% what the person I am talking to is thinking. So I know that none of you are Marxistoriented, but both are politically correct and support multiculturalism.

...

The expert witnesses ask the observee if he is guessing or if he knows what others are thinking. I know, says the observee, that's a big difference.»

Moreover, the expert witnesses write the following about *status praesens* following a talk with the defendant on 23 August 2011 page 109:

«The observee believes that he knows what people he is talking to are thinking, since he believes he knows how former fellow party members from the Progress Party would characterize him now. The phenomenon is considered to be psychotically based.»

According to Melle's testimony, the Board of Forensic Medicine accepted this as a delusional perception. The defendant made similar statements to the expert witnesses Aspaas and Tørrissen, but they did not interpret the statements as delusional perceptions. Nor did psychiatrist Randi Rosenqvist, advisor to the management of Ila Preventive Detention and Security Prison, interpret similar statements made during her examination of the defendant as signs of psychosis.

In the expert witnesses' evaluation of this criterion, the Court would have liked to see a discussion of possible alternative interpretations by the expert witnesses. Firstly, the expert witnesses could have taken the defendant at his word in the sense that he felt his sales work experience had made him a good judge of character. He could also be perceived as being categorical in his way of thinking by tending to label people. A third possible interpretation could be that he boasts talents he does not have, which would possibly be in line with a grandiose and narcissistic personality.

The Court believes that such alternative interpretations are more obvious for the two observations described by the expert witnesses, and can therefore not see that criterion b) is met.

The Court now moves to discuss symptom group 2, criterion f), which in the Green Book is defined as

«neologisms, breaks, or interpolations in the train of thought, resulting in incoherence or irrelevant speech».

Translated into Norwegian this means neologisms, breaks in the train of thought, or interpolations in the line of thinking, resulting in incoherent or irrelevant speech.

The expert witnesses Husby and Sørheim have found

«clear symptoms from symptom group f): Breaks or interpolation in the train of thought, exemplified by periodic perseveration, associative speech and neologisms.»

Associational disturbance and perseveration (repetition of the same basic topics) have

been described under the diagnostic evaluations of these expert witnesses on pages 226–227 as follows:

«The observee is at times difficult to follow, because he changes subject quickly and must be brought back to the topic. He associates richly and his associations bring him – almost always and irrespective of angle of approach – back to his political message, his perceived mission and position. The phenomenon is considered to be a moderate associational disturbance.

When given the opportunity to speak freely, the observee focuses uninterruptedly on the same topics. He relates time and time again the same details related to his own knighthood, radicalisation process, the Knights Templar organisation, the forthcoming coup d'état and power takeover in Norway and Europe. The phenomenon is regarded by the expert witnesses as perseverance. No latency or thought blocks occur during the talks. The observee does not display disorganised behaviour.»

The expert witnesses Aspaas and Tørrissen also observed the defendant's tendency to revert to a stereotypical political argumentation with a repetition of appurtenant illustrations, e.g. that the bombing of Japan under World War II allegedly saved many lives, and that the riots in Paris before the general election in 2009 had not been fully covered by Norwegian media to prevent a successful outcome for the Progress Party in the election. However, they did not deem this to be a psychotic «repetitive» mode of speech.

At the trial, the Court also noted that the defendant kept coming back to the topics he was most passionate about. However, these repetitions did not result in incoherent or irrelevant speech, as required by criterion f). The Court did not at any point find it difficult to follow or understand the meaning of what the defendant said.

The question of whether the defendant uses neologisms has been strongly highlighted during the trial. A neologism is not defined in detail in the diagnostic system and according to Professor Malt it may open for multiple interpretations. However, it is normally used about a totally incomprehensible new word which somebody has coined him-/herself or about existing words/word combinations which somebody uses in a totally incomprehensible manner.

The expert witnesses Husby and Sørheim said the following about neologisms on page 225:

«The observee presents selfcoined words such as *national Darwinist*, *suicidal Marxist* and *suicidal humanism*, *justiciar knight*, *justiciar knight commander*, *justiciar knight master* or *justiciar knight grand master*. These concepts are regarded as neologisms.»

Similar word combinations which the expert witnesses consider to be neologisms are reported several places in the report.

According to Melle, the Board of Forensic Medicine believed that the expert witnesses Husby and Sørheim applied the neologism concept unusually. The group would have liked to see the expert witnesses ask followup questions. Neither Professor Malt, nor other expert witnesses, supported the expert witnesses' neologism findings, as described in their report.

The presentation of evidence disclosed that several of these word combinations are also used by others. The expert witnesses Aspaas and Tørrissen have e.g. found many of the same word combinations on the Internet, *inter alia*, in a rightwing extremist context. The knight and justiciar terminology is allegedly also used in the computer game World of Warcraft and in the Masonic Order. Consequently, these expert witnesses did not believe that the defendant used neologisms.

The expert witness Sørheim mentioned in her testimony that the words were neologisms because they formed part of the defendant's delusional universe. The Court believes that such a view may easily lead to circular reasoning. In any case, the Court believes that the expressions and word combinations can be understood in a context that makes them meaningful and can not see that the word combinations result in incoherent or irrelevant speech, as required by criterion f).

On this basis, the Court believes that criterion f) has not been met.

The Court then moves to address criterion h) in symptom group 2, which is the last possible general schizophrenia criterion, defined as follows in the Green Book:

««negative» symptoms, such as marked apathy, paucity of speech, and blunting of [*sic*] incongruity of emotional responses (it must be clear that these are not due to depression or to neuroleptic medication).»

Translated into Norwegian this means «negative symptoms», such as marked apathy, paucity of speech, blunted emotions or incongruity of emotional responses not due to depression or neuroleptic medication.

Blunted emotions imply that a person has a limited range of emotional responses. Such limitations will e.g. manifest themselves in few facial expressions, reduced or inappropriate responses, inadequate body language or reduced spontaneous mobility. The Court's understanding is that impaired empathy, i.e. the ability to feel compassion for others, is not necessarily a negative symptom as described in criterion h).

The expert witnesses Husby and Sørheim found on page 228 of their report that the defendant displayed

«clear symptoms of symptom group [...] (h): Negative symptoms, exemplified by appearing to be notably emotionally blunted».

On page 224, this is described as follows:

«The observee appeared to be emotionally blunted, with complete emotional distance in respect of his own situation and of the expert witnesses. The observee maintains that the killing of the victims was justified, that he has no regrets and feels no remorse [...] Nor does the observee express any emotions in relation to his family and friends. He describes all topics, from his own childhood to the *executions* of the reported acts in operationalised speech, with no emotional component. The observee appears to be affectively blunted and with serious empathetic failure.»

The Court does not find it difficult, based on its own observations during the trial, to concur in the observations here described. The Court nevertheless noted that the defendant cried during the showing of his own propaganda film, allegedly because he was touched. Such affect was not immediately comprehensible to others, however. The question is whether the affective flattening in the defendant to a certain degree may be situational, both related to the time while he was in solitary confinement at Ila [prison], and during the trial with all the pressure that it must have represented to him.

The experts Aspaas and Tørrissen explained that they have observed a broader range of emotions in the defendant. During the main hearing, Tørrissen nevertheless reacted to the lack of emotional reactions during the review of the autopsy reports and the statements of the aggrieved parties. This resulted in another consultation between Tørrissen and the defendant at the premises of the courthouse holding cells. According to Tørrissen, the defendant appeared more emotionally flattened in court than what he did at Ila and in the holding cell, where he appeared more relaxed and natural. The observation of the defendant in court did not change these psychiatrists' earlier assessment of the defendant's state of mind in general or of his affective flattening in particular, which they summarize on pages 299–300 as follows:

«The observee appears as emotionally blunted when it comes to take to heart the suffering he has inflicted upon others. He shows no remorse and would have done the same again. His acknowledgement of having committed atrocities seems superficial and technical. However, he has shown perfectly adequate abilities to interact and communicate with the expert witnesses and health personnel. His emotional flattening is not assessed to be of the kind seen in serious mental illnesses, but is understood as expressions of pathological personality traits.»

In support of finding negative symptoms under criterion h), the experts Husby and Sørheim have greatly emphasized the decline in the functioning levels of the defendant in the years preceding the terrorist attacks. Using criterion i) of the Blue Book as a starting

point, this is described on page 228 in their report as «a considerable and persistent change in quality of certain areas of personal conduct, described through marked functional impairment with social, practical and financial collapse».

The Court remarks that criterion i) is not a general criterion for schizophrenia, but belongs to the symptom group of simple schizophrenia (F20.6). These psychiatrists have nevertheless given this criterion great importance, presumably since such withdrawal symptoms usually accompany the negative symptoms described in letter h). In the Green Book, criterion i is described as «a marked decline in social, scholastic, or occupational performance».

The expert witnesses Husby and Sørheim write the following about the decline in the functioning levels of the defendant on page 227:

«It is the assessment of the expert witnesses that the observee in the period 2002 to 2006 showed a tendency of increasing isolation with gradually declining functioning skills. The expert witnesses do not have any facts to ascertain when the psychotic symptoms of the observee first appeared, but it cannot be excluded that the onset of symptoms was already in this period.

From 2006 on, the collected documentation describes a definite shift of the functioning level of the observee. Friends testify that from this time on, the observee withdrew from social contact, turned quieter, moved back in with his mother, and stopped working. These phenomena are considered by the psychiatrists to be withdrawal, isolation and a lacking ability to meet the demands of the working life.

The mother of the observee has described that the observee turned day and night around, played computer games a lot, and from this time on mostly stayed in his room. The observee did not take part in cleaning and maintenance of the apartment or his own laundry, and did not cook himself. His mother bought the groceries. The mother of the observee describes how he, upon her incitement, did not want to contact the Labour and Welfare Services (NAV) for assistance, either of practical or financial nature. The symptoms are considered by the psychiatrists to be extensive functional impairment, in practical, social, and economic terms, and with respect to capacity for work.»

The expert witnesses Aspaas and Tørrissen agree that the defendant functioned outside of normal society for a long time, but they believe that this was premeditated behaviour due to his highly special aims and activities. On page 299 in their report, these psychiatrists write, *inter alia*, the following on negative symptoms:

«It is well described that the observee has withdrawn from friends for long periods at a time. He has also spent a lot of time alone in his room in the mother's apartment to play computer games, especially in 2006/2007. On his withdrawal, the observee has explained that he spent the time on preparations for the terrorist act and that he thus had to give up part of his social life. However, he has stayed in touch with friends, right up until just before 22 July 2011. In the period when he spent a great part of his time on computer games, this happened in a way which, to the knowledge of the expert witnesses, implies that he would to a considerable extent participate in a social interaction with a large number of fellow players through internetbased verbal communication, and for hours on end. No evidence has thus been presented of withdrawal, as seen in psychotic illnesses, in the opinion of the psychiatrists.»

The Court does not find sufficient grounds to establish a pathological drop in functioning levels in the period from 2002 to 2006. Investigations have disclosed that the defendant sold false diplomas in this period with a total revenue of nearly NOK 3.7 million, while he was also trading in shares. He moved to live on his own in 2003, but he still kept in touch with friends and family members.

However, there is no doubt that the defendant underwent a considerable professional, social and practical alteration in behaviour in 2006. The Court believes the background of this alteration in behaviour may be complex.

The defendant has explained that he discontinued his business activities, which he



describes as legal, but immoral, because he was afraid of being negatively exposed in the media. Once his company was dissolved in February 2006, he set up his account in the World of Warcraft in March, i.e. half a year prior to moving back to his mother's place. The Court believes a form of compulsive gambling may have been a contributing factor to why he chose to move back in with his mother and withdraw from a social and active work life.

The Court furthermore does not disregard the possibility that the underlying relationship to his mother may explain some of the defendant's dependency upon her in practical matters. The experts Husby and Sørheim include, on pages 48–50 in their report, documents from the National Centre of Child and Adolescent Psychiatry (SSBU) from 1983, in which there is mention of the relationship between the defendant and the mother. Furthermore, on page 68 in their report, they have included a letter from the halfsister B to the mother, presumably from 2009 or 2010. In the letter, B addresses what she perceives as problems with her brother that have lasted for years, and she writes the following, among other things: «I am like an echo stating what I have said for so many years, actually ever since I was little, as far back as I can remember – let him have his own life!» The Court has, in the extension of this, also noted the information that the mother cleaned the apartment of the defendant after he moved into a place of his own.

The Court believes that at any rate, the deviant conduct of the defendant may be understood in the light of his personality. Already in 1998, he made an untraditional choice by leaving school in the third [and final] year of upper secondary school to earn money and become an entrepreneur. This was in spite of him doing well in school, in spite of both knowledge and his resume being important to him, and besides he was in a community where it was common to complete twelve years of school. The business areas which he later chose to try out must also be said to be peculiar; especially the diamond trading in Liberia in 2002 and the production of false diplomas from 2002. Friends of the defendant have described him as a social and good friend, though at the same time as «stubborn» with «eccentric» opinions, «the outsider of the group», «goaloriented» and as a person who committed «110%» to what interested him.

Furthermore, it is well documented that the defendant was both goaloriented and «productive» from the time when he moved back to his mother's house in 2006, until 22 July 2011. From 2006 he played World of Warcraft at a high level, and according to the testimony of a fellow player, he was «the best officer» this player had ever had. As previously described, the game is social and requires good communication between the players. The defendant later prepared his ideological compendium in English of nearly 2.000 pages, including, *inter alia*, a detailed terrorism manual. He gradually acquired knowledge on the production of bombs, got hold of weapons, effects, and equipment. He made several trips abroad in 2009 and 2010, and joined Oslo pistolklubb [Oslo Pistol Club] in 2010. He founded the company A Geofarm as a sole proprietorship in May 2009, signed a rental contract and moved to Åsta farm in the beginning of May 2011. Here, he produced the bomb and made a test explosion. The defendant succeeded in keeping his extensive terrorism preparations hidden from the surrounding world. He carried out the terrorist attacks on 22 July 2011 in line with his plans, and the witnesses from Utøya have explained that he walked around the island calmly, aiming precisely when shooting at his victims.

The activities described above show that the defendant had stamina, impulse control and good cognitive functions related to the tasks he assigned himself. The Court finds the defendant's ability to plan and implement in these various areas hard to reconcile with untreated paranoid schizophrenia with a gradual deterioration from 2006. The experts Husby and Sørheim did explain this by stating that the defendant is among the onethird of schizophrenics who retain most of their cognitive functions. The Court still wonders whether this explanation is reconcilable with their assessment of the defendant's pathological and total functional impairment in all areas.

In the assessment of the defendant's functioning, the Court will at any rate emphasize that in the period from 2006, he maintained, and in part resumed, certain normal activities. All this time, he would pay his mother NOK 3.500 a month out of his savings, and besides he was well dressed and groomed. He continued to trade in shares, and is registered with 60

transactions in 2008 at his most active. In 2006 he joined the Masonic Lodge, where he attended a few meetings and was later promoted in the degrees every year, most recently to the 3<sup>rd</sup> degree in 2009. In 2007/2008 he resumed contact with friends with whom he travelled to Budapest in 2009. The friends have not reported any conspicuous behaviour on behalf of the defendant after the contact was reestablished. Furthermore, it has been stated that the defendant was on Facebook and had a number of email addresses. Although social contact on the Internet cannot be compared to social contact in the real world, the Court nevertheless believes it to be relevant in the overall assessment of the functioning of the defendant.

The experts Husby and Sørheim appear to have placed great emphasis on information from the mother on the defendant's functioning in the year prior to the indicted acts. On page 223 of their report, they write as follows:

«From 2010, the observee's mother describes a qualitative change in his way of being. She describes how the observee from this point on was concerned with infection, his own appearance and was uncomfortably intense, irritable and angry. It became increasingly important to him to impart politics and history, and the mother felt pressured by him. She describes that it was difficult for her to understand what he wanted to relay. She described the observee as *utterly beyond, and believed in all the rubbish he said*. The phenomena are assessed by the psychiatrists to be an expression of psychotic delusions.

The observee's mother describes how the observee no longer appeared to know how to keep an appropriate distance from her, as he could go from sitting down much too close to her on the sofa, to not wanting to accept the food she served. This behaviour is assessed by the psychiatrists to be regulation difficulties as a consequence of paranoid delusions.»

In their letters of 23 April and 31 May 2012, the Board of Forensic Medicine criticizes the expert witnesses Aspaas and Tørrissen for not having procured data from supplementary informants on the defendant in his childhood and adolescent years and in early adulthood, especially from the years when he lived with his mother as an adult. They have also found it to be a significant flaw of the report that these psychiatrists have not stated their grounds for «how such potentially important information [from the mother] is neither considered in the SCID-1 scoring nor in the general diagnostic assessment».

In the supplementary report of 30 April 2012, these objections are met with, *inter alia*, this reply:

«The most immediate source of obtaining firsthand information from a supplementary informant would be from the observee's mother, who has had close contact with him over the years. The mother has been interviewed by the police six times, [resulting in] altogether more than 200 pages of statements. She has also been interviewed by the expert witnesses Husby and Sørheim. In this manner, we have had access to extensive information from her. It is noted that in early statements, she has given a fairly normal description of the observee. Though she has indeed worried about him not being in permanent employment, she has otherwise described him as kind, considerate, a problem solver for his friends, hard working. On the eve of the indicted acts they had a good time together and there was unusual to point out. Later, and especially to expert witnesses Husby and Sørheim, she has meant that he «must be insane» and has talked of him as «utterly beyond, and believed in all the rubbish he said». Hence, we would unavoidably face contradictory information from the mother if a new interview were done. Considering this factor, as well as the information that she has serious health problems (which have also made her exempt from appearing in court), the expert witnesses have refrained from asking her to meet us for a consultation.»

The Court interprets the experts Aspaas and Tørrissen as having assessed also the extensive material from the various statements of the defendant's mother's when making their diagnostic assessment, which they confirmed at the trial. The Court does however agree with the Board of Forensic Medicine in that it would have been clearly advantageous if these

experts had gathered firsthand information from the defendant's mother, having in mind also the contradictions they noted in her various statements.

Nonetheless, the Court believes that the defendant's behaviour towards his mother from 2010 onwards most likely can be understood against the background of the upcoming terrorist attacks, which he at the time was in full swing preparing from their shared home. As a part of these preparations, in the winter of 2010 he took his first course of anabolic steroids, which also may have influenced his behaviour towards her. Additionally, the information provided by the defendant's mother seems to contrast somewhat with witness statements from friends saying that the defendant was approaching his «old self» in the course of 2010/2011. Nor have any other family members reported anything unusual from the family gathering at Christmas 2010 in their police interviews. The defendant's half sister on his father's side stated in a police interview that «A was the way he has always been; articulate, knowledgeable, and it seemed like he was doing a lot of thinking. He knew a lot about history and religion», cf. the quotation in the report of the experts Aspaas and Tørrissen on page 122.

As regards the experts Husby and Sørheim's description of the regulation problems in the above quotation, the Court notes a similar ambivalence between closeness and distance in mother's relationship to the defendant described in the documents from the National Centre of Child and Adolescent Psychiatry from 1983. This information, which the Court does not find reason to discuss in further detail, may support the notion that the described behaviour is relationally based and not a manifestation of paranoid delusions.

Following the above, the Court believes it is more obvious to interpret the defendant's changes in behaviour in 2006 and 2010 in the light of his particular personality and what he had set out to do, rather than as being negative symptoms of schizophrenia. However, the Court does not take a stance on whether the defendant's flattened affectivity, considered in isolation, falls under criterion h), as the existence of a single symptom from symptom group 2 in any case is insufficient.

The Court's conclusion thus far is that the defendant did not have symptoms that fulfil the general ICD-10 criteria for schizophrenia, the way these criteria are normally applied in clinical and scientific practice.

Besides, as already mentioned, the Board of Forensic Medicine did not unconditionally agree with the experts Husby and Sørheim's findings of bizarre delusions and neologisms. According to Mr. Melle's statement, the Board of Forensic Medicine nonetheless refrained from making written remarks to their report because they believed the symptoms described in any case were compatible with a paranoid psychosis (F22). The Court does not agree with the Board in this line of reasoning. After all, the experts Husby and Sørheim had themselves rejected this diagnosis; amongst other things because they believed that the defendant's marked flattening of affect was incompatible with the ICD-10 criteria for paranoid psychosis. Moreover, had not representatives of the Board been summoned later to give evidence at the trial, the Court would have remained unaware of the Board's assessment that central diagnostic criteria for schizophrenia were poorly documented. Additionally, the Court cannot see that the Board's substantive remarks to the report of the experts Husby and Sørheim are less significant than the written remarks to the report of the experts Aspaas and Tørrissen. As the Court will discuss below, these remarks concerned, *inter alia*, documentation of the general criteria for the diagnosis of personality disorder, which is not of decisive importance for the question of criminal sanity. Consequently, in its assessment of the evidence the Court will not attach any independent importance to the fact that the Board of Forensic Medicine made written remarks to only one of the two reports.

The Court now proceeds to discuss the alternative psychosis disorder that has been addressed by the expert witnesses.

### **6.5 Paranoid psychosis**

The experts Aspaas and Tørrissen have assessed whether the defendant may have had a paranoid psychosis at the time of the reported acts. Paranoid psychosis (F22) is a more limited delusional disorder that is presented with six diagnostic criteria in the Green Book,

including the following:

- A. A delusion or set of related delusions, other than those listed as typically schizophrenic in criterion G1 (i) b or d for F20.0–F20.3 (i.e. other than completely impossible or culturally inappropriate) must be present. The commonest examples are persecutory, grandiose, hypochondriacal, jealous (zelotypic), or erotic delusions.
- B. [...]
- C. The general criteria for schizophrenia (F20.0-F20.3) are not fulfilled.  
[...]

Translated into Norwegian this means that the disorder is characterised by a delusion or a set of related delusions that should not be bizarre, exemplified, *inter alia*, by paranoid and grandiose delusions. Since the experts Husby and Sørheim believe the defendant suffers from paranoid schizophrenia with all-encompassing delusions, they do not discuss this diagnosis. As already mentioned, they nonetheless make the remark that the defendant's marked flattening of affect is incompatible with a paranoid psychosis.

In their report, the experts Aspaas and Tørrissen present a SCID-1 interview, which is a structured interview under the parallel American diagnostic system DSM-IV. Below follows their assessment of paranoid psychosis found on pages 262–263:

«As stated above, the expert witnesses have not found any psychotic symptoms. [...] He has had ideas of heightened selfworth, power and knowledge that may be reminiscent of what is observed in the case of delusional disorders. Not least the ideas concerning the Knights Templar appear peculiar. He has however rationalised this and has explained that it is a willed idea. The experts attach importance to the fact that the observee in police interviews and interviews with the experts is capable of arguing and presenting nuanced statements. He has a capacity for being corrected that is not found in persons with delusional disorders. It does not seem to be of interest to discuss grandiose ideas about his own finances, since income of a certain level has been documented in the course of the investigation.

Another important observation is that he has managed to keep his plans concealed from others. This is not very compatible with ideas of a psychotic nature, where precisely the urge to assert the perceived injustice will be prominent. The observee has demonstrated an unusually stable and good impulse control, which he also demonstrates during detention.

Clinically assessed, one does not find in the observee the psychotic nature that characterises delusions. There may be obvious reasons to apply the concept of flawed perception of reality to his extremist political views; however, as described above these are ideas he shares with a subculture that expresses the same opinions.

Issues concerning surveillance and possible somatic delusions have been discussed above. It is thus the experts' assessment that the observee does not have nor has had any delusional disorder.»

In the general diagnostic assessment of whether the defendant may have suffered from a psychotic disorder at the time of the reported acts, they present the following conclusion on pages 302–303 of their report:

«As stated above, the experts have not assessed his ideas as being manifestations of psychotic thought processes, but as extreme political views, combined with the conscious disregard for opposing views. The experts assume the existence of an ideological subculture that shares the observee's ideological and political views. Consequently, there are no grounds for a delusional disorder (F22.0 Paranoid psychosis).»

The experts Aspaas and Tørrissen interpreted the defendant's fear of surveillance by the Police Security Service (PST) and isolated instances of him using a face mask as exaggerated caution and fear of illness during the planning of the terrorist acts, and not as psychotic delusions. Contrary to the experts Husby and Sørheim, they have not perceived the defendant's use of the word «we» instead of «I» to be an identity disturbance, but an

expression of him intending to speak on behalf of likeminded persons.

In its statements of 23 April and 21 May, the Board of Forensic Medicine has questioned the validity of the defendant's answers to, *inter alia*, the SCID-1 interview, considering his tendency to answer strategically. In their introductory description of SCID-1, the experts Aspaas and Tørrissen have addressed this issue, writing that they, *inter alia*, have taken as a point of departure and have confronted the defendant with his earlier statements in police interviews, in conversations and in the compendium. Next, these statements have been «weighed against the clinical impression and the way in which he answers». Also in the introductory general remarks on page 12 of their report, they raise the question of whether the defendant in his conversations with them «has adapted himself to his knowledge at any given time of the case complex, the police investigation, the previous forensic psychiatric report, etc». Against this background, they have assessed and «compared his statements to the expert witnesses in February/March 2012 with what emerged during the early stages after his arrest (documented in a police interview recorded on DVD), as well as his statements to the health service and the earlier expert witnesses in July/August 2011». Additionally, the questions of dissimulation and a possible false negative conclusion are discussed in connection with the diagnostic assessments on page 300 and in the supplementary report of 30 April 2012.

The Court agrees that the defendant's tendency to adapt his answers in tests and in his conversations with the experts may, considered in isolation, weaken the value of the observations of the experts Aspaas and Tørrissen. Notwithstanding this, the Court notes that as early as in the first conversation on 9 September 2011 with psychiatrist Arnhild Flikke, the defendant described himself as a «foot soldier», see the above quote. Flikke is a senior medical officer within the Specialist Health Service of Bærum Municipality, the District Psychiatric Centre (hereinafter DPS), and she has been a member of the «Ila Team» since 2007. Also in a police interview on 18 October 2011 did the defendant moderate statements in the manifesto that he has also cited during early police interviews as well as in conversations with the experts Husby and Sørheim. In the police interview he said, *inter alia*, that the way he had «described the Knights Templar, it is a glossy picture of the Knights Templar, but in practice the Knights Templar is in the process of being established», see the quote from this interview on page 82 of the report of the experts Aspaas and Tørrissen. Additionally, policemen who carried out the interviews of the defendant confirmed at the trial that they noted a certain toning down of the defendant's previous statements from the police interview on 18 October 2011, and a marked toning down from the police interviews in March 2012. It is furthermore clear that the defendant toned down the description of the Knights Templar and his own political role in his conversations with the experts Aspaas and Tørrissen, and also in his statement during the trial.

The Court believes that the circumstance that the defendant is capable of moderating his statements is also relevant diagnostic information. On pages 296–297 of their report, the experts Aspaas and Tørrissen describe the defendant's high opinion of, *inter alia*, «his own importance for the future of the country and Western Europe». Here, they draw a parallel with a condition that in specialist literature is termed «pseudologia fantastica», and which refers to conditions where a person with theatrical personality traits makes up stories that make them important. They write the following about the difference between persons with such personality traits and psychotic persons:

«It is characteristic that these kinds of stories are toned down when the person concerned is confronted with facts or opposing views. In psychotic patients, the opposite is often observed; when they are confronted with ambiguities and improbabilities, their statements will become increasingly unclear and improbable, and when patients are subjected to pressure they may show signs of stress and psychological decompensation. «Pseudologia fantastica» is not a separate diagnosis in the diagnostic systems, but the phenomenon may provide a basis for personality diagnoses.»

Also other expert witnesses within psychiatry described at the trial how genuine delusions normally are defended by the patient in the case of resistance. Patients often turn

aggressive and angry or sulky and silent when their delusions are challenged. Overall, psychotic patients have limited capacity for moderation. There also seems to be agreement among these witnesses that a psychotic person hardly would manage to adapt during hourslong interviews in pressed situations. According to the information provided, the police interviews lasted for up to 11 hours. The defendant's statement at the trial also lasted for many hours every day for more than a week. If one disregards the contents of the defendant's statements, under the circumstances he gave evidence in an inconspicuous way. He gave the impression of being controlled and collected. He let himself be corrected and moderated, and he demonstrated a capacity for flexibility in various contexts.

Against this backdrop, the Court agrees with the expert witnesses Aspaas and Tørrissen's conclusion that the defendant's use of terminology and various statements including historical references about civil war, power takeover in Norway, ethnic cleansing, breeding institutions and genetic testing of our future regent can all be understood in a political context. The same goes for the use of the plural «we» as a reference to the defendant's fellow rightwing extremist peers. The defendant's periodic use of mouth mask and his feeling of being under surveillance seem also to have plausible explanations. No similar behaviour or statements by the defendant have subsequently been reported.

The prosecution has focussed on whether the defendant's conception about the Knights Templar can be regarded as psychotic delusions under the presumption that the organisation does not exist. Investigations have not produced any evidence to indicate that such an organisation exists.

The expert witnesses Aspaas and Tørrissen write the following about the Knights Templar on page 295 of the report's diagnostic evaluation:

«The expert witnesses take for a fact that militant movements sometimes develop a system of rank titles, uniforms, greetings, etc. Despite this, the description of the Knights Templar, and not least the uniform the observee has had made, is characterised as eccentric, theatrical and grandiose. The fact that he has deliberately conjured up a future vision can, nevertheless, not be understood as a sign of psychosis. In the opinion of the expert witnesses, he has all along known that the idea of the Knights Templar is a product of his own imagination.»

At the trial, the defendant maintained the basic features of the compendium's description of the founding and structure of the Knights Templar. Among other things, he explained that he met a Serbian war criminal in Liberia whom he later represented at the founding meeting in London in 2002. He also maintained that there were three single cells in Norway and approximately 15 to 80 in Europe, and that the cells have no contact with one another because of the risk of being detected by the intelligence service in the various countries.

The Court believes that the defendant may have various reasons for insisting on the existence of the Knights Templar. By anchoring the acts for which he is indicted in an alleged organisation, he can give others an impression of grandiosity and legitimacy and can thereby also help promote future recruitment. In addition to this, an alleged organisation can give rise to fear in the population, a motive which goes to the very core of the terrorism provision on which the indictment is based. Retracting what he has said about the Knights Templar, which forms such a vital part of the compendium, can ultimately appear to be psychologically or ideologically impossible.

Ever since the defendant was apprehended, he has been reluctant to answer questions about the Knights Templar, including questions about its supporters and foundation, despite the fact that other information has flowed from him like «water from a faucet», to use the words of the expert witness Husby. As mentioned above, he has also toned down his presentation of the organisation and significance of the members. During the compulsory observation, he did not focus on the Knights Templar according to the observation team from Dikemark. The Court is also of the opinion that these circumstances speak against concluding that the defendant carries a genuine psychotic conviction about the organisation's existence.

The expert witnesses Aspaas and Tørrissen believe that the defendant suffers from

personality disorders, which they believe can explain a lot of his symptomatology. One may query whether these expert witnesses' interpretations of potentially psychotic symptoms were influenced by them having found, on possibly shaky grounds, such alternative explanation models.

The expert witnesses performed, *inter alia* on the basis of a SCID-II interview based on the parallel US diagnostic system, a thorough review of the special criteria for various personality disorders in ICD-10 and concluded that the defendant had the diagnoses «F60.8 Other specified personality disorders, narcissistic», and «F60.2 Dissocial personality disorder». The Board of Forensic Medicine stated in its letter of 31 May 2012 to Oslo District Court that it can not «see from the premises that it has been adequately discussed whether the observee from childhood and/or adolescence displayed firmly entrenched and persistent behaviour patterns which were expressed through rigid reactions to a broad range of personal and social situations».

Under the general criteria for personality disorders in the Green Book, the personality deviation must be stable and of long duration, «having its onset in late childhood or adolescence». In the US diagnostic system, from which the diagnosis of narcissistic personality disorder is taken, the time of onset is specified to «the beginning of early adulthood». The expert witnesses seem to agree that the personality deviation must have manifested itself before the age of 18 years. In their supplementary report, the expert witnesses Aspaas and Tørrissen elaborated on the examples of dissocial characteristics from the defendant's childhood, adolescence and early adulthood, maintaining their previous explanation for the manifestation of his narcissistic characteristics. At the trial, Aspaas specified that the narcissistic personality disorder was the main diagnosis.

The Court has not considered how developed and comprehensive the personality deviation must have been before the age of 18 years to satisfy the general criteria for a personality disorder in the Green Book. Beyond the methodological source of error as to interpretation now discussed, the diagnosing of personality disorders does not have any direct impact on the question of the defendant's criminal sanity. Nevertheless, the Court mentions that the diagnosis «F60.2 Dissocial personality disorder» found little support during the presentation of the other evidence. As will be discussed below, the diagnosis «F60.8 Other specified personality disorders, narcissistic», was however supported by therapeutic health personnel at Ila who were part of the specialist health service. Randi Rosenqvist also took note of the defendant's narcissistic personality characteristics.

Still the Court finds no grounds for disavowing the expert witnesses Aspaas and Tørrissen's assessments of the psychosis question on the grounds that the general criteria for personality disorders in ICD-10 have possibly not been met. Irrespective of whether the defendant meets the general criteria for a personality disorder, the Court takes for a fact that he displays both dissocial and narcissistic personality characteristics.

## **6.6 Other health personnel**

The Court now moves to account for the therapeutic and advisory health personnel's diagnostic assessments of the defendant, which are more or less consistent with the assessments of the expert witnesses Aspaas and Tørrissen.

The Court said initially that the defendant has not had any contact with the specialist health service for mental disorders prior to 22 July 2011. The medical records from his regular general physician do not contain information about mental disorders either, apart from some incidents of acute stress/situational imbalance with sleeplessness from 1998. The defendant underwent plastic nose surgery in 1999 because he wanted a «straight profile».

The Court relies on the medical examination where a blood sample was taken on 23 July 2011 between 01:30 and 02:00 hrs, reported on page 37 of Aspaas and Tørrissen's report. The clinical state of the defendant was described as follows:

«inconspicuous, but the observee has dilated pupils consistent with the effect of Ephedrine, which he informed us that he had taken. Dilated pupils can also be consistent with mental stress. Seems tired. The conclusion is: slightly under the influence».

The evaluation reported on page 38 states the following:

«The defendant is calm during the examination. He explains things adequately and responds to all questions without any conspicuous hesitation. He cooperates adequately, except that he says that he does not wish his face to be photographed.»

Furthermore, the defendant has had regular contact with the prison health service at Ila Preventive Detention and Security Prison from the time he was remanded in custody on 26 July 2011. Neither the prison physician nor the psychiatric nurse found any signs of psychosis, either when he was admitted or later, according to the notes in the medical records referred to in the expert witnesses Aspaas and Tørrissen's report.

In September 2011, the prison health service referred the defendant to the specialist health service of Bærum District Psychiatric Centre (Bærum DPS), *inter alia*, to assess if there was any suicide risk. Arnhild Flikke, senior medical officer and psychiatrist, had her first talk with the defendant on 9 September 2011. In her notes from this first talk, included in the expert witnesses Aspaas and Tørrissen's report on page 148, she writes the following:

«His political conceptions are extreme, but I do not consider that they represent any flawed perception of reality in a psychotic sense, based on my knowledge about common thoughts and ideas in rightwing extremist circles (Islam is seen as the external enemy and most politicians and journalists are seen as the internal enemy who must be defeated to save the nation). He appears capable of seeing that others will perceive his views as extreme.

He seems to think that his role in the development is important, but not that he is absolutely vital for the development, compare the statement that he sees himself as a foot soldier.»

During her talk with the defendant on 16 September 2011, Flikke did a number of tests, *inter alia*, SCID-II with personality disorders in mind, and found that he met the criteria for narcissistic personality disorder.

Flikke has had weekly talks with the defendant, of which ten talks alone with him and eight or nine talks together with Eirik Johannesen, a specialist psychologist, also at Bærum District Psychiatric Centre. At the trial, Flikke explained that she after each talk concluded that the defendant was not psychotic. She talked with the defendant about politics, the Knights Templar and his selfperception. She has also read parts of the compendium and seen the defendant's «propaganda video», without having observed any bizarre or other psychotic delusions. She explained that she was very surprised about the conclusion in the expert witnesses Husby and Sørheim's report and that she then made a thorough assessment of possible diagnoses. In a memo of 9 December 2011, quoted on page 150 of the expert witnesses Aspaas and Tørrissen's report, she writes, *inter alia*, the following:

«1) Serious mental disorder. If one disregards a transient psychosis, I believe, based on the information I have gathered so far, that there are more indications which speak in favour of a delusional disorder than paranoid schizophrenia, if one is to take his views of society and his own potential role, as delusions. My conclusion is that I do not perceive his conceptions as psychotic but rather as an expression of rightwing extremism, and I do therefore not conclude with this diagnosis. [...]

Conclusion/action: Based on my assessment, he meets the criteria for a personality disorder dominated by dissocial and narcissistic characteristics, and I consequently conclude with these to diagnoses.»

Moreover, Flikke has said that after she received the report by the expert witnesses Husby and Sørheim, she decided to hire Johannesen, a specialist psychologist, to do independent examinations of the defendant. From 23 December 2011, Johannesen had a total of 20 talks with the defendant, of which more than half alone with him and the rest together with Flikke. Johannesen has also had talks with the defendant at Ila during the 10-week trial. The talks between Johannesen and the defendant addressed, *inter alia*, the defendant's political views and his selfperception. In his assessment, following a talk on 27 January 2012, included in the expert witnesses Aspaas and Tørrissen's report on page 157,



Johannesen writes the following:

**Assessment/further treatment:** The patient appears unchanged from last time and the suicide risk is still considered low. Still nothing has come up in our talk which would corroborate the patient suffering from an active psychosis disorder. The patient expresses a strong sense of paranoid and conspiratorial thinking, shows little emotionality in his communication and appears to be almost totally unaffected by the mass murders he has carried out. In the opinion of the undersigned, this can still be understood rather as a sign of the patient's probable personality disorders with the extensive use of primitive defence mechanisms to maintain a grandiose selfimage. During our talks, there has been no indication that the patient meets the criteria for an axis 1 disorder.» (Psychosis is an axis 1 disorder.)

During the main hearing, Johannesen explained that his observations mainly coincide with those of the expert witnesses Aspaas and Tørrissen. He found neither bizarre nor other psychotic delusions. With the exception of how he speaks of his ideology, the defendant showed flexibility and the ability to talk in a nuanced way.

In addition to consultations with treating health personnel, as described above, Randi Rosenqvist has assessed the defendant and conversed with him on three occasions. On 18 August 2011, she wrote a memorandum based on the media coverage of the case and the staff's descriptions of the defendant, but without having examined him herself. In the memorandum, included on pages 161–162 in the expert witnesses Aspaas and Tørrissen's report, she writes that upon assessing his state of mind, she gave importance to:

«the defendant's thorough preparations, ability to plan, good impulse control, ability to do «double bookkeeping»; he is able to sort what he wishes to go public about, and what he does not wish to announce until at a dramatic moment in time. This requires good cognitive functioning, the ability to judge what is worthwhile to disclose and what should be kept secret, and again, good impulse control. What is remarkable about A is, the way I see it now, his distinct narcissistic personality with grandiose delusions. He has also demonstrated the ability not to show empathy with victims; to which extent this indicates a fundamental relational disorder, pure dissociality or for instance a schizotypal disorder, I would need more information to assess. In the information I have on A, there are no facts signalling psychotic functioning today, although how he regards himself indicates a rather flawed perception of reality.»

Following her first consultation with the defendant on 1 November 2011, rendered on pages 162–163 in the expert witnesses Aspaas and Tørrissen's report, [Dr.] Rosenqvist writes as follows:

«**Assessment:** I do not find any signs of psychotic functioning. However, I am not certain that he speaks the truth, although he tries to give that impression. We might thus have a hypothesis that he redefines the information he receives on a psychotic basis and thus has a flawed perception of the reality in which he has lived. I find this farfetched. I find it more likely that he, like most of us, places information and experiences into the world view he has formed. Thus he has his own point of view confirmed. In this process he forms his own understanding, through which he consciously or unconsciously tries to manipulate the surroundings.»

During the main hearing, Rosenqvist explained that after having read the report from the expert witnesses Husby and Sørheim, she had another consultation with the defendant in which she made a more detailed assessment of the psychotic symptoms where they were described. She found the defendant's comments eccentric, but still not psychotic. In Rosenqvist's memorandum after this consultation on 19 December 2011, included on page 164 in the expert witnesses Aspaas and Tørrissen's report, she makes the following summary:

«**Summarized assessment:** Based on the Head of Department's log and my own consultation with A, I find him to be in good mental shape. I perceive his deviant

comments as an expression of an extreme ideology. In no way as a psychotic perception of reality. However, the forensic psychiatric experts, who have had considerably more information on him than I have, will assess this.

We know, from history, many sects of religious or other ideological basis in which the members advocate notions of the world and the hereafter shared by few others. Such sects may be quite small or include many people. Although some of these sects may be based on a charismatic leader with delusions and experiences out of touch with reality, for instance based on epilepsy or transient toxic psychoses, this does not mean that all the members have delusions in psychiatric terms, or other serious psychopathology. We know that such sects seek internal confirmation, and may for a long time (generations) maintain notions in no way shared by society at large.

I believe that A is within such a system. It is unclear to me to which extent he has many people who share his opinions, but he has expressed to me himself that he has based a lot on the British, or rather English movement and [has] not sought contact with the Norwegians of the same ideology, although there are thousands of them, according to him. As long as he stays safe in this universe, we might say that he lives in a «bubble», but that he lives reasonably well in this «bubble».

During the main hearing, Rosenqvist stated that she still did not assess the defendant's extreme thoughts as psychotic delusions, but rather as thoughts of grandeur. The last time Rosenqvist visited the defendant was in March 2012, and she still did not find any psychotic conceptions. Still, she did not disregard the possibility that the defendant might turn seriously ill if the «bubble» in which he lives, were to burst, so that he would have to fully comprehend the atrocious acts he has committed.

The Court remarks in closing that the police officers who conducted the long and numerous interviews with the defendant, did not seem to have reacted to his state of mind either. The police officer who did the sevenhourlong interview with the defendant on Utøya immediately after the arrest, writes e.g. in his closing remarks:

«The accused spoke without problems throughout the conversation. He appeared perfectly lucid and reflected. The accused gave his statement in a coherent and detailed manner.»

Police officer Geir Egil Løken stated at the trial that his main impression of the defendant in court is the same as during the police interviews. The defendant was never at any time during the 220 hours of police interviews considered to be in need of health services in relation to the interviews.

The review shows that neither treating nor advisory health personnel have found signs of bizarre or other psychotic delusions in the defendant. Except for psychologist Eirik Johannessen, they have all examined him also prior to the first forensic psychiatric report was submitted and before he had access to the media. The Court finds that this unanimity provides solid support to the assessment made by the expert witnesses Aspaas and Tørrissen that the defendant was not psychotic. As already mentioned, the defendant is a person who is more than happy to talk about the subjects that interest him, except for the Knights Templar.

### **6.7 Compulsory observation**

Oslo District Court decided, as mentioned above in section 6.2, that the defendant was to be subjected to compulsory psychiatric examination for up to four weeks, pursuant to the Penal Code section 167. For security reasons it was simultaneously decided that this examination should take place at Ila Prison and Detention Centre. The psychiatric experts Aspaas and Tørrissen had already asked for such an examination, whereas the psychiatric experts Husby and Sørheim, who had already submitted their statement, did not see any need for it.

The examination was done by an observation team from Oslo University Hospital, Department Dikemark, in the period from 29 February to 21 March 2012. In the final report from Dikemark, by the psychiatrist in charge, María Sigurjónsdóttir, included in expert witnesses Aspaas and Tørrissen's statement on pages 165–181, the following is written about

the actual observation team:

«The observation team was an interdisciplinarily composed group of authorized health personnel employed at the Regional Security Department Helse Sør-Øst [Health South-East], Dikemark, Oslo University Hospital. All members of the observation team have been employed with the Regional Security Department Helse Sør-Øst for some time and have participated in examinations of patients with violent behaviour, where the objective is to clarify whether the patients have psychoses, drug addiction issues and/or personality disorders. Everybody on the observation team participate in the treatment of patients admitted to the Department.

The observation team consisted of altogether 18 persons. Of these, there were 12 nurses (of whom nine were psychiatric nurses), three auxiliary nurses (of whom two with further studies in psychiatry), one clinical social worker, one psychologist and one psychiatrist. Everybody on the observation team also had further studies in various fields within mental health work in addition to their mentioned professional degrees. The observation team's collective work experience in mental health care is extensive. The observers of the observation team have worked in mental health care for an average of 21 years, (6 years – 34 years, median 19.5 years).» (Aspaas and Tørrissen pages 167–168.)

On the importance of the observation, the expert witnesses write the following on page 181:

«Observation in an institution implies that the observee has been seen by qualified health personnel for three weeks. The observational basis is thus significantly broader than what may be achieved on the sole basis of conversations with the expert witnesses. Onetoon conversations are mostly structured by the psychiatrists, whereas roundtheclock observation in an institution implies that he is seen in spontaneous, loosely organized everyday situations, such as general small talk, meals, watching TV, playing games. Besides, it has been possible to capture any possible reactions following police interviews and the conversations with the expert witnesses, as well as reactions to news and debate articles in the media on the 22 July case. The observation made by RSA Dikemark has thus provided the expert witnesses access to essential observational data that may not be obtained in any other manner. »

As was heard in the statements of the participating health personnel at the trial, no signs of psychosis were found in the defendant during the observation. As regards his notions, the following is quoted from the final Dikemark report:

«A significant part of the observee's verbal communication is characterized by the observee's presentation of his own political conviction. His discussion of this subject is not perceived to have deadlocked thought patterns since he demonstrates the ability to regulate and modify his own statements and arguments based on feedback from observers. The observee is able to take in comments from others and use this in further discussions. This happens without any display of exaggerated affect on his part around such a discussion, but a normal level of involvement.

The observee often specifies that he understands that others may have other interpretations or meanings, and that this may make others not share his political points of view. The observee has shown the ability of reality testing in that on several occasions, he has asked the observers on various topics of interest to him (including politics), and wondered whether what he thinks and believes has been credible or realistic. The observee has shown the ability to regulate his own statements and thoughts based on feedback given to him, or once the observers have given him more, and sometimes more nuanced, information on a topic he already had an opinion about. The observee may have eccentric interpretations of concepts and phenomena, which the observers perceive to be adapted to his ideology. All words and expressions used by the observee are understood and have meaning to the observers.

The observee expresses his opinion to be that his political ideology is necessary in order

to understand his perception of his situation and the process he believes he is in. This implies great focus on himself and the political ideology he wishes to relay. At the same time, he often says that he understands how other people cannot quite follow his reasoning around some of his opinions, and that others may react with shortterm horror. The observee says that the acts on 22 July were horrendous, but must be seen in a longer time perspective, up to 70 years.»

The Court finds no reason to go into further detail on the report's thorough description of the defendant's conduct and functioning, but mentions nevertheless that neither social nor cognitive functional impairment was observed, nor thought disturbances such as for instance neologisms.

Sigurdjónsdóttir stated at the trial that the observation team had found on the internet the concepts used by the defendant.

It cannot be ruled out that the defendant, helped by his cognitive functions, has been able to conceal psychotic symptoms during the entire observation period. The Court believes, however, that this possibility is so slight, especially when it comes to paranoid schizophrenia, that the Court can disregard it. The Court thus also finds that the observation of the defendant pursuant to the Criminal Procedure Act section 167 provides solid supports to the experts Aspaas and Tørrissen's assessment that the defendant was not psychotic.

## 6.8 Summary

The above review shows that we are faced with two teams of expert witnesses with qualitatively different diagnostic assessments of the defendant. Where the experts Husby and Sørheim find psychotic delusions, the experts Aspaas and Tørrissen find extreme political opinions, combined with conscious disregard for opposing views. The two teams of experts have consistently made different assessments of the general criteria of interest for schizophrenia in ICD-10, and on different grounds they have concluded that the defendant does not meet the criteria for paranoid psychosis.

Although none of the experts believe the defendant to be a borderline case, there seems to be agreement that he is «a special case», as the experts Aspaas and Tørrissen write to conclude their supplementary report. The experts Husby and Sørheim touch upon similar ideas when they in connection with the danger assessment described the defendant's «uncommon symptom profile» with a combination of affective flattening, persistent homicidal thoughts, solid delusions of a right to select victims and kill, combined with the lack of any identifiable cognitive impairment and with no disturbing sensory delusions like hallucinosis.

The Court itself is struck by the defendant's wordy presentation of his fanatic farright extremist attitudes mixed with pretentious historical parallels and infantile symbolism. His conceptions are accompanied by an unfettered and cynical justification of the acts of violence as being «cruel, but necessary». A recurring question during the trial has furthermore been the importance of the reported acts for the diagnostication. However, as was pointed out during several of the testimonies given by the expert witnesses, glorification of violence or extreme acts of violence do not form part of the ICD-10 diagnostic criteria for psychosis.

Of all the health professionals that have assessed the defendant's mental health, it is only the experts Husby and Sørheim who have found psychosis. The Court has assessed the possibility of the defendant having being able to hide any psychotic symptoms by means of his cognitive functions. The evidence presented during the trial does however provide little support for such a possibility, which in any case would not explain why the health personnel providing treatment and advice at Ila did not find any psychotic symptoms before the first forensic psychiatric report was presented and the ban on media access was lifted. The Court believes that the diagnostic disagreement is mainly due to differing interpretations of similar observations; however with the added fact that the defendant gradually has moderated his statements from when the acts were committed and until the trial was concluded.

What distinguishes Husby and Sørheim's diagnostic interpretations from those of the others is primarily that they refrain from assessing the defendant's extreme statements and

use of concepts in the light of the farright extremist subculture of which he claims to be a part. With respect to this, the Court makes reference to the comments to the general criteria for schizophrenia in the Green Book on page 65, where there is an express warning against «falsepositive assessments, especially where culturally or subculturally influenced modes of expression and behaviour or a subnormal level of intelligence, are involved». Professor Malt stated that on a general basis, there is reluctance to diagnosing ideas concerning politics, religion and love. In addition, the interpretations of the experts Husby and Sørheim, as already mentioned by the Court, seem to be founded on an application of central fundamental criteria for schizophrenia that is not common in scientific or clinical practice. Although the defendant is a special case, there is no basis in sources of law for departing from the recognised diagnostic criteria for psychosis.

It falls outside the scope of the law's object of proof to decide whether the defendant's gruesome acts of terrorism have a more profound psychological cause. Any such causal relationships are not covered by a criteriabased diagnostic system and they thus fall outside of the mandate of the expert witnesses. On its part, the Court refrains from engaging in such assessments, which in any case would have to be speculative. The Court still assumes that the defendant's capacity to carry out the reported acts may partially be explained by a combination of fanatic rightwing extremist ideology, the intake of performanceenhancing substances and possible autosuggestion in combination with pathological or deviant personality traits.

Upon an overall assessment, the Court finds it has been proved beyond any reasonable doubt that the defendant was not psychotic at the time the crimes were committed, cf. the Penal Code, section 44. Consequently, the defendant shall be punished for his acts.

## **7. The fixing of the sentence**

It is stated in the indictment that the prosecuting authority made the reservation that it might submit a plea for punishment. At the trial, the prosecutors submitted a petition in the alternative for preventive detention. The Court assumes that the defendant in these circumstances can be sentenced to punishment even though the prosecuting authority principally has brought proceedings pursuant to the Criminal Procedure Act, section 2 No. 1 concerning commitment to compulsory mental health care.

The defendant is criminally sane and shall be sentenced to punishment. In the case of a violation of the Penal Code, section 147a, the main rule of the Penal Code is that a prison sentence shall be imposed. The maximum sentence is 21 years of imprisonment. Imprisonment is a sentence for a specific term, where the person convicted shall be released when the specified time has been served.

When imprisonment is deemed to be insufficient to protect society, a sentence of preventive detention may be imposed instead of a sentence of imprisonment, cf. the introductory part of the Penal Code section 39c. In addition to the basic requirement concerning society's need for protection, the requirements in the said provision's no. 1 or no. 2 must be met. It is alternative no. 1 that is of interest in the case at hand. This alternative requires a serious crime among those described therein to have been committed. In addition there must be an imminent risk that the offender will again commit such a serious crime. The risk of a repeat offence must be serious and real, and it is to be assessed on the basis of the situation at the time of the delivery of the judgment.

The Court is in no doubt that both requirements in section 39c no. 1 are fulfilled.

The violation of the Penal Code section 147a by means of murder and attempted murder is among the crimes that can lead to a sentence of preventive detention.

Furthermore, at the time of the delivery of the judgment there is an imminent risk that the defendant will commit new murders and serious acts of violence. The Court makes reference to the fact that the defendant believes that the murders at the Government District and at Utøya were legitimate acts, and that extreme violence is a necessary means to achieve his political goals. The defendant has in court also related his alternative plans, like blowing up the Royal Palace and newspaper editorial offices, and killing journalists at the SKUP conference. The murders at the Government District, the murders at Utøya and the

defendant's plans demonstrate the extreme violence he has the will and capacity to carry out. The defendant has furthermore stated that there will be more terror attacks; this is also written in his compendium. The thought of extreme violence and murder is evidently stimulating to the defendant. This was clearly seen in court when he described how he had planned to kill Gro Harlem Brundtland by decapitation. The defendant seemed excited during the description and gave the impression of enjoying telling about it. In its assessment of the danger, the Court has also attached importance to the defendant having demonstrated a capacity for planning the acts of terrorism without being discovered.

The Court also makes reference to the fact that the courtappointed expert witnesses Aspaas and Tørrissen on page 308 of their report conclude that there is a «high risk of serious acts of violence in the future», and in connection with this they make reference to the defendant expressing that violence and terror are necessary to have his extreme political views prevail. The courtappointed expert witnesses Husby and Sørheim also concluded in their report that the risk of future violence was very high (page 241). When deciding what importance to attach to the assessment made by the latter experts, it must however be taken into consideration that their danger assessment is based on the precondition of psychotic delusions.

The basic requirement of protection of society is linked to the risk of a repeat offence, but when assessing the need for such protection the perspective must be turned towards the future, cf. *Rettstidende [Norwegian Supreme Court Law Reports] 2007 page 187*.

There is no doubt that a sentence of imprisonment based on ordinary principles of sentencing in the case at hand would have been set at the maximum sentence under the law; 21 years of imprisonment.

The defendant has, after several years of planning, carried out a bomb attack aimed at the central government administration and thus also at the country's democratic institutions. He has killed 77 persons, most of whom were youths who were mercilessly shot face to face. The defendant subjected a large number of persons to acute mortal danger. Many of those affected have sustained considerable physical and/or psychological injuries. The bereaved and next of kin are left with unfathomable grief. The material damage is enormous. The cruelties of the defendant's acts are unparalleled in Norwegian history.

It follows from the Supreme Court's practice that it takes a lot to assume that such a long sentence for a specific term is not considered sufficient to protect society against the danger a convicted person represents at the time of the delivery of the judgment, cf. *Rettstidende [Norwegian Supreme Court Law Reports] 2003 page 1778 para. 19*. Notwithstanding this, the Court is in no doubt that also the basic requirement for preventive detention is fulfilled in this special case.

If the defendant is to serve a 21-year prison sentence without release on probation, he will be 53 years old at the time of his release. Even though 21 years is a very long sentence, the Court finds it improbable that the element of time *per se* will reduce the risk of a repeat offence. At the time of release the democracy that the defendant wants to abolish, will still exist. Norway will still have inhabitants of different ethnic backgrounds, different cultures and different religions. The defendant expressed in court that he wants to continue his political struggle behind the prison walls. After having served his sentence, the defendant will most probably have the will and capacity to carry out many and very brutal murders. The experts Aspaas and Tørrissen, who believe the defendant suffers from personality disorders, write on page 309 of their statement that «[t]he kind of personality pathology that has been found is not very accessible to therapy. Factors that worsen the prognosis of violence will be close contact with environments that acknowledge and support the observee's political ideology and views on political violence». The way the Court sees it, a similar prognosis must be assumed even if the defendant's personality were not to fulfil the fundamental diagnostic criteria for personality disorder, being rather the manifestation of deviant personality traits. This means that the defendant also after having served a 21-year prison sentence will be a very dangerous man. Against this background, the Court is of the view that the requirements for imposing a sentence of preventive detention are fulfilled, and thus believes that a sentence of preventive detention should be imposed.

A sentence of preventive detention can be imposed for a term that should not exceed 15 years and that cannot exceed 21 years, cf. the Penal Code section 39e. On application by the prosecuting authority, the Court may upon the expiry of the fixed term extend the preventive detention by 5 years at a time. The majority of the Parliament's Standing Committee on Justice stated in the Recommendation to the Odelsting No. 34 (1996–1997) page 22 that «a sentence imposing preventive detention shall not be for a shorter term than what the term of an unconditional prison sentence would be [...]». The Court finds it clear that in the case at hand, a sentence of 21 years of preventive detention must be imposed. Considering the murders and attempted murders committed by the defendant, in conjunction with the risk of a repetition of such crimes, society must in the case at hand employ the maximum protection admitted under the law. When determining the sanction, no emphasis is given to the fact that the defendant has acknowledged having committed the criminal acts.

In addition to the maximum term, the Court is of the opinion that a minimum period must be determined. The significance of the minimum period is that a release on probation pursuant to the Penal Code, section 39f, cannot take place prior to its expiry. The minimum period cannot exceed ten years, cf. the Penal Code, section 39e second subsection. It follows from what is stated above concerning society's need for protection that the minimum period must be set to ten years.

### **8. Costs of the case**

In their plea, in the alternative, for punishment, the prosecutors have not included a demand for costs to be imposed. Since the Court nonetheless may impose costs in case of a conviction, the Court shall briefly note that the defendant neither today nor in the future will have the financial capacity to pay costs. The Court makes reference to the presentation of his financial situation at the time of his arrest in point 3.2. After his arrest, the defendant has not had any income. The Court makes further reference to the fact that the defendant's serving of the sentence of preventive detention will severely limit his possibilities of income. Even if he were to receive income while serving his sentence, already claims against the defendant for reimbursement of compensations paid through the state compensation scheme for victims of violent crime will far exceed any such income. Consequently, costs are not imposed; cf. section 437 third subsection of the Criminal Procedure Act.

The judgment is unanimous.

#### *Conclusion of the judgment*

*A, born \*.\*.1979, is sentenced for violation of the Penal Code section 147a first subsection paras. a) and b), cf. the Penal Code sections 148 first subsection first penalty alternative and 233 first and second subsections, and 233 first and second subsections, cf. section 49, and the Penal Code section 147a first subsection para. b), cf. sections 233 first and second subsections, and 233 first and second subsections, cf. section 49, all seen in conjunction with the Penal Code section 62, to preventive detention pursuant to the Penal Code section 39c no. 1, for a term of twentyone (21) years and a minimum period of ten (10) years, cf. the Penal Code section 39e first and second subsections.*

*From the said term and the said minimum period there shall be a deduction of four hundred and fortyfive (445) days for time spent in custody.*