



Katrine Holter  
Police Academy

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

Dear Katrine.

After a thread on social media, where you wonder how to avoid Swedish conditions, you receive cannabis. According to the Norwegian penal code, we are dealing with a violation of law, and the Alliance for rights-oriented drug policy (AROD) invite you to file a complaint with the police.

You receive cannabis because you are concerned with drug policy, because the political process perpetuates punishment on rejected terms, because the work of the Drug Enforcement Committee threatens to become another travesty for the law, 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 in order to avoid historical and constitutional context, the prosecution has opposed 200 years of legal tradition. As you can see from the documentary [Moving a Nation Forward](#), State Attorney Sturla Henriksbø, who is also a politician in KrF, has set ethical guidelines aside to protect the government's drug policy from constitutional scrutiny, and it falls to more responsible lawyers to promote legal certainty.

It is in this context that AROD contacts the Norwegian Police Academy. You are among the employees who appear to be most concerned with the rule of law, and we expect you to file a complaint with the police. The legal system is the only way to illuminate the blind spot that totalitarian forces want to remain obscure, and the Police Act is clear on the police's responsibilities in times of public panic. It is time that the relationship between drug policy and the constitution is addressed, and you are not the only one to receive cannabis. In addition to a police officer and a public prosecutor, the Drug Enforcement Committee and the Minister of Justice have also received cannabis, and all 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 AROD offers a way forward.

For the state prosecution, not least, this is a gift, and we want five days in court to show the connection between the drug policy and the arbitrary persecution of earlier times. Rights can only be ignored as long as a collective denial of responsibility remains and everyone who receives cannabis is wanted as witnesses. At this stage of the rights battle, it's all about limiting the damage for the nation, the rule of law, and the persecuted, and legal development is necessary. If we wish to avoid Swedish conditions, it is up to individuals with integrity to stand up against systemic hostility to rights, and we look forward to legal proceedings.

Yours sincerely

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is fluid and cursive, with the first name 'Roar' written in a slightly larger and more prominent script than the last name 'Mikalsen'.

Roar Mikalsen  
Leader of AROD