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At Trial's End, Lawyers Say Norway Killer Is Not Insane  
By MARK LEWIS



OSLO — The trial of Anders Behring Breivik ended on Friday with an unusual reversal of roles, as defense lawyers insisted that he was sane when he killed 77 people last year and should be sentenced to prison, and prosecutors arguing that he was mentally ill and thus not criminally responsible, and should be hospitalized instead.

The 10-week trial forced Norway to relive its worst peacetime atrocity in history and give a pulpit to a man whose views repulsed most Norwegians. It also brought into sharp relief the role of psychiatry in the country's legal system and prompted calls for a review of the balance between insanity and guilt.

"It is a reverse situation, since they want him acquitted" by reason of insanity, Geir Lippestad, one of Mr. Breivik's lawyers, said Friday, gesturing to the prosecutors on the opposite bench. "I say that their plea should not be accepted, and Anders Behring Breivik should be treated as leniently as possible."

On the final day of the trial, survivors and bereaved family members spoke for the last time of their loss and pain, asking for Mr. Breivik to be locked up and forgotten. Their pleas were met with vigorous applause from the courtroom, and the panel of judges said they would deliver their verdict on Aug. 24.

Members of the defense team, in tears themselves as parents spoke about their slain children, evoked Mr. Breivik's human rights in their conclusion that he should be held accountable for his crimes. Mr. Breivik has admitted to the killings

but said they were committed in self-defense to combat what he has called the “Islamic colonization” of Europe. He has argued that an insanity judgment would detract from his cause.

“The defendant has a radical political project,” Mr. Lippestad said. “To make his acts something pathological and sick deprives him of his right to take responsibility for his own actions.”

Mr. Breivik set off a bomb in downtown Oslo that killed eight people on July 22, 2011, then drove to a nearby vacation island, Utoya, and gunned down 69 more, mostly teenage members of the Labor Party youth wing.

Under Norwegian law, if a defendant was psychotic at the time of his crime, he cannot be punished. Mr. Breivik has been the subject of two conflicting psychiatric reports, one saying that he was a psychotic paranoid schizophrenic, the second that he had narcissistic and antisocial personality disorders, but was legally competent.

Experts said they were not aware of any previous case in Norwegian legal history in which prosecutors had called for an insanity verdict and defense lawyers had advocated conviction. “No one can know for sure,” said Geir Engebretsen, a judge at Oslo District Court who is not connected with the case. “But it has probably never happened before.”

Frode Elgesem, a lawyer for the Labor Party youth wing, said after the trial that it illustrated the need for legislation to overhaul a criminal justice system that allows prosecutors to argue for acquittal. Under Norwegian law, if the prosecutors “were in real doubt that he was not psychotic, they had to submit that claim to the court,” he said. The minister for justice, Grete Faremo, has said her ministry will investigate the role of forensic psychiatry in the judicial system.

On Friday, as Mr. Breivik gave a statement at the end of the day, around 20 survivors and family members filed out of the courtroom in protest.

In an hourlong, rambling warning about the evils of Norwegian multiculturalism, by way of “Sex and the City” and Tibet, Mr. Breivik drew laughter from the spectators. “I acted in the principle of necessity for my country, so I ask to be acquitted,” he concluded.

If the court finds that Mr. Breivik was sane, it can sentence him to a maximum of 21 years in prison, though he can be held past the end of his sentence if he remains a danger to society. If it accepts the prosecutors’ argument, it can order him held indefinitely for compulsory treatment.