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Director of Public Prosecutions

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Drug policy and legal protection

The Director of Public Prosecutions has been made aware of the responsibility for constitutional protection, but the Alliance for Rights-Oriented Drug Policies (AROD) has not heard back after several years of civil disobedience.

The status quo is that for 15 years the state has failed to take responsibility for persecuted groups, and as the government's Drug Enforcement Committee threatens to become a new law, AROD has sent 200 grams of cannabis in 10 letters to those responsible for drug policy, as well as professionals who are wanted as witnesses.

We have put 200 grams on the scales of justice. 200 grams for 200 years of legal history at stake, and the need for legal development is obvious.

As the government's drug policy violates commitments to the persecuted groups, AROD invites legal proceedings, and the Director of Public Prosecutions has an independent responsibility to ensure legal protection. Since the Criminal Law Commission's report in 2002, the professional basis for drug policy has become increasingly diluted.

Several studies confirm the lack of a basis for punishment, but the government's policy remains defined by the moral panic that was noted by the Royal Drug Reform Commission. The Director of Public Prosecutions must therefore emphasize principles that must weigh heavily if a liberal rule of law is to survive, and the Committee for conduct, integrity, and conflict of interest in law enforcement's focus on a conflict between administrative law and rights law, where the latter has been de-prioritised, reveals a systemic problem.

To the extent that rights law has been de-prioritised, drug policy has a problem with human rights, and AROD has shown the link to the arbitrary persecution of earlier times. The Director of Public Prosecutions has a leadership responsibility to ensure law and order, and we cannot wait.

If the Director of Public Prosecutions does not prepare legal proceedings, the next step for AROD will be a permanent outlet for cannabis in Oslo. For protection against the criminal market, we will offer quality-proof goods and safe surroundings and defend the ground in principle. We intend to offer a small piece of Norway, as the Constitution provides, and we



will not give up until we have clarified how the prohibition fulfils a legitimate purpose when more and more states are regulating cannabis to protect public health.

In addition to a controlled point of sale, we will continue to send letters with cannabis to politicians, professors and other gatekeepers. More and more people will feel the discomfort associated with continuing the hunt for scapegoats, but all of this can be avoided. The Director of Public Prosecutions only needs to take responsibility for legal protection now, and AROD offers a way forward.

In previous correspondence, we have given the Director of Public Prosecutions an overview of the rights argument. Altogether, the Director of Public Prosecutions has what it takes to recognize the connection to past arbitrary persecution, and this [updated](#) list of questions summarizes the constitutional territory associated with drug policy. It also shows that the Supreme Court's rights analysis does not satisfy the requirements for impartial and competent treatment, and the Director of Public Prosecutions must ensure legal protection.

This is done through a dignified legal process, and AROD proposes the following evidence and legal process:

Preliminary statement of evidence and clarification of legal proceedings

For a fair trial, a large courtroom with online streaming of the negotiations is desired. The following court proceeding lay a proper foundation for constitutional protection:

- Day 1: introductory proceedings and screening of [Moving a Nation Forward](#).

The documentary *Moving a Nation Forward* shows how, for 60 years, Norway has continued drug prohibition on failing premises. For 15 years, the state has failed to take responsibility for persecuted groups, and the trial is based on the information that comes to light.

To the extent that the prosecution, the government, or the Ministry of Justice have objections to the documentary, the defense must be informed in advance so that the statement of evidence and witness lists can be updated. We don't want to waste the court's time. It is nevertheless the court's responsibility to clarify whether the drug policy is connected to the arbitrary persecution of the past, and to the extent that the prosecution, the Ministry of Justice, or the Prime Minister's office oppose such a connection, the witness box will clarify whether the objections have weight.

If the state collectively rejects the allegations that appear in the documentary, the defense will present three more films that confirm the overall picture. We will come back to this, but the allegations of rights violations are so well documented that the instructions and guidelines put a responsibility on the prosecution to support AROD's demand that those responsible for punishment must testify. The testimony of top-officials will clarify constitutional matters, and the [questions](#) to the Minister of Justice are a minimum of what must be answered for punishment to continue.



To the extent that the Director of Public Prosecutions or the prosecuting authority has objections, the defense will be informed in advance so that we can shed more light on certain areas.

The list of [questions](#) is otherwise extensive. It shows that the Storting, the Government, and the Ministry of Justice have failed to take professional responsibility for drug policy for 20 years, and sound judgment dictates that the Director of Public Prosecutions and the public prosecutor stand by the Constitution.

This means that the prosecution recognizes (1) the connection between the drug policy and the arbitrary persecution of the past, (2) that the integrity of law requires a thorough review of the government, and (3) that the Minister of Justice's answer to questions determines the weight of the constitution and whether the Accountability Act is applied.

The defense has 3-20 witnesses, depending on the objections that are presented. If the Director of Public Prosecutions and the prosecuting authority oppose the connection to the arbitrary persecution of the past, we will summon the Director of Public Prosecutions and First State Attorney Runar Torgersen as witnesses.

The Minister of Justice is witness 1 in any case, and if the Ministry of Justice opposes the connection to the arbitrary persecution of the past, we will summon more employees. Nora Bergsjø, appointed legal advisor at the legal department is in any case witness 2. She shall give an account of the Justice Department's treatment of the professional basis for drug policy after the Minister of Justice has explained the government's position.

If the Ministry of Justice/Bergsjø does not recognize the connection to past arbitrary persecution, the defense will summon Ministry Councilor Heidi Heggnes, as well as Kjetil Moen and Marlis Eicholz at the legal department. They can elaborate on how the Ministry of Justice has taken care of its professional responsibilities, and if the ministry's management does not recognize the connection to past arbitrary persecution, the defense will summon Jens Andenæs, Hans-Petter Jahre, Tonje Vang, and Arnulf Øyen.

As members of the Drug Enforcement Committee and the government's professional alibi, these lawyers can explain the professional basis for the government's policy. Despite the fact that more and more countries are legalizing cannabis to protect public health and the UN's human rights apparatus recommends regulation to protect society, the government wants to punish on refuted premises. This ensures a constitutional problem for the government and witness 3 will therefore be Prime Minister Jonas Gahr Støre.

Witnesses from the police have revealed that sources in the Labor Party claim that Støre was in favor of drug reform but gave in to the punishment-lobby. The Prime Minister's testimony can be expected to shed light on a larger systemic problem, and on this basis the court can determine the integrity of the political process.

If the Prime Minister Jonas Gahr Støre, the government, or the judiciary do not recognize the connection to past arbitrary persecution, the defense will summon Mads Andenæs, Hans



Petter Rui, Henriette Sinding Aasen, Hans Fredrik Marthinussen, Bård Dyrdal, Kathrine Holter, Tania Garthus, and Morten Holmboe. If the Director of Public Prosecutions and the prosecuting authority do not acknowledge the connection to past arbitrary persecution, we will call the same witnesses, and they will offer insight from the perspective of professionals.

The number of days in court is therefore decided based on how extensive counterarguments are presented. The police must find out whether the participants in the case oppose a connection between the drug policy and the arbitrary persecution of the past, and after this the days in court are calculated.

The list of questions to witnesses is extensive and each examination will take about a day. It could be as much as 22 days in court, but that is ok. The prosecution allocates 60 days to sentence drug offenders to the law's most severe punishment, and we are talking about a courtroom that will decide the most important constitutional question of the post-war period. The principle of equality dictates that those persecuted in the drug policy receive a worthy defense – and 22 days is, in the worst case, what is needed to clarify the relationship with the Constitution.

Now the connection to the indiscriminate persecution of earlier times is easy to uncover. Neither the Government, the Ministry of Justice, nor the Director of Public Prosecutions is in a position to oppose the protection of rights, and quite possible, all agencies involved will support an end to the hunt for scapegoats. In that case, the number of court days can be reduced to five, and from there an independent, impartial, and competent court can remedy a national trauma by delivering a verdict in favor of the defense.

Such a judgment will mark that public panic no longer rules, give persecuted groups an effective legal remedy, and become a cornerstone for building integrity in the legal system. It will give the Storting, the government and the Justice department a basis to deal with significant shortcomings and pave the way for a truth and reconciliation commission.

It is difficult to imagine that the Director of Public Prosecutions does not recognize a leadership responsibility to end the uncertainty experienced by subordinates. It is difficult to believe that the Director will allow the rule of law to falter, and it is impossible that the Director does not appreciate the need to act sooner rather than later.

We therefore look forward to court proceedings and constructive interaction with the prosecution.

With regards

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

Roar Mikalsen

Leader of the Alliance for Rights-Oriented Drug Policies