



EIDSIVATING COURT OF APPEAL

hereby states:

On 16 May 1994, in criminal case no. 93-02768 M,
before the Court of Appeal for the Oslo jurisdiction

The Public Prosecution Authority
(Prosecutor: Bjørn Soknes)

versus

1. Varg Vikernes
(Defence Counsel: Attorney Tor E. Staff)

2. Snorre Westvold Ruch
(Defence Counsel: Attorney Olav Hestenes)

renders the following

JUDGMENT

The accused no. 1, Varg Vikernes, currently in pre-trial detention at Oslo Prison, was born on 11 February 1973. He is a musician.

During parts of 1993, he received social benefits of approximately NOK 2,735 net per month. He is without means, unmarried, and the father of an 18-month-old child.

The accused has no prior convictions.

The accused no. 2, Snorre Westvold Ruch, currently in pre-trial detention at Drammen Prison, was born on 21 January 1972. He is a student.

In 1993, he received unemployment benefits and had a student loan of approximately NOK 40,000. He is without means, unmarried, and has no dependants.

The accused has no prior convictions.

By indictment issued by the prosecutors in Eidsivating on 25 March 1994 – corrected during the main hearing – they are charged before the Eidsivating Court of Appeal, Oslo jurisdiction, and brought to conviction as follows:

<https://t.me/Burzumicvarg14>

Accused Varg Vikernes

I. Section 233 of the Penal Code, paragraphs 1 and 2

For having, with premeditation, caused the death of another person, or having aided and abetted such an act.

Basis:

On the night of Tuesday, 10 August 1993, at Tøyengata 40 B in Oslo, Øystein Aarseth was killed. After having planned the killing, Varg Vikernes and Snorre Westvold Ruch travelled to Oslo, where they sought out Aarseth at his residence, bringing a knife. Vikernes inflicted numerous stab wounds to Aarseth's head, neck, chest, and back, causing his death.

II. Section 292 of the Penal Code, cf. Section 291, paragraph 1

For unlawfully destroying or damaging an object that wholly or partly belonged to another, where the damage is considered aggravated, particularly because the damage was substantial and/or directed against an object of historical or religious value for the public or a larger group, or for having aided and abetted such an act.

Basis:

a) On the night of Saturday, 6 June 1992, at Fantoft near Bergen, he set fire to the Fantoft stave church. The church was completely destroyed. It dated from around the year 1200; the estimated reconstruction costs are approximately NOK 15 million.

b) On the night of Monday, 24 August 1992, the Holmenkollen chapel in Oslo burned to the ground. After pouring petrol inside the church, he set it alight, causing a fire. The chapel dated from 1901; the estimated reconstruction costs are approximately NOK 15 million.

c) On the night of Sunday, 13 September 1992, the Skjold church in the municipality of Vindafjord burned to the ground. After pouring petrol in one of the rooms of the church, he set it alight, causing a fire. The church dated from 1887; the estimated reconstruction costs are approximately NOK 5 million.

d) On the night of Thursday, 24 December 1992, the Åsane church in Bergen burned to the ground. After pouring petrol inside the church, he set it alight, causing a fire. The church was completely destroyed. It dated from 1795; the estimated reconstruction costs are approximately NOK 10 million.

e) On one or more occasions, believed to be in 1991 at Nesttun near Bergen, he knocked over several gravestones at Birkeland cemetery.

f) On the night of Saturday, 30 November 1991, in Oslo, he knocked over several gravestones at Gamlebyen cemetery. On one or more occasions between December 1991 and March 1992, he also knocked over several gravestones at Møllendal cemetery near Bergen (Haukeland church).

III. Section 292 of the Penal Code, cf. Section 291, paragraph 1, cf. Section 49

For unlawfully attempting to destroy or damage an object that wholly or partly belonged to another, where the damage would have been considered aggravated, particularly because it was directed against an object of historical, national, or religious value for the public or a larger group, or for having aided and abetted such an act.

Basis:

On one occasion between 27 and 29 May 1992, at Minde, he broke a window in the bell tower of Storetveit church.

In an attempt to set fire to and completely destroy the bell tower, he threw bark and wood shavings through the window, then poured petrol over them and set them alight. Open flames arose immediately but extinguished themselves after a short time. As a result, there was fire damage to the window and window frame, as well as the stairs, and soot and scorch marks on the exterior wall of the bell tower.

IV. Section 258 of the Penal Code, cf. Section 257

For having taken, or having aided and abetted the taking of, an object that wholly or partly belonged to another, with the intent to obtain for himself or others an unlawful gain through appropriation of the object. The theft is considered aggravated, particularly because it was committed by burglary.

Basis:

- a) On the night of Sunday, 1 March 1992, in Solheimsviken, Bergen, he gained access to the basement of Årstad church by breaking open and damaging the outer door. From the premises, he took a sewing machine.
- b) On a Saturday night in May/June 1993, in Hol, he gained access to a house or cabin by chopping open the entrance door with an axe. From the house, he took the book *Mein Kampf*.
- c) On a Saturday night in May/June 1993, shortly after the act described in point IV b) in Hol, he gained access to a cabin by chopping open the entrance door with an axe. From the cabin, he took an "HV-jacket," a flashlight, candles, and a hide, or part thereof.
- d) On the night of Tuesday, 13 July 1993, in Lysefjorden, municipality of Os, he gained access to the Norwegian Public Roads Administration's dynamite storage by chopping a hole in the roof with an axe. From the building, he took about 100 kg of dynamite and about 25 kg of Glynit.
- e) On one occasion in late July 1993, on the outskirts of Os in Hordaland, he gained access to a cabin by smashing a window pane. From the cabin, he took two knives and two 17th of May flags, or part thereof.

V. Section 258 of the Penal Code, cf. Section 257, cf. Section 49

For having attempted to take, or having aided and abetted the attempt to take, an object that wholly or partly belonged to another, with the intent to obtain for himself or others an unlawful gain through appropriation of the object. The theft would have been considered aggravated, particularly because it was attempted through burglary.

Basis:

At the time mentioned in point IV e), immediately after the incident described there, with the intent to steal, he attempted to gain access to the Hordaland Infantry Regiment No. 9's warehouse at Åsenskiftet, Ulven Camp near Bergen. After breaking apart a plank or covering in front of a window, he abandoned the attempt upon discovering that there was a grille on the inside.

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VI. Section 257 of the Penal Code

For having taken, or having aided and abetted the taking of, an object that wholly or partly

belonged to another, with the intent to obtain for himself or others an unlawful gain through appropriation of the object.

Basis:

- a) On one occasion, believed to be in 1991, from Solheim cemetery at Minde, he took one or more crosses or small statues from gravestones.
 - b) On one or more occasions, believed to be in 1991, in Bergen, from Møllendal cemetery, he took one or more crosses from gravestones.
 - c) On one occasion, believed to be in 1991, in Fana, from Fana cemetery, he took several crosses from gravestones.
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Regarding Count I: It will be alleged that the killing occurred under particularly aggravating circumstances.

It is reserved that a request will be made, pursuant to Section 39, no. 1 a–f of the Penal Code, for a period of up to ten years' preventive detention.

Count I has been brought by order of the Director of Public Prosecutions.

Section 62 of the Penal Code applies.

A claim for compensation is reserved.

Accused Snorre Westvold Ruch

Section 233 of the Penal Code, paragraphs 1 and 2

For having, with premeditation, caused the death of another person, or having aided and abetted such an act.

Basis:

On the night of Tuesday, 10 August 1993, at Tøyengata 40 B in Oslo, Øystein Aarseth was killed.

After having planned the killing, Varg Vikernes and Snorre Westvold Ruch travelled to Oslo, where they sought out Aarseth at his residence, bringing a knife.

Vikernes inflicted numerous stab wounds to Aarseth's head, neck, chest, and back, causing his death.

The indictment was brought by order of the Director of Public Prosecutions.

The Jury's Findings (Lagretten):

In accordance with the corrected indictment, the jury was presented with a total of 18 main questions and 15 supplementary questions regarding Varg Vikernes.

11 main questions and the corresponding 11 supplementary questions were answered "yes." 7 main questions were answered "no."

In connection with 6 of these (3 cases of grave desecration and 3 thefts — Counts II e, f and g, and VI a, b and c), the prosecutor had recommended that the jury answer "no."

The jury also answered "no" to the question concerning the burning of the Fantoft stave church (Count II a).

Regarding Snorre Westvold Ruch, the jury was presented with 1 main question and 1 supplementary question, both of which were answered “yes.”
The court bases its judgment on the jury’s verdict.

Legal Consequences:

Varg Vikernes will thus be convicted of:

- Premeditated murder,
- Three counts of aggravated damage to property (the fires at the Holmenkollen chapel and the churches of Skjold and Åsane),
- One count of attempted aggravated damage to property (the attempted arson of the Storetveit church bell tower),
 - Five counts of aggravated theft, and
 - One count of attempted aggravated theft.

He will be acquitted of:

- Four counts of aggravated damage to property, including the fire at the Fantoft stave church, and
 - Three counts of theft.

Section 62 of the Penal Code applies to him.

Snorre Westvold Ruch will be convicted of aiding and abetting premeditated murder.

Next, I’ll translate the **background and court’s reasoning** section.

The offences charged, and for which Varg Vikernes is now primarily to be convicted, are in various ways connected to a youth subculture with a shared interest in a certain form of music — so-called *Black Metal*.

Varg Vikernes was, and remains, an active participant in this music scene. He played in bands in Bergen and released several records.

The man killed by Vikernes and Ruch on 10 August 1993, Øystein Aarseth, was a leading figure in the same music scene in Oslo. He ran a record shop called “Helvete” (“Hell”) in Schweigaardsgate until January 1993, and was engaged in the release of Black Metal records right up to his death.

For reasons the court has not been able to fully understand, several musicians associated with this music became influenced by an ideology which later came to characterise this youth environment, and which may at least partly explain the very serious crimes committed, as well as the intense conflicts that arose — among them between Øystein Aarseth and Varg Vikernes.

Vikernes has stated that his music style was, and is, “Norwegian Aryan Black Metal,” and that his ideology is anti-Christian, anti-Jewish, pagan, nationalist, and National Socialist.

He says he is not a racist, but strongly opposes anyone other than persons of Aryan descent

living in Norway. Non-Aryan persons, he claims, can and should be removed, and, if necessary, killed.

Vikernes believes in Satan, but does not consider himself a Satanist or devil-worshipper. He ties parts of his ideology to ancient Norse mythology, claiming to be a son or at least a descendant of Odin and Heimdall. Worship of these old Norse gods, he says, is essential to him.

Both Vikernes and co-accused, as well as witnesses, have spoken of night-time rituals and weapons practice in this environment, where extraordinary appearance and dark clothing also played a role. The court was left with the impression that quite a few young people joined in such rituals out of curiosity or for excitement, but for others, sadly, it gradually became deadly serious. Particularly active appear to have been Øystein Aarseth and Varg Vikernes.

People associated with the scene in Oslo and Bergen were, as early as 1991, charged in other cases with grave desecration and thefts from cemeteries.

Although in the present case these concern matters of which Varg Vikernes is acquitted, they nevertheless shed light on the developments in this particular milieu.

The court has seen a “circular” distributed in the spring of 1992, calling for a fight and war against “everything Christian and good” and stating that all participants should, at the same time, “carry out actions such as burning/blowing up churches, etc.”

Although Vikernes, right up to and during the main hearing, denied having been involved in any of the fires himself, he consistently maintained that burning churches was “positive for the cause” and promoted the ideology for which he and others were fighting.

The attempted church arson and the three church burnings for which he is now convicted took place between late May 1992 and Christmas Eve 1992.

Already in January 1993, Varg Vikernes appeared in an interview with *Bergens Tidende*, in which he revealed previously unknown details about some of the fires, stating, among other things: “Our aim is to spread fear and malice,” and that the group’s goal was “as much grief and misery as possible.”

As a result of this interview, Varg Vikernes was arrested and held in pre-trial detention for some weeks.

The investigation during that period did not produce any decisive new information as to who was responsible for the church fires.

Based on witness statements and other evidence, the court finds that the relationship between Øystein Aarseth and Varg Vikernes was good up until the spring of 1993, and that during this period they almost fought side by side for a common cause.

For unclear reasons, a conflict then arose, and this antagonism — apparently mutual — intensified over the summer.

This may have had some ideological causes, as they clearly did not agree entirely on certain fundamental positions. Vikernes stated in court that he considered Aarseth to be a “communist” and “incredibly naïve.”

However, the court tends more to believe that the tension between the two young men stemmed from a more “everyday” power struggle: Aarseth was the undisputed leader of the Black Metal scene in Oslo, while Vikernes saw himself as “King of Hordaland.” It appears they were simply vying for the real leadership position.

In addition, Vikernes believed that Aarseth was delaying the release of his records and not doing enough to promote his music.

On Sunday, 8 August 1993, Vikernes learned that Aarseth, in a telephone conversation with Snorre Ruch, had spoken disparagingly about him.

This seems to have been the final straw for Vikernes, who apparently decided then and there to travel from Bergen to Oslo to kill Aarseth.

He discussed this during Monday with two of his friends, and Snorre Ruch was persuaded to help him. Plans were made for an alibi for the time of the killing, and details of how the murder was to be carried out were discussed.

Snorre Ruch agreed to act as driver from Bergen to Oslo. He wore a white sweater “to look less like Black Metal,” as he himself put it in court.

While driving out of Bergen and into Oslo, and when stopping at petrol stations, Vikernes hid either in the back seat or in the boot of the car so that he would not be observed and recognised.

They drove quickly and directly to Tøyengata in Oslo, where they parked the car.

Vikernes was already equipped with several knives and handed one to Snorre Ruch before they went to Øystein Aarseth’s apartment.

It was the middle of the night, and Aarseth was lying asleep in bed.

Vikernes entered the apartment first and quite quickly attacked Aarseth with the knife. Aarseth tried to flee down the stairs in his underwear.

He was caught up by Vikernes — once or more than once — and received a total of 23 stab wounds to the head, neck, chest, and back, 16 of them in the back.

He lay in the stairwell between the first and second floors, and was dead when found.

Snorre Ruch did not participate in the stabbing itself but observed it as the two others came rushing past him down the stairs. He did nothing to stop the stabbing or to help Aarseth.

The murder of Aarseth was carried out in a raw and gruesome manner, almost as an act of blind violence by Vikernes.

Aarseth had no opportunity to defend himself.

It is difficult to find or understand any motive for the murder, beyond the possibility that Vikernes — as mentioned — wished to strengthen his own position in the milieu and advance his musical career.

The long and meticulous planning, without any sign of objection or doubt from those involved, reinforces the premeditation and other aggravating circumstances surrounding the murder.

Vikernes was — as emerges from the evidence — the active and leading party in carrying out the murder.

It remains hard to understand how Snorre Ruch could allow himself to be persuaded to assist so actively, and why he did not refuse at a much earlier stage.

Considered in isolation, the penalty that would have been imposed on Vikernes for premeditated murder alone would have been very severe.

In addition, he must also be punished for three church burnings and the attempted arson of a church building.

The three churches (Holmenkollen, Skjold, and Åsane) were all completely destroyed. In addition to the considerable economic value lost, substantial weight must also be given to the cultural, historical, national, and religious values that were destroyed.

There is no doubt that for most Norwegians — not only for Christians — it feels deeply offensive when buildings of this kind are deliberately and systematically destroyed.

It was precisely this effect that Vikernes clearly intended to achieve.

Based on the evidence, the court must conclude that Vikernes played the leading or decisive role in all of these acts of damage.

It is possible that in connection with the burning of Holmenkollen chapel he received significant assistance from Øystein Aarseth, but the evidence on this point has, for obvious reasons, been limited.

The court also heard statements from other individuals who in various ways took part in the preparation or execution of the three church burnings and the attempted burning of Storetveit church's bell tower.

The court was left with a firm impression that Vikernes played a completely leading role in relation to all of them.

He also boasted to acquaintances in the milieu about his activities regarding church burnings, as he, as already mentioned, considered it an honour within the scene to burn down churches.

The court has been in doubt about how these church burnings should be assessed for sentencing purposes.

There is, in fact, no guiding case law on this, apart from the final judgment of the Eidsivating Court of Appeal of 25 February 1994 in the case against Bård Eithun.

Eithun was then sentenced to 14 years' imprisonment for a premeditated murder and for having aided and abetted the burning of Holmenkollen chapel.

The weight given to the church burning in determining the total sentence is not stated directly, but it is at least clear that the Court of Appeal considered Eithun an "assistant" to the other two main perpetrators.

However, the Court of Appeal stated that "these are serious crimes, about whose seriousness the accused could have had no doubt," and that "for reasons of general prevention, a strict response must be made to crimes that stem from attitudes developed in such closed youth environments as the one in question."

This court finds it clear that there must be an even stricter reaction towards Vikernes, who played such a decisive and leading role in all the church burnings for which he is now convicted.

As mentioned, Vikernes is also to be sentenced for five aggravated thefts and one attempted aggravated theft committed in 1992 and 1993.

Although these matters can naturally only carry limited weight in determining the overall sentence, they do nevertheless provide an additional picture of Vikernes, in that he must also be held accountable for ordinary criminality.

The Court of Appeal sees no mitigating circumstances in Vikernes' favour.

He is admittedly relatively young, but the appointed experts have stated that he possesses above-average intelligence.

Psychiatric evaluation:

Vikernes underwent forensic psychiatric observation by the appointed experts, forensic psychiatrist Karl Ewert Hornemann and chief physician Reidar Larssen. They both gave evidence during the trial, addressing Vikernes' criminal responsibility and his mental faculties — the latter in connection with the prosecution's original reservation to request preventive detention.

The experts stated unequivocally that they found Vikernes to have poorly developed mental faculties. They elaborated that despite his intelligence, he appeared in many respects very immature.

On the advice of the experts, the prosecutor chose not to request preventive detention at the present time.

However, even assuming that Vikernes is immature, and perhaps even somewhat infantile, the court finds that this cannot be given decisive weight in sentencing in such a serious case as this.

The prosecution requested 21 years' imprisonment for Varg Vikernes.

The court has carefully considered whether there are grounds in this very serious case to go below the prosecution's request.

The court has unanimously concluded that it is necessary to impose the maximum prison sentence, i.e., 21 years.

In doing so, particular weight has been given to:

- that the premeditated murder was planned in detail over a long period,
- that it was carried out in an extraordinarily raw and brutal manner without any understandable motive, and
- to Vikernes' active planning and execution of several large-scale church burnings.

The prosecution had emphasised, and the court agrees, that for reasons of general prevention, the seriousness of this special type of aggravated damage to property must be clearly marked.

For Snorre Westvold Ruch, the prosecution requested 8 years' imprisonment.

Majority opinion of the court:

The majority — consisting of the presiding judge, Herredsrettsdommer Groseth, and the lay judges Ødland, Sørnum, and Conradi — found that this request should be followed.

In determining the sentence, the majority placed particular weight on the fact that this concerns aiding and abetting a premeditated murder, carried out in a cruel manner, as described above. Although Snorre Ruch, in the court's view, did not actually wish to assist in this serious crime, it is nevertheless necessary to respond strictly to the active assistance that Vikernes in fact received from him.

Psychiatric evaluation:

Ruch was also examined by forensic psychiatric experts. These, specialist in psychiatry Børre Husebø and chief physician Björn Gundby, also gave evidence in court.

Furthermore, there was evidence concerning Ruch's state of health and his psychological problems.

The majority found that Ruch was not in good health in August 1993, and that the illness from which he probably suffered — a type of food allergy — may have led, among other things, to apathy and lack of concentration.

The majority also found that Ruch was, during the same period, and perhaps for the same reason, depressed.

Despite this, and the fact that Ruch was led or influenced by Vikernes, the majority considers it necessary in sentencing to mark the seriousness of Ruch's assistance.

The majority is clear that Section 58 of the Penal Code (sentence reduction) cannot be applied.

Minority opinion of the court:

The minority — extraordinary appeal court judge Holmøy and lay judge Horn Øien — voted for a sentence of 6 years' imprisonment for Ruch.

The minority also concluded that Ruch's involvement could not fall under the sentence reduction provision in Section 58 of the Penal Code.

However, they found his actions to be close to the scope of this provision.

Ruch himself had no desire for the murder and was drawn in only because he did not bring himself to oppose the initiative of a dominant friend.

His active assistance was limited to the more preparatory and subsequent acts — primarily the driving to and from Bergen and Oslo, where he was driver only on certain more exposed stretches of road.

During the actual killing, he remained entirely passive; his role was merely to be present, which may have given Vikernes some psychological support during the murder.

In the minority's view, Ruch is already struck hard by the statutory minimum sentence of 6 years' imprisonment, and this limit should not be exceeded even though his participation concerns a premeditated murder.

His sentence should be clearly below what is normally imposed on a principal in a premeditated murder.

Judgment (Domsslutning):

1. **Varg Vikernes**, born 11.02.1973, is convicted of violating:
 - Section 233, paragraphs 1 and 2,
 - Section 292, cf. Section 291, paragraph 1,
 - Section 292, cf. Section 291, paragraph 1, cf. Section 49,
 - Section 258, cf. Section 257, and
 - Section 258, cf. Section 257, cf. Section 49,all in conjunction with Section 62 of the Penal Code,

to a sentence of **twenty-one (21) years' imprisonment**.

285 days spent in pre-trial detention shall be deducted from the sentence.

Varg Vikernes is acquitted of four counts of violating Section 292, cf. Section 291 (Counts II a, e, f and g of the indictment), as well as of violating Section 257 (Counts VI a–c).

2. **Snorre Westvold Ruch**, born 21.01.1972, is convicted of violating Section 233, paragraphs 1 and 2, to a sentence of **eight (8) years' imprisonment**.

270 days spent in pre-trial detention shall be deducted from the sentence.

The judgment was read out to the accused.
The convicted persons were informed of the deadline and procedure for an appeal.

Convicted person Varg Vikernes took time for consideration.
Convicted person Snorre Westvold Ruch took time for consideration.

Each of the convicted persons was given a copy of the "Guidance for Convicted Persons."

The court was adjourned at 15:30.

Signatures:

Agnes Nygaard Haug – Presiding Judge
Tor Holmøy – Judge
Torolv Groseth – Judge
Hildur Horn Øien – Lay Judge Spokesperson
Einar Ødland – Lay Judge
Karin Sørum – Lay Judge
Thor Colditz Conradi – Lay Judge
Grete Frankrig – Lay Judge

Agnes Nygaard Haug
Rettens formann

Tor Holmøy

Torolv Groseth

Hildur Horn Øien
Lagrettens ordfører

Einar Odland

Karin Sørum

Thor Colditz Conradi

Grete Frankrig
Protokollfører



Bekreftes for

førstelagmannen: *Vibeke Sævi*

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