BORGARTING COURT OF APPEAL
No restrictions on public disclosure

DECISION
Issued: 10 December 2024
Case No.: 24-081251ASD-BORG/02
Judge: Court of Appeal Judge Jørgen Monn

Respondent: The State, represented by the Ministry of Children and Families
Counsel: Attorney Kristin Hallsjø Aarvik
Attorney Liv Inger Gjone Gabrielsen

Appellant: Jehovah's Witnesses
Counsel: Attorney Anders Christian Stray Ryssdal
Attorney Kristian Foss Aalmo

Jehovah's Witnesses Veronica Nyhagen

Background of the Case

Jehovah's Witnesses have filed a lawsuit against the State, represented by the Ministry of Children and Families, claiming that the decisions to deny state funding and registration as a religious community are invalid.

In the Oslo District Court's judgment on March 4, 2024, the State was acquitted. Jehovah's Witnesses have appealed the judgment, and the appellate hearing is scheduled for February 3–14, 2025.

Jehovah's Witnesses wish to present Professor Jean Zermatten and Professor Roberta Ruggiero as expert witnesses. Additionally, they have submitted—attached as Exhibit 2 to the procedural document dated November 22, 2024—a report authored by Professor Zermatten, with contributions from Professor Ruggiero, dated October 21, 2024. The report was submitted as an annex to a letter dated October 31, 2024, to the Ministry of Children and Families in connection with a petition filed on October 24, 2024, to reverse the decisions denying Jehovah's Witnesses' right to state funding and registration as a religious community.

The State has opposed the testimony of Professor Zermatten and Professor Ruggiero, as well as the submission of the October 21, 2024, report in the appellate case.

The parties have exchanged several procedural documents on these issues, most recently the State’s submission dated November 27, 2024, and Jehovah's Witnesses' submission dated November 29, 2024.

Appellant's Main Arguments (Jehovah's Witnesses):

The Report

The report dated October 21, 2024, must be allowed to be presented. Primarily, it is argued that the report is part of the correspondence between Jehovah's Witnesses and the Ministry of Children and Families regarding a petition to reverse the administrative decisions, not related to the ongoing court case.

The Ministry referenced the report and provided additional comments on it in its decision on November 11, 2024, to deny the petition for reversal. This decision is relevant as it concerns the same decisions at issue in the current case. The report substantiates Jehovah's Witnesses' argument that they have been subjected to unfair discrimination, including that the administration has considered improper factors. Consequently, the report forms part of the factual basis for the court's decision and must necessarily be presented to ensure the court has a reliable foundation for its judgment, as per the Dispute Act § 11-3, first sentence.

The report also addresses factual matters, including providing an overview of religious sanctions in other religious communities and other relevant sociological considerations. For this reason, the report must also be regarded as evidence in the case.

Legal competence is significantly less widespread in the administration than in the courts, and it is positive that the parties contribute to shedding light on certain complex legal aspects of cases handled by the administration. It would be highly unfortunate if the courts engaged in censoring which parts of the correspondence between the parties could be submitted in lawsuits concerning the validity of administrative decisions. This is especially relevant in cases like the present one, which pertains to fundamental human rights.

Jehovah’s Witnesses have never intended to engage in a lengthy and resource-intensive legal process against the Norwegian State. This is why they commissioned the report to request that the administration reverse its decisions. Accordingly, submission in a court case was by no means the "dominant purpose of preparing" the report, cf. Rt-2008-79. Therefore, there is no need for the State’s consent, cf. the Dispute Act § 11-3, final sentence.

In any case, the case cannot be fully and adequately illuminated in any other way, cf. the Dispute Act § 11-3.

Witness Testimony

The testimony of Professors Zermatten and Ruggiero must be allowed. The Convention on the Rights of the Child and its associated sources are, under the circumstances, difficult-to-access materials, even for highly skilled Norwegian lawyers. Norwegian legal sources do not contain operational legal definitions of either psychological violence or negative social control.

Witness testimony about the Convention on the Rights of the Child was permitted in the district court on the grounds that "[t]he legal source picture related to the Convention on the Rights of the Child appears to be less accessible than for the ECHR, and this creates some uncertainty about what is required to achieve a sufficiently good overview of what is relevant." This reasoning remains valid and may even be stronger, considering that the district court's decisive legal reasoning seems to be directly based on Article 9 of the Convention on the Rights of the Child and the general interpretative statements of the Committee on the Rights of the Child.

It is necessary to have knowledge of relevant practices, including legal developments, to ensure that Norway complies with its treaty obligations—not just the treaty text. Both Professors Zermatten and Ruggiero are highly qualified to testify on this matter due to their extensive knowledge and long experience related to children's rights.

In assessing what is fully and adequately defensible, the court must also consider the relationship between the parties and the principle of equality of arms, as stipulated by Article 6 of the ECHR. The State's general arguments against the admission of evidence and the presentation of the report typically apply to situations where a resource-strong party commissions legal analyses to outmaneuver a less resourceful party. In contrast, this case concerns a persecuted religious minority facing state action that deprives the minority of state support and registration it has held since the 1980s and has been active in Norway since the 1890s.

This case is also the first in which the judiciary evaluates the validity of decisions to deny state support and registration, and there is a significant need for breadth and depth regarding complex legal questions. Against this background, there is no concern about allowing witness testimony on legal issues or the submission of the report, particularly when the testimony concerns international human rights aimed at protecting private parties from arbitrary state actions.

Based on Professor Zermatten's qualifications, including his experience as a member, vice-chair, and chair of the UN Committee on the Rights of the Child, in addition to 25 years as a judge in the Juvenile Court of Valais in Switzerland, and his recognition as a professional and academic figure of significant integrity, it is difficult to understand why the State would question the witness's independence.

The report dated October 21, 2024, was submitted to the Ministry in connection with the request for reversal. In its decision of November 11, 2024, where the request for reversal was rejected, the Ministry explicitly addressed the report's relevance to the issues raised by the subsidy and registration case. Since the report is part of the administrative case, Professors Zermatten and Ruggiero should be allowed to testify as witnesses. This would also benefit the State, as it would have the opportunity to question the report's content. Such an approach would best uphold the principles underpinning the Dispute Act, cf. § 1-1 of the Act.

As grounds for calling Professors Zermatten and Ruggiero as witnesses, reference is also made to **Article 104 of the Constitution**, which concerns the State's obligations to safeguard

children's rights, and **Article 92 of the Constitution**, which requires courts to "respect and ensure human rights as enshrined in this Constitution and in treaties on human rights binding for Norway." Calling two expert witnesses in the field of children's rights is in the interests of both the Court of Appeal and the State.

The Respondent's Arguments (The State v/Ministry of Children and Family Affairs)

The Report

The report by Professor Zermatten, dated October 21, 2024, prepared in collaboration with Professor Ruggiero, must be considered a legal analysis prompted by the case. The report was prepared concurrently with the Jehovah's Witnesses' lawsuit against the State. The report systematically addresses legal issues central to the dispute and refers several times directly to the contested decisions (see especially Section 4). Therefore, the report can only be submitted with the consent of all parties, cf. **§ 11-3, fifth sentence of the Dispute Act**.

The State does not consent to the report being submitted. The requirement for consent applies even if the Jehovah's Witnesses sent the report to the Ministry in their letter dated October 31, 2024. This requirement cannot be circumvented by submitting the analysis to the opposing party before presenting it in court.

Witness Testimony

The testimonies of Professors Zermatten and Ruggiero pertain to the legal basis for the Court's decision in the case. The conditions for allowing such testimonies are not met, cf. **§ 11-3, third sentence of the Dispute Act.**

The State's Arguments Regarding Evidence Presentation

The legal aspects of the case can be adequately illuminated without additional evidence concerning the Convention on the Rights of the Child (CRC). The CRC is a key component of Norwegian law, and its provisions are frequently examined by Norwegian courts in numerous cases. Furthermore, the UN Committee on the Rights of the Child publishes general comments interpreting specific articles of the CRC or addressing significant issues, making the CRC readily accessible as a legal source for Norwegian legal practitioners.

Professor Zermatten's commissioned work for Jehovah's Witnesses, reflected in the October 21, 2024, report, raises doubts about his independence, cf. NOU 2001:32 B, page 706, and the rationale behind § 11-3, final sentence, of the Dispute Act. If the Court of Appeal deems that the legal issues cannot be adequately addressed without evidence concerning the CRC, the State argues that such evidence should be presented differently than through testimony from Professor Zermatten, cf. § 11-3, fourth sentence, of the Dispute Act.

The State also questions the relevance of Professor Zermatten testifying about the "impact of religious and disciplinary measures on children and youth." The State contends that it is the Court of Appeal's role to assess Jehovah's Witnesses' practices and determine whether they infringe upon children's rights, cf. Section 6, first paragraph, of the Religious Communities Act.

Regarding Professor Ruggiero, the State acknowledges her expertise in international practices concerning children's rights and the CRC. However, her proposed testimony about international child welfare policies and their implementation also pertains to the legal basis of the case, cf. § 11-3 of the Dispute Act. The State asserts that the legal issues in the case can be fully addressed without evidence on international child welfare policies, as these are irrelevant to the case's legal determination.

If such evidence is to be introduced, it should be presented differently than through Professor Ruggiero’s testimony, cf. § 11-3, fourth sentence, of the Dispute Act. The State highlights that Professor Ruggiero collaborated with Professor Zermatten on a report commissioned by Jehovah’s Witnesses specifically for the case.

The Court of Appeal's Assessment

1. Introduction

The case concerns a dispute over the admissibility of evidence. Such disputes are resolved by the preparatory judge through a ruling, cf. § 19-2, second and third paragraphs, and § 19-1, second paragraph, letter d, of the Dispute Act.

The matter is decided based on written submissions. Neither party has requested oral proceedings, nor are they deemed necessary, cf. § 29-14, cf. § 9-6, fourth paragraph, of the Dispute Act.

The dispute pertains to whether the testimonies of Professors Zermatten and Ruggiero should be permitted and whether the report they prepared may be submitted as evidence.

In a procedural document dated November 1, 2024, the following details are provided regarding Professors Zermatten and Ruggiero's backgrounds and the scope of their intended testimonies:

> Zermatten
>
> Zermatten is an expert in children's rights and the UN Convention on the Rights of the Child (CRC). He is a professor of children's rights and international law at the University of Geneva. Previously, he served as president and dean (1980–2005) of the Juvenile Court in the canton of Valais, Switzerland. He was also a member

(2005–2013) and president (2011–2013) of the UN Committee on the Rights of the Child. Additionally, he founded the International Institute for the Rights of the Child (1995–2014) and became a patron (2018) of Child Rights Connect.

Based on his extensive experience and knowledge of the CRC and the practices of the UN Committee on the Rights of the Child, he will testify about international legal considerations concerning children's rights and the impact of religious disciplinary measures on children and youth. His testimony will be given in French.

Ruggiero

Ruggiero is an expert in children's rights. Currently, she is the head of the Children's Rights Academy at the University of Geneva (Switzerland). She also serves as the academic coordinator for the Children's Rights European Academic Network (CREAN) at the Centre for Children's Rights Studies at the University of Geneva (CCRS). She was formerly the scientific coordinator for the European Network of National Observatories on Childhood (ChildONEurope).

Drawing on her academic experience and deep expertise in international practices concerning children's rights and the CRC, she will testify about international child welfare policies and their implementation. Her testimony will also be given in French.

The report in the case, dated October 21, 2024, was prepared by Professor Zermatten in collaboration with Professor Ruggiero (cf. footnote 2 of the report). The report, titled *"The Child as a Subject of Rights, Autonomy, Protection Against Violence, Discrimination, Religions and Sanctions, and Common Sense,"* states in the introduction that it has the following background and purpose:

The following opinion is in response to a request for an expert opinion on a decision by the State Administrator in Oslo and Viken (Norway), arguing that the exclusion of baptized minor members of a religious movement is to be regarded as negative social control and a violation of children's rights according to Article 19 of the UN Convention on the Rights of the Child and Section 6, first paragraph of the Religious Communities Act. This decision was taken in Norway, the religious movement is Jehovah's Witnesses, and the form of exclusion is Jehovah's Witnesses' sanction, a removal from the religious community, sometimes called shunning.

The aim here is not to make a critical assessment of each of the arguments to which the State Administrator refers but instead to give an objective reading of children's rights, to recall the founding principles of the Convention on the Rights of the Child, particularly from the point of view of the evolution of children's capacities, and to

> address possible conflicts about freedom of thought, conscience, and religion and the autonomous exercise (or not) thereof. This opinion also addresses the issue of child protection against all forms of violence. In the second part, the opinion focuses on religious disciplinary measures, in particular practices of exclusion, and the impact of these practices on children and adolescents. It ends with a conclusion on what the children's rights approach underpins, particularly in relation to the issues at hand.

From the above, it appears from both Zermatten's and Ruggiero's explanations, as well as the report, that the understanding and application of legal rules, particularly the Convention on the Rights of the Child, will be relevant, at least in large part. The rules for presenting evidence regarding legal rules are provided in Section 11-3 of the Dispute Act – the Court's Responsibility for the Application of the Law – which states:

> The court shall, within the framework of Section 11-2, of its own accord apply the applicable legal rules. In accordance with Section 1-1, it must ensure a reliable basis for the application of the law. If the application of the law cannot be fully and properly illuminated in any other way, the court may decide that evidence should be presented on legal issues or allow the parties to present such evidence. The court determines the scope of the evidence and how it shall be carried out. Legal opinions prompted by the case can only be presented as evidence with the consent of all parties.

2. The report of October 21, 2024, from Professor Zermatten

The Court of Appeal first considers whether the presentation of the report from October 21, 2024, should be allowed.

It follows from the last sentence of Section 11-3 of the Dispute Act that legal opinions prompted by the case can only be presented as evidence with the consent of all parties. The rationale behind the consent requirement is partly that such party-commissioned reports can be influenced by the interests of the commissioning party, as seen in HR-2019-841-U, paragraph 20.

Regarding the legal condition "legal opinions," the Supreme Court stated in Rt-2011-435, paragraph 27:

> The phrase "[l]egal opinions" in Section 11-3, fifth sentence, refers to "opinions from parties other than the parties (or their legal representatives) that are relevant as evidence for the application of the law because they are submitted by someone with particular insight into the legal issue," see NOU 2001:32B, page 706, *Rett på sak*,

> Volume B. Whether the expert addresses the specific legal relationship or merely comments on general legal issues is of no importance, according to Skoghøy, *Tvisteløsning*, 2010, page 746.

In the Court of Appeal's view, it is clear from the introduction, structure, and content of the report, as well as its conclusions, that the report of October 21, 2024, is a legal opinion, according to Section 11-3, last sentence. The report provides, among other things, a general explanation of children's rights under the Convention on the Rights of the Child, including the child's freedom of religion, according to Article 14, and the right to be protected from all forms of physical and mental violence, according to Article 19. Furthermore, the report also makes specific assessments of the case, as seen, for example, in sections 3.4 and 4 of the report.

An opinion is "initiated by the case" when it is written as a consequence of the case or with the purpose of being used in it. The requirement includes opinions submitted with the intention of being used in the specific lawsuit, as seen in HR-2019-841-U, paragraph 24, with further references. In the case in HR-2019-841-U, two memorandums submitted to Norwegian courts in connection with a lawsuit on the validity of an arbitration award were considered initiated by the case, even though they were obtained in connection with the enforcement of an arbitration award in England, and not in connection with the parallel validity lawsuit for Norwegian courts. The Court of Appeal's reasoning for considering the opinions to be initiated by the case was, as seen in paragraph 25, that "the disputes are linked to the same underlying facts and the same legal conflict between the parties. The fact that enforcement is taking place in England, while the validity lawsuit is ongoing in Norway, is not of importance."

In Rt-2008-79, the Supreme Court's Appeal Committee concluded that the preparation of a memorandum had multiple purposes, one of which was to make the opposing party aware of the board's view in order to possibly contribute to a resolution between the parties. The committee "could hardly see" that the primary purpose of the memorandum was to be used in the preparation of a lawsuit, as seen in paragraph 17, and allowed the memorandum to be submitted.

As far as the Court of Appeal understands, Jehovah's Witnesses principally argue that the report is not covered by Section 11-3 of the Dispute Act, as it was only submitted in connection with a request for reconsideration in an administrative matter, and not in connection with the current lawsuit. Jehovah's Witnesses have argued that for this reason, the report is part of the factual basis for the court's decision, and must necessarily be able to be presented so that the court has a reliable basis for applying the law, according to Section 11-3, first sentence. Furthermore, Jehovah's Witnesses have also argued that consent is not required, as the purpose of the report was to get the administration to reconsider its decisions and that the submission in the lawsuit was not a primary purpose.

In the Court of Appeal's view, the decision in LB-2013-141736 is comparable to our case. In that case, a memorandum in a tax case, which had been submitted to the tax authorities in

connection with their handling of the matter, was considered to have been submitted in connection with the lawsuit, "[b]ased on its content and the time it was presented."

> The opinion from Giuditta Cordero-Moss was submitted on April 26, 2012. At that time, the lawsuit had already been filed in the district court. The opinion was forwarded to Skatt Vest (Tax West) on May 10, 2012, and was stated to concern "[a]dditional information regarding the proposed imposition of additional tax." The opinion was submitted to the district court in a procedural document on May 18, 2012. The opinion concerns Norwegian private international law, which is part of Norwegian law. Based on its content and the time it was presented, the Court of Appeal considers the opinion to have been prompted by the case. This holds true even though it was also submitted to the tax authorities in connection with the question of additional tax. When the state opposes its submission, the opinion cannot be presented, according to Section 11-3, last sentence of the Dispute Act.

In the Court of Appeal's view, the report dated October 21, 2024, in our case is also "prompted by the case," according to Section 11-3, last sentence of the Dispute Act. The request to the administration for the reconsideration of the decisions and the lawsuit concerning the validity of the decisions are—just like in HR-2019-841-U—linked to the same underlying factual situation and the same legal conflict between the parties. The report was written while the case was before the Court of Appeal, and long after the lawsuit regarding the validity of the decisions was initiated, with the lawsuit concerning state funding on December 21, 2022, and the lawsuit about registration on February 10, 2023.

The report was submitted to the Ministry of Children and Families on October 31, 2024, just a few days before Professor Zermatten was listed as a witness in the case before the Court of Appeal (procedural document of November 2, 2024). Therefore, the fact that the report was initially sent to the administration as part of a request for reconsideration of the decisions is not decisive.

The fact that the report by Professor Zermatten was submitted also in connection with the request for reconsideration, and thus mentioned in the decision of November 11, 2024, not to accept the request for reconsideration, cannot, in itself, result in the report being considered part of the factual basis for the court's decision and therefore must be allowed to be presented, as Jehovah's Witnesses seem to argue. Nor does the report need to be presented in order for the court to have a reliable basis for legal interpretation concerning Jehovah's Witnesses' assertion that they are subject to unjust discrimination, including that the administration has taken extraneous factors into account, according to Section 11-3, first sentence of the Dispute Act, as Jehovah's Witnesses also seem to argue. The Court of Appeal also does not find that the case cannot be fully adequately addressed in another way than by submitting the report, as Jehovah's Witnesses also argue.

Based on this, the Court of Appeal concludes that the report dated October 21, 2024, is a legal analysis prompted by the case, according to Section 11-3, last sentence of the Dispute Act. The report can only be presented as evidence with the consent of all parties. The state does not consent to the submission. Therefore, the report is not allowed to be submitted.

The parts of the report that include certain factual descriptions, such as the brief overview of religious sanctions in other religious communities in section 5.2 of the report, must be presented as evidence in another way if necessary.

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3 Testimony from Professor Zermatten and Professor Ruggiero

3.1 General

According to Section 11-3, third sentence, of the Dispute Act, if the legal application cannot be fully adequately addressed in another way, the court may decide that evidence should be presented on legal questions, or allow the parties to present such evidence.

Regarding the access to present evidence on legal questions, the Court of Appeal assumes the same legal principles as in the District Court's decision of December 4, 2023 (where the dispute concerned the testimony of different expert witnesses than in our case).

The court has a duty to ensure correct application of the law, including obtaining information about relevant international and foreign law. If the legal application cannot be fully adequately addressed in another way, the court may, according to Section 11-3, third sentence, of the Dispute Act, "decide that evidence on legal questions should be presented, or allow the parties to present such evidence." The term "evidence on legal questions" refers, among other things, to explanations from witnesses or experts, according to Skoghøy, *Tvisteløsning*, 2022, chapter 13.7.

Evidence on legal questions should only occur in exceptional cases, and the principle of proportionality is central when the court assesses whether and to what extent it should allow such evidence to be presented. The primary reason for presenting evidence on legal questions will be to clarify real concerns significant for the application of the law, foreign law, or the content of legal customs. The mere fact that it may be labor-intensive and intellectually demanding to gain insight into legal sources is not, in itself, sufficient to fulfill the requirement in Section 11-3, third sentence. The courts have followed a very restrictive practice regarding the permission of evidence on legal questions, see LB-2019-133685-1 and Skoghøy, *Tvisteløsning*, 2022, chapter 13.7.

The Court of Appeal also points to the following statement in the committee's draft law, Section 5-2(3), third sentence, cf. NOU 2001:32, Volume B, page 706:

> As pointed out, it is important that the access to introducing evidence on legal principles under Section 5-2(3) does not become overextended, such that this type of evidence

> presentation becomes the norm. The conditions for such evidence presentation, which are very strict, are designed to prevent this. [...]

3.2 Professor Zermatten

The Court of Appeal assumes that Professor Zermatten will primarily explain international child rights concerns, particularly in relation to the Convention on the Rights of the Child, and the impact of religious disciplinary measures on children and adolescents. This understanding is also supported by the content of the report dated October 21, 2024, as discussed above. The topics he will explain are, in the Court's view, related to legal questions, and thus fall under the provisions of Section 11-3 of the Dispute Act.

The Convention on the Rights of the Child is relevant to the case through its reference in Section 6, first paragraph, of the Religious Communities Act, which recognizes children's rights. The Convention is directly incorporated into Norwegian law, according to the Human Rights Act, Section 2, No. 4, and was translated into Norwegian during ratification. Norwegian and international legal literature on the Convention is relatively extensive and easily accessible, as exemplified by the overview in the starred note in Gyldendal Legal Data (by Njål Høstmælingen and Petter F. Wille, last updated on December 21, 2021) to the Norwegian version of the Convention (Appendix 8 to the Human Rights Act) and the overview in note 1 to the Karnov's legal commentary to the Convention by Kirsten Kolstad Kvalø (as of November 19, 2021).

Provisions in the Convention have been tested by Norwegian courts in numerous cases, as seen in some examples in the aforementioned starred note in Gyldendal Legal Data. Additionally, the UN Committee on the Rights of the Child issues general comments on the interpretation of certain articles of the Convention, including Article 19, as referenced in the starred note in Gyldendal Legal Data and note 42. While it can be time-consuming and intellectually challenging to gain insight into legal sources, as mentioned in NOU 2001:32B, page 705, this alone is not sufficient to meet the condition of Section 11-3, third paragraph.

The Court of Appeal does not find that there are circumstances in this case that would suggest deviating from the restrictive practice outlined in the preparatory works of the Dispute Act Section 11-3, third paragraph. Therefore, in the Court's view, the legal application in the case can be fully adequately assessed without the testimony of Professor Zermatten, pursuant to Section 11-3, third paragraph.

The Court of Appeal also cannot see that the fact that the report of October 21, 2024, was sent to the ministry in connection with the request for reconsideration of the decisions, by itself, justifies allowing Professor Zermatten and Professor Ruggiero to be called as witnesses, as Jehovah’s Witnesses have argued. As mentioned above, the report of October 21, 2024, is not permitted to be presented in connection with the lawsuit.

3.3 Professor Ruggiero

Jehovah’s Witnesses have informed the Court in the process brief dated November 1, 2024, that Professor Ruggiero has academic experience and expertise on international practices concerning children's rights and the UN Convention on the Rights of the Child, and that she will testify about international child protection policy and its implementation. Jehovah’s Witnesses also refer in their process brief of November 22, 2024, to her role as a co-author of the report dated October 21, 2024. The Court of Appeal therefore assumes that she will testify about matters covered in the report of October 21, 2024, as she contributed to its preparation. Both her testimony on international child protection policy and the matters covered in the report are, in the Court's view, explanations related to legal questions, and thus fall under Section 11-3 of the Dispute Act, as discussed in relation to Professor Zermatten's testimony above.

As with Professor Zermatten’s testimony (see Section 3.2 above), the Court of Appeal believes that the legal issues in this case can be fully adequately addressed without her testimony. Furthermore, neither Article 6 of the European Convention on Human Rights (ECHR), Section 92, nor Section 104 of the Norwegian Constitution, which impose obligations on the state to safeguard children’s rights, dictate a different assessment.

Since Professor Ruggiero’s testimony is not permitted under Section 11-3 of the Dispute Act, the Court does not need to consider the state's argument that evidence about international child protection policy is irrelevant to the legal application in this case.

4 Conclusion. Deadline for appeal of one week

In conclusion, the report of October 21, 2024, and the testimonies of Professors Zermatten and Ruggiero are not permitted to be presented as evidence. The state has prevailed in this dispute over evidence. Legal costs in connection with this evidence dispute will be decided in conjunction with the main case, pursuant to Section 20-8, first and second paragraphs, of the Dispute Act.

The deadline for appealing this ruling to the Supreme Court is set to one week, considering the short time remaining until the start of the appeal hearing and the intervening court holiday, pursuant to Section 30-3 and Section 29-5, second paragraph, letter a of the Dispute Act.

CONCLUSION

1. The report of October 21, 2024, is not permitted to be presented as evidence.
2. Professor Jean Zermatten and Professor Roberta Ruggiero are not permitted to testify during the appeal hearing.
3. The deadline for appealing is set to one week.

Jørgen Monn