

One Hundred Days of Ayahuasca in France: The Story of a Legal Decision

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Ayahuasca was legal in France from January 13 to May 3, 2005. In May of 2005, after two long judicial processes involving about ten users of the plant *Banisteriopsis caapi*, the French government classified the plant in the illicit drug category, relegating it to the level of dangerous hallucinogenic substances with potential capacity for systematic abuse.

The pharmacological studies used by the government as a basis for the decision to explain the toxicological danger of this large tropical vine used an expression new to the French dictionary: The ayahuasca is a “sectoidal” product; it supposedly induces in its users a chemical submission to dishonest leaders of groups to be considered and classified as sects. This is the first time that the French Agency for the Security of Health Products (AFSSAPS) used words chosen totally out of context to classify a pharmacological substance.¹ Has a new toxicological property been discovered, the chemical submission of one individual to another? A new thinking molecule whose effects induce a specific ideology? One which would erase intellectual and critical capacity?

All the plants and molecules which make up the beverage were classified as illicit in the same official decision published May 3, 2005.² In France the classification is rendered by the National Commission for Illicit Drugs and Psychotropics, which is part of the AFSSAPS. This decision seems particularly severe when one considers that in Holland and Spain, the legal agencies asked to regulate ayahuasca had authorized its usage. Spain had decided was permissible because of its non-toxicity and Holland admitted its use in the name of religious freedom.

When in 1999 the first investigations concerning ayahuasca were conducted in France, all those knowledgeable on the subject were greatly surprised. Until then no one had ever worried about the legal status of ayahuasca or its supposed dangers. After all, it only concerned a handful of anthropologists, researchers, and a tiny population of users. Among them are the members of Santo Daime and the União do Vegetal (UDV)-Brazilian religions that use ayahuasca-people experimenting with traditional Amazonian medicine at the Peruvian Takiwasi Center, among a few others. In other words, such an insignificant number of people as to make one wonder what all the fuss was about.

As for the history of its use in France, things have undoubtedly changed since the 1990's. The Takiwasi Center was co-founded in 1992 in the Upper Amazon by the French doctor Jacques Mabit to rehabilitate drug addicts.³ He used ayahuasca in his treatment protocol. He was financed by the government (DLGT, [the General Delegation for the Struggle against Drugs, which has now been replaced by MILDT, the Inter-ministerial Mission against Drugs and Addiction⁴) until 1995. Dr. Mabit also received European Union funds from 1992 to 1994. At the request of the govern-

ment, an evaluation of the Takiwasi Center was filed by the psychiatrist Christian Brûlé.⁵ His report was positive; therefore the State did not consider reprehensible the fact of studying or using ayahuasca. As for the members of Santo Daime and the UDV, no public health problem or public disorder had been noted.

The Santo Daime Trial: 1999-2005

On November 18, 1999, some head members of the French branch of Santo Daime⁶ were investigated and accused of possessing and using ayahuasca. The indictment cites the following crimes: “associating with criminals, fraud, acquisition, use, and sale, and international traffic of illicit substances pertaining to a sect.” In France each one of these crimes can lead to ten years imprisonment. In the end “only” the acquisition, use, sale and international traffic of illicit substances were retained but still with the mention “pertaining to a sect.”

The accused were detained, subjected to searches, and then held in prison while awaiting trial. On January 15, 2004,⁷ the court rendered its first judgment: several months suspended sentence. The second trial on appeal for the members of Santo Daime was held November 4, 2004. The final judgment was announced January 13, 2005.⁸ It was dismissed because of “insufficient legal basis.” The confiscated ayahuasca was returned to its owners.

The main accusation concerning illicit substances dealt with the quantity of dimethyltryptamine (DMT) in ayahuasca. This component is forbidden by law and is on the list of illicit drugs because of its hallucinogenic qualities. In a law published on February 22, 1990, following the decree 77-41 of January 11, 1977, which approved the United Nations Convention of 1971, the Minister of Health classified DMT as a psychotropic substance.

During the trial the arguments for the defence were as follows: The substance DMT is not illicit in its natural state, only in the synthetic version (Convention, 1971).⁹ Ayahuasca contains natural DMT in infinitesimal quantities as do other common plants such as bananas and pineapples. No one would think of indicting the importers and consumers of these fruits.

The defence held that ayahuasca is consumed only during a religious ritual; therefore the constitutional religious freedom principle should overrule any interdiction as long as public health was not in danger. It also argued that ayahuasca as such did not appear on the list of classified substances in the Public Health Code. As a result it was clear that public health officials incorrectly claimed precedence by the UN Vienna Psychotropic Substances Convention of February 21, 1971, ratified by Brazil, claiming that the convention forbid consuming ayahuasca, when in reality they were aiming at the substance DMT. The convention had no immediate effect on national legislation, but simply obliged the states having ratified it to introduce its principles in their laws. Finally, the decision to classify DMT as an illicit drug could be considered illegal, because taken by an incompetent administrative authority, the Health Ministry was not designated in the texts.¹⁰ More importantly, the ministry failed to establish levels of tolerance in natural plants when they contain infinitesimal levels of the substance, thus committing a manifest error of appreciation.¹¹

At that time, the only reference used by the French justice ministry in their civil suit was a report by the toxicologist Pépin, the same one used by the national illicit drug and psychotropic commission. (Pépin, Cheze, Billault & Gaillard, 2000). In this report, the “expert” stated that “according to the available literature, ayahuasca is obtained by boiling stems of the tropical creeper *Banisteriopsis caapi* with leaves from the plant *Psychotria viridis* (*sic*), until a viscous liquid is obtained resembling a syrup...this combination produces hallucinogenic effects, and a deep alteration of the state of consciousness, which can be of a mystical or schizophrenic nature.” The author further states that these decoctions could be suspected of inducing “chemical submission.” He also reminded that “the *Banisteriopsis caapi* plant could become the subject of a classification which would permit border controls and limit its use,” but that for the moment simple surveillance would continue.

Although the report was obviously unfavourable, it had a positive impact for the defence. It clearly states that the preparation of ayahuasca as described by the expert is a natural decoction which contains traces of DMT, not an extraction of a pure substance to be diluted, therefore reducing the violation concerning illicit drugs, while raising the issue about natural substances which French law had not addressed. At the same time, ayahuasca is not mentioned in any list of drugs or illicit substances, which poses another legal problem.

Neither the research conducted by anthropological, toxicological, pharmacological, nor international law circles, nor the trials held in Holland and Spain were mentioned.¹² Nor were the remarks of Dr. Jace Callaway, whose work has long been used as a scientific reference and who travelled specifically to be a witness, taken into account. In the early 1990s, Dr. Jace Callaway was part of a research project in Brazil with people who had used ayahuasca on a regular basis for ten years or more. This was the Hoasca Project (Callaway et al., 1999). His conclusions concerning the effects of ayahuasca on the mental and physical health of the test group indicated that this population had no relevant problems, ranging around what are considered normal health parameters.

As one may well imagine, the trial was dismissed in the name of “legal process,” that is to say, there were no legal texts on which to base an accusation. According to Mrs. Anah Attalah, lawyer in Paris and New-York, defence for the members of Santo Daime in Paris appellate court:

“Technically if the substance had been an illicit drug public prosecutors would have filed it under criminal prevention laws and we would have been tried in criminal court. Fortunately realizing their mistake they reduced the level of indictment to a lower court jurisdiction realizing there were no hard drugs involved. In any case they would not recognize the situation before the judgment of January 13, 2005 by the Paris appellate court that in reality there was no infraction for illicit substances.” (Attalah, 2005)

The Takiwasi-La Maison Qui Chante Trial 2002-2005

In 2002 it was the Takiwasi Center’s turn as well as their French affiliates in the association “La Maison Qui Chante,” in Lyon, to undergo the same fate, with very sim-

ilar indictments. Six persons, including two doctors and two psychotherapists, were concerned.

I had been newly at the presidency of the association for six months, and was not prepared to face such an accusation as we were not involved in using ayahuasca in France. We were helping people to prepare their trip to Peru. The main work consisted in responding to inquiries about the journey and the Amazonian medicine process, and sending inscriptions files to Takiwasi. Most of the time, I was involved in administrative work.

The whole story started with a complaint filed by a father, on June 21, 2000. Mr G. Rouquet whose 25 years old daughter had been treated with psychotherapy by a French psychologist Mrs M. Hamon and a French psychiatrist, Dr M. Mouret, head of the psychiatric hospital ward in Pau in the Southwest of France. Mr Rouquet and his daughter had nothing to do whatsoever with Takiwasi and our association La Maison Qui Chante. Jacques Mabit and myself had never met them before.

The father thought his daughter had altered behaviour; he was worried because he thought she was under someone's control. He hired a detective to investigate the people treating his daughter. The investigation took two and a half years, since early 1998 to the end of 2000, during which time it was possible to establish that Mrs. M. Hamon and Dr M. Mouret made regular trips to Takiwasi. The father was convinced he was confronting a hallucinogenic sect recruiting patients in order to send them to Peru to take drugs. There followed a tiresome 65 page report¹³ full of suppositions (but in my perspective with very little substance) that he transmitted to 22 official organizations (MILDT¹⁴; MILS¹⁵, the Inter-ministerial Mission against Sects; the Interior Ministry; the Catholic church; ADFI,¹⁶ the Association for the Defence of Family and Individuals; etc.); public opinion and the legal system gave it large play.

At this time the facts were relayed by the press and other media with many defamatory statements. For example "A hallucinatory therapy"; "Links with a sect an investigation is opening for psychic manipulation and fraud"¹⁷; "Dingys group of pysys"; "The strange Doctor Mabit" with picture of J. Mabit in the article¹⁸; "A psychiatrist and a psychotherapist suspected of fraud"¹⁹; "Travelling psy caught red-handed."²⁰ About Takiwasi and la Maison Qui Chante they spoke of sects, mental manipulation, potential suicides, abuse, and fraud. On December 15, 2002, the French psychiatrist Michel Mouret was suspended three months by the French Medical Association.²¹

All six suffered moral and financial prejudice, loss of clientele, and interdiction to practice in certain places. The press did not verify the accusations by Mr. Guy Rouquet who lied and let everyone believe his daughter had been taken to Peru, when in fact she never set foot in Peru. The only actual link in this case with ayahuasca is that the therapists caring for her were users of ayahuasca in Peru, but for themselves only.

We were all wondering why this father who we had contact neither with Takiwasi nor with our association La Maison Qui Chante, and whose daughter we never had any contact with, was so full of hate against us. He seemed to be paranoid, fearing any kind of investigation in his family story, thinking his daughter was under control and in great danger while she was doing a therapy. Was he thinking she could have escaped family life and a parent's authority? Did he believe she was dreaming to escape from reality by experiencing a terrific drug with her therapist? How much

easier was it for him to imagine she was in the arms of a sect? Discovering her therapists were close to Takiwasi and, using ayahuasca gave him the final justification. He was revealing the existence of a new hidden hallucinogenic sect to his country.

After 18 months of legal battles, the first judgment²² was a dismissal for the sect indictment because the young woman was unknown at Takiwasi and at the Maison Qui Chante and had never absorbed the slightest drop of ayahuasca. She had never filed a complaint. The father's demand was rejected but France used the above cited Pépin report to requalify the accusation and become the plaintiff in a supplemental trial December 15, 2003 against the accused, with the designation of "infringement of the law against illicit drugs." This process was a dead-end because, as we have demonstrated, there was no classification for the plant ayahuasca in the law. This impossibility to pronounce a judgment led to one thing: the classification of ayahuasca as an illicit drug in order to get out of the judicial quicksand into which the government had sunk. Because of non-retroactivity, the accused obtained a discharge, were acquitted,²³ then ayahuasca was forbidden on April 20, 2005. The story of this trial demonstrates that ayahuasca was legal in France between January, 13 and May 3, 2005, date of the publication of the law in the Official Journal. These are the hundred days of ayahuasca legality in France.

It is a wonder that this apparently simple debate took more than five years. An action not considered an infraction in France cannot lead to the slightest prosecution. This is a legal principal and one of the pillars of democracy; it is very important. Fortunately lawyers do not have the opportunity to plead this idea because it is a rarity to be prosecuted for an infraction that does not exist. This decoction contains DMT and as it so happens, DMT is classified as an illicit substance.

In France, only the legislators may define what is forbidden and what is authorized. Forbidden substances lead to criminal sanctions; this is one of the powers of the legislative branch. This is a normal situation, decided long ago to function differently from the *Ancien Régime*, even though this system existed with the Romans. We did not want to let the judge have absolute discretion about what is authorized and what is not, only the legislator has that power. It so happens that in certain complex areas such as illicit and psychotropic substances, the legislators have delegated this power to the executive branch with certain controls; the definition of illicit substances is done by reference to lists contained in decrees notably those that aim directly at DMT. These lists are modified regularly by the addition or the withdrawal of certain substances that the scientific community, through the National Drug and Psychotropic Commission through the French Agency for the Security of health and pharmaceutical products (AFSSAPS), decide to insert or clarify with these lists. (Atallah, 2005)

In spite of the obvious judicial error, the government did not permit the accused from the Takiwasi Center-La Maison Qui Chante to benefit from an official press announcement concerning the dismissal; the rather fallacious reason being to protect the accused from the public eye and any further confusion. This same reason appears in the written judgment for dismissal. Neither this group of defendants nor those from Santo Daime received any compensation whatsoever for prejudice suffered. Defamation and calumny that had spread through the media for three years had un-

dermined public opinion concerning the use of ayahuasca, and the dismissal was overlooked in the eyes of the general public.

In July of 2005 Santo Daime and Takiwasi-La Maison Qui Chante filed a request to the French State Council to rescind the decision to forbid ayahuasca.²⁴ The request was written by Mr. Caballero, French law expert in drug matters, who pointed out the unscientific toxicology reports which had led to the original decision. His request was rejected a first time, then again in appeal by the health Ministry. The Ministry's definitive response²⁵ had no scientific basis, and was a poor attempt of justification. The first argument was about physiological effects: ayahuasca leads to vomiting and gives diarrhoea, hallucinations, and makes you sweat, so it is highly neurotoxic. We cannot avoid chemical submission potential as a main following point. Then came three illustrative cases observed by CEIP.²⁶ First was one about a Daimista woman who took ayahuasca every two weeks and lost 15 kilos of weight (no more precision). The second was about a very bad trip that happened to a writer reporter (in fact she was preparing an article about sects and pseudo-shamanism and wanted to test ayahuasca). Finally, the best of all: a potential case of chemical submission which "may be ayahuasca" This happened in October, 2002. A 32 year-old man said that he had vision trouble, fatigue, and loss of memory for half an hour after drinking alcohol. His urine analysis showed the presence of *Cannabis*, nicotine, codeine, caffeine and... harmine!²⁷ This was January, 2008.²⁸

How is it that the regulation and the usage of ayahuasca, a plant unknown to public institutions ten years ago, could create such controversy and official activity? Beyond the legislative and legal problems, we should consider the singular evolution of civil liberties in France since the 1990's. Ayahuasca became known in the midst of societal trends and events we should analyse to understand why it has been forbidden. It has been the object of amalgams in others sectors related to it: sociological, anthropological, religious, and therapeutic (the latter two fields being highly sensitive lately).

It is interesting to note that the persons incriminated were representatives of emblematic organizations in these domains: religion and therapy. The Santo Daime community is clearly defined as a religion. The Takiwasi Center is just as clearly defined as therapeutic, since its major activity is fighting drug addiction, another sensitive subject in France. During a long period from 1970 until 1990, French public powers did not care so much about drug dependents. In this context a first therapeutic community called "The Patriarche" started slowly at the beginning of the 1970's with a new ideal. The founder Lucien Engelmajer tried a revolutionary drug withdrawal programme. Weaning without medicines was combined with isolation, work, and psychological process. The community grew and obtained official financial help, a kind of recognition. In the 1980's and beginning of the 1990's this project and his creativity seemed to be a new original solution to the difficult exponential problem of substance dependence in France. The "Patriarche"²⁹ became an important group with thousands of members, and new communities were sent abroad in Europe. But in 1994, troubles revealed fraud, mental submission, exploitation, and violence, which led Lucien Engelmajer to justice. He left the country because he was on the run from the law. He was sentenced to five years in jail. This experience left the country in a

state of shock. Hurt, disappointment, guilt, and fear of manipulation and sects could explain this cautious perspective when it comes to drug addiction.

Ayahuasca was treated as a “drug” because it was perceived as a recreational substance inherited from the psychedelic movement of the 1960’s by people aspiring to become shamans. Because of its capacity to modify states of consciousness and induce visions, ayahuasca was linked to LSD in the eyes of the government and was stigmatized as a dangerous product serving New Age interests through the neo-shamanistic movement. The vocabulary used in the Legislative branch reports of 2006-2008, as well as their commissions, call it a magic plant: “It can lead the mind to become unstructured. It also authorizes a kind of chemical submission of the followers by those responsible for the sects. That’s why the French ministry of health classified the DMT and its byproducts as narcotics.” (Pépin, 2004)

French Context 1960-2000

The anthropologist Carlos Castaneda’s (1968) first book, *The Teachings of Don Juan, a Yaqui Way of Knowledge*, had great success and popularized shamanism in France. Castaneda spoke of a state of consciousness that needed the consumption of psychedelic substances and was considered by some as the initiator of a new religion, as were Antonin Artaud, Aldous Huxley, or Timothy Leary. The publication of *The Teachings of Don Juan* coincided with the events of May 1968, a complex moment in French history when fundamental moral and social values were shaken by the student movement. Trapped between the failure of the hippie movement with its humanitarian values, and the rise of technology and materialism, society has undergone profound changes. These pivotal years underlined a new contemporary paradox: on one hand, violent world events brought to our living rooms, and on the other hand, New Age concepts of self-realization, spiritual awakening and a whole series of new therapies.

In France the alleged death of a young girl from an LSD overdose in 1969 caused strong reactions from the government and in the press. What had been tolerated suddenly became illegal. The “establishment” became worried about the youth movement and illegal substances, and LSD turned out to be the symbol of their contestations. During the following decades France faced an exponential rise of drug abuse as well as the synthesized drugs which inundated the world market. As a result, the health and legal network has become quite complex.

France has been hit harder than its European neighbours concerning pharmacodependence. For the French, one of the largest consumers of psychotropic substances in the world, the anxiolytics, antidepressants, and narcoleptics have become the systematic answer to existential problems. According to a study by the Health Ministry in 2004,³⁰ the sale of antidepressants increased by 6.7 times between 1980 and 2001. They became so commonplace that there was misuse and abuse. Family doctors often prescribe them because there are so few therapeutic alternatives. France has great over-consumption of medication, and its well-reputed health system is on the brink of collapse. The government must regulate the growing number of psychotropic med-

ications produced by the highly inventive and prolific pharmaceutical laboratories (Dugarin, 2004).

Considering all these problems, France became much more rigid in substance control.

The AFSSAPS Commission tries to limit access to molecules which might be diverted from their therapeutic use. The boundaries between therapy, recreation, and palliatives for existential problems are very hazy. Centers for Evaluation and Information were created in 1993 to obtain and disseminate pharmaco-dependence information and to evaluate the potential for abuse of psychoactive substances. Seventy-five percent of the National Drug and Psychotropic Commission's activity concerns molecules used preferentially by "drug addicts" (Dugarin, 2004).

Following the emergence of social values still latent in the 1990's, the government moved closer and closer to protectionist decisions. The changes in the Penal Code published March 1, 1994 insist on human rights, rights for victims, and protection against danger in general. The idea of personal safety seems to pervade modern thinking. It is conveyed through every national or world catastrophe and repeated widely through the media: epidemics, AIDS, terrorism, tsunamis, mad cow, depression. During the winter of 2007, the radio broadcast flashes warned people to wear masks in the presence of flu sufferers; many thought it was a joke but it was an actual bulletin from the Health Ministry.

General government policy has become that of "zero risk," a term used by the government itself. In this context, problems linked to health and drug abuse are their exclusive domain. On top of this, the very powerful and very conservative French Medical Association blocks evolution towards alternative medicine. France is very slow in its recognition of non-conventional medicine when one compares it to other European countries. Doctors have no real freedom of prescription and risk incurring the wrath of the French Medical Association. Health workers who are not doctors consider their place ill-defined, and French law is not adapted to the needs of its citizens. In spite of the report and the proposal of openness by the French politician Paul Lannoye in 1997 to the European Parliament, the situation has not advanced. (Robard, 2002)

The other major theme leading to ayahuasca's prohibition in France is religious freedom. Obsession with secularization combined with the fear surrounding sects threatens the freedom of spiritual minorities.³¹ It should be noted that in France anti-sect policies and the work linked to these policies is essentially in the Interior Ministry. It is the politics of the police. It is considered a problem of public security and order, while in other European countries, these questions belong to the Ministry of Justice (interview J.P. Joseph, lawyer).³²

The year of 1995 was incontestably a turning point for the social climate in France: on March 20, the crime of the Aum Shinri-Kyo movement in the Tokyo subway shocked the Western world, followed closely by the bombing in the Paris subway on July 25, and the group suicide by members of the Solar Temple Order on December 25 (the true circumstances have never been elucidated in the case about the Solar Temple members' death).

The first parliamentary report on sects and the related dangers appeared in early 1996. It mentions 172 minority groups, mainly inoffensive, who were greatly stigma-

tized following this report. (Gest & Guyard, 1996) Most of them are New Age groups. Between 1996 and 2001 there were a number of commissions and parliamentary reports. In 1998 it became possible for certain associations paid by the government to file civil suits against sects. The main association was the UNADFI (the National Union of Associations for the Defense of Family and Individuals) who had an important role in the media campaign against Santo Daimé and Takiwasi-La Maison qui Chante. Mr. G. Roquet himself founded an association in 2003, Psychotherapy Vigilance, and was recognized for his actions by the National Assembly. (Audition Guy Rouquet, 2006)

After a long study of the danger surrounding individuals, the different governmental commissions defined other ideas whose limits and boundaries are more difficult to encompass: the tendency towards sects, groups of a sectarian nature, and finally acts of mental manipulation, abuse of a person's weakness, fraudulent abuse, acts that lead to submission. This became the law "About Picard" of June 12, 2001 using these terms (see also Hanegraaff in this volume). These acts are subject to heavy fines and prison sentences.

According to M. Rudy-Salles (2001), "it is impossible to define a sect judicially; however it is possible to recognize a group of a sectarian nature by its behaviour." In reality there is a refusal to define sects judicially with the pretext it would infringe on the rights of religious freedom (Mr. Philippe Pérollier, lawyer in Marseille [2005] about the About Picard law [Loi About-Picard, 2001]). With the About Picard law, France took as an example the 1905 law concerning the separation of church and state, claiming to protect secularization, but the result is the radicalization of the religious debate in detriment to spiritual minorities. It started a wave of discrimination in France. The repercussions for psychology, psychotherapy, and psychoanalysis are inevitably linked to the possible acts leading to submission, mental manipulation, and abuse of weakness.

As stated by P. Pérollier (2005):

The anti-sect associations admit easily that since the passing of the About Picard law only about ten indictments and one unresolved condemnation have occurred. The disproportion between the announced peril and the application of the law shows it was aimed at people who would never be condemned.

We shall add that New Age values seem to threaten French democracy, as they are considered a global totalitarian paradigm. Sect hunting is also a means of eradicating them. Faced with what was perceived as a danger to society, France seems to have put certain ideas on trial. In this context religious and therapeutic freedom, as well as civil liberties risk being diminished. Ayahuasca itself only succeeded in resisting for one hundred days.

The use of ayahuasca found itself on a collision course with the difficult notion of "cultural transfer." This impression is notable in the AFSSAPS article which mentions the use of the plant "out of its initial traditional context." The law wanted certainly to avoid uncontrolled and non-ritual use of the beverage, but did not encourage the necessary scientific research. There are however, signs of openness in France with a new initiative proposed at a seminar at the Sorbonne University in March 2008 about "hallucinations and altered states of consciousness."³³ There are more

and more students and young researchers in anthropology, sociology, psychology, neurosciences, pharmacology, and toxicology who are really interested in the topic of altered states of consciousness and want to study it with respect. The scientific research needs them and ayahuasca needs them too.

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- 1 FSSAPS (2005)
 - 2 (Arrêt du April 20, 2005)
 - 3 See also "A Ritual Ayahuasca Use and Health: An Interview with Jacques Mabit," by Beatriz Caiuby Labate, Brian Anderson and Henrik Jungaberle, in this volume.
 - 4 Mission Interministérielle de Lutte contre Drogue et Toxicomanie
 - 5 Report Brûlé 1997 by Dr Christian Brûlé Psychiatrist Founder and President of Centre Européen Contre les Drogues CECD and Institut de Formation et Lutte contre les Drogues IFLD. Expert report for O.N.U about Takiwasi Center for French Embassy in Peru (first evaluation after five years of financial help)
 - 6 Claude Bauchet and five members of Santo Daime were taken in for questioning in November 1999.
 - 7 They were sentenced by Paris Superior Court on 15/01/2004 to 4 until 10 months of suspended jail for fraud, acquisition, use, and sale, and international traffic of illicit substances during the period 1997-1999 (Tribunal de Grande Instance de Paris 16 e Chambre / N° P982860293)
 - 8 They appealed this decision and were acquitted on 13/01/2005 by Paris Appellate Court because of missing legal basis: ayahuasca was not classified as an illicit substance. (Arrêt du jan. 13, 2005).
 - 9 For this discussion, see also Adèle van den Plas in this volume.
 - 10 Following the argument of Maître Francis Caballero, lawyer in Paris and defense attorney of three Daimistas: C. Bauchet, C. Valladon and A. Zaiontchovsy. Maître Caballero specifies that the concept of « illicit substance » is not sufficiently and clearly defined in articles 222-37 et 222-41 from Penal Code and articles L627 et R5171 from Public Health Code. Maître Caballero contests also the lawfulness of the decree on 22/02/1990 classifying DMT. He based his contestation on article 111-2 and 111-5 from Penal Code because he assesses the decree is done by an unskilled administrative authority: the Health Ministry, who is not indicated by legal designation in the texts
 - 11 Maître Caballero goes on with the same argument in the last resort report asking for cancellation of ayahuasca prohibition decree 20/04/2005. Request from C.Bauchet for Santo Daime and J.Mabit/ G.Bourgogne for Takiwasi / La Maison Qui Chante on 3/07/2005. Council of State notified final rejection on 4/01/2008
 - 12 The Dutch trial started on 6/10/1999, ended on 21/05/2001. The Spanish started on 5/04/2000, ended on 20/10/2000. These trials had already come to an end when the first judgment in Paris sentenced Santo Daime on January 15, 2004.
 - 13 This report was never published. Guy Rouquet sent it to 22 French administrations and to the Judge C. Mirande in Pau who ordered a Policy investigation. At this time we could see and read it.
 - 14 Mission Interministérielle de Lutte contre Drogue et Toxicomanie
 - 15 Mission Interministérielle de Lutte contre les Sectes
 - 16 Association de Défense de la Famille et des Individus
 - 17 In newspaper « l'Eclair-La République des Pyrénées » on 2/07/2002.
 - 18 In newspaper « Sud-Ouest » on 3/07/2002
 - 19 In AFP France Press Agency, national diffusion 2/07/2002 and FR3 Aquitaine and FR3 National
 - 20 In « 20 minutes France » newspaper national free distribution in subway 3/07/2002

- 21 Ordre National des Médecins Conseil Régional d'Aquitaine Affaire n 339/ Docteur Michel Mouret
- 22 Pau Appellate Court / Pau Superior Court /Trial Instruction n° 2/02/22 and 02003595 Mabit/Bourgogne/Hamon/Mouret / Le Besnerais
- 23 Pau Appellate Court/File N°2005/00384 arrêt n°665/2005 on 2/12/2005
- 24 Last resort in Council of State for cancellation of 20/04/2005 ayahuasca prohibition decree/ Recours en Conseil d'Etat Bauchet/Mabit/Bourgogne see on www.santodaime.fr
- 25 (Health Ministry answer report, 2006)
- 26 CEIP Centre d'Evaluation et d'Information Pharmacodépendance./ Center for the Evaluation and Information of pharmaco-dependance
- 27 Molecule component in ayahuasca
- 28 (Health Ministry answer report, 2006)
- 29 Le Patriarce in Rapport Assemblée Nationale (1995) and Laval (2006).
- 30 Les ventes d'anti dépresseurs en France entre 1980 et 2001 Etude n 285/ January 2004 www.sante.gouv.fr/drees/etude-resultat
- 31 For this discussion, see also Hanegraaff , Wouter J. "Ayahuasca Groups and Networks in the Netherlands – A Challenge to the Contemporary Study of Religion" in this volume.
- 32 Interview de J.P. Joseph www.youtube.com/watch?v=J.P.Joseph on 10/11/2006
- 33 Hallucinations dans la philosophie et les sciences cognitives Colloque Paris La Sorbonne mars 2008