



Police Chief Johan Brekke
Innlandet Police District

September 25, 2025

Innlandet Police District's Responsibility for Legal Security

Dear Police Chief Johan Brekke,

With this letter, Innlandet Police District receives a symbolic amount of cannabis as part of the Alliance for Rights-Oriented Drug Policy (AROD)'s civil disobedience. This action is intended as a non-commercial and peaceful protest to activate the right to judicial review, without any intention of distribution or profit. The purpose is to contribute to increased integrity in the Norwegian justice system by highlighting challenges related to drug policy after several decades of debate on legal security. Innlandet Police District was assigned by the Director of Public Prosecutions to investigate criminal matters related to AROD's actions in 2023 and 2024, and we appreciate the district's role in this process. On several occasions, Innlandet Police District protected the rule of law and human rights advocates against baseless accusations from Oslo State Attorney's Offices, but despite good intentions from the involved lawyers, such as Police Attorney Christine Lundstein, questions have arisen as to whether the investigation and proceedings in Oslo District Court on November 25, 2024, adequately addressed grounds for exemption from punishment and Section 89 of the Constitution.

We understand that the police and prosecution authorities have followed established procedures, but the damages from a long-term deprioritization of rights law do not diminish by ignoring them. We believe there is a need for a broader principled assessment of Sections 231 and 232 of the Penal Code to ensure legal security, and to strengthen the concepts of the rule of law and maintain the constitutional order, we urge the Director of Public Prosecutions to take responsibility – for example, by appointing a deputy police chief or deputy state attorney for an impartial handling.

In this way, the Director of Public Prosecutions can contribute to restoring trust in the rule of law. This trust is increasingly challenged, particularly since the Ministry of Justice has not investigated less intrusive measures than prohibition. Since the Penal Code Commission's NOU 2002:4, the justice sector has failed in its professional responsibility by punishing on refuted premises, and all justice ministers have spoken before thinking – as Johs. Andenæs assessed



it in 2002. Police and citizens deserve clarity in the uncertainty that follows. AROD works internationally to influence law and justice in 46 countries in line with human rights obligations, but failures in leadership have significant negative ripple effects. The Director of Public Prosecutions can prevent further damage by taking responsibility for arbitrary persecution, and the sending of cannabis activates the right to judicial review, which imposes a duty on the prosecution authorities and courts to clarify whether the prohibition fulfills a legitimate purpose.

When other countries regulate cannabis to protect public health, Norwegian authorities cannot take this for granted. The Director of Public Prosecutions must intervene to preserve a liberal rule of law; otherwise, the courts' independence is undermined, while the political process continues on a sidetrack. Norway's human rights problems will worsen, and the attached documentation explains the need for truth and reconciliation:

- Truth and Reconciliation vol. 1 (The Ministry of Justice's Responsibility for Drug Policy, 2024) – A detailed analysis of historical development, the Supreme Court's failure, and the defense of punishment.
- Truth and Reconciliation vol. 12 (The Higher Prosecution Authority's Responsibility for Drug Policy, 2024) – Focuses on the basis for punishment, 30 years of failed professional responsibility, and constitutional responsibility.
- Human Rising: The Prohibitionist Psychosis and its Constitutional Implications – Book that documents arbitrary persecution and failure in leadership, as well as the destructive power of the prohibition.
- Application to the European Court of Human Rights (ECtHR Application_2025.pdf) – AROD's application against Norway for violations of ECHR art. 3, 5, 6, 8, 13, 14, and 18, with details on unfair process and arbitrary persecution. The link includes a complete list of evidence, including court decisions, reports, articles, books, and documentaries that show the lack of legitimacy in drug policy.

These documents show that the drug prohibition is based on disputed premises, that the justice system has omitted proportionality analysis despite repeated investigations, and that the prohibition has significant destructive consequences. They underpin the responsibility for the rule of law and show that lawyers who omit principled review contribute to challenges with legal security. This is particularly relevant since AROD and Oslo District Court have reported each other for obstruction of justice, and the police are obliged to clarify who has the principles on their side. Correct prosecution is crucial to avoid the police and prosecution authorities being misused in a power game at the expense of the rule of law. AROD has



prepared a checklist that clarifies responsibility for legal security. The list is a tool for objective assessment: Each point includes a question, expected answer (based on facts), reasoning, and source references. The Director of Public Prosecutions is encouraged to verify the answers to ensure integrity in the prosecution authority. If this is not prioritized, it will further undermine legal security cf. Police Act § 6.

Checklist for the Police: Clarification of Threat to the Rule of Law

Question	Expected Answer	Reasoning and Source
Have lawyers disputed the drug prohibition for several decades and argued for proportionality analysis?	Yes	The debate has been ongoing since the 1990s, with critics like Andenæs pointing to the prohibition's inefficiency and disproportionality. See Andenæs' article "Liberalization of Drug Legislation" in <i>Lov og Rett</i> no. 10 (1994), pp. 625–628; <i>Truth and Reconciliation</i> vol. 1, pp. 20–68; ECHR application p. 9.
Have investigations for over 20 years recommended decriminalization based on criminal law principles?	Yes	Investigations such as NOU 2002:4 and NOU 2019:26 recommend decriminalization due to high costs and lack of effect. See NOU 2002:4; NOU 2019:26; <i>Truth and Reconciliation</i> vol. 12, p. 112 (30 years of failed professional responsibility).
Have historians, criminologists, and legal sociologists warned against criminalization and pointed out scapegoating mechanisms in drug policy?	Yes	Experts such as Nils Christie, Ragnar Hauge, and Thomas Mathiesen have pointed out scapegoating as a driver for policy, with parallels to historical persecutions. See the documentary "Mikalsen v Norway: Moving a Nation Forward" (2023) that links drug policy to arbitrary persecution; <i>Truth and Reconciliation</i> vol. 1, p. 99 (Principled Considerations).
Does Prop. 92 L (2020–2021) make it clear that punishment is inappropriate	Yes	The proposition accepts that criminalization is erroneous and should be replaced with



measured against criminal law principles?		help. See Prop. 92 L; Truth and Reconciliation vol. 12, p. 86 (Basis for Punishment).
If investigations show that punishment cannot be defended, does the legislature have a duty to investigate less intrusive measures?	Yes	This follows from the Constitution § 98, 102 and ECHR art. 8 (proportionality). See ECHR application; Truth and Reconciliation vol. 1 (Defense of Punishment).
Has the legislature followed up investigations with less intrusive measures?	No	Reform proposals such as Prop. 92 L were voted down, despite recommendations. See Truth and Reconciliation vol. 12.
If less intrusive measures are not assessed, can citizens and police be confident that the Police Act is followed and the use of force is necessary?	No	Lack of assessment undermines the necessity principle. Investigations indicate that the cure is worse than the disease. See Truth and Reconciliation vol. 1.
Is there documentation showing that police efforts in the drug field safeguard society?	No	The efforts have not reduced supply/demand but increased crime. See Truth and Reconciliation vol. 1 (Failure of the Rule of Law).
Are there reports indicating increased violence and insecurity with increased police efforts in the drug field?	Yes	Increased efforts correlate with more organized crime and overdoses. See UNHRC (2021); COE Baseline Study on Human Rights and Drug Policy (2019).
Are there reports on large costs of the prohibition line and lack of gains?	Yes	Annual costs over 6.5 billion NOK without effect. See NOU 2019:26; Truth and Reconciliation vol. 12; UNHRC (2021); COE Baseline Study on Human Rights and Drug Policy (2019).
Are more and more countries regulating	Yes	Countries such as Germany (2024), Canada (2018), and Uruguay regulate. See Pompidou



cannabis to protect public health?		Group (2021); "Requiem for the Rule of Law."
Can Norway take for granted that the prohibition fulfills a legitimate purpose if more states regulate?	No	International trend shows the prohibition's lack of necessity. See UN Human Rights Commissioner recommendations; ECHR application.
Is punishment on refuted premises identical to arbitrary persecution?	Yes	This violates ECHR art. 5. See COE Parliamentary Assembly study; Truth and Reconciliation vol. 1 (Supreme Court's Failure).
Do the courts have responsibility for the rule of law?	Yes	The courts shall ensure independent control since 1822. See NOU 2020:11 (Investigation from the Courts Commission); Truth and Reconciliation vol. 12 (Supreme Court's Failure).
Despite investigations showing false premises, does the Supreme Court in HR-2022-731-A assume legitimate purpose based on political majority – sacrificing legal security?	Yes	The judgment omits full ECHR review. See HR-2022-731-A; Supreme Court rejection (July 2, 2025); Truth and Reconciliation vol. 1, p. 54 (Supreme Court's Failure).
Have experts pointed out conflict between administrative law and rights law, with authorities prioritizing administrative law, and can this lead to human rights problems?	Yes	The police's role emphasizes administrative law over rights. See Police and Role Understanding (2023); Truth and Reconciliation vol. 12, p. 189 (Constitutional Responsibility).
Is the courts' independence safeguarded if the prohibition is protected against principled criticism?	No	Denial of evidence in AROD's case shows bias. See Oslo District Court's judgment (December 5, 2024); ECHR application.



This checklist provides a basis for recognizing that lawyers who omit constitutional control can pose a challenge to the rule of law. AROD has triggered a necessary debate through civil disobedience, while police and prosecution authorities have treated it as profit-motivated crime to avoid principled decision. This has led to arbitrary persecution continuing under the Director of Public Prosecutions' watch. Since 1994, when Director of Public Prosecutions Georg Fredrik Rieber-Mohn opposed Andenæs' attempt to emphasize control costs, the Director of Public Prosecutions' office has failed in responsibility for legal security. Power tools, budgets, and prestige have been prioritized at the expense of rights, but it was one thing to protect the prohibition 30 years ago and another today. The Director of Public Prosecutions has himself abandoned the drug-free society ideal, and professional responsibility entails distinguishing actors who belong in the market from those affected by the Penal Code's provisions.

Not only must users be safeguarded and society protected from unscrupulous actors, but after 60 years of prohibition on increasingly thin grounds, integrity must be built in legislation. Despite previous inquiries, neither police nor prosecution authorities have taken steps for legal security. Deprioritization of rights law continues, and the Director of Public Prosecutions' office receives cannabis because AROD wants to give Norwegian authorities a new opportunity to safeguard principles that must weigh heavily if a rule of law is to endure. We desire truth and reconciliation, so that the nation can rise to the potential that lies unrealized in our constitutional heritage, and if the sent cannabis is handled correctly, Norway can be spared an increasingly larger human rights problem.

This also contributes to realizing the Director of Public Prosecutions' priorities for 2025. It is not possible to clarify a threshold for addiction without a rights analysis, and AROD and the Director of Public Prosecutions have a common interest in clearing up a disputed terrain. I therefore look forward to interrogation and am available for further clarifications.

With kind regards,

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is fluid and cursive, with the first name 'Roar' and last name 'Mikalsen' clearly distinguishable.

Roar Mikalsen

Leader of the Alliance for Rights-Oriented Drug Policies