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11 January 2013

Hanna E. Marcussen
Harald A. Nissen
Green Party
Miljøpartiet De Grønne
Skippergata 33, 0154 Oslo
Tel: 23 69 94 11

Dear Green Party Members,

Transparency Notice: Application to European Court of Human Rights: Johnstone v. Norway: Re: Violations of Article 13 (Effective Remedy) and 14 (Discrimination).

I have filed an application to the European Court of Human Rights, under Article 34 of the European Convention on Human Rights and Rules 45 and 47 of the Rules of Court.

Specifically the violations are:

- Discrimination: 24 August 2012: Oslo District Court: Judge Wenche Arntzen: Norway v. Anders Breivik Necessity[1] Judgement
- Discrimination and Denied Right to an Effective Remedy: Supreme Court: Secretary General Gunnar Bergby: 10 September 2012 Decision
- Discrimination and Denied Right to an Effective Remedy: Parliamentary Ombudsman: Head of Division: Berit Sollie: 15 November 2012 Ruling

Respectfully,

Lara Johnstone

Encl: Johnstone v. Norway Application to ECHR (Application Exhibits not enclosed[2])

[1] "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." - Oslo District Court (Oslo tingrett) – Judgment. Oslo District Court (Oslo tingrett) TOSLO–2011–188627–24E (11–188627MED–OTIR/05).

[2] Exhibits available from: www.issuu.com/js-ror/docs/130110_echr_lj-v-no

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THE REGISTRAR
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CEDEX - FRANCE

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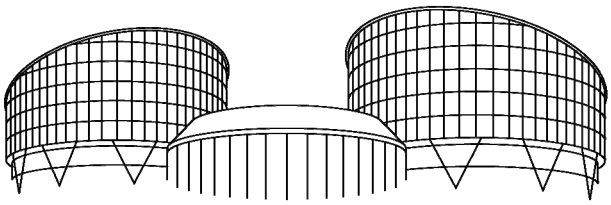

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Requête
Application

présentée en application de l'article 34 de la Convention européenne des Droits de l'Homme,
ainsi que des articles 45 et 47 du règlement de la Cour

under Article 34 of the European Convention on Human Rights and Rules 45 and 47 of the Rules of Court

IMPORTANT: La présente requête est un document juridique et peut affecter vos droits et obligations.
This application is a formal legal document and may affect your rights and obligations.

I. The Parties

A. The Applicant

1. Surname:	Johnstone
2. First Name(s):	Lara
Sex:	Female
3. Nationality:	South African
4. Occupation:	Worm Farmer (Vermicomposter)
5. Date and place of birth:	04 December 1966 : Volksrust, RSA
6. Permanent address:	16 Taaibos Ave, George, 6529, RSA
7. Tel no.:	+27-44-870 7239 [Cel: +27-71-170 1954]
8. Present address:	As Above
9. Name of representative:	Self
10. Occupation of representative:	Worm Farmer (Paralegal)
11. Address of representative:	As Above
12. Tel no.:	As Above
Fax no.:	+27-44-870 7239

B. The High Contracting Party

Kingdom of Norway

II. Statement of the Facts

14.1 **Overview: Violations of Right to an Effective Remedy, by Supreme Court Secretary General and Parliamentary Ombudsman:**

A. The (i) 10 September 2012, administrative decision of Norway Supreme Court Secretary General Gunnar Bergby, denying Applicant Access to Court by refusing to process her 27 August 2012, Application for Review of the Oslo District Court: 'Breivik Judgement'; and (ii) the 15 November 2012 ruling by Parliamentary Ombudsman, that Secretary General's Gunnar Bergby's administrative decision, was a 'judgement/decision by a court of law', thereby justifying his refusal to order

Secretary General Bergby to process Applicants Application for Review; were (iii) violations of applicants right to an Effective Remedy and (iv) were motivated acts of ideological discrimination against the 'right wing' or 'cultural conservatives', and against anyone – particularly anyone who is not 'right wing' -- who opposes, or objects to Ideological Discrimination against 'right wing' (cultural conservatives).

14.2 **Overview: Discrimination and Right to an Effective Remedy**:

14.3 The Norwegian government has no justification to discriminate against an accused, by denying the accused his Right to a Free and Fair Trial (an effective remedy), simply because an accused is an 'extreme right wing conservative'.

14.4 The Norwegian government has no justification to discriminate against a 'right wing' accused, whose primary objective is to profit from such 'liberal left wing' discrimination against him, to attain 'right wing' martyr and victimhood status, thereby to emotionally outrage right wing conservatives, and contribute to greater polarisation of the public into left vs. right wing camps.

14.5 The Norwegian government has no justification to discriminate against a 'right wing' accused, for the covert purposes of profiting from such left vs right wing polarisation consequences of denying a right wing accused his right to a free and fair trial.

14.6 The Norwegian government has no justification to politically profit from denying a 'hated' accused their right to a free and fair trial, simply because the public is emotionally outraged and on a 'right wing extremist witch hunt' and obtain schadenfreude satisfaction from observing the judicial system discriminate against such 'hated' individual.

14.7 The Norwegian government has no justification to discriminate against any individual who does not share the 'right wing' accused's ideology, nor the public's rabid emotional 'right wing witch hunt' hysteria for revenge and denial of the rule of law to the 'right wing' accused, who endorses the 'right wing' accused's right to a free and fair trial.

14.8 Anthropocentrically speaking: Right wing extremist terrorist Anders Breivik deserves a free and fair trial, and an objective and subjective enquiry into his political necessity evidence; by the Left wing extremist Norwegian Government; upon the same Norwegian rule of law due process principles; as left wing extremist terrorist Nelson Mandela deserved a free and fair trial, and an impartial objective and subjective enquiry into the evidence for his defence; by the Right wing extremist South African Apartheid government.

14.9 **'Norway's Politically Correct Discrimination & Censorship of Cultural Conservatives, by Feminists and Multiculturalists justified the Violent 'Necessity' of 22 July 2011 Attacks' – Anders Breivik**

A. On 22 July 2011, a fertilizer truck bomb exploded in Oslo within Regjeringskvartalet, in front of the office of Prime Minister Jens Stoltenberg, at 15:25:22 (CEST), killing eight and injuring at least 209; and ninety minutes later, a mass shooting occurred at a summer camp organized by the AUF, the youth division of the ruling Norwegian Labour Party (AP) on the island of Utøya in Tyrifjorden, Buskerud, by a gunman dressed in a homemade police uniform, killing 69, and injuring at least 110.

B. The Norwegian Police arrested Anders Behring Breivik, born 13 February 1979, on Utøya island and charged him with both attacks. Breivik admitted to having carried out the actions he was accused of, but denied criminal guilt and claimed the defence of necessity (jus necessitatis).

C. Breivik's necessity justification – as detailed in his *Manifesto: 2083 – A European Declaration of Independence* and simplistically referred to as "Titanic Europe is on a demographic/immigration collision course with Islam Iceberg" -- was two-pronged: (1) *Resist Eurabia*: He believes Islam and cultural Marxism are involved in a 'Eurabian' demographic colonisation and ethnic cleansing of indigenous Norwegians and Europeans, and that it is a matter of necessity to resist "Eurabia", to preserve European Christendom; (2) *Gov & Media Censorship required Ultra violence to Access International Publicity*: Non-violent resistance is futile, as democracy is no longer functioning in Norway, due to politically correct discrimination and exclusion – by means of censorship and persecution – of cultural conservatives by the left wing extremist Norwegian government and media.

D. According to Oslo Organized Crime Police Investigation Report: "Explanation of 22 July 2011, doc 08,01": "[Breivik] emphasizes that if he had not been censored by the media all his life, he would not have had to do what he did. He believes the media have the main responsibility for what has happened because they did not publish his opinions.... The low-intensity civil war that he had already described, had lasted until now with ideological struggle and censorship of cultural conservatives..... He explains that this is the worst day of his life and that he has dreaded this for 2 years. He has been censored for years. He mentions Dagbladet and Aftenposten as those who among other things have censored him..... He says that he also wrote "essays" that he tried to publish via the usual channels, but that they were all censored..... The subject summarizes: As long as more than twelve were executed, the operation will still be a success. The experts ask how the number twelve comes into consideration. Twelve dead are needed to penetrate the censorship wall, he explains..... About his thoughts on the Utøya killings now, the subject says: The goal was to execute as many as possible. At least 30. It was horrible, but the number had to be assessed based on the global censorship limit. Utøya was a martyrdom, and I am very proud of it..... He believes he had to kill at least twelve, because there is a censorship-wall preventing an open debate about

what is happening in the country..... So I knew I had to cross a certain threshold to exceed the censorship-wall of the international media."

E. As argued in Anders Breivik 22 June 2012 Closing Statement:

a. "Mullah Krekar [a Kurdish Islamic refugee in Norway] .. calls himself a Kurdish religious leader. He is one of the few Muslim leaders who are honest about Islam's takeover of Europe. Krekar said, "In Denmark they printed drawings, but the result was that support of Islam increased. I, and all Muslims, are evidence. You have not managed to change us. It is we who are changing you. Look at the changes in the population of Europe, where Muslims reproduce like mosquitoes. Every Western woman in Europe has 1.4 children. Every Muslim woman in the same countries gives birth to 3.5 children."

b. "One of the most influential people in Norway, Arne Strand [a print and broadcast journalist and former member of Prime Minister Gro Harlem Brundtland's cabinet] in Dagsavisen [the daily newspaper Strand edits, until 1999 the official organ of the Labor Party, now independent] has issued many statements about press subsidies. He proposes that everyone on the right, to the right of Carl I. Hagen [former Vice President of the Storting (Norwegian Parliament) and ex-chairman of the Progress Party], should be censored, and excluded from the democratic process. He says straight out that government press subsidies [to the Left, denied to the right] are necessary to preserve the current political hegemony. We must protect hegemony, we must not allow people the right to express themselves. The system of press subsidies ensures that Norway will never be a democracy, because those on the far right are excluded."

c. "This trial should be about finding the truth. The documentation of my claims—are they true? If they are true, how can what I did be illegal? Norwegian academics and journalists work together and make use of [..] methods to deconstruct Norwegian identity, Christianity, and the Norwegian nation. How can it be illegal to engage in armed resistance against this? The prosecution wondered who gave me a mandate to do what I did. [..] I have answered this before, but will do so again. Universal human rights, international law, and the right to self-defense provided the mandate to carry out this self-defense. Everything has been triggered by the actions of those who consciously and unconsciously are destroying our country. Responsible Norwegians and Europeans who feel even a trace of moral obligation are not going to sit by and watch as we are made into minorities in our own lands. We are going to fight. The attacks on July 22 were preventive attacks in defense of my ethnic group, the Norwegian indigenous people. I therefore cannot acknowledge guilt. I acted from necessity (nødrett) on behalf of my people, my religion and my country."

14.10 Norwegian Prosecutors did not embark on legal proceedings to dispute and negate the evidence of Breivik's 'Necessity' evidence, by means of a Political Necessity 'Right Wing' Terrorism trial, wherein Breivik's Necessity evidence was proven unjustified, in accordance to the required Objective and Subjective test; but chose instead to proceed with a Stalinesque Political Psychiatry show trial, where Breivik was alleged to be 'insane', and was forced to prove his sanity. Once his sanity was proven, the matter of an impartial free and fair Terrorism Necessity trial, to determine his guilt or innocence, was ignored, as irrelevant.

14.11 **Applicant's EcoFeminist Political Necessity Activism and Social Science Enquiry Ecological Biocentric worldview**:

14.12 Applicant is neither anthropocentrically liberal nor conservative, but an EcoFeminist Guerrylla Law[1] Sustainable Security[2] Radical Honoursty Transparency Primitivist and paralegal interested and active in Political Necessity civil disobedience activism.

14.13 She is the founder of the unregistered *Guerrylla Law Radical Honoursty* Party, the aim of which is to establish a Green License to Vote, to elect a Green President, to transition South Africa into a Sustainable Voluntaryist (Honourable Free Society of Men and Women capable of ruling themselves) Green Republic.

14.14 The *Guerrylla Law Radical Honoursty* Party, is founded on the *Guerrylla Law Radical Honoursty Social Contract* which include, among others, the following principles:

A. *Radical Honoursty Problem Solving Communicator Status*: Any individual who desires this 'status' is required to follow the *Radical Honoursty Problem Solving Communicator* communication principles. All written communication for such members attention must be (a) acknowledged as received, (b) honestly

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[1] A guerrilla law regulates human procreation and/or resource utilization behaviour, to ensure sustainability. It is a subdivision of Wild Law, which is a new legal theory and growing social movement. It proposes that we rethink our legal, political, economic and governance systems so that they support, rather than undermine, the integrity and health of the Earth. www.wildlaw.org.au

[2] "There is no security without sustainability"[1]: In the absence of an international new moral order[2] where Ecocentric laws are implemented to regulate and reduce human procreation and resource utilization behaviour, towards a sustainable, pre-industrial lifestyle paradigm; "overpopulation[3] and resource scarcity[4] will result in conflict and war"[5] (perhaps nuclear) confronting regions at an accelerated pace[7], resulting in the "collapse of the global economic system and every market-oriented national economy"[8] by 2050. [1] Murphy, R (2006/10/24): US Army Strategy of the Environment, Office of the Dep. Asst. Sec. of the Army, Environment, Safety & Occup. Health: Assistant for Sustainability; Linkola, P (2009): Can Life Prevail? A Radical Approach to the Environmental Crisis (Integral Tradition Publishing); [2] Hardin, G (1968/12/13): Tragedy of the Commons, Science; Peters, R (1996): The Culture of Future Conflict, US Army War College: Parameters: Winter 1995-96, pp. 18-27; [3] Hardin G (1991): Carrying Capacity and Quality of Life, Environmental Science: Sustaining the Earth; Simmons, M (2000/09/30): Revisiting the Limits to Growth: Could the Club of Rome Have Been Correct, After All?; [4] Koppel, T (2000): CIA and Pentagon on Overpopulation and Resource Wars, Nightline; United States Joint Forces Command (2010/02/18): The Joint Operating Environment - 2010 (The JOE – 2010); Parthemore, C & Nagl, J (2010/09/27): Fueling the Future Force: Preparing the Department of Defense for a Post-Petroleum Environment, Center for a New American Security (CNAS); United States Army & TRADOC (2012): US Army Unified Quest 2012 Fact Sheet, Unified Quest 2012 is the Army Chief of Staff's annual Title 10 Future Study Plan (FSP); Peters (1996)' [5] Peters (1996); Bush, GW Snr (1986/02): Public Report of the Vice-President's Task Force on Combatting Terrorism; Homer-Dixon, T, & Boutwell, J, & Rathjens, G (1993): Environmental change and violent conflict: Growing scarcities of renewable resources can contribute to social instability and civil strife. Scientific American, 268(2), pp. 38-45; [6] Hardin (1968/12/13), [7] United States Army & TRADOC (2012); [8] Schultz, S (2010/09/01): [German] Military Study Warns of Potentially Drastic Oil Crisis, Der Spiegel; [9] Clugston, C (2012): Scarcity: Humanity's Final Chapter (Booklocker.com Inc): Preface, pg. ix

answered or the questioner to be notified of a 'by when' date, when honest answers shall be provided. (c) Brutal honesty is considered honourable respect; sycophancy or PR is considered passive aggressive, manipulative and insulting. (d) In any disagreement or misunderstanding with another member, to commit to remain in discussion, with each other, until it is resolved. (e) Any member who ignores or evades another member's attempts to resolve a disagreement, or to answer a question, will be put on the 'Dishonourable Hit List' for Party assassination after two final warning notices to the member, from the party to either: (a) resign, or (b) resolve the disagreement, by a specific date, in accordance to their *Radical Honoursty Problem Solving Communicator Status* oath.

B. *Sustainability*: A Sustainable[3] society regulates human procreation and/or resource utilization behaviour[4], to ensure sustainability.

C. *Sustainable Rights*: Laws of Nature determine that Environmental or ecological rights and responsibilities are the *sine qua non*[5] foundation for all other Rights[6].

D. *Sustainable Security*: 'There is no security without sustainability'[7] : In the absence of an international new moral order[8] where Ecocentric Guerrylla laws are implemented to regulate and reduce human procreation and resource utilization behaviour, towards a sustainable, pre-industrial lifestyle paradigm; "overpopulation[9] and resource scarcity[10] will result in conflict and war"[11] (perhaps

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[3] Sustainability requires living within the regenerative capacity of the biosphere. The human economy depends on the planet's natural capital, which provides all ecological services and natural resources. Drawing on natural capital beyond its regenerative capacity results in depletion of the capital stock.

[4] Bartlett (1994/09): Reflections on Sustainability, Population Growth, and the Environment, Population & Environment, Vol. 16, No. 1, Sep 1994, pp. 5-35; Clugston, C (2009): Sustainability Defined (WakeUpAmerika): "Sustainable natural resource utilization behaviour involves the utilization of renewable natural resources—water, cropland, pastureland, forests, and wildlife—exclusively, which can be depleted only at levels less than or equal to the levels at which they are replenished by Nature. The utilization of non-renewable natural resources—fossil fuels, metals, and minerals— at any level, is not sustainable."

[5] "Environmental Protection as a Principle of International Law : The protection of the environment is likewise a vital part of contemporary human rights doctrine, for it is a sine qua non for numerous human rights such as the right to health and the right to life itself. It is scarcely necessary to elaborate on this, as damage to the environment can impair and undermine all; the human rights spoken of in the Universal Declaration and other human rights instruments." -- Opinion of Weeramantry J in the Case Concerning the Gabcikovo-Nagymaros Project (Hungary v Slovakia) (1998) 37 International Legal Materials 162 206.

[6] Democracy Cannot Survive Overpopulation, Al Bartlett, Ph.D., Population & Environment, Vol. 22, No. 1, Sep 2000, pgs. 63-71; Bartlett (1994/09): Reflections on Sustainability, Population Growth, and the Environment, Population & Environment, Vol. 16, No. 1, Sep 1994, pp. 5-35; Clugston, C (2009): Sustainability Defined (WakeUpAmerika)

[7] Murphy, R (2006/10/24): US Army Strategy of the Environment, Office of the Dep. Asst. Sec. of the Army, Environment, Safety & Occup. Health: Assistant for Sustainability; Linkola, P (2009): Can Life Prevail? A Radical Approach to the Environmental Crisis (Integral Tradition Publishing)

[8] Hardin, G (1968/12/13): Tragedy of the Commons, Science; Peters, R (1996): The Culture of Future Conflict, US Army War College: Parameters: Winter 1995-96, pp. 18-27

[9] Hardin G (1991): Carrying Capacity and Quality of Life, Environmental Science: Sustaining the Earth; Simmons, M (2000/09/30): Revisiting the Limits to Growth: Could the Club of Rome Have Been Correct, After All?

[10] Koppel, T (2000): CIA and Pentagon on Overpopulation and Resource Wars, Nightline; United States Joint Forces Command (2010/02/18): The Joint Operating Environment - 2010 (The JOE – 2010); Parthemore, C & Nagl, J (2010/09/27): Fueling the Future Force: Preparing the Department of Defense for a Post-Petroleum Environment, Center for a New American Security (CNAS); United States Army & TRADOC (2012): US Army Unified Quest 2012 Fact Sheet, Unified Quest 2012 is the Army Chief of Staff's annual Title 10 Future Study Plan (FSP); Brent, JG (2012): Humans: An Endangered Species Jason Brent; Heinberg, R (2006/04/30): Population, Resources, and Human Idealism, Energy Bulletin; Peters (1996)

[11] Peters (1996); Bush, GW Snr (1986/02): Public Report of the Vice-President's Task Force on Combatting Terrorism; Homer-Dixon, T, & Boutwell, J, & Rathjens, G (1993): Environmental change and violent conflict: Growing scarcities of renewable resources can contribute to social instability and civil strife. Scientific American, 268(2), pp. 38-45

nuclear[12]) confronting regions at an accelerated pace[13], resulting in the "collapse of the global economic system and every market-oriented national economy"[14] by 2050[15].

E. *Guerrylla Laws*: define the procreation and consumption behaviour of an individual as an Eco-Innocent[16] (sustainable) or Scarcity-Combatant[17] (unsustainable), based upon (A) a sustainable bio-capacity of 1 global hectare (gha)[18] (60 % of 1.8 gha[19]) in accordance with the proactive conservation policies of Bhutan[20]; and (B) the Oregon University study that concludes that every child increases a parents' eco-footprint by a factor of 20[21].

F. A *Green Voter* is an individual whose procreation and consumption behaviour is sustainable, as defined by Guerrylla laws, as an Eco-Innocent[22].

G. Only Green Voters can elect the Green President, whose general duty is to (A) protect the Constitution from the Tragedy of the Commons material greed and psychological and political dishonour of the nations Scarcity (breeding and consumption) combatants, who wish to exploit the country's resources for short-term political and socio-economic profits, and (B) transition South Africa to a Sustainable Voluntaryist Green Republic.

H. The Green President's sustainable security legislative duty is to veto all legislation that obstructs, or fails to reduce, the nation's Scarcity combatant's procreation and/or consumption path to sustainability, based upon Guerrylla law sustainable rights and sustainable security principles.

I. The Green Presidents sustainable security executive duty is to protect the Constitution, root out all corruption, by taking over the duty of executive supervision of the Ministry of Police and Ministry of Justice, including the appointment of all Magistrates and Justices. Magistrates and Judges shall be required to ascertain, verify, and transparently declare – as part of the court record

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[12] Hardin (1968/12/13)
[13] United States Army & TRADOC (2012)
[14] Schultz, S (2010/09/01): [German] Military Study Warns of Potentially Drastic Oil Crisis, Der Spiege
[15] Clugston, C (2012): Scarcity: Humanity's Final Chapter (Booklocker.com Inc): Preface, pg. ix
[16] Eco-Innocent: * 0 children, consumption < 20 gha ((1 gha) x 20) | * 1 child, consumption < 1 gha ((1 gha (2007))
* 2 children, consumption < 0.05 gha (1 gha ÷ 20) | * 3 children, consumption < 0.025 gha (1 gha ÷ 40)
[17] Scarcity Combatant: * 0 children, consumption > 20 gha ((1 gha) x 20) | * 1 child, consumption > 1 gha ((1 gha (2007))
* 2 children, consumption > 0.05 gha (1 gha ÷ 20) | * 3 children, consumption > 0.025 gha (1 gha ÷ 40)
[18] A biocapacity of 1 gha assumes that 40% of land is set aside for other species.
[19] In 2006, the average biologically productive area (biocapacity) per person worldwide was approximately 1.8 global hectares (gha) per capita, which assumes that no land is set aside for other species.
[20] Bhutan is seen as a model for proactive conservation initiatives. The Kingdom has received international acclaim for its commitment to the maintenance of its biodiversity. This is reflected in the decision to maintain at least sixty percent of the land area under forest cover, to designate more than 40% of its territory as national parks, reserves and other protected areas, and most recently to identify a further nine percent of land area as biodiversity corridors linking the protected areas. Environmental conservation has been placed at the core of the nation's development strategy, the middle path. It is not treated as a sector but rather as a set of concerns that must be mainstreamed in Bhutan's overall approach to development planning and to be buttressed by the force of law. - "Parks of Bhutan". Bhutan Trust Fund for Environmental Conservation online. Bhutan Trust Fund. Retrieved 2011-03-26.
[21] Murtaugh Paul (31 July 2009): Family Planning: A Major Environmental Emphasis, Oregon University http://oregonstate.edu/ua/ncs/archives/2009/jul/family-planning-major-environmental-emphasis
[22] * 0 children, consumption < 20 gha ((1 gha) x 20) | * 1 child, consumption < 1 gha ((1 gha (2007))
* 2 children, consumption < 0.05 gha (1 gha ÷ 20) | * 3 children, consumption < 0.025 gha (1 gha ÷ 40)

- the Eco-Innocent[23] (sustainable) or Scarcity-Combatant[24] (unsustainable) status of all parties (including the Judge, legal representatives and State Representatives) to any court proceeding; including consideration of such status, where relevant to the legal proceedings. Any Eco-Innocent is entitled to be tried by an Eco-Innocent Prosecutor and Judge, and in any dispute with a Scarcity Combatant, may require the court to take notice of Scarcity Combatants behaviour as a relevant[25] aggravating factor to Scarcity related socio-political problems, such as: crime, violence, unemployment, poverty, food shortages, inflation, political instability, loss of civil rights, conformism, political correctness, vanishing species, pollution, urban sprawl, toxic waste, energy depletion.

J. An individual can only run for Green President, as (A) an Independent or from a Political Party, which practices 100% transparency disclosure of all campaign contributions, and (B) whose procreation and consumption lifestyle qualifies them as an Eco-Innocent[26].

14.15 Applicant consequently partially agrees with Breivik, that not only Europe, but the World is at War, but considers the economic, political and military war between the Political Left and Right to be a deliberate distraction, from the real war that is being waged by both the Left and Right's support for the Ind:Civ:F(x) world war[27] against nature.

14.16 Ind:Civ:F(x) World War: Industrial Civilization's Exponential Economic Growth Breeding and Consumption War Scarcity combatant humans are at war with each other (Left v Right), Eco-Innocents, all other species for their preferential access to , and control of, nature's finite resources.

14.17 Applicant's terrorism default working hypothesis is that much of terrorism – whether left or right -- is a result of Mainstream Access-to-Discourse Gatekeeper editor's censorship of dissenter's attempts at non-violent problem solving, creating a socio-political pressure cooker environment, where activists are forced to resort to violence for publicity, which benefits the media corporations 'If It Bleeds, it Leads' editorial policies and corporate profits.

14.18 Applicant endorses everyone from the extreme left to right's right to access to impartial courts. Applicant decided to test whether Breiviks allegations of

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[23] Eco-Innocent: * 0 children, consumption < 20 gha ((1 gha) x 20) | * 1 child, consumption < 1 gha ((1 gha (2007))
* 2 children, consumption < 0.05 gha (1 gha ÷ 20) | * 3 children, consumption < 0.025 gha (1 gha ÷ 40)
[24] Scarcity Combatant: * 0 children, consumption > 20 gha ((1 gha) x 20) | * 1 child, consumption > 1 gha ((1 gha (2007))
* 2 children, consumption > 0.05 gha (1 gha ÷ 20) | * 3 children, consumption > 0.025 gha (1 gha ÷ 40)
[25] Population Policy: http://sqswans.weebly.com/population-policy.html
Scarcity and Conflict: http://sqswans.weebly.com/scarcity--conflict1.html
[26] * 0 children, consumption < 20 gha ((1 gha) x 20) | * 1 child, consumption < 1 gha ((1 gha (2007))
* 2 children, consumption < 0.05 gha (1 gha ÷ 20) | * 3 children, consumption < 0.025 gha (1 gha ÷ 40)
[27] Clugston, C (2012): Scarcity: Humanity's Final Chapter (Booklocker.com Inc); Jensen, Derrick: Endgame: The Problem of Civilization; Jensen, Derrick: End:Civ: Resist or Die (documentary); Kaczynski Theodore: Technological Slavery: The Collected Writings of Theodore J. Kaczynski, a.k.a. "The Unabomber" (2010); Linkola, P (2009): Can Life Prevail? A Radical Approach to the Environmental Crisis (Integral Tradition Publishing); Unabomber: The Unabomber Manifesto: Industrial Society and its Future (2008); Zerzan, John: Against Civilization: Readings and Reflections (2005); Zerzan, John: Running on Emptiness: The Pathology of Civilization (2008); Zerzan, John: Twilight of the Machines (2008)

Norway's discrimination against and censorship of cultural conservatives was true, by means of embarking on a social science test to determine how Left Wing Norwegian Officials and media and right wing Breivik, would react to an EcoFeminist, supporting Breivik's right to a free and fair trial.

14.19 Applicant was particularly motivated to test Breivik's allegations of discrimination against right wing / cultural conservatives, considering his Eco-Innocent status.

14.20 **Anders Breivik: 'Peacenik Innocent' in Scarcity Combatants Ind.Civ.F(x) World War on Nature Theory**:

A. Dr. Jack Alpert[28] defines Peace and Conflict not as descriptions of behaviour between nations, but as trends describing social conditions. Put differently: Conflict is not defined as the violence between neighbours and nations, but as the unwanted intrusion of one person's existence and consumption behaviour upon another person.

B. There are two kinds of conflict: Direct: he took my car, he enslaved me, he beat me, he raped me, he killed me; and Indirect. Indirect intrusions are the by-product of other people's behaviour. 'All the trees on our island were consumed by our grandparents,' is an indirect intrusion of a past generation on a present one. 'The rich people raised the price of gasoline and we can't afford it,' and 'The government is offering people welfare to breed more children' are current economic and demographic intrusions by one present group on another present group.

C. System conflict is the sum of intrusions experienced by each constituent, summed over all the constituents. A measure of the existing global conflict is the sum of six billion sets of intrusions. A measure of Europe's conflict is the sum of 740 million sets of intrusions.

D. Using this definition of conflict, Dr. Alpert establishes that to move Earth's socio-economic and political system toward peace – in terms of procreation -- would require the implementation of a one child per family policy[29]. In the absence of such rapid population policy, civilization shall collapse[30].

E. Consequently, as a result of Breivik's 'no children' status, if his consumption footprint was below 20 global hectares, his status in the Ind.Civ.F(x) world war would be that of an Eco-Innocent.

14.21 **Social Science Enquiry into Breivik's 'Discrimination' and 'Censorship' Allegations: 30 November 2011: Ecofeminist Application for Writ of Habeus Mentem and Review of Husby/Sorheim Psych Evaluation Report to Oslo District Court of Judge Nina Opsahl**:

[28] http://sqswans.weebly.com/dr-jack-alpert.html
[29] Human Predicament: Better Common Sense Required http://sqswans.weebly.com/human-predicament.html
[30] Rapid Population Decline or Civilization Collapse http://sqswans.weebly.com/rapid-population-decline.html

A. On 30 November 2011, applicant filed an Application (PDF[31]) for a [I] writ of Habeus Mentem on behalf of Anders Breivik psycho-cultural integrity right to a free and fair trial; and [II] writ of Certiorari/Review of the Psychiatric Evaluation Report of Psychiatrists: Synne Sorheim and Torgeir Husby as to the Mens Rea political necessity criminal liability of Anders Breivik terrorist acts, on 22 July 2011. The application was filed electronically to the Oslo District Court Registrar.

B. Notifications of the Application were sent to: 680 EU Members of Parliament[32] on 04 December; 330 Norwegian Government Officials[33] on 05 December; and 1,283 Norwegian Editors and Journalists[34] on 07 December 2011. The Norwegian media did not consider an EcoFeminists (Breiviks enemy) legal support for Breivik to receive a free and fair trial, to be worthy of publicity; preferring the narrative that only the extreme right wing supported a free and fair trial for Breivik.

C. On 15 December 2011 applicant requested the Registrar to "confirm: (1) the date my application is to be submitted to Judge Opsahl, or the relevant Judge, for their consideration, (2) the date the said Judge intends to provide me with their ruling on the matter." There was no response from the Clerk of the Court.

14.22 **Social Science Enquiry into Breivik's 'Discrimination' and 'Censorship' Allegations: 15 April 2012: Ecofeminist Application to Proceed as Amicus Curiae, to Oslo District Court of Judge Wenche Arntzen:**

A. On 15 April 2012, Applicant filed an Application to proceed as an Amicus Curiae (PDF[35]), to the Oslo District Court Registrar.

B. Notifications were sent to 1,384 Norwegian Editors and Journalists[36] on 16 April 2012. Again the media did not consider an EcoFeminists (Breiviks enemy) legal support for Breivik to receive a free and fair trial, to be worthy of publicity; preferring the narrative that only the extreme right wing supported a free and fair trial for Breivik.

C. On 26 April 2012, Applicant requested the court to confirm "(1) The date my application is to be submitted to Judge Wenche Elizabeth Arntzen, or the relevant Judge, for her/their consideration. (2) The date the said Judge intends to provide me with their ruling approving or denying my application." There was no response from the Clerk of the Court.

[31] http://issuu.com/js-ror/docs/111130_breivik-habeus
[32] http://ecofeminist-v-breivik.weebly.com/1/post/2011/12/111204_habmentem_680-eu-mps.html
[33] http://ecofeminist-v-breivik.weebly.com/1/post/2011/12/111205_330polhabmentem.html
[34] http://ecofeminist-v-breivik.weebly.com/1/post/2011/12/111207_habeusmedia.html
[35] http://issuu.com/js-ror/docs/120414_amicus
[36] http://ecofeminist-v-breivik.weebly.com/1/post/2012/04/120416_amicus_1384media.html

14.23 **Social Science Enquiry into Breivik's 'Discrimination' and 'Censorship' Allegations: 10 May 2012: Ecofeminist Application for Review to Norway Supreme Court of Justice Tore Schei:**

A. On 10 May 2012, Applicant filed an Application to Review the Oslo District Court failure to act in accordance of due process to the Norway Supreme Court Registrar.

B. On 11 May 2012 Applicant requested the Registrar to "kindly clarify when the Registrar shall issue a Case Number; or whether you require additional documentation or information?"

C. On 15 May 2012, Deputy Secretary General Kjersti Buun Nygaard responded[37] with: "Please be advised that the Supreme Court of Norway only handles appeals against judgments given by the lower courts and can consequently not deal with the issue mentioned in your e-mails. Further inquiries from you regarding the above issue can not be expected to be answered."

D. On 15 May 2012, Applicant responded[38] (PDF[39]) detailing the *Error in Supreme Court: Deputy Secretary General: Kjersti Buun Nygaard Response to SHARP Application to Supreme Court for Declaratory Orders and Review of Oslo District Court's Decisions*. There was no response from Ms. Nygaard or any other Supreme Court official.

14.24 Social Science Enquiry into Breivik's 'Discrimination' and 'Censorship' Allegations: Complaints against Judge Opsahl, Arentzen and Schei to Secretariat Supervisory Committee for Judges:

A. On 30 May 2012, three complaints of Violation of Ethical Principles of Norwegian Judges, were submitted to Secretariat Supervisory Committee for Judges: against Judge Nina Opsahl (PDF[40]), Judge Wenche Arentzen (PDF[41]), and Justice Tore Schei (PDF[42]). The essence of the Oslo District Court complaints being that the Oslo District Court registrar refuses to process the applications, and refusal to provide any reasons for their refusal, clarifying for example, possible errors which require correction, were judicial ethics violations, and a failure of applicants right to due process, and an effective remedy.

B. Two complaints of slow case processing – on 04 July 2012 (PDF[43]) and 02 September 2012 (PDF[44]) -- had to be filed against the Secretariat Supervisory Committee for Judges with the Parliamentary Ombudsman (Case 2012-1943),

[37] http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120515_nsc-nygaard.html
[38] http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120515_sharp-nsc.html
[39] http://issuu.com/js-ror/docs/120515_nsc-nygaard
[40] http://issuu.com/js-ror/docs/120530_tilsynsutvalget_opsahl
[41] http://issuu.com/js-ror/docs/120530_tilsynsutvalget_arntzen
[42] http://issuu.com/js-ror/docs/120530_tilsynsutvalget_schei
[43] http://issuu.com/js-ror/docs/120704_ombud_sscj
[44] http://issuu.com/js-ror/docs/120902_po-sscj

before the Secretariat issued Case Numbers: 12-071 (Opsahl), 12-072 (Arntzen) and 12-073 (Schei), on 03 September 2012, and informed the Applicant that "If a party have given a statement in the case, these will be provided the complainant. The Supervisory Committee has not received statements from the other parties involved."

C. On 23 October 2012, the Supervisory Committee for Judges changed their minds and decided they were not going to process the complaints in accordance to their 'standard procedures', of receiving a statement from the respective Judges, but were going to issue rulings in Norwegian, that all the complaint were 'obviously unfounded' (Google Translation). [Opsahl (PDF[45]), Arntzen (PDF[46]), and Schei (PDF[47])]

D. Repeated requests for an English Translation of the ruling have been refused, including reasons why applicant was not informed, as part of 'standard procedures' that the ruling to her English complaint, would be issued in Norwegian.

E. On 31 December 2012 , a complaint of ***Language Discrimination and Lack of Clear Principles by Secretariat Supervisory Committee for Judges Norwegian Language Rulings, in response to English Language complaints in Case 12-071: Judge Nina Opsahl, 12-072: Judge Wenche Arntzen, 12-073: Judge Tore Schei.***" (PDF[48]), was submitted to the Parliamentary Ombudsman. As of date, no response has yet been received.

14.25 **Social Science Enquiry into Breivik's 'Discrimination' and 'Censorship' Allegations: 19 June 2012: Appeal to Norway's Environmental Appeals Board: Media Censorship of Media's Environment-Population-Terrorism Connection**:

A. From 24 April to 14 May copies of the 22 April 2012: Earth Day report: *Acquittal or Firing Squad: If it Bleeds, it Leads, Media's Population Terrorism Connection* (PDF[49]) were distributed to: 677 EU Members of Parliament[50] on 24 April; 863 UK Lords and Members of Parliament[51] on 25 April; and on 14 May: 1,230 University of Oslo Law Professors and Lecturers[52], 482 Law Professors and Lawyers[53], 1,278 Norwegian Editors and Journalists[54], PM Jens Stoltenberg and 1676 Norwegian Government Officials[55], 104 NGO Officials[56] and 258 Psychologists[57]. Again the media did not consider an EcoFeminists (Breiviks

[45] http://issuu.com/js-ror/docs/121023_ninaopsahl
[46] http://issuu.com/js-ror/docs/121003_warntzen
[47] http://issuu.com/js-ror/docs/121023_toreschei
[48] http://issuu.com/js-ror/docs/12-12-31_po-cf_ssc4j_disc-amb_encl-comp-abc
[49] http://issuu.com/js-ror/docs/120422_bleads-leads
[50] http://ecofeminist-v-breivik.weebly.com/1/post/2012/04/120424_677-eu-mp.html
[51] http://ecofeminist-v-breivik.weebly.com/1/post/2012/04/120425_863-uk-mps-lords.html
[52] http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120514_1230-uio.html
[53] http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120514_482nolaw.html
[54] http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120514_1278media.html
[55] http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120514_1676pol1.html
[56] http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120514_104ngo.html
[57] http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120522_258-psykfor.html

enemy) legal support for Breivik to receive a free and fair trial, to be worthy of publicity; preferring the narrative that only the extreme right wing supported a free and fair trial for Breivik.

B. The "If It Bleads, It Leads :: Media Population-Terrorism Connection", Report (PDF[58]) argued that Mainstream Access-to-Discourse Editors censorship of non-violent political grievances and problem solving activism facilitate a pressure cooker socio-political reality for their "If it Bleads, It Leads" corporate propaganda profits, by (1) censoring the Scarcity (due to Overpopulation and Overconsumption) causes of violent resource war conflict; (2) that media abuse their publicity power in terms of their censorship of Ecocentric arguments submitted to courts; (3) Editors abuse their publicity power, by abusing public discourse/free speech resources; by providing certain parties with preferential and special access to such public discourse, and severely restricting or denying others any access to such public discourse; (4) Mainstream media avoid addressing or enquiring into root causes of problems as reported in Dr. Michael Maher's report ***How and Why Journalists Avoid Population - Environment connection*** (PDF[59]); and censor non-violent root-cause problem solving activism.

C. The report also included evidence that (i) 1,283 Norwegian Editors and Journalists had been Informed of the December 2011 Application to the Oslo District Court of Judge Nina Opsahl, all of whom had censored it from their readers; and (ii) 1,384 Norwegian Editors and Journalists had been informed of the April 2012 EcoFeminist Application to the Disctrict Court of Judge Wenche Arntzen, all of whom had censored it from their readers.

D. On 25 May 2012, correspondence was submitted to: Adresseavisen: Editor: Arne Blix (PDF[60]); Aftenposten: Editor: Hilde Haugsgjerd (PDF[61]); Bergens Tidende: Editor: Trine Eilertsen (PDF[62]); Dagbladet: Editor: John Arne Markussen (PDF[63]); NRK: Editor: Hans Tore Bjerkaas (PDF[64]); TV2: Editor: Alf Hildrum (PDF[65]); VG: Editor: Torry Pedersen (PDF[66]); requesting the Editors to clarify their editorial decision-making to censor information about the Media's Environment-Population-Terrorism Connection, during a Norwegian Terrorism trial being publicized by international media on the international stage; and their decision-making to censor information regarding the EcoFeminist Applications to the Oslo District Court on behalf of a free and fair trial, for the Feminist hating 'right wing'

[58] http://issuu.com/js-ror/docs/120422_bleads-leads
[59] http://issuu.com/js-ror/docs/mahertm_journo-env-pop-connection
[60] http://issuu.com/js-ror/docs/120522_adresseavisen
[61] http://issuu.com/js-ror/docs/120522_aftenposten
[62] http://issuu.com/js-ror/docs/120522_bergenstidende
[63] http://issuu.com/js-ror/docs/120522_dagbladet
[64] http://issuu.com/js-ror/docs/120522_nrk
[65] http://issuu.com/js-ror/docs/120522_tv2
[66] http://issuu.com/js-ror/docs/120522_vg

terrorist, from their readers. The editors refused to provide the requested information.

E. On 19 June 2012, an Appeal (PDF[67]) was submitted to the Environmental Appeals Board: *Request for Access to Environment and Health Information in terms of S.28 (Freedom of Information Act) and S.10 (Environmental Law) RE: Censorship in Norway's Media: (I) Media's Environment-Population-Terrorism Connection; (II) Norway's Stalinesque Political Psychiatry Tyranny.*

14.26 **Social Science Enquiry into Breivik's 'Discrimination' and 'Censorship' Allegations: 10 September 2012: Environmental Appeal Board Ruling on Media Censorship**:

A. Initially Applicant's media censorship complaint was deleted by the Environmental Appeals Board without reason. Upon complaint to Ministry of Environment[68], it was given a Reference number[69], with no apology for the deletion, implying the deletion was intentional and appropriate. On 04 July 2012, a complaint of Slow Case Processing (PDF[70]) was filed to the Parliamentary Ombudsman. The Environment Appeals Board refused to simply answer questions, delaying the complaint until 'after summer'[71], and refusing[72] to say when the end of summer would be[73]. Then promising it would be dealt with in August[74], only to do nothing[75] in August[767778].

B. On 10 September 2012, the Secretariat of the Environmental Appeals Board issued a ruling[79] (PDF[80]) – in violation of due process principles, without having received any statements from any media, or Bar Association parties – that Applicant's Appeal was 'unjustified'.

C. On 11 September 2012, Applicant requested[81] reasons for the Environmental Appeals Boards violations of general procedures of impartial enquiry and due process.

D. On 18 September 2012, the Environmental Appeals Board responded that they violated general procedures of impartial enquiry and due process, because the Appeals 'clearly had to be denied'.

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[67] http://issuu.com/js-ror/docs/180612_env-app-brd
[68] http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120625_minenv.html
[69] http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120625_eab_12-708.html
[70] http://issuu.com/js-ror/docs/120704_ombud_eab
[71] http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120628_eab-1045.html
[72] http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120629_eab-mjustice.html
[73] http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120628_eab-1315.html
[74] http://ecofeminist-v-breivik.weebly.com/1/post/2012/07/120703_eab-1021.html
[75] http://ecofeminist-v-breivik.weebly.com/1/post/2012/07/120703_mjus-eab-1100.html
[76] http://ecofeminist-v-breivik.weebly.com/1/post/2012/07/120704_po_eab.html
[77] http://ecofeminist-v-breivik.weebly.com/1/post/2012/08/120831_eab-mcensor.html
[78] http://ecofeminist-v-breivik.weebly.com/1/post/2012/09/120902_po-eab.html
[79] http://ecofeminist-v-breivik.weebly.com/1/post/2012/09/120910_eab-ba-media1.html
[80] http://ecofeminist-v-breivik.weebly.com/uploads/1/3/0/7/13072327/12-11-06_envappbrd_decision.pdf
[81] http://ecofeminist-v-breivik.weebly.com/1/post/2012/09/120911_eab.html

E. On 08 October 2012, Applicant responded that it was not clear why her Appeals 'clearly had to be denied', unless the Environmental Appeals board was massively corrupt. Applicant requested clarification of the Environmental Appeals Board's 'Environment' definitions, and provided evidence how her appeals were both justified in accordance to the Aarhus convention's definition of 'environmental information'.

F. On 03 November 2012, Applicant submitted an official written request (PDF[82]) to the Environmental Appeals Board in terms of Public Administration Act (PAA), Section 23, 24, 25 and Freedom of Information Act, Section 22, requesting clarification of the factual and legal grounds upon which the Environmental Appeals Board justified their ruling of 'clearly had to be denied', "including clarifying exactly how my complaints do not fit the definition of Environment as clarified by the Aarhus convention and LAW 2003-05-09 # 31: Act concerning the right to information and participation in public decision-making processes relating to the environment (environmental law)".

G. On 06 November 2012, the Environmental Appeals Board notified Applicant her request for factual and legal grounds for her denied Appeal, had been denied[83].

H. On 11 November 2012, Applicant filed an Appeal (PDF[84]) to the Parliamentary Ombudsman: *Erroneous Decision by Environment Appeals Board in Environmental Information Appeals re: [I] Editorial Decision-Making: Censorship of Media's 'Population-Environment-Terrorism' Connection; [II] Bar Association: Anti-Environmental Complaints Policy*.

I. The Parliamentary Ombudsman Appeal against the Media Censorship Ruling argued (i) It was an Irregular Violation of Due Process: Irregular failure of Impartial Arbitration due process procedures; (ii) the Environmental Appeals Board failed to justify how the requested Population Growth and Consumptionism information requested from the Media is not 'Environmental Information': Population Growth and Corporate Advocacy of Consumptionism are primary factors in Resource Scarcity, Species Extinction and Environmental Degradation, and (iii) the Editor's and Environmental Appeals Board's Refusal of Access to Information from Media Respondents is Contrary to Provisions of Freedom of Information Act, Right to Environmental Information Act and Aarhus Convention.

J. On 27 November 2012, the Parliamentary Ombudsman ruled (PDF[85]) that "The Ombudsman has reviewed your complaint and the enclosed documents, and

[82] http://issuu.com/js-ror/docs/121103_eab
[83] http://ecofeminist-v-breivik.weebly.com/1/post/2012/11/121106_eab1.html
[84] http://issuu.com/js-ror/docs/121112_po-eab
[85] http://ecofeminist-v-breivik.weebly.com/uploads/1/3/0/7/13072327/12-11-27_2012-1987_env_appeals_board.pdf

your complaint does not give reasons to initiate further investigations regarding the Appeals Board case processing or decision."

14.27 **Social Science Enquiry into Breivik's 'Discrimination' and 'Censorship' Allegations 27 August 2012: Application to Norway Supreme Court, for Review of Oslo District Court: Breivik Judgement ruling of 24 August**:

A. On 27 August 2012, an Application (PDF[86]) was submitted to Norway Supreme Court for Review of Oslo District Court: Breivik Judgement Necessity[87] Ruling, which states that "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."[88]

B. *Review Orders Requested:*

a. Set Aside the Judgements 'Necessity (Nødrett) Ruling' (pg.67[89])

b. Set Aside Defendant's Conviction (Finding of Guilt) and Remit to Oslo District Court for hearing of Further Evidence to conclude Objective and Subjective Necessity Test Evidentiary Enquiry.

C. *Grounds for Review*:

a. The application for review is based on the grounds of (A) Irregularities & Illegalities in the Proceedings before the Oslo District Court: in terms of (1) A Failure of Justice and Failure of a True and Correct Interpretation of the Facts; (2) Judicially Un-Investigated Facts; (3) Failure of Application of Mind and (4) Rejection of Admissible or Competent Evidence: (i) Prosecutor & Judges failure to examine objective and subjective necessity test; and (ii) Courts denial of due process to applicants Habeus Mentem and Amicus Curiae applications[90].

b. [A.1.a] Necessity Judgement fails to provide any necessity criminal provisions that prohibit killing of Government Officials in case of Necessity[91]

c. [A.1.b] Necessity Judgement Ignores that Criminal Necessity provisions do not prohibit the killing of Government Officials in case of objective and subjective Necessity.

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[86] http://ecofeminist-v-breivik.weebly.com/uploads/1/3/0/7/13072327/12-08-27_no-breivik_supremecrt_review_fs-nom-affid-pos.pdf

[87] "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." - Oslo District Court (Oslo tingrett) – Judgment. Oslo District Court (Oslo tingrett) TOSLO–2011–188627–24E (11–188627MED–OTIR/05).

[88] Oslo District Court (Oslo tingrett) – Judgment. Oslo District Court (Oslo tingrett) TOSLO–2011–188627–24E (11–188627MED–OTIR/05)

[89] http://issuu.com/js-ror/docs/120824_nvb-judmnt

[90] http://ecofeminist-v-breivik.weebly.com/oslo-district-court.html

[91] LAW-1998-03-20-10-§ 5: Forskrift om sikkerhetsadministrasjon | Regulations relating to security management allows for "security breaches without criminal liability if the terms of the principle of necessity or self defence in criminal law law § 47 or § 48 is met."

d. [A.1.c] Necessity Judgement's Erroneous interpretation of Necessity related criminal law provisions and international necessity related human rights law.

e. [A.1.d] Necessity and Guilt Judgement's Failure to conduct required Objective and Subjective Tests for Defendant's Necessity Defence

f. [A.1.e] Necessity and Guilt Judgement's Absence of Objective and Subjective Test Enquiry and Conclusions Renders it Inadequate

g. [A.1.f] Necessity and Guilt Judgement's Absence of Clarification Upon which party the Onus of Proof lies in a Case of Necessity; and how or why their evidence was insufficient renders the Judgements Conclusions inadequate.

h. [A.1.g] Necessity and Guilt Judgement's Absence of Objective and Subjective Test Enquiry and Conclusions Renders it Discriminatory Precedent

i. [A.1.h] Necessity Judgements 'Extreme Political Objectives' conclusion is unsupported in the Absence of Objective and Subjective Necessity Test

j. [A.1.i] Necessity Judgements 'Extreme Political Objectives' conclusion is unsupported in the Absence of Objective and Subjective Necessity Test

D. *Failure of Justice: Judicially Un-Investigated Facts: Necessity and Guilt:*

a. No reference was made during court proceedings by any party alleging that any Norwegian or International specific necessity criminal statute specifically prohibits the killing of government or politically active young people, in the event of objective and subjective reasonably determined necessity.

b. No International or Norwegian specific necessity criminal statute specifically prohibits the killing of government or politically active young people, in the event of objective and subjective reasonably determined necessity.

c. Necessity criminal statutes do not specifically allow or disallow the killing of government or politically active young people, but provide for an objective and subjective test that examines each alleged criminal act to objectively and subjectively determine whether necessity existed, or the defendant honestly believed it existed, within the particular criminal act's relevant circumstances.

d. The court, prosecution and defence counsel failed to conduct the required subjective and objective tests to examine the evidence for the Defendant's necessity motivations to determine (I) objectively whether the defendant's claims – simplistically rephrased as – "Titanic Europe is on a demographic/immigration collision course with Islam Iceberg"; and (II) secondly whether the defendant subjectively perceived the Titanic Europe/Islam Iceberg circumstances this way.

e. The Judgement fails to disclose Norwegian law's Onus of Proof requirements in a case of necessity: i.e. upon which party – Defendant or State -

does the Onus of Proof lie in case of Necessity? In South Africa, the proof in a defense of necessity, ruling out the reasonable possibility of an act of necessity, lies on the State. In the absence of the State ruling out the reasonable possibility of an act of necessity, the accused claim of necessity stands.

f. It is clear that the Court's statement of reasons does not show the results of the courts objective and subjective enquiry into the Defendant‘s claim of necessity. Thus, it is also clear that the Court's statement of reasons for its “necessity finding of guilt”, are inadequate. Hence the finding of guilt needs to be set aside for further evidence to objectively and subjective evaluate the defendants necessity defence.

g. Finally if the Courts statement of reasons remain uncorrected, they would set a bad precedent, encouraging other courts to deny necessity defendants their rights to an objective and subjective test of their necessity defence, including denying the defendant information clarifying upon whom the Onus of Proof in a defence of necessity lies.

E. *Oslo Court: Breivik Defence of Necessity*:

a. On 17 April 2012, the Oslo Court tweeted[92] to Journalists attending the Breivik trial: “Wrong translation in the 22-7 trial yesterday: Breivik said "nodrett", Correct translation: "Principle of Necessity", not "self defence".”

b. The principle of Necessity is enshrined in Norwegian Law in Section 47 of the Penal Code[93]: "No person may be punished for any act that he has committed in order to save someone's person or property from an otherwise unavoidable danger when the circumstances justified him in regarding this danger as particularly significant in relation to the damage that might be caused by his act."

F. *Prosecutor Engh and Holden “Refuse to touch Breivik’s Principle of Necessity”*:

a. According to Document.NO[94], NRK[95], VG[96], NRK[97], the transcripts Prosecutor Engh and Holden violated their duty of objectivity in terms of (a) impartially enquiring into and/or responding to the Accuseds‘ Defence; and (b) providing the court with the Prosecution‘s evaluation and conclusion of the evidence for and against Breivik‘s invocation of his Necessity Defence.

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[92] https://twitter.com/#!/Oslotingrett/status/192198581803945984
[93] http://www.ub.uio.no/ujur/ulovdata/lov-19020522-010-eng.pdf
[94] Document.NO: Inga Bejer Engh Procedure Part.I (Inga Bejer Engh Procedure Part.I)
http://www.document.no/2012/06/inga-bejer-engh-prosedyre-del-i/
[95] NRK: Rettssaken - dag 42 (The trial - day 42) at 12:15
http://nrk.no/227/dag-for-dag/rettssaken---dag-42-1.8216159
[96] VG: Ord-for-ord - dag 42 prosedyren til aktoratet (Word-for-word - day 42 procedure for prosecutors)
http://www.vg.no/nyheter/innenriks/22-juli/rettssaken/artikkel.php?artid=10066042
[97] NRK: Rettssaken - dag 43 (The Trial – Day 43), AT 09:10, 09:29, 10:21, 11:28, 14:45, 14:51,
http://nrk.no/227/dag-for-dag/rettssaken---dag-43-1.8218343

b. In her closing statement, Prosecutor Engh acknowledges that: (A) Norwegian prosecutors have a duty to conduct their investigation with objectivity; (B) Norwegian law allows for an accused to plead to necessity and/or self defence, (C) Where an accused does invoke necessity, it is the court and prosecutor's duty to investigate the accused's necessity defence arguments and evidence; (D) If an accused successfully invokes a necessity defence, this can and must result in either mitigation of sentence and/or a verdict of innocence; (E) Breivik invoked the defence of necessity; (F) Despite the fact that Breivik invoked the necessity defence, both Prosecutor Engh and Holden "refuse to touch the principle of necessity".

G. *Necessity in Norwegian Law*:

a. *LAW-2005-05-20-28: Lov om straff (straffeloven). / Act on Punishment (Penal Code)*[98], (Google Translation) says: § 17 Necessity: "An action that would otherwise be criminal, is legal when a) it is being undertaken to save lives, health, property or any interest from the danger of injury that can not be averted in any other reasonable manner, and b) the risk of injury is far greater than the risk of injury by the action."

b. *LAW-1998-03-20-10-§ 5: Forskrift om sikkerhetsadministrasjon / Regulations relating to security management*[99] allows for "security breaches without criminal liability if the terms of the principle of necessity or self defence in criminal law law § 47 or § 48 is met."

H. *Norwegian Law Necessity Judgement: Subjective and Objective Test*:

a. In *LE-2012-76983 Eidsivating Appeal – Judgment*[100] of 29 May 2012, an Eritrean man was accused of several Perjury related Immigration offences to help his sister to come to Norway. He admitted the facts, but claimed necessity. In court he was found guilty on all counts and sentenced to 90 days' imprisonment. The Court of Appeal suspended the appeal to test his conviction on one point (whether the court a quo had seriously enquired into his necessity defence).

b. The Norwegian Court of Appeal agreed with the Defendant's argument that asserted that the court a quo had not considered the circumstances that were invoked as the basis for the existence of a principle of necessity situation. The judgement stated that it is clear that "the courts statement of reasons does not show that the court has considered this argument. Thus it is also clear that the Court's statement of reasons in so far are inadequate."

I. *Necessity Defence: International and Foreign Law*:

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[98] http://www.lovdata.no/cgi-wift/wiftldles?doc=/app/gratis/www/docroot/ltavd1/filer/nl-20050520-028.html&emne=n%F8drett*&#17

[99] http://www.lovdata.no/cgi-wift/wiftldles?doc=/app/gratis/www/docroot/ltavd1/filer/sf-20010629-0723.html&emne=n%F8drett*&

[100] http://www.lovdata.no/cgi-wift/wiftldles?doc=/app/gratis/www/docroot/lr/lre/le-2012-076983.html&emne=n%F8drett*&

a. The rationale of the necessity defense is not that a person, when faced with the pressure of circumstances of nature, lacks the mental element which the crime in question requires. Rather, it is this reason of public policy: the law ought to promote the achievement of higher values at the expense of lesser values, and sometimes the greater good for society will be accomplished by violating the literal language of the criminal law.[101]

b. The principle of the necessity defence is rooted in common law and any accused pleading to necessity argues that their actions were justified or an exculpation for breaking the law. Defendants who plead to necessity – whether common law necessity, political necessity (civil disobedience) or military necessity - argue that they should not be held liable for their actions as being criminal, because their conduct was necessary to prevent some greater harm.

J. As argued in *The Necessity Defense in Civil Disobedience Cases: Bring in the Jury*, by William P. Quigley:

a. [..] The doctrine of necessity, with its inevitable weighing of choices of evil, holds that certain conduct, though it violates the law and produces harm, is justified because it averts a greater evil and hence produces a net social gain or benefit to society.[102]

b. Glanville Williams expressed the necessity doctrine this way: "[S]ome acts that would otherwise be wrong are rendered rightful by a good purpose, or by the necessity of choosing the lesser of two evils."[103] He offers this example: "Suppose that a dike threatens to give way, and the actor is faced with the choice of either making a breach in the dike, which he knows will result in one or two people being drowned, or doing nothing, in which case he knows that the dike will burst at another point involving a whole town in sudden destruction. In such a situation, where there is an unhappy choice between the destruction of one life and the destruction of many, utilitarian philosophy would certainly justify the actor in preferring the lesser evil."[104]

K. In *Nuclear War, Citizen Intervention, and the Necessity Defense*[105], Robert Aldridge and Virginia Stark, document numerous cases of Common Law and Civil Disobedience Necessity Defence Cases which resulted in Innocence verdicts or severe Mitigation of Sentencing.

L. *Common Law Necessity Defence Cases Resulting in Innocence Verdicts or Severe Mitigation of Sentencing*:

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[101] WAYNE R. LAFAVE, CRIMINAL LAW, § 5.4, at 477 (3d ed. 2000).
[102] See Joseph J. Simeone, "Survivors" of the Eternal Sea: A Short True Story, 45 ST. LOUIS U. L.J. 1123, 1141 (2001).
[103] GLANVILLE WILLIAMS, THE SANCTITY OF LIFE AND THE CRIMINAL LAW 198 (1957).
[104] Glanvill Williams, The Sanctity of Life and the Criminal Law 198 (1957). At 199-200
[105] http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1887&context=lawreview

a. In *Regina v Dudley and Stephens* (1884) 14 QBD 273, three crew members and a cabin boy escaped a shipwreck to spend eighteen days on a boat, over 1,000 miles from land, with no water and only two one pound tins of turnips. After four days, they caught and ate a small turtle. That was the only food that they had eaten prior to the twentieth day of being lost at sea. Ultimately, two of the crew members killed the ailing cabin boy and "fed upon the body and blood of the boy for four days." Four days later, they were rescued. Two of the men were charged with murder. The court found that the cabin boy would likely have died by the time they were rescued and that the crew members, but for their conduct, would probably have died as well. The Queen's Bench Division Judges held that the defendants were guilty of murder in killing the cabin boy and stated that their obvious necessity was no defence. The defendants were sentenced to death, but this was subsequently commuted to six months' imprisonment.

b. In *Spakes v. State*, 913 S.W.2d 597 (Tex. Crim. App. 1996), the Texas Criminal Appeals Court allowed the jury to be instructed on the necessity defense before deliberating the verdict for an inmate whose three cellmates had planned an escape and threatened to slit his throat if he did not accompany them. The defendant inmate argued that because of the terribly violent crimes of which his cellmates had been convicted (one had bragged about chopping his girlfriend up with an ax), it was a necessity that he break the law, by accompanying them in their escape.

c. In *United States v. Ashton*, 24 F. Cas. 873, 873-74 (C.C.D. Mass 1834) (No. 14,470), sailors prosecuted for mutiny were found not guilty, after arguing the necessity for their mutiny based upon the dangerously leaky ship and that this danger had been concealed from them until after they left port. Circuit Justice Story found them not guilty of mutiny.

d. In *United States v. Holmes*, 26 F. Cas. 360 (E.D. Pa. 1842) (No. 15,383), Holmes was involved in a shipwreck, where the crew were charged with manslaughter for throwing sixteen passengers overboard in a frantic attempt to lighten a sinking lifeboat. The Prosecutor argued the passengers should be protected at all costs, whereas the Defence placed the jurors in the sinking lifeboat with the defendant. The Defendant was found guilty, but the jurors requested leniency, to which the court complied by sentencing the defendant to six months in prison and a fine of twenty dollars.

e. In the 1919 Arizona decision of *State v. Wooten*, commonly referred to as the Bisbee Deportation case, Professor Morris[106] describes the acquittal of a Sherrif based upon the "necessity" for committing Kidnapping.

[106] Norval Morris, The Verswami Story, 52 U. CHI. L. REV. 948, 989 (1985); see also The Law of Necessity as Applied in the Bisbee Deportation Case.

f. In *Surocco v. Geary*, 3 Cal. 69 (1853), a large fire threatened the unburned half of the then small town of San Francisco. A public officer ordered the destruction of houses to create a firebreak and was subsequently sued by one of the owners. On appeal, the California Supreme Court held that the action was proper because: "The right to destroy property, to prevent the spread of a conflagration, has been traced to the highest law of necessity, and the natural rights of man, independent of society and the civil government. "It is referred by moralists and jurists as the same great principle which justifies the exclusive appropriation of a plank in a shipwreck, though the life of another be sacrificed; with the throwing overboard goods in a tempest, for the safety of the vessel; with the trespassing upon the lands of another, to escape death by an enemy. It rests upon the maxim, *Necessitas inducit privilegium quod jura private*." [Necessity leads to privileges because of private justice]."

M. *Civil Disobedience Political Necessity Defence Cases Resulting in Innocence Verdicts or Severe Mitigation of Sentencing*:

a. In the United States, 23 cases of left wing/liberal political protestors necessity defence cases have resulted in innocence or severe mitigation of sentencing, whereas only 1 case of right wing/conservative political protestors cases have resulted in innocence or severe mitigation of sentencing.

b. Left Wing/Liberal: Anti Nuclear (10): *State v. Mouer* (Columbia Co. Dist. Ct., Dec. 12-16, 1977), *People v. Brown* (Lake County, Jan. 1979); *People v. Block* (Galt Judicial Dist., Sacramento Co. Mun. Ct., Aug. 14, 1979); *California v. Lemnitzer*, No. 27106E (Pleasanton-Livermore Mun. Ct. Feb. 1, 1982); *State v. McMillan*, No. D 00518 (San Luis Obispo Jud. Dist. Mun. Ct., Cal. Oct. 13, 1987); *Massachusetts v. Schaeffer-Duffy* (Worcester Dist. Ct. 1989); *West Valley City v. Hirshi*, No. 891003031-3 MC (Salt Lake County, Ut. Cir. Ct., W. Valley Dept. 1990); *Washington v. Brown*, No. 85-1295N (Kitsap County Dist. Ct. N. 1985); *California v. Jerome*, Nos. 5450895, 5451038, 5516177, 5516159 (Livermore-Pleasanton Mun. Ct., Alameda County, Traffic Div. 1987); *Washington v. Karon*, No. J85-1136-39 (Benton County Dist. Ct. 1985)

c. Left Wing/Liberal: Anti US Central American Foreign Policy (3); *Vermont v. Keller*, No. 1372-4-84-CNCR (Vt. Dist. Ct. Nov. 17, 1984); *People v. Jarka*, Nos. 002170, 002196-002212, 00214, 00236, 00238 (Ill. Cir. Ct. Apr. 15, 1985); *Colorado v. Bock* (Denver County Ct. June 12, 1985)

d. Left Wing/Liberal: Anti-Military Industrial Complex (4): *Michigan v. Jones et al.*, Nos. 83-101194-101228 (Oakland County Dist. Ct. 1984); *Michigan v. Largrou*, Nos. 85-000098, 99, 100, 102 (Oakland County Dist. Ct. 1985); *Massachusetts v. Carter*, No. 86-45 CR 7475 (Hampshire Dist. Ct. 1987); *Illinois v. Fish* (Skokie Cir. Ct. Aug. 1987)

e. Left Wing/Liberal: Anti-Apartheid (3): *Chicago v. Streeter*, Nos. 85-108644, 48, 49, 51, 52, 120323, 26, 27 (Cir. Ct., Cook County Ill. May 1985); *Washington v. Heller* (Seattle Mun. Ct. 1985); *Washington v. Bass*, Nos. 4750-038, -395 to -400 (Thurston County Dist. Ct. April 8, 1987)

f. Left Wing/Liberal: Pro-Environment/Cycling (1): *People v. Gray*, 571 N.Y.S.2d 851, 861-62 (N.Y. Crim. Ct.1991)

g. Left Wing/Liberal: AIDS: Clean Needles Campaign (2) *California v. Halem*, No. 135842 (Berkeley Mun. Ct. 1991); In 1993, a jury acquitted a Chicago AIDS activist charged with illegally supplying clean needles because of the necessity defense.[107]

h. Right Wing/Conservative: Anti-Abortion (1): In 1990, in Omaha, Nebraska, a jury acquitted seventeen anti-abortion protestors because of the necessity defense. The trial judge relied on the defense to overturn the trespassing convictions of an additional eighteen defendants.[108]

i. Neutral: Anti-Corruption (1): In 1988, a North Carolina court acquitted two Tuscarora Indians of charges in connection with their taking of twenty hostages at the office of a local newspaper to protest the alleged corruption of county officials.[109]

j. Neutral: Anti-Alcohol Advertising (1): In 1991, a Chicago jury acquitted a Catholic priest of criminal charges for damage to the inner-city neighborhood where he was pastor after he admitted painting over three tobacco- and alcohol-related billboards. The defendant argued he should not be convicted because of the necessity defense. The jury deliberated ninety minutes before acquitting the defendant.[110]

k. *Military Necessity and International Humanitarian Law*:

l. Crimes of War[111] and Diakona[112] define military necessity as: "a legal concept used in international humanitarian law (IHL) as part of the legal justification for attacks on legitimate military targets that may have adverse, even terrible, consequences for civilians and civilian objects. It means that military forces in planning military actions are permitted to take into account the practical requirements of a military situation at any given moment and the imperatives of winning. The concept of military necessity acknowledges that even under the laws

[107] Andrew Fegelman, AIDS Activist Found Innocent of Charges in Needle Exchange, CHI. TRIB., Jan. 28, 1993, at 4.
[108] Judge Says Actions of Anti-abortionists at Clinic Justified, OMAHA WORLD-HERALD, July 17, 1990. In a seventeen-page order discussing necessity and the priority of life over property rights, District Judge Robert Burkard reversed the convictions for trespassing. An additional seventeen abortion protestors were acquitted by a jury on similar grounds in June 2000.
[109] Two Carolina Indians Acquitted in Hostage Taking, N.Y. TIMES, Oct. 15, 1988, at 9.
[110] Terry Wilson, Acquittal Answers Pfleger's Prayers, CHI. TRIB., July 3, 1991, at 3.
[111] http://www.crimesofwar.org/a-z-guide/military-necessity/
[112] http://www.diakonia.se/sa/node.asp?node=888

of war, winning the war or battle is a legitimate consideration, though it must be put alongside other considerations of IHL."

m. Luis Moreno-Ocampo, Chief Prosecutor at the International Criminal Court, investigated allegations of War Crimes during the 2003 invasion of Iraq and published an open letter[113] containing his findings. In a section titled "Allegations concerning War Crimes" he did not call it military necessity but summed up the term: "Under international humanitarian law and the Rome Statute, the death of civilians during an armed conflict, no matter how grave and regrettable, does not in itself constitute a war crime. International humanitarian law and the Rome Statute permit belligerents to carry out proportionate attacks against military objectives, even when it is known that some civilian deaths or injuries will occur. A crime occurs if there is an intentional attack directed against civilians (principle of distinction) (Article 8(2)(b)(i)) or an attack is launched on a military objective in the knowledge that the incidental civilian injuries would be clearly excessive in relation to the anticipated military advantage (principle of proportionality) (Article 8(2)(b)(iv)."

N. *Military Necessity Justifies use of Nuclear Weapons for Self-Preservation*:

a. In the International Court of Justice's advisory opinion of 8 July 1996, on *The legality of the threat or use of nuclear weapons*[114], the final paragraph states "that such threat or use would generally be contrary to international humanitarian law. The opinion went on to state, however, that the court "cannot lose sight of the fundamental right of every State to survival, and thus its right to resort to self-defence . . . when its survival is at stake." The court held, by seven votes to seven, with its president's casting vote, that it "cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self defence in which the very survival of a State would be at stake."

O. *Military Necessity in Nuremberg German High Command Trial*:

a. In the *Trial of Wilhelm von Leeb and Thirteen Others*: United States Military Tribunal, Nuremberg, 30th December, 1947 – 28 the October, 1948[115]

b. Wilhelm von Leeb and the other thirteen accused in this case were former high-ranking officers in the German Army and Navy, and officers holding high positions in the German High Command (OKW) were charged with Crimes against Peace, War Crimes, Crimes against Humanity and with Conspiracy to commit such crimes. The War Crimes and Crimes against Humanity charged against them included murder and ill-treatment of prisoners of war and of the civilian population

[113] http://www2.icc-cpi.int/NR/rdonlyres/F596D08D-D810-43A2-99BB-B899B9C5BCD2/277422/OTP_letter_to_senders_re_Iraq_9_February_2006.pdf
[114] http://www.un.org/law/icjsum/9623.htm
[115] http://www.worldcourts.com/imt/eng/decisions/1948.10.28_United_States_v_von_Leeb.pdf

in the occupied territories and their use in prohibited work; discrimination against and persecution and execution of Jews and other sections of the population by the Wehrmacht in co-operation with the Einsatzgruppen and Sonderkommandos of the SD, SIPO and the Secret Field Police; plunder and spoliation and the enforcement of the slave labour programme of the Reich.

c. They were acquitted of some of the charges, where it was ascertained that military necessity existed objectively and/or subjectively in the particular circumstances.

d. The Tribunal argued that "The devastation prohibited by the Hague Rules and the usages of war is that not warranted by military necessity. This rule is clear enough but the factual determination as to what constitutes military necessity is difficult. Defendants in this case were in many instances in retreat under arduous conditions wherein their commands were in serious danger of being cut off. Under such circumstances, a commander must necessarily make quick decisions to meet the particular situation of his command. A great deal of latitude must be accorded to him under such circumstances. What constitutes devastation beyond military necessity in these situations requires detailed proof of an operational and tactical nature. We do not feel that in this case the proof is ample to establish the guilt of any defendant herein on this charge."

e. Thus, in dealing with Reinhardt's alleged responsibility for plunder and spoliation, the Tribunal said: "The evidence on the matter of plunder and spoliation shows great ruthlessness, but we are not satisfied that it shows beyond a reasonable doubt, acts that were not justified by military necessity."

P. *Military Necessity: The Rendulic Rule: Importance of the Subjective Test*:

a. In *The Law of Armed Conflict: International Humanitarian Law in War*, Gary D Solis provides an overview of the Rendulic Rule[116] in evaluation of the subjective test in evaluating a defence of Military Necessity:

b. "In October 1944, Generaloberst Lothar Rendulic was Armed Forces Commander North, which included command of Nazi Forces in Norway. (Between World Wars I and II, Rendulic had practiced law in his native Austria.) Following World War II, he was prosecuted for, among other charges, issuing an order "for the complete destruction of all shelter and means of existence in, and the total evacuation of the entire civilian population of the northern Norwegian province of Finmark..." Entire villages were destroyed, bridges and highways bombed, and port installations wrecked. Tried by an American military commission, Rendulic's defence was military necessity. He presented evidence that the Norwegian population would not voluntarily evacuate and that rapidly approaching Russian

[116] The Hostages Trial: Trial of Wilhelm List and Others; United States Military Tribunal, Nuremberg, 8 July 1947 - 19 February 1948

forces would use existing housing as shelter and exploit the local population's knowledge of the area to the detriment of retreating German forces. The Tribunal acquitted Rendulic of the charge, finding reasonable his belief that military necessity mandated his orders. His case offers one of the few adjudicated views of what constitutes military necessity.

c. *From the Tribunals opinion*:

d. "Military necessity has been invoked by the defendant's as justifying.. the destruction of villages and towns in an occupied territory... The destruction of property to be lawful must be imperatively demanded by the necessities of war… There must be some reasonable connection between the destruction of property and the overcoming of the enemy forces. It is lawful to destroy railways, lines of communication, or any other property that might be utilized by the enemy. Private homes and churches even may be destroyed if necessary for military operations. It does not admit the wanton devastation of a district or the wilful infliction of suffering upon its inhabitants for the sake of suffering alone...

e. "The evidence shows that the Russians had very excellent troops in pursuit of the Germans. Two or three land routes were open to them as well as landings by sea behind German lines... The information obtained concerning the intentions of the Russians was limited.. It was with this situation confronting him that he carried out the "scorched earth" policy in the Norwegian province of Finmark.. The destruction was as complete as an efficient army could do it...

f. "There is evidence in the record that there was no military necessity for this destruction and devastation. An examination of the facts in retrospect can well sustain this conclusion. But we are obliged to judge the situation as it appeared to the defendant at the time. If the facts were such as would justify the action by the exercise of judgement, after giving consideration to all the factors and existing possibilities, even though the conclusion reached may have been faulty, it cannot be said to be criminal. After giving careful consideration to all the evidence on the subject, we are convinced that the defendant cannot be held criminally responsible although when viewed in retrospect, the danger did not actually exist....

g. "..... We are not called upon to determine whether urgent military necessity for the devastation and destruction in the province of Finmark actually existed. We are concerned with the question whether the defendant at the time of its occurrence acted within the limits of honest judgement on the basis of the conditions prevailing at the time. The course of a military operation by the enemy is loaded with uncertainties... It is our considered opinion that the conditions, as they appeared to the defendant at the time, were sufficient upon which he could honestly conclude that urgent military necessity warranted the decision made. This

being true, the defendant may have erred in the exercise of his judgement but he was guilty of no criminal act. We find the defendant not guilty of the charge.

h. The Rendulic standard remains unchanged. Fifty-four years later, in 2003, the ICTY wrote: "In determining whether an attack was proportionate it is necessary to examine whether a reasonably well-informed person in the circumstances of the actual perpetrator, making reasonable use of the information available to him or her, could have expected excessive civilian casualties to result from the attack."[117]

Q. *Military Necessity: Rendulic Rule: Subjective Honesty in current Military Doctrine*:

a. In *Unexpected Consequences From Knock-On Effects: A Different Standard for Computer Network Operations?*[118], Eric Talbot Jensen writes:

b. "The standard the Court held General Rendulic to was the requirement to give "consideration to all factors and existing possibilities" as they "appeared to the defendant at the time."'"

c. "Note that the requirement to give consideration to all factors and existing possibilities is balanced with the overarching constraint of taking facts as they appear at the time of the decision. Must the commander remain in inaction until he feels he has turned over every stone in search of that last shred of information concerning all factors and possibilities that might affect his decision? The answer must be "no." Instead, he must act in good faith and, in accordance with GPI, do everything feasible to get this information."

R. *Onus of Proof: Norwegian State or Breivik to Prove Necessity?*:

a. In South African law the Onus of Proof lies on the State in a defence of necessity, to rule out the reasonable possibility of an act of necessity.

b. In *S v Pretorius* 1975 (2) SA 85 (SWA) Judge AJ Le Grange found that "The onus of proof in a defence of necessity as in self-defence rests on the State to rule out the reasonable possibility of an act of necessity. It is not for the accused to satisfy the court that she acted from necessity (p 293). .. (proceed) by gathering an objective view of the circumstances from the evidence itself, and the magistrate's finding whether the prevailing circumstances were "alarming" if viewed objectively…. Viewed objectively… was the accused confronted with a situation that …… lives were in danger….

c. "[90] [If the evidence gives a picture of threatening danger and fear, which gave rise to necessity and which would have justified the accused's conduct,

[117] The Prosecutor v. Stanislav Galic - Case No. IT-98-29-T, 05 December 2003 http://www.icty.org/x/file/Legal%20Library/jud_supplement/supp46-e/galic.htm
[118] http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1208&context=auilr

provided the accused did not exceed the limits of necessity…. Proceed to consider whether the proven circumstances satisfy the tests for necessity set out by B & Hunt at p. 285 of their work: (a) the threatening disaster endangered the accused's legal interests. This in fact gave rise to a duty to act. (b) the danger was threatening and imminent. The fact that symptoms relating to the danger may only appear later does not detract from the situation… if it cannot immediately be ascertained whether or not the symptoms are dangerous, necessity arises… (d) the chances that harm would have resulted and it would have been of a serious nature.. the greater the harm, the greater the necessity…"

d. If Norwegian law also places the Onus of Proof to lie on the State in a defence of necessity, to rule out the reasonable possibility of an act of necessity; it would appear that the Prosecutor's decision to "refuse to touch the principle of necessity" should weigh heavily in the Defendant's favour.

14.28 **28 August – 06 September 2012: No Response from the Norwegian Supreme Court**:

A. On 28 August 2012, I contacted the Supreme Court Registrar with a request for a Case Number for my application for Review of the Oslo District Court's Brievik Judgement.

B. On 31 August 2012, I again contacted the Supreme Court Registrar with a request for a Case Number for my application for Review of the Oslo District Court's Brievik Judgement.

14.29 **02 September 2012: Complaint to Parliamentary Ombudsman: Slow Case Processing by Supreme Court Registrar**:

A. On 02 September 2012, I submitted a complaint (PDF[119]) to the Parliamentary Ombudsman: *Slow Case Processing / Failure to Provide Case Processing by Supreme Court Registrar; to Application for Review of 'Breivik Judgement'*.

B. **10 September 2012: Response from Supreme Court Secretary General: Gunnar Bergby: No Legal Standing**:

a. On 11 September 2012, I was informed of the decision by Supreme Court of Norway: Secretary General: Gunnar Bergby in: *Application for review of Oslo District Court Judgement of 24 August 2012 (2011-188627-24)*.

b. Secretary General Bergby implied that my application was an 'Appeal', and stated that I lacked legal standing, because I was not a 'party to the case'. Mr. Anders Behring Breivik and the prosecution authority "are the only parties in the specific case mentioned above, and the right of appeal is constricted to these".

[119] http://issuu.com/js-ror/docs/120902_po-scr?mode=window&viewMode=singlePage

14.30 **11 Sep 2012: Response to Supreme Court: Secretary General:**

A. On 11 September 2012, applicant responded (PDF[120]) to Secretary General Gunnar Bergby. Applicant requested the Secretary General to provide her with the relevant statute in Norway that provides the Secretary General the authority to refuse to process a case, citing lack of locus standi/legal standing; thereby denying such applicant due process access to be heard by an impartial court?

B. Applicant argued that it was for the court to decide the matter of locus standi, not the Secretary General; citing *Scottish Salmon Growers Association Limited v. EFTA Surveillance Authority*[121] (Case E-2/94); *Private Barnehagers Landsforbund v EFTA Surveillance Authority, supported by Kingdom of Norway* (Case E-5/07)[122]; and Hans Chr. Bugge, Professor of Environmental Law at the Department of Public and International Law, University of Oslo, in his article: *General background: Legal remedies and locus standi in Norwegian law*[123]: "There is no clear definition or delimitation of the concept. Whether a person has "legal interest" is decided discretionary in each case, and depends on individual circumstances."

C. Applicant clarified her application was not an 'Appeal', which 'locus standi' was restricted to the 'parties in the specific case', but one of Certiorari/Review, where her locus standi/legal standing was based upon her being a member of a group of activists: known as political necessity activists, who have 'legal interest' in the judgement, due to its violations of ECHR Article 13 and 14, and its necessity ruling was not sufficiently precise, as required in Lithgow & others v. United Kingdom[124], in order to allow Political Necessity Activists to regulate their activism in accordance with the law.

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[120] http://ecofeminist-v-breivik.weebly.com/uploads/1/3/0/7/13072327/12-09-11_resp_nsc_secgen_gunnarbergby_decision-dated-09-09-12_encl.pdf

[121] "The Court finds that this principle must also apply when considering … whether a measure is reviewable and who has locus standi to bring an action for annulment of a decision." (11) http://www.eftacourt.int/images/uploads/E-2-94_Judgment.pdf

[122] The court finds…. "In Husbanken I, it was sufficient for the association whose complaint had been at the origin of the case to show that the legitimate interests of its members were affected by the decision, by affecting their position on the market; and that in this case, where the decision was a decision not to object to State aid, locus standi could even arise alone from the facts that the association was, as a representative of its members, at the origin of the complaint, that it was heard in the procedure and that information was gathered from the State in question" (66) http://www.eftacourt.int/images/uploads/E-5_07_Report_for_the_Hearing_FINAL_revised.pdf

[123] "The general criterion for locus standi in civil court cases in Norway is that the plaintiff must have "legal interest" in the case.(Art. 54 of the Civil Proceedings Act.) The dispute must be a live controversy, and the plaintiff must have a sufficiently close connection to the subject matter so as to justify the court's treatment of the dispute. There is no clear definition or delimitation of the concept. Whether a person has "legal interest" is decided discretionary in each case, and depends on individual circumstances. The core question to ask is whether the person has reasonable grounds for having the issue tried by a court. To have "legal interest" to have a matter tried by the courts, the plaintiff must be affected by the matter to such an extent that it justifies the use of the court system. Interests which are only based on public or common rights, such as the public right of way, may be accepted if they are strong enough." http://www-user.uni-bremen.de/~avosetta/buggeaccessnorw02.pdf

[124] The rule of law requires legislation (or judgements or court officials decision-making) to be adequately accessible and sufficiently precise to enable people to regulate their affairs in accord with the law (Lithgow & others v United Kingdom). Lithgow & others v. United Kingdom (1986) * EHRR 329 § 110 http://www.unhcr.org/refworld/publisher,ECHR,,GBR,3ae6b7230,0.html

D. The Oslo District Courts 'Breivik Judgement', discriminated against Breivik, by denying him a Free and Fair Subjective and Objective Test Enquiry into his Necessity evidence; and set a discriminatory legal precedent against future Norwegian Political Necessity activists, and furthermore due to the international prominence of the trial on the world stage, the Judgement sent a publicity message that a Court could deny an Accused pleading to Necessity, a Free and Fair Subjective and Objective Test Enquiry into their Necessity evidence, on the world stage.

E. Denying Mr. Breivik his right to an objective and subjective test of his necessity evidence, set a legal precedent where environmental, immigrant, religious or other necessity activists are also denied their right to an objective and subjective examination of their necessity evidence (or can due to ignorance from the Breivik trial's publicity, deny themselves, by lacking the knowledge to assert their right thereto).

F. Applicants was consequently demanding her Article 13 Right to an Effective Remedy, and in terms of Article 14: to Prohibit this Discriminatory Erroneous Necessity Ruling against Breivik, herself and other Necessity Activists.

G. The applicant confirmed that the principle of an Application for Review existed in Norwegian courts, as documented by (1) Former President of Norwegian Supreme Court Justice Carsten Smith[125], (2) Chief Justice of the Norway Supreme Court: Tore Schei[126]; and (3) Supreme Court Justice: Karen Bruzelius[127].

H. Applicant requested that her Application be interpreted in terms of Article 13 ECHR read in conjunction with Protocol 7 ECHR and the EFTA Courts Judicial Review Posten Norge Judgement[128]; effectively interpreted as the Right to Judicial Review of an Administrative Decision or a Court Order.

14.31 **08 October 2012, 2nd Request to Secretary General Gunnar Bergby**:

A. Applicant sent a reminder request to Secretary General Bergby.

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[125] Judicial Review of Parliamentary Legislation: Norway as a European pioneer" (Amicus Curiae, Issue 32, November 2000)
[126] 4 October 2007 letter to President of the Constitutional Court of the Republic of Lithuania, Justice Schei discusses how "... we will give a brief overview of the system of judicial review in Norway.."
[127] Supreme Court Justice: Karen Bruzelius's letter to the Council of Europe, Venice Commission, where she elucidates on "Judicial Review within a Unified Court System"
[128] The EFTA court at Luxembourg (interpreting the Agreement on the European Economic Area with regard to the EFTA States party to the Agreement: presently Iceland, Liechtenstein and Norway) Posten Norge Judgement9 (Case E-15/10), ruled on the application of judicial review in competition law. It concluded that the criminal provisions providing for guarantee of judicial review are greater than for competition law (83). The established case law of the European Union courts on judicial review of competition decisions is compatible with guarantees laid down by Article 6(1) ECHR, which limits competition law judicial reviews to complex matters (83). In a courts review of a complex matter, it is sufficient for the court to establish whether the evidence put forward for appraisal of the complex matter is factually accurate, reliable, consistent, and contains all the relevant data that must be taken into consideration in appraising the complex situation, and is capable of substantiating the conclusions drawn from it (83). Not only must the court determine whether the evidence relied upon is factually accurate, reliable and consistent, but also whether that evidence contains all the information which must be taken into account in order to assess a complex situation and whether it is capable of substantiating the conclusions drawn from it (99). http://www.eftacourt.int/images/uploads/15_10_JUDGMENT.pdf

14.32 **03 November 2012: Parliamentary Ombudsman: Complaint of Supreme Crt Registrar Slow Case Processing**:

A. On 03 November 2012, applicant filed a complaint (PDF[129]) of Slow Case Processing by Supreme Court: Secretary General: Gunnar Bergby.

14.33 **15 November 2012: Parliamentary Ombudsman Rules that Norway Supreme Court: Secretary General: Gunnar Bergby's 'Administrative Decision' is a "Decision of a Court of Law'**:

A. On 15 November 2012, the Parliamentary Ombudsman responded to *Complaint on Supreme Court of Norway* (PDF[130]), declining to investigate it, because "the Storting's Ombudsman for Public Administration, section 4, first paragraph, litra c), decisions of the courts of law can not be handled by the Ombudsman".

14.34 ***Contradictions between Parliamentary Ombudsman's "Slow Case Processing" by Courts Administrative Officials of (a) 11 July 2012 Supervisory Committee for Judges: Secretariat: Espen Eiken, and (b) 15 November 2012: Supreme Court: Secretary General: Gunnar Bergby***.

A. In the 11 July 2012 Parliamentary Ombudsman ruling: *Lack of Response from the Supervisory Committee for Judges*; in response to a complaint of *Slow case processing from the Supervisory Committee for Judges*, the Ombudsman's directions were to "submit "a written request to Tilsynsutvalget for dommere, where you call for answers to your applications. If you do not receive a response to this request within a reasonable time, you can contact the Ombudsman, with an enclosed copy of the last request to Tilsynsutvalget for dommere."'"

B. The Parliamentary Ombudsman clearly believed they had the authority to require the Supreme Court Administration: Supervisory Committee for Judges: Secretariat, to provide the applicant with due process, processing of her complaints against Judges Opsahl, Arntzen and Schei.

C. In the 15 November 2012 the Parliamentary Ombudsman responded to *Complaint on Supreme Court of Norway*; in response to a complaint of "*Slow Case Processing by Supreme Court: Secretary General: Gunnar Bergby: Re: Request for Statute Granting Sec Gen Authority to make ruling on Legal Standing*"; the Ombudsman's directions are that "decisions of the courts of law can not be handled by the Ombudsman."

D. Here the Parliamentary Ombudsman, chose to interpret the erroneous 'locus standi' administrative decision by Secretary General Gunnar Bergby, as a "decision of a court of law", and hence to deny themselves the authority to require

[129] http://issuu.com/js-ror/docs/121103_po-nsc
[130] http://ecofeminist-v-breivik.weebly.com/uploads/1/3/0/7/13072327/12-11-15_2012-1943_supreme_court_of_norway.pdf

Secretary General Gunnar Bergby to provide Applicant with a response to her question requesting the Statute granting a Secretary General the authority to make a ruling on legal standing.

III. Statement of alleged violation(s) of the Convention and/or Protocols and of relevant arguments

15.1 *Discrimination: Oslo District Court: Breivik Judgement:*

15.2 The Oslo District Court: Breivik Judgement Ruling, by Judge's Wenche Elizabeth Arntzen, Arne Lyng; and Lay Judges Ernst Henning Eielsen, Diana Patricia Fynbo and Anne Elisabeth Wisloff, delivered on 24 August 2012, violates Article 14 Prohibition of Discrimination and Article 6: Right to a Fair Trial.

15.3 The Necessity ruling states that necessity statutes 'prohibit the killing of government or politically active young people'; irrespective of the fact that:

A. No reference was made during court proceedings by any party alleging that any Norwegian or International specific necessity criminal statute specifically prohibits the killing of government or politically active young people, in the event of objective and subjective reasonably determined necessity; and

B. The Necessity Judgement ruling fails to cite any International or Norwegian specific necessity criminal statute specifically prohibiting the killing of government or politically active young people, in the event of objective and subjective reasonably determined necessity.

C. Necessity criminal statutes do not specifically allow or disallow the killing of government or politically active young people, but provide for an objective and subjective test that examines each alleged criminal act to objectively and subjectively determine whether necessity existed, or the defendant honestly believed it existed, within the particular criminal act's relevant circumstances.

14.35 The Necessity Judgement endorses the court, prosecution and defence counsel failure to conduct the required subjective and objective tests to examine the evidence for the Defendant's necessity motivations to determine (I) objectively whether the defendant's Necessity claims – simplistically rephrased as – "Titanic Europe is on a demographic/immigration collision course with Islam Iceberg" were reasonable; and (II) secondly whether the defendant subjectively sincerely perceived the Titanic Europe/Islam Iceberg circumstances this way, in accordance to the Military Necessity Rendulic Rule.

14.36 The Judgement fails to disclose Norwegian law‘s Onus of Proof requirements in a case of necessity: i.e. upon which party – Defendant or State - does the Onus of Proof lie in case of Necessity? If the proof in a defense of necessity, ruling out the reasonable possibility of an act of necessity, lies on the State, and the State failed to rule out the reasonable possibility of an act of necessity, the accused claim of necessity stands.

14.37 It is clear that the Court's statement of reasons does not show the results of the courts objective and subjective enquiry into the Defendant‘s claim of necessity. Thus, it is also clear that the Court's statement of reasons for its “necessity finding of guilt”, are inadequate. Hence the finding of guilt needs to be set aside for further evidence to objectively and subjective evaluate the defendants necessity defence.

14.38 Finally if the Courts statement of reasons remain uncorrected, they would set a bad precedent, encouraging other courts to deny necessity defendants their rights to an objective and subjective test of their necessity defence, including denying the defendant information clarifying upon whom the Onus of Proof in a defence of necessity lies.

14.39 The discriminatory ‘Necessity ruling’, in response to Prosecutor Engh and Holden’s refusal to “touch Breivik’s Principle of Necessity” sets a Norwegian legal precedent, which if upheld will set a legal precedent denying future necessity activists, a right to a fair trial, since it is based on two unequivocal legal falsehoods: (a) necessity activists have no right to an objective and subjective enquiry into their necessity defense evidence; and (b) necessity statutory provisions prohibit the killing of government officials or civilians.

14.40 The Necessity ruling, also sets an international intellectual and psychological precedent, due to the international publicity it received, by publicizing these legal ‘Necessity’ trial falsehoods, as allegedly true and correct, and thereby educating citizens and future necessity activists that (a) they have no right to an objective and subjective enquiry into their necessity defense evidence; and (b) necessity statutory provisions prohibit the killing of government officials or civilians.

14.41 The Necessity ruling – particularly as a result of the international uncritical publicity it received -- creates confusion and obfuscation by contradicting all other necessity precedents, but providing no legal precedent justifications for its conclusions; thereby the most well known necessity precedent for the average layperson, is the one based upon falsehoods and totally lacking in legal justifications. This is a violation of the Right to an Effective: clear, succinct, legally justified precedent, to enable laypersons and necessity activists to respectively effectively understand, plan and regulate their activism in accordance with the law.

15.4 *Denied Right to an Effective Remedy by Supreme Court Sec. Gen. Bergby*:

15.5 The 10 September 2012 administrative decision of Norway Supreme Court Secretary General Gunnar Bergby, denying Applicant Access to Court by refusing to process her 27 August 2012, Application for Review of the Oslo District Court: 'Breivik Judgement were violations of applicants right to an Effective Remedy.

15.6 Secretary General Bergby's refusal to process my Application for Review, in the absence of a due process impartial enquiry into the merits of the application; by (1) pretending not to understand the difference between an Appeal and a Review, and (2) pretending that I had no locus standi (legal standing) to file an Application for Review, while refusing to provide me with the relevant Norwegian statute that provides the Secretary General the authority to refuse to process a case, citing lack of locus standi/legal standing; thereby denying such applicant due process access to be heard by an impartial court were violations of applicants right to an Effective Remedy.

15.7 *Discrimination by Supreme Court Sec Gen. Bergby*:

15.8 Secretary General Gunnar Bergby's decisions and actions to refuse to process Applicants Application for Review, denying Applicant her right to an effective remedy to address the errors and irregularities regarding the Courts 'Necessity' judgement, were motivated acts of ideological discrimination against the 'right wing' or 'cultural conservatives', and against anyone – particularly anyone who is not 'right wing' -- who opposes, or objects to Ideological Discrimination against anyone, including Cultural Conservatives.

15.9 Everyone, irrespective of their extreme left or extreme right ideology, who pleads to necessity should be entitled to an objective and subjective test of their respective necessity evidence. It is blatant discrimination for a Prosecutor and a Judge to publicly endorse the denial of a 'right wing' accused's 'necessity' evidence to be subjectively and objectively examined.

15.10 When a court sets such a discriminatory irregular and erroneous legal precedent, such a precedent can be used to deny other necessity activists their due process rights to an objective and subjective test of their necessity evidence.

15.11 I subsequently filed a Complaint of Slow Case Processing to the Parliamentary Ombudsman

15.12 *Denied Right to an Effective Remedy by Parliamentary Ombudsman*:

15.13 The 15 November 2012 ruling by Parliamentary Ombudsman, that Secretary General's Gunnar Bergby's administrative decision denying Applicant's access to the court and an effective remedy, was an official 'judgement/decision by a court of law', was a violations of applicants right to an Effective Remedy.

15.14 Secretary General Bergby's 10 September 2012 administrative decision to refuse to process Applicants application, due to alleged lack of 'locus standi'; and subsequent refusal to provide any statutory authority granting him the right to deny applicant access to a court for a full due process impartial enquiry into the merits of her legal standing; was made without a full impartial due process enquiry into the merits of the application, therefore denying applicant an effective remedy to her application.

15.15 The Parliamentary Ombudsman's decision to refuse to order Secretary General Bergby to either (a) process applicants application, or (b) provide applicant with the relevant statutory authority granting him the authority to deny applicants application based upon an un-investigated allegation of lack of legal standing; denies applicant access to a court, and an effective remedy to impartially determine (a) the status of applicants legal standing, and if so (b) her allegations of irregularity regarding the Oslo Courts 'Necessity' judgement.

15.16 *Discrimination by Parliamentary Ombudsman*:

15.17 The Parliamentary Ombudsman's (a) ruling of 11 July 2012, in the complaint of 'Slow Case Processing' by Courts Administration Official: Supervisory Committee for Judges: Secretariat: Espen Eiken, contradicts the (b) ruling of 15 November 2012, in the complaint of 'Slow Case Processing' by Courts Administration Official: Supreme Court: Secretary General: Gunnar Bergby.

15.18 In the 11 July 2012 Parliamentary Ombudsman ruling they believed they had the authority to remedy slow case processing administrative decision making by the Supreme Court Administration: Supervisory Committee for Judges: Secretariat, yet in the 15 November 2012 the Parliamentary Ombudsman ruling they now believed that they did not have the authority to remedy slow case processing administrative decision making by the Supreme Court Administration.

15.19 It is alleged the Parliamentary Ombudsman's 15 November 2012 decision to refuse to address Applicants Slow Case Processing complaint by ordering Director General Bergby to either (a) process applicants application, or (b) provide applicant with the relevant statutory authority granting him the authority to deny applicants application based upon an un-investigated allegation of lack of legal standing; were motivated acts of ideological discrimination against the 'right wing' or 'cultural conservatives', and against anyone – particularly anyone who is not 'right wing' -- who opposes, or objects to Ideological Discrimination against anyone, including Cultural Conservatives.

15.20 *Prohibition of Discrimination: Motive for Denial of Effective Remedy's: Political & Ideological Discrimination*:

15.21 Applicant asserts that Supreme Court, Deputy Secretary General Nygaard, Secretary General Bergby, the Supervisory Committee for Judges and the Parliamentary Ombudsman's legal gymnastics decision-making are motivated by either their (A) own personal Liberal/Left Wing prejudice towards Breivik / right wing cultural conservatives, as alleged by Breivik, (B) their -- lack of intellectual backbone - inability to withstand Liberal/Left Wing Politically Correct Peer Pressure endorsing political, media, and legal discrimination against right wing conservatives, and anyone who speaks up for the rights of extreme right wing conservatives (Norway, Pakistan, India, Malaysia and South Korea are culturally the strictest conformists, with the least resistance to cultural and political or ideological peer pressure[131]).

15.22 It is possible their discriminatory decision-making towards denying Applicant the ability to support the rule of law and a free and fair trial for a right wing conservative terrorist, are a result of their paranoid fear of impartially objectively and subjective investigating the evidence of Breivik's necessity defense, (a) fearing that some of Breivik's allegations may in fact be found to be factually correct; and/or (b) their knowledge that some of Breivik's allegations are in fact factually correct, and/or (c) their conformist inability to resist the Norwegian Politically Correct narrative, and (d) hence the need to obediently conform and deny any investigation of Breivik's allegations, which would expose these realities.

15.23 If Norwegian Officials sincerely believed that Breivik's Resist Eurabia ideology, discrimination against, and censorship of cultural conservatives allegations were an absolute bunch of nonsense, totally and utterly without any factual basis, their would be no need to fear an objective and subjective test of Breivik's necessity defense evidence, since it would be exposed as erroneous and unjustified.

IV. Statement relative to article 35 § 1 of the Convention

[16.] Final decision (date, court or authority and nature of decision)

16.1 10 September 2012: Norway Supreme Court: Secretary General Gunnar Bergby: Refusal to process Applicants 27 August 2012, Application for Review of the Oslo District Court: 'Breivik Judgement, citing lack of 'locus standi' and subsequent refusal to provide statutory authority for 'locus standi' decision-making authority. (Appealed to Parliamentary Ombudsman: Slow Case Processing)

[131] Norwegians give each other little room for manoeuvre
http://paraplyen.nhh.no/paraplyen/arkiv/2011/juni/norwegians/

[17.] 17. Other decisions (list in chronological order, giving date, court or authority and nature of decision for each of them)

17.1 15 May 2012: Norway Supreme Court: Deputy Secretary General Kjersti Buun Nygaard: Refusal to process Applicants 10 May 2012 Application for Review. (Appealed to Supervisory Committee for Judges)

17.2 24 August 2012: Oslo District Court: Judge Wenche Elizabeth Arntzen, Arne Lyng; and Lay Judges Ernst Henning Eielsen, Diana Patricia Fynbo and Anne Elisabeth Wisloff: Breivik Judgement: Finding of Guilt in absence of Objective and Subjective Test examination of Breivik's Necessity evidence.

17.3 10 September 2012: Environmental Appeals Board: Hans Chr. Bugge, Morten Hugo Berger, Andreas Pihlstrom, Karl Kristensen, Cecilie Skarning, Ina Lindahl Nyrud: Denial of Request for Access to Environment Information in terms of S.28 (Freedom of Information Act) and S.10 (Environmental Law) from (A) 7 Media Publications Editors: RE: Censorship in Norway's Media: (I) Media's Environment-Population-Terrorism Connection; (II) Norway's Stalinesque Political Psychiatry Tyranny, and (B) Bar Association: RE: Norwegian Bar Association's Anti-Environmental Printed Complaints Policy

17.4 23 October 2012: Supervisory Committee for Judges: Bjorn Hubert Senum: Ruling of 'obviously unfounded' in Norwegian – in the absence of any due process impartial enquiry into the merits of the complaint.

17.5 15 November 2012: Parliamentary Ombudsman: Head of Division: Berit Sollie: Finding that Secretary General's Gunnar Bergby's administrative decision denying Applicant's access to the court and an effective remedy, was an official 'judgement/decision by a court of law'.

17.6 27 November 2012: Parliamentary Ombudsman: Head of Division: Annette Dahl: Finding that "The Ombudsman has reviewed your complaint and the enclosed documents, and your complaint does not give reasons to initiate further investigations regarding the Appeals Board case processing or decision."

[18.] 18. Is there or was there any other appeal or other remedy available to you which you have not used? If so, explain why you have not used it.

18.1 Appealed the Norway Supreme Court: Deputy Secretary General Kjersti Buun Nygaard 15 May 2012 refusal to process Applicants 10 May 2012 Application for Review, to the Supervisory Committee for Judges, on the grounds of failure of Judicial Ethics by Chief Justice Tore Schei (authorising Nygaard's decision).

18.2 Appealed the Norway Supreme Court: Secretary General Gunnar Bergby 10 September 2012 refusal to process Applicants 27 August 2012, Application for

Review of the Oslo District Court: 'Breivik Judgement, citing lack of 'locus standi' and subsequent refusal to provide statutory authority for 'locus standi' decision-making authority, to the Parliamentary Ombudsman, on the grounds of slow case processing and obstruction to case processing.

V. Statement of the object of the application

[19.] The Oslo District Courts 24 August 2012 Breivik Judgement Discriminatory Necessity ruling:

19.1 sets a Norwegian legal precedent, which if upheld will set a legal precedent denying future necessity activists, a right to a fair trial, since it is based on two unequivocal legal falsehoods: (a) necessity activists have no right to an objective and subjective enquiry into their necessity defense evidence; and (b) necessity statutory provisions prohibit the killing of government officials or civilians.

19.2 creates confusion and obfuscation by contradicting all other International legally justified necessity precedents, but providing no legal precedent justifications for its conclusions – as a result of the international uncritical publicity it received -- therefore the most well known Internationally necessity precedent for the average layperson, is the one based upon falsehoods and totally lacking in legal justifications.

19.3 sets an international intellectual and psychological Discriminatory precedent against all Political Necessity activists, due to the uncritical international publicity it received, by publicizing these legal 'Necessity' trial falsehoods, as allegedly true and correct, and thereby implying that necessity activists of any ideological, political, religious or cultural persuasion (a) have no right to an objective and subjective enquiry into their necessity defense evidence; and (b) and if, or where such necessity actions involve the killing of government officials or civilians, that International Human Rights law necessity statutory provisions prohibit the killing of government officials or civilians.

19.4 The Norwegian Necessity Judgement – and its international publicity – discriminates against Necessity Activists, by denying them the Right to an Effective: clear, succinct, legally justified precedent, to enable laypersons and

necessity activists to respectively effectively understand, plan and regulate their Necessity activism in accordance with accurate necessity jurisprudence[132].

19.5 Consequently, Applicant requests the following Declaratory Orders Relief:

19.6 The Oslo District Court: Breivik Judgement Necessity Ruling[133], by Judge's Wenche Elizabeth Arntzen, Arne Lyng; and Lay Judges Ernst Henning Eielsen, Diana Patricia Fynbo and Anne Elisabeth Wisloff, delivered on 24 August 2012, violates Article 14 Prohibition of Discrimination and Article 6: Right to a Fair Trial, and consequently to:

A. Set Aside the Judgements Discriminatory Irregular 'Necessity (Nødrett) Ruling'[134] (pg.67[135]) for (i) failing to provide any necessity criminal provisions that prohibit killing of Government Officials in case of Necessity; (ii) Erroneous interpretation of Necessity related criminal law provisions and international necessity related human rights law, (iii) Failure to conduct the required Objective and Subjective Tests of Defendant's Necessity Defence evidence, renders it a (iv) Discriminatory Necessity Precedent for other Necessity activists to be denied the required Objective and Subjective tests of their necessity evidence, (v) Failure to Clarify upon which party the Onus of Proof lies in a Case of Necessity; and how or why their evidence was sufficient/insufficient; and (vi) 'Extreme Political objectives' conclusion is unsupported in the absence of an objective and subjective necessity test of the defendants necessity evidence.

B. Set Aside Defendant's Conviction (Finding of Guilt) for remittance to Oslo District Court for hearing of Further Evidence to conclude Objective and Subjective Necessity Test Evidentiary Enquiry.

C. Alternatively, a Non-Precedent Setting Ruling: If Defendant Breivik prefers to abide by, and socio-politically profit from (as a political martyr), the Oslo District Courts discriminatory Necessity ruling against him, a declaratory order that the Defendant's failure to uphold his demand that the court objectively and subjectively test his necessity defence evidence, that the Oslo courts discriminatory 'Necessity Ruling' is not to be deemed 'Necessity precedent', whereby other political

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[132] In Lithgow & others v. United Kingdom , the European Court of Human Rights held that the rule of law requires provisions of legislation to be adequately accessible and sufficiently precise to enable people to regulate their affairs in accord with the law: "110. As regards the phrase "subject to the conditions provided for by law", it requires in the first place the existence of and compliance with adequately accessible and sufficiently precise domestic legal provisions (see, amongst other authorities, the alone judgment of 2 August 1984, Series A no. 82, pp. 31-33, paras. 66-68)." *Lithgow & others v. United Kingdom* (1986) * EHRR 329 § 110 | Lithgow and Others v. The United Kingdom, 9006/80; 9262/81; 9263/81; 9265/81; 9266/81; 9313/81; 9405/81 , Council of Europe: European Court of Human Rights, 24 June 1986 http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-57526

[133] "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." - Oslo District Court (Oslo tingrett) – Judgment. Oslo District Court (Oslo tingrett) TOSLO–2011–188627–24E (11–188627MED–OTIR/05).

[134] Ibid Oslo District Court (Oslo tingrett) – Judgment.

[135] http://issuu.com/js-ror/docs/120824_nvb-judmnt

activists can be denied their necessity rights for a court to objectively and subjectively test their necessity evidence.

D. Furthermore, the (i) 10 September 2012, administrative decision of Norway Supreme Court Secretary General Gunnar Bergby, denying Applicant Access to Court by refusing to process her 27 August 2012, Application for Review of the Oslo District Court: 'Breivik Judgement'; and (ii) the 15 November 2012 ruling by Parliamentary Ombudsman, that Secretary General's Gunnar Bergby's administrative decision, was a 'judgement/decision by a court of law', thereby justifying his refusal to order Secretary General Bergby to process Applicants Application for Review; were (iii) violations of applicants right to an Effective Remedy and an obstruction to the execution of a final judicial decision on the merits of her application, and (iv) were motivated by ideological prejudice towards people who are 'right wing', and/or against anyone – particularly anyone who is not 'right wing' -- who opposes, or objects to Ideological Discrimination against anyone, including Cultural Conservatives.

VI. Statement concerning other international proceedings

[20.] Have you submitted the above complaints to any other procedure of international investigation or settlement? If so, give full details.

20.1 NO.

VII. List of documents

[21.] List of Documents:

A. 15 May 2012: Norway Supreme Court: Deputy Secretary General Kjersti Buun Nygaard: Refusal to process 10 May 2012 Application for Review (pp.03).

B. 24 August 2012: Oslo District Court: Judge Wenche Elizabeth Arntzen, Arne Lyng; and Lay Judges Ernst Henning Eielsen, Diana Patricia Fynbo and Anne Elisabeth Wisloff: Breivik Judgement: Finding of Guilt in absence of Objective and Subjective Test examination of Breivik's Necessity evidence. (pp.78)

C. 27 August 2012: Applicants Application for Review: Notice of Motion (pp.11) and Founding Affidavit to Supreme Court (pp.35) (pp.46)

D. 10 September 2012: Norway Supreme Court: Secretary General Gunnar Bergby: Refusal to process 27 August 2012, Application for Review. (pp.01)

E. 10 September 2012: Environmental Appeals Board: Hans Chr. Bugge, Morten Hugo Berger, Andreas Pihlstrom, Karl Kristensen, Cecilie Skarning, Ina Lindahl Nyrud: Denial of Request for Access to Environment Information in terms of S.28 (Freedom of Information Act) and S.10 (Environmental Law) (pp.02)

F. 11 September 2012: Response to Secretary General Bergby: Request for Statutory Authority granting authority to refuse application on locus standi (pp.08)

G. 23 October 2012: Supervisory Committee for Judges: Bjorn Hubert Senum: Rulings of 'obviously unfounded' in Norwegian – in the absence of any due process impartial enquiry into the merits of the complaint. (pp.03 x 3=09)

H. 15 November 2012: Parliamentary Ombudsman: Head of Division: Berit Sollie: Finding that Secretary General's Gunnar Bergby's administrative decision denying Applicant's access to the court and an effective remedy, was an official 'judgement/decision by a court of law'. (pp.01)

I. 27 November 2012: Parliamentary Ombudsman: Head of Division: Annette Dahl: Finding that "The Ombudsman has reviewed your complaint and the enclosed documents, and your complaint does not give reasons to initiate further investigations regarding the Appeals Board case processing or decision." (pp.01)

VIII. Declaration and signature

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

Place: GEORGE, SOUTH AFRICA Date: 10 JANUARY 2013

Signature of Applicant: Lara Johnstone