

**A Truth and Reconciliation  
Commission Report:**

***Norway's Cannabis Laws –  
A Human Rights Crisis  
Without Legitimate  
Purpose***

**Alliance for Rights-Oriented Drug Policies (AROD)**



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## Introduction: A Human Rights Crisis

For six decades, Norway's cannabis prohibition under Straffeloven §§ 231–232 has waged a relentless war on its citizens under the guise of a “narcotics-free society,” a policy devoid of a legitimate purpose under the European Convention on Human Rights (ECHR). Since 2009, this regime has spiraled into a campaign of constitutional lawlessness, imposing a total of 1 million punitive sanctions at a cost of 6.5 billion NOK annually. It has fueled a 1.75 billion NOK black market, driven 50% of property crimes, and claimed 300 lives yearly through overdoses—all without evidence of deterrence. The Alliance for Rights-Oriented Drug Policies (AROD) frames this as a crime against humanity, estimating 400,000 annual deaths, 5 million wrongful imprisonments, and \$400 billion in

organized crime profits globally due to prohibition (Human Rising, 2019, Introduction). For more than 20 years, Norwegian reports have concluded that criminalization lacks empirical support, finding no deterrence effect and identifying public panic as the policy's driver. Prop. 92 L (2020–2021) confirms that punishment cannot be defended, yet the Justice Department, led by nine successive ministers including Emilie Enger Mehl, alongside the Supreme Court and Director of Public Prosecutions, has violated Grunnloven §§ 89, 94, and 102 and ECHR Articles 6 (fair trial), 8 (private life), 13 (effective remedy), and 14 (non-discrimination) by denying constitutional review.

The Alliance for Rights-Oriented Drug Policies (AROD) has, since 2008, challenged this system through civil disobedience, mailing 200 grams of cannabis to authorities in 2023 and

opening an Oslo cannabis café in 2024, exposing a justice system that prioritizes governance law over rights-based law. Over 200,000 cannabis-related convictions since 2010 remain constitutionally disputed, with medical cannabis bans, Legemiddelassistert rehabilitering (LAR) restrictions, and 28,000 traffic penalties disproportionately targeting users compared to alcohol consumers, despite alcohol's greater societal harm according to SSB data. The European Court of Human Rights (ECtHR), through Justices Lorraine Schembri Orland and Vincent De Gaetano, has compounded this crisis by dismissing *Mikalsen v. Norway* (2012, 2023, 2024) as “manifestly ill-founded” without reasoned analysis. Since 2010, the Court has refused to engage with evidence of systemic rights violations and government complicity in the drug trade, betraying the rights of 700 million citizens and undermining the ECtHR's role as a

guardian of human rights. This summary, drawn from Human Rising (2019) and AROD's 13-volume Truth and Reconciliation Commission (TRC) series, indicts Norway's Justice Department and the ECtHR for perpetuating a policy without legitimate purpose.

Since the 1960s, towering scholars of law and criminology have sought to turn the tide, exposing prohibition's public panic as a modern witch hunt, akin to historical persecutions. Titans like Sanford H. Kadish (*The Crisis of Overcriminalization*, 1968), Richard Bonnie and Charles Whitebread (*The Forbidden Fruit and the Tree of Knowledge*, 1970), Herbert L. Packer (*The Limits of the Criminal Sanction*, 1968), John Kaplan (*Marijuana: The New Prohibition*, 1971), David Musto (*The American Disease: Origins of Narcotic Control*, 1973), Norval Morris (*The Future of Imprisonment*, 1974), Thomas Mathiesen, and Nils Christie (*Den*



Gode Fiende, 1985) have understood that prohibition fuels a scapegoating mechanism, demonizing users to deflect societal responsibility. They have argued that drug laws overreach the proper scope of criminal law, violating principles of harm and proportionality, yet a collective psychosis ensures that drug prohibition continues untouched by legal and moral critique.

Nevertheless, the Constitution is a spiritual endeavor to secure the “Spirit of Freedom” through Higher Law, a vision betrayed by punitive regimes (Human Rising, Part One: 2.2). It is time to settle the score, and AROD’s Requiem for the Rule of Law protest, planned for June 23–24, 2025, at PACE (Palais de l’Europe, 10:00–14:00) and the ECtHR (Place de la Cathédrale, 15:00–18:00), demands a Grand Chamber ruling, Orland’s removal, and a TRC modeled on Sámi and Kven commissions to heal the wounds of 1

million sanctions in Norway. Europe's rule of law hangs in the balance, threatening the Council of Europe's foundational commitment to human rights and the rule of law (Article 3, Statute of the Council of Europe). The ECtHR's unprincipled dismissals in *Mikalsen v. Norway* undermine the CoE's integrity, eroding trust in its ability to protect 700 million citizens. PACE, as a guardian of CoE values, must act to restore justice by securing an ECtHR Grand Chamber ruling and supporting a TRC to address systemic failures.

Global models—Canada's 60% youth arrest reduction (Health Canada, 2023), Germany's 2024 cannabis clubs, Uruguay's crime reduction (UNODC 2024), and Colorado's tax revenue—demonstrate that regulated markets reduce harm. Norway's refusal to assess alternatives violates the presumption of innocence under *Grunnloven* § 94, and

this summary outlines the systemic violations, judicial betrayals, and societal harms, proposing a path to justice through accountability and reform.

### Public Panic and Extremist Ideology

Norway's cannabis prohibition is rooted in public panic, a phenomenon identified by the Rusreformatvalget (NOU 2019:26) as the driving force behind 60 years of arbitrary persecution. Described as a “reality-resistant misdeed,” the policy relies on “moral indignation,” “vindictive motives,” and “misleading notions,” sidelining scientific evidence (NOU 2019:26, ch. 3.2–3.3). ARODs report Human Rising (2019) frames this as a “prohibitionist psychosis,” a collective fear-driven delusion that mirrors historical moral panics like Nazi Germany's scapegoating of Jews, where irrational fear overrides reason and constitutional morality (Human Rising, Part One: Chapter 1). It argues that this psychosis

stems from a psychological inability to integrate collective responsibility, leading to scapegoating drug users as a vilified outgroup to atone for societal failures—a mechanism that fuels moral panics across history, from the Spanish Inquisition to apartheid (Human Rising, Part One: 3.2.1). Criminologists Nils Christie and Thomas Mathiesen, alongside Ragnar Hauge, have for 40 years linked this panic to a scapegoating mechanism, where cannabis users are demonized to deflect collective responsibility. The law of supply and demand is twisted into a narrative of victim and aggressor, a distortion that justifies systemic oppression, and PACE must address this by supporting a TRC to rectify these injustices.

AROD, drawing on analysis of totalitarian dynamics, likens prohibition's narcotics-free ideal to Nazism's seductive longing for purity, masking brutality as idealism.

This framework highlights how ideological zeal distorts policy, ignoring that users prefer sellers over police coercion, which offers “deprivation and control”. The Norwegian Narcotics Police Association (NNPF), now disbanded, epitomized this zeal, celebrating global executions, and the Justice Ministry remains aligned with NNPF’s punitive legacy through its push for coercive measures. The UN has characterized extremism as involving “violent actions to achieve ideological goals” (UNODC 2024), a label fitting prohibition’s 1 million sanctions, which fracture families and fuel organized crime for no good reason. Norway’s drug policy mirrors Iran’s theocratic enforcement of cruel laws.

The double standard of the Norwegian justice system is evident. In 1994, Johs Andenæs, Norway’s most renowned jurist, saw the writing on the wall. He noted in 1994 that modern drug policy

likely was a gross abuse of punishment—a view that history will confirm. Jon Petter Rui, a TRC witness, argues that punishment of cannabis users is unconstitutional, as Stortinget’s rejection of decriminalization (Prop. 92 L, 2020–2021) misapplies Grunnloven § 98 to justify blanket criminalization (Volume 5). Rui critiques the Supreme Court’s refusal to conduct a general proportionality analysis, noting its failure to address the misuse of punishment (Vol 5). Henriette Sinding Aasen, a member of the Rusreformutvalget, has endorsed AROD’s work, revealing a policy driven by fear, not reason, echoing NOU 2002:04 and NOU 2019:26’s findings (Vol 6).

The political sabotage of the proposed Norwegian drug law reform (2020–2021) exemplifies this panic. Despite NOU 2019:26’s evidence that decriminalization does not increase use, the majority of politicians rejected its findings, voicing

speculative concerns to block reform (Vol 6). The ECtHR’s refusal to scrutinize prohibition’s proportionality in Mikalsen v. Norway (2023–2024), dismissing AROD’s evidence as “manifestly ill-founded,” aligns with this panic, defying S.A.S. v. France and 2019 UN Guidelines. While the Norwegian justice system uses this judgment to confirm its opposition to judicial review, global trends—Canada, Germany, Mexico—show regulated markets reduce arrests and overdoses, exposing Norway’s extremist stance. The CoE can no longer ignore prohibition’s destructive effect on the rule of law (UNODC 2024) and must act to bring in a new paradigm.

### Systemic Human Rights Violations

Norway’s cannabis prohibition under Straffeloven §§ 231–232 constitutes a systemic violation of human rights, breaching Grunnloven §§ 89 (judicial review), 94 (liberty), and 102 (private life),

and ECHR Articles 6 (fair trial), 8 (private life), 13 (effective remedy), and 14 (non-discrimination). Since 2010, over 200,000 convictions—part of 1 million total drug sanctions—have been imposed without constitutional scrutiny, costing Norwegian taxpayers 6.5 billion NOK annually. These sanctions include 28,000 traffic penalties for non-impaired drivers and widespread medical cannabis bans that force patients to spend 250,000 NOK yearly abroad for treatment. Additionally, users in the Legemiddelassistert rehabilitering (LAR) program are subjected to harmful methadone prescriptions over safer alternatives like heroin, exacerbating health risks. These measures disproportionately target cannabis users compared to alcohol consumers, whose substance causes greater societal harm according to SSB data.

Grunnloven § 89 mandates judicial review to ensure laws align with constitutional



standards, yet the Supreme Court's refusals to grant such review constitute a direct breach of ECHR Article 13, which guarantees an effective remedy. ECHR Article 8, protecting the right to private life, is violated by criminalizing personal cannabis use, a right affirmed by South Africa's Constitutional Court (2018) and Mexico's Supreme Court (2018). The discriminatory treatment of cannabis users versus alcohol users, with no rational basis given alcohol's comparable or greater harm, breaches ECHR Article 14, while ECHR Article 6, ensuring fair trial rights, is undermined by systemic suppression of evidence, such as the documentary *Moving a Nation Forward* in Oslo City Court (2022), and superficial judicial decisions. The *Rusreformutvalget* (NOU 2019:26) confirms no empirical basis for punishment's deterrence effect, rendering these violations disproportionate and unjustifiable under ECHR proportionality standards.

Global precedents highlight Norway's lag. Canada's 2018 legalization reduced youth arrests for cannabis-related offenses by approximately 60% and maintained stable adolescent use rates, reducing criminalization without increasing youth access (Health Canada, 2023). Uruguay's 2013 legalization reduced drug-related crimes by redirecting enforcement (UNODC 2024), while Colorado's reforms lowered violent crime rates by 10% and generated significant tax revenue. Germany's 2024 legalization, allowing possession of up to 25 grams and non-commercial cannabis clubs, aimed to curb black markets and alleviate judicial strain, though EU resistance—rooted in the 1961 UN Single Convention—has sustained enforcement burdens. Societies normalizing drug use, like the Netherlands, see reduced harm, with Human Rising estimating that prohibition causes 400,000 annual deaths, 5 million

imprisonments, and \$400 billion in organized crime profits—harms that regulated markets mitigate (Human Rising, Introduction, Part One: Chapter 1). The United Nations’ 2024 call for regulated drug markets to curb trafficking and violence aligns with NOU 2002:04 and NOU 2019:26’s advocacy for health-based approaches, yet Norway persists in misinterpreting its international obligations to justify prohibition, ignoring UN conventions’ requirement for compatibility with constitutional principles.

For more than 20 years, the Storting has ignored successive reports, and facade justifications like “public health” fail to demonstrate necessity. Norway’s refusal to investigate regulated markets, despite NOU 2002:04 and NOU 2019:26’s call for less intrusive measures, contravenes the principle of proportionality, rendering its cannabis laws a flagrant violation of

constitutional and international human rights standards. PACE must protect the rule of law.

### Judicial and Prosecutorial Betrayal

The Norwegian judiciary and prosecution have systematically betrayed their constitutional and international obligations, shielding cannabis prohibition from scrutiny and perpetuating a culture of systemic corruption. In 2008, State Attorney Bodil Thorp Myhre suppressed evidence of human rights violations in a cannabis case, and the courts dismissed the human rights arguments without examination. Myhre's actions, upheld by Director of Public Prosecutions Tor-Aksel Busch, deflected responsibility, citing Ot.prp. nr. 22 (2008–2009)—a document criticized by NOU 2019:26 for its lack of empirical grounding. The Supreme Court's 2010 and 2011 refusals to grant judicial review, followed by its 2022 decision in HR-2022-731-A to

rely on unproven general deterrence, entrenched this betrayal, violating Grunnloven § 89 and ECHR Article 13. In 2022, Judge Therese Heggedal and State Attorney Sturla Henriksbø continued to suppress critical evidence, including the documentary *Moving a Nation Forward*, further denying constitutional challenges to the drug law. Henriksbø's role as a KrF politician exemplifies prosecutorial bias, using his position to shield prohibition from scrutiny and undermine ethical guidelines that demand objectivity. This pattern continued in 2024, with Police Attorney Christine Lundstein rejecting AROD's 15-day TRC court plan, effectively blocking a fair trial. The Supreme Court's consistent deference to Stortinget, as in HR-2022-731-A, misapplies Grunnloven § 98, ignoring NOU 2002:04 and NOU 2019:26's findings. Current Director of Public Prosecutions Jørn Sigurd Maurud has overseen these obstructions, failing to address the systemic failure perpetuated

by predecessors. Since 1994, successive Directors of Public Prosecutions have protected prohibition from scrutiny, a pattern that began with scholarly calls for reform, and the ECtHR's complicity in this betrayal is profound.

Since 2010, the ECtHR has refused to engage with evidence of systemic human rights violations, undermining the legitimacy of the CoE justice system (ECtHR letters). Justices Lorraine Schembri Orland and Vincent De Gaetano dismissed *Mikalsen v. Norway* (2012, 2023, 2024) as “manifestly ill-founded” without reasoned analysis, breaching the procedural fairness required by *S.A.S. v. France* and the investigative obligations of the 2019 UN Guidelines. AROD's demand for Orland's removal and a Grand Chamber ruling, articulated in letters to ECtHR President Marko Bošnjak (January 16 and March 18, 2025), underscores the urgency of addressing this judicial

misconduct, as the ECtHR's failure to provide detailed reasoning, as required for novel legal issues, violates ECHR Article 6 and erodes public trust in the Court's commitment to human rights.

### Societal and Economic Harm

Norway's cannabis prohibition inflicts profound societal and economic harm, undermining the rule of law and eroding public trust. The policy's 1 million sanctions since the 1960s, costing 6.5 billion NOK annually, consume 40% of court caseloads, diverting resources from violent crime and ensuring a 1.75 billion NOK black market that fuels 50% of property crimes, 70% of robberies, and unreported violence like extortion and kidnappings. Despite stiff sentences, international drug cartels have established a presence, and the 300 annual overdose deaths are a sign that prohibition has failed spectacularly to mitigate social problems. While no reports

attest to the effectiveness of police measures, there are reports concluding that police intervention in illegal drug markets exacerbates harm, and public trust in the justice system has collapsed, with zero confidence among cannabis users and a broader erosion of legitimacy.

Today, the failure of leadership is evident, and a Truth and Reconciliation Commission (TRC) will reveal emperors without clothes, as professionals highlight systemic flaws. AROD's critique labels the Norwegian Justice Ministry's policies "Taliban-like," arguing they undermine legal security by prioritizing punishment over evidence, mirroring theocratic regimes that enforce cruel laws without empirical basis (Vol 1). The Rusreformutvalget (NOU 2019:26)'s finding that punishment increases stigmatization, marginalization, and overdoses remains ignored by Norwegian legislators, who push coercive measures



despite no public health benefit. Canada's success in reducing youth arrests by 60% (Health Canada, 2023) and shifting cannabis purchases to legal sources contrasts with Norway's escalating harms, highlighting the policy's shortcomings. Marginalized groups, such as medical cannabis patients and LAR users, face prosecution at exorbitant costs, while international trends underscore the folly of refusing to consider less intrusive measures. Colorado's generation of tax revenue post-legalization demonstrates how regulated markets can redirect resources to public good, while Norway's punitive approach drains public funds and fuels crime. Prohibition's failure to address these harms undermines the CoE's rule of law principles, necessitating urgent reform to align Norway and 46 member states with evidence-based policies that prioritize human rights and public safety.

## Path to Justice: TRC and Accountability

Norway's cannabis crisis demands urgent accountability and reform to restore the rule of law. The Norwegian Accountability Act (§§ 10–11) provides a legal basis to hold nine consecutive Justice Ministers and the Supreme Court accountable for constitutional neglect, with penalties up to 10 years for actions breaching Grunnloven. A 15-day Truth and Reconciliation Commission (TRC), modeled on Sámi and Kven commissions, is proposed to expose systemic failures and heal the wounds of 1 million sanctions. The TRC includes witnesses spanning government, academia, police, and prosecution, who will testify to systemic failures, and AROD's Requiem for the Rule of Law protest (June 23–24, 2025) is a call for justice.

AROD demands a Grand Chamber ruling in *Mikalsen v. Norway* to address

prohibition's proportionality, alongside Orland's removal for impartiality breaches (ECtHR letters, Requiem). The ECtHR's unprincipled dismissals necessitate reform to restore 700 million citizens' rights, and PACE, as a cornerstone of the Council of Europe's commitment to the rule of law, must restore the Court's credibility as a protector of human rights (Article 3, Statute of the Council of Europe). Global models—Canada, Germany, Uruguay, and Colorado—offer a blueprint for reform, showing regulated markets can reduce harm and enhance public safety. South Africa's 2018 Constitutional Court decision in *Minister of Justice v. Prince*, which decriminalized personal cannabis use as a violation of privacy rights, built on its TRC's legacy (1996–2003), providing a model for Europe. Similarly, Brazil's 2024 Supreme Court ruling decriminalized personal cannabis possession up to 40 grams or six plants, affirming privacy and

proportionality under its Constitution, highlighting the need for reconciliation with past drug policy harms. For too long, prohibition has undermined sound government, and the European rule of law requires the CoE's reckoning to end 60 years of human rights abuses, using a TRC to restore the ECtHR's commitment to justice.

## **Witnesses:**

- Emilie Enger Mehl (Justice Minister): Defied NOU 2019:26, aligned with NNPF's punitive legacy (Witness 1).
- Nora Bergsjø (Lovavdelingen official): Co-signed 2022 letter dismissing AROD's concerns (Witness 2).
- Tonje Meinich (Lovavdelingen official): Co-signed 2022 letter supporting punishment (Witness 3).
- Hans Petter Jahre (Rushåndhevingsutvalget member): Led NOU 2024:12's whitewashing of punishment (Witness 4).

- Jon Petter Rui (Professor): Critiqued HR-2022-731-A's poor reasoning (Witness 5).
- Henriette Sinding Aasen (Professor): Member of the Royal Drug Law Reform Commission, highlighting the legislature's failure to follow evidence (Witness 6).
- Bård Dyrdal (LEAP Scandinavia): Exposes police unease with enforcement and a Prime Minister's disregard for reform evidence (Witness 7).
- Jonas Gahr Støre (Prime Minister): Failed to advance drug policy reform (Witness 8).
- Peder Frølich (Member, Kontroll- og

konstitusjonskomiteen):  
Ignored 2018–2023 rights  
violation warnings (Witness  
9).

- Bodil Thorp Myhre (Ret.  
State Attorney):  
Suppressed 2008-2010  
evidence (Witness 10).
- Sturla Henriksbø (State  
Attorney): Blocked 2022  
evidence (Witness 11).
- Runar Torgersen (Senior  
State Attorney): Authored  
2009 dismissals, continued  
to protect drug prohibition  
from scrutiny (Witness 12).
- Jørn Sigurd Maurud  
(Director of Public  
Prosecutions): Oversaw  
ongoing obstructions  
(Witness 13).

## **Evidence:**

- NOU 2002:04: Advocated decriminalization, dismissed by Ot.prp. nr. 22.
- NOU 2019:26: Found no reason for punishment, identified public panic.
- The Committee for Conduct, Integrity, and Conflict of Interest in Law Enforcement (2023): Noted a conflict between administrative law and rights law, where the latter has been deprioritized.
- Human Rising (2019): Evidence of gross human rights violations and systemic corruption.
- Moving a Nation Forward: Suppressed in 2022.



- Kampen om Hampen (1996): Early critique of prohibition.
- Folkeopplysningen (2016): Exposes policy's lack of evidence.
- Frihetens Manifest: Summarizes 60-year failure.
- Truth and Reconciliation Vol 1-13: Detailed evidence of systemic failures and human rights violations.
- 1 million sanctions, 200,000+ cases, 28,000 traffic penalties, 6.5 billion NOK, 50% crime link, 40% court caseload.

## **Timeline:**

- 2002: NOU 2002:04 proposed decriminalization, dismissed by Ot.prp. nr. 22.
- 2008: Cannabis activist Roar Mikalsen challenged prohibition, demanded judicial review.
- 2009: Myhre suppressed evidence in Sør-Østerdal Tingrett.
- 2010: The Supreme Court refused judicial review.
- 2011: The Supreme Court refused judicial review.
- 2012: ECtHR dismissed Mikalsen v. Norway (De Gaetano).
- 2019: NOU 2019:26 debunked punishment's efficacy.

- 2020–2021: Prop. 92 L rejected by the Storting.
- 2022: Heggedal/Henriksbø suppressed evidence, HR-2022-731-A upheld prohibition.
- 2023: The Committee for Conduct, Integrity, and Conflict of Interest in Law Enforcement noted a conflict between administrative law and rights law, revealing a systemic problem.
- 2023: AROD mailed 200g cannabis, ECtHR dismissed Mikalsen (Orland).
- 2024: Oslo cannabis café opened, the prosecution rejected TRC plan.
- 2024: The trial after AROD's cannabis café revealed a justice system that protects

the prohibition law,  
disregarding constitutional  
commitments.

- 2025: Requiem protest  
demands Grand Chamber  
ruling, Orland's removal.

**Learn more about the failure  
of the European Court of  
Human Rights to protect and  
uphold rights**



**[arodpolicies.org](https://arodpolicies.org)**

