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Director of Public Prosecutions

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Civil disobedience at Eidsvoll's pluss for accountability in drug policy

The Alliance for Rights-Oriented Drug Policies (AROD) acknowledges the Director of Public Prosecutions for his commitment to human rights principles in drug policy. Even so, a blind spot remains and AROD will have a civil disobedience [action](#) at Eidsvoll's pluss on Thursday, 22 September to clarify rights.

The celebration takes place outside the Norwegian Storting to remind the legislature of a long-overlooked population and is an opportunity for the Norwegian authorities to deal with a [lawless](#) room that has evolved in drug policy.

After the drug reform crashed and the Supreme Court refused to incarcerate drug users, the Director of Public Prosecutions' guidelines on the use of force has created frustration not only among supporters of a drug-free ideal, where political parties like the Christian Democratic Party (KrF) and the Progress Party (Frp) want new legislation to provide

the police with means of force that the Director of Public Prosecutions has said is a violation of human rights, but also among supporters of a regulated drug market. Threshold values, for example, are [criticized](#) for being without principled basis and for continuing the problem of arbitrary persecution, and the police are experiencing an increasingly uncertain working environment.

Securing rights

The climate of the political debate highlights the need for reevaluation. More and more people see punishment as disproportionate, and by bringing cannabis to the Norwegian Storting—and encouraging others to do the same — we remind politicians of the need to revisit drug policy. We also offer the state's lawyers a legal path for arbitration and provide the Director of Public Prosecutions with means to secure the rule of law's guarantees. Since the Supreme Court in 2010 rejected the right of review for drug offenders, almost 500,000 criminal cases are constitutionally [disputed](#) and negligence makes the hunt for scapegoats persist. Our [press release](#) shows what we want to achieve, and we ask the Director of Public Prosecutions to take action to ensure that the persecuted populations of drug policy do not again fall outside the rule of law.

This is what happened throughout the Norwegian drug reform and in Oslo District Court on June 1, when AROD's civil disobedience outside the Main police station went to court. The Director of Public Prosecutions was [informed](#) in advance of the need for an effective remedy, as well as the importance of a circular to the police and prosecution authorities which pointed out the importance of respecting

the right of review, but because the Director failed to act, the case got a prosecutor who [concealed](#) human rights violations. Both the prosecutor and the judge were sufficiently informed to know better, but the merits of the law were not explored. Instead, public panic and punishment on dubious premises were continued by the District Court, and the crisis for the rule of law can hardly be exaggerated.

There is a reason why Johs. Andenæs, Norway's most renowned lawyer, mentioned the right of review as at the heart of the rule of law and the West's most important contribution to world culture. There is also a reason why Norwegian law places the responsibility for securing rights on the district court judge as much as the Supreme Court, and it is clear that both the prosecutor and the judge share responsibility for the continuation of punishment. Every year, the weight of 30,000 new drug cases rests on their shoulders, and what will happen when the Director of Public Prosecutions or other agencies do the job AROD is calling for?

For 13 years, civil society has asked the state to ensure basic rule of law guarantees for those persecuted because of the drug policy, and when the Director finally examined the proportionality of the use of force in minor cases, it came as no surprise to AROD that systemic abuses had been committed. After all, the Director of Public Prosecutions has been informed about the problem of arbitrary prosecution since 2009, and AROD reminds the Director that the proportionality of the use of force in more serious drug cases also must be reviewed.

This should happen quickly. With ultimate responsibility for instructing the police in how to interpret drug legislation, it is up to the Director of

Public Prosecutions to take the problem of sections 231 and 232 of the Norwegian Penal Code and human rights seriously, because what will happen when a human rights analysis is done and reveals disproportionality in the use of force in bigger drug cases? What will happen to those who have been in a position to stop ongoing human rights violations, but who allowed public panic to continue? How will posterity react?

It is with good reason that Are Frykholm, head of the Norwegian Association of Police Lawyers, is [calling](#) for leadership. The world's human rights apparatus regards impunity and unaccountability as the biggest challenge for securing human rights, and the list of officials responsible for continuing sentences on rejected terms continues to expand. The burden of responsibility also weighs heavier every year, as hundreds of drug-induced overdoses, thousands of years in prison, as well as other unnecessary deaths and suffering are inflicted on the population, and the Director of Public Prosecutions is key to stopping ongoing human rights violations.

AROD therefore asks the Director of Public Prosecutions, as head of the prosecution authority, to accept responsibility for the Norwegian drug policy. In times of public panic, personal integrity is the only solution to a systemic problem, and the time is [ripe](#) to end the legal tradition that measures proportionality on the basis of a drug-free ideal. All that is needed is a principled anchoring in human rights, and the questions that AROD has submitted to the Director present a way forward.

Questions to the Director of Public Prosecutions

The legitimacy of a policy based on coercion and incapacitation must be defended, otherwise public panic will continue, and the Director of Public Prosecutions receives, with this, a list of [questions](#) that AROD was not allowed to ask the Director in Oslo District Court on 1 June. Prior to the negotiations, the police and courts rejected AROD's list of evidence, which documented the allegation of human rights violations and neither witnesses, documents, nor documentaries were allowed in court. Nevertheless, punishment must be defended, and the [questions](#) are a key part of case documents that will go to the European Court of Human Rights unless Norwegian authorities acknowledge the connection between public panic, human rights violations, and the arbitrary persecution of earlier times. Regardless of opposition from prohibitionists, AROD will pursue an effective remedy, and we offer the Director an opportunity to defend the current policy.

AROD looks forward to hearing from the Director of Public Prosecutions about securing human rights, and we hope that the Director will continue to defend principled ground in this important turning point for the nation.

Yours Sincerely

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

Roar Mikalsen

President of AROD

The Alliance for Rights-Oriented Drug Policies