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Breach of threshold values to protect rule of law

Dear Mads.

As a law professor devoted to 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) asks that you file a complaint to the police.

You receive cannabis because Norway has a drug policy that results in extensive harm, because punishment is continued on disproved premises, and because court proceedings are needed to ensure the quality of the drug policy.

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, which should worry supporters of the rule of law, and you can contribute to legal certainty by submitting a police report and testifying in court.

The legal process makes it possible for an independent, impartial, and competent tribunal to determine whether the prohibition fulfills a legitimate purpose, and it is not just you who receives 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 those responsible for drug policy, court proceedings mean that difficult questions must be answered. For the nation it means an end to the hunt for scapegoats, and for law professors it means a confrontation with a corrupted discipline.

Since 2009, drug users have asserted the protection of the rule of law, but systemic opposition to rights law has put 200 years of legal tradition at risk. The opposition is so great that it is not certain that rule of law guarantees will be maintained, and this is another reason why the law professors are included.



For 60 years, drug policy has ruined law as a professional discipline and ARÖD's civil disobedience gives conscientious actors the opportunity to contribute to legal protection in a time where panic still rules. We therefore hope that you will not only insist on prosecution, but a legal process that accepts responsibility for the persecuted groups, and we look forward to negotiations.

Yours sincerely

A handwritten signature in black ink that reads 'Roar Mikalsen'.

Roar Mikalsen
Leader of ARÖD