



Sturla Henriksbø  
Prosecutor

16 November 2023

## **Breach of threshold values to protect rule of law**

Dear Sturla.

As a public prosecutor and KrF politician with an interest in punishment, but with a limited interest in constitutional constraints, you receive cannabis. According to Norwegian law, we are dealing with a violation of law, and the Alliance for Rights-Oriented Drug Policy (AROD) asks you to file a complaint with the police.

You receive cannabis because you are part of an apparatus that maintains a drug policy that ensures a great deal of damage, because punishment is continued on refuted premises, and because court proceedings are needed to protect the rule of law. 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 commissioned a study in order to recover police powers which the Director of Public Prosecutions considers to be disproportionate. To that extent the Drug Enforcement Committee 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, but political will to reconsider the premises of the prohibition does not exist.

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 three times the Supreme Court has rejected the right of review of the law, without proper justification.

As a prosecutor and KrF politician, you have taken part in the destruction of 200 years of legal development, and the documentary [Moving a Nation Forward](#) shows how ethical guidelines were set aside to protect the government's drug policy from constitutional scrutiny. In the era of integrity and conflict of interest in law enforcement, this is unacceptable. In a historical and constitutional context, you will be remembered as a traitor to the country if you do not show a better attitude towards the constitution's requirements, and that is why ARÖD contacts you.

The legal system is the only way to illuminate the blind spot that totalitarian forces want to obscure, and we offer a new opportunity to take responsibility for the rule of law in times of public panic. This can only be done by clarifying the relationship between drug policy and the constitution, and you are not the only one to receive cannabis. In addition to a police officer and the Minister of Justice, the Police Academy and the Drug Enforcement Committee have also received cannabis, and all players have an interest that law and order is secured. 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 indefensible, 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 ARÖD 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 you did the last time - and ARÖD wants five days in court to show the connection between the drug policy and the arbitrary persecution of earlier times.

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 legal proceedings.

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 ARÖD