

Spesialenheten for politisaker / Norwegian Bureau for the Investigation of Police Affairs  
c/o Marit Storeng, Head of Investigations  
Postboks 792, Sentrum  
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## **Request for briefing on the outcome of the case involving the police force's use of methods for examining the oral cavity**

The Equality and Anti-Discrimination Ombud (LDO, Norwegian abbreviation) hereby asks to be briefed when the Norwegian Bureau for the Investigation of Police Affairs concludes its investigation of the incident that took place on 21 March 2013, where a private video recording made near Carl Berners plass in Oslo shows that the police used a baton to search the oral cavity of an arrested male on a public street in the morning.

The LDO is under the statutory duty to monitor whether Norwegian law and administrative practice are in accordance with Norway's obligations pursuant to the United Nations International Convention on the Elimination of All Forms of Racial Discrimination, cf. section 1 third paragraph of the Anti-Discrimination Ombud Act.

This gives the Ombud the grounds for closely examining the rules and procedures regulating such methods, and also police practice in such situations.

A number of other relevant human rights environments in Norway have expressed concern about the methods used by the police (cf. [www.Circusbazaar.com](http://www.Circusbazaar.com)). The Norwegian Centre for Human Rights, represented by acting head Kristin Høgdaahl, questioned whether the actions of the police concern issues relating to violations of article 3 (the prohibition against inhuman or degrading treatment) and article 8 (right to respect for private and family life) of the Convention for the Protection of Human Rights and Fundamental Freedoms, in addition to contravention of Norwegian law.

Amnesty International questioned whether the police methods are in contravention of human rights and Norwegian law.

Professor Aslak Syse, head of the Institute for Public Law and a member of the European Commission against Racism and Intolerance (ECRI), expressed his concern as follows:

*"I do not assess the legitimacy of the interventions pursuant to the Police Act, as violations of freedoms and rights safeguarded through the Convention for the Protection of Human Rights and Fundamental Freedoms, in this case article 3 and article 8 of this Convention, as the Convention for the Protection of Human Rights and Fundamental Freedoms, will have precedence over the authorisations for intervention in the Police Act.*

*It must be beneficial if the police investigative body assesses and decides on the human rights issue and other legal aspects of the arrest in question."*

The LDO is looking forward to the conclusion drawn by the Norwegian Bureau for the Investigation of Police Affairs. Please contact Heidi Wyller, telephone number 23 15 73 00, if there are any questions.

Yours sincerely

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