



Jonas Gahr Støre  
Prime Minister

26. Januar 2024

## **Breach of threshold values to protect rule of law**

Dear Prime Minister.

As the leader of a government that insists on punishment in drug policy, you receive cannabis. According to Norwegian law, we are dealing with a violation of law, and the Alliance for Rights-Oriented Drug Policies (AROD) wants the government to file a complaint to the police.

The Prime Minister receives cannabis because the government's drug policy results in extensive damage, because punishment is continued on disproved premises, and because court proceedings are necessary to ensure legal protection.

Normally, the police can take it for granted that the law is within the framework that human rights dictate, but not in the drug policy. Not only have investigations for 20 years confirmed the punishment's lack of basis, but the political process has been hijacked by extremists and the rule of law is under attack after the government set up a committee to recover police powers that the Director of Public Prosecutions considers disproportionate.

To the extent that the Drug Enforcement Committee fulfills its mandate, Norway will have a problem with human rights, and the government is failing not only the persecuted groups but the police and professional fields.

The Police Act mandates the use of the least possible force against the population, but how is the current use of force necessary when no less invasive measures have been considered?

To the extent that a regulated market is better than a criminal market, the prohibition cannot fulfill a legitimate purpose, and there is much to suggest that the use of force lies outside the limits of the constitution. That is why Germany and other states are moving away from prohibition, but in Norway there is no will to reassess the premises of drug policy.

Despite the fact that the Committee for conduct, integrity, and conflict of interest in law enforcement elaborated on the problem of a dispute between administrative law and rights law, where the latter has been given a lower priority, the political majority is too marked by panic for securing rights to be possible, and AROD will therefore activate legal proceedings.



Article 89 of the Constitution gives the courts the right and duty to control the political process. The right to judicial review is described by John Andenæs as the West's most important contribution to world culture and a core point in the rule of law, and AROD has for several years used civil disobedience to ensure justice.

This [short film](#) explains why. As shown, for 60 years the state has ignored research and legal principles in order to hunt for scapegoats, but the missing constitutional basis is clear and if the political process had worked as it should, NOU 2002:04 would not have been rejected.

Instead, when the Criminal Law Commission made it known in its report that the drug policy was incompatible with the principles of criminal law, the Stoltenberg government and the Storting should have established a commission that looked at the advantages and disadvantages of prohibition as measured against a regulated market, and that weighed the individual's right to freedom against society's need for protection.

The refusal to deal with the failures of drug policy has derailed the political process, and AROD will get it back on track by showing the connection to the arbitrary persecution of the past.

The connection is made clear in [Moving a Nation Forward](#), a documentary that shows the drug policy's problem with human rights. As shown, for 15 years the state has postponed responsibility for persecuted groups, and the prime minister has an independent responsibility for ensuring the rule of law.

This is done by means of a complaint to the police. Legal proceedings make it possible for an independent, impartial and competent body to decide whether the prohibition fulfills a legitimate purpose, and it is not just the Prime Minister who has received cannabis.

In November 2023, employees at the Ministry of Justice, the Police, the Police Academy, the Prosecutor's Office and the Drug Enforcement Committee received 100 grams of cannabis to advance legal protection. The Director of Public Prosecutions was informed, but we have not heard from the police or prosecution authorities and therefore we are sending out another 100 grams.

This time it is the Norwegian Prime Minister and law professors who are invited to court proceedings, and you all have an interest in law and order being secured. While the Justice Department is responsible for ensuring that the use of force is justified, the Drug Enforcement Committee is struggling with an impossible mandate, and the Police Academy cannot show a professional basis for turning the law supply and demand into a context of victims and abusers. The government's resistance to considering a regulated market compared to a criminal market puts employees in the justice system in a difficult situation, and a police report offers a way out.

For the Prime Minister, it means an opportunity to deal with a dysfunctional and corrupt culture in his own party. Witnesses have said that you were actually in favor of drug reform, but gave in to the punishment lobby, and the government now has the duty to show that punishment is necessary. The Minister of Justice, the Prime Minister, and other officials have



several days in court to answer questions that decide whether the punishment should be continued, and this is an opportunity to clean things up and strengthen the state's authority.

If we are to have a drug policy that is compatible with the constitution, we must clarify whether the prohibition fulfills a legitimate purpose, and we look forward to court proceedings.

Yours sincerely

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is written in a cursive, flowing style.

Roar Mikalsen  
Leader of AROD