



Police officer Bård Dyrdal

16 November 2023

Breach of threshold values to protect rule of law

Dear Bård.

After our correspondence on social media, you receive cannabis. According to the Norwegian law, this is criminal activity, and the Alliance for Rights-Oriented Drug Policy (AROD) asks you to do your duty as a police officer. You receive cannabis because, as a leader of LEAP, you work for a drug policy that causes the least possible harm, because the political process perpetuates punishment on disproved premises, because court proceedings is suitable for ensuring the legality of punishment, and because you have not provided any good reason as to why such an approach should not be pursued.

Normally, the police can take it for granted that the laws are within the framework of human rights, but not in the drug policy. Not only have Norwegian reports for more than 20 years refuted the premises of punishment, but the political process has been hijacked by extremists, and the rule of law is threatened after the government established a committee to regain police powers which the Director of Public Prosecutions considers to be disproportionate. To that extent the Drug Enforcement Commission fulfils its mandate, Norway will have a problem with human rights, and the government fails not only those persecuted, but also the police.

The Police Act mandates the use of the least possible force, but how can we know if the current use of force is necessary when no less invasive measures have been considered? To the extent that a regulated market is better than a criminal market, the prohibition does not fulfil a legitimate purpose, and there is evidence to suggest that the current use of the police power violates the constitution. For this reason, Germany and other states are moving away from cannabis prohibition, and you have asked the politicians to consider the police's involvement in the drug policy.

However, there has been no political will to reconsider the premises of the prohibition. Despite a recent report from the Committee for conduct, integrity, and conflict of interest in law enforcement that showed a tension between governance law and rights law, where the latter has been de-prioritised, the political process is too marked by panic to safeguard human rights, and we therefore invite you to activate the legal system. Article 89 of the Norwegian Constitution gives the courts "the right and duty" to control the political process. The right of judicial review is described by Professor of Law Johs Andenæs as the West's most important contribution to world culture and as a core point in the rule of law, and AROD has for several



years used civil disobedience to defend the rule of law. Not only have several hundred grams of cannabis been distributed outside the Director of Public Prosecutions' office, without indictments, but in order to avoid historical and constitutional context, the prosecution has opposed 200 years of legal tradition.

As can be seen from the documentary [Moving a Nation Forward](#), state prosecutor Sturla Henriksbø, who is also a politician for the Christian Democrats (KrF), has set aside ethical guidelines to protect the government's drug policy from constitutional scrutiny, and it up to friends of liberty to protect the rule of law. It is in this context that AROD contacts you. You are among those police officers that to the greatest extent has been concerned with the rule of law, and we expect a formal complaint.

With the failure of the political process, the legal system must be engaged to illuminate a blind spot, and The Police Act is clear on the duties of the police in times of public panic. It is high time that the relationship between drug policy and the constitution is clarified, and it is not just you who receives cannabis. In addition to the Minister of Justice and a public prosecutor, the Police Academy and also the Drug Enforcement Committee has received cannabis, and all agencies have an interest in protecting law and order. While the Ministry of Justice has overall responsibility for ensuring that the police's use of force is justifiable, the Drug Enforcement Committee is struggling with a mandate that is constitutionally unjustifiable, and the Police Academy cannot show a professional basis for twisting supply and demand into a victim and aggressor context. The government's resistance to look at the pros and cons of a regulated market as measured against a criminal market puts thousands of employees in the justice sector in a difficult situation, and a police complaint against AROD offers a way forward.

For the state prosecution, not least, this is a gift. As long as the prosecution will spend 14 weeks in court to argue drug cases, it makes no sense to oppose a few days to control the quality of the legislation - as Henriksbø did the last time - and so we are trying again. We want five days in court to show the connection between the drug policy and the arbitrary persecution of earlier times, and we want all recipients of cannabis as witnesses. Just a collective denial of responsibility makes it possible to ignore arbitrary persecution in the drug policy, and after the failure of the drug reform legal development is required. If we are to avoid Swedish conditions, it will be up to individuals with integrity to stand up against systemic aversion to rights, and we look forward to the court

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