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Mr. Torbjørn Jagland  
Secretary General  
Council of Europe  
Avenue de l'Europe  
67075 Strasbourg Cedex

Luxembourg October 22 2010

Att : Secretary General  
Re : Norway: Systematic violations of the ECHR and the Treaty of  
London III  
Case # :  
Your reference :  
Our reference :  
Posting by : Fax and mail  
Your fax # : + 33 3 88 41 27 81  
Numbers of pages : 8  
Attachment : 4 (5 p)  
Copy : Commissioner for Human Rights (33 3 90 21 50 53); Committee of  
Ministers ([cm@coe.int](mailto:cm@coe.int)); Parliamentary Assembly  
Message : Please forward this document to all members of the Parliamentary  
Assembly and the Committee of Ministers.

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Mr. Jagland,

In reference to my letter of September 21 2010 and October 8 2010 regarding this serious problem within the Norwegian judiciary I notice, regretfully, that you as well as the Council of Europe so far have declined to take action.

As the Council will know I have petitioned the President of the Borgarting Court of Appeals, "justice" Ola Dahl, to take necessary actions, i.e. to remove Mary-Ann Hedlund and Anne Ellen Fossum from their positions as judges as they both have refused to; 1) take an oath to the Constitution and the King (the office oath), and 2) declare and submit their independency.

"Justice" Ola Dahl responded quite traditionally – although alarmingly – in his letters of September 21 and 22 2010:<sup>1</sup>

*"There is no basis for any initiative from my part."*

Further investigation has revealed that Ola Dahl has acted as a judge in Borgarting Court of Appeals since February 25 1998, at the latest. In this regard please find attached, as **Appendix I**, a printout of a search in Gyldendal Rettsdata.

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<sup>1</sup> These letters were attached as appendix 1 and 2 to my letter of October 8 2010 to the Council.

Dahl allegedly signed his office oath a year later, on January 28 1999. This oath was received by the relevant authority (the National Court Administration) on February 24 2010. Please find attached a copy of the oath as **Appendix II**.

It has also been revealed that Dahl declared his independence as a judge by signing and submitting his declaration on July 26 2010. Please find attached the said declaration as **Appendix III**.

As previously explained no one can take seat as a judge if the person concerned refuses to sign the said declaration, cf. the Norwegian Administration of Courts Act § 60. In addition an appointed person can not take office before he/she has sworn an oath to the Constitution and the King, cf. the Norwegian Constitution § 21. This is done in writing hence the oath is not taken before the document has been submitted to and received by relevant authority, which was done on February 24 2010. If this oath has not been taken within a limited time, the appointment and the office will lapse, cf. the Norwegian Office Oath Act § 3. Please find attached a copy of the said provision as **Appendix IV**.

Dahl refused to sign the office oath before he took seat as a judge in 1997 / 98, this in violation with the said regulations. Dahl's office oath is allegedly signed in 1999, but as mentioned it was not received by Norwegian authorities until February 2010. The oath has obviously no legality or power if it is stashed away somewhere in Dahl's belongings. According to law the oath is supposed to be submitted to the relevant authority *before* the appointed person takes office, cf. the Norwegian Office Oath Act § 3. This is clearly not the case in regards to Dahl as he has acted as a "justice" for more than 12 years before he – for some unsaid reason – chose to dispatch his oath to the National Court Administration a few months ago.

Furthermore, for 12-13 years Dahl refused to sign and submit his declaration of independence, and it wasn't before this summer that Dahl for some reason or other found it convenient to sign and submit this declaration. In English the declaration reads as follows:

*"I declare that I conscientiously will fulfil my duties as a judge – and that I will act and judge in such manner as I according to law and my consciousness can defend, and neither of hate nor friendship, neither for favour nor gift or by other reason fall away from right and justice."*

It seems that we have found one reason why Dahl refuses to act in accordance with law in regards to "justice" Fossum and "justice" Hedlund: He can't find any reason why they should take an oath as long as he hasn't.

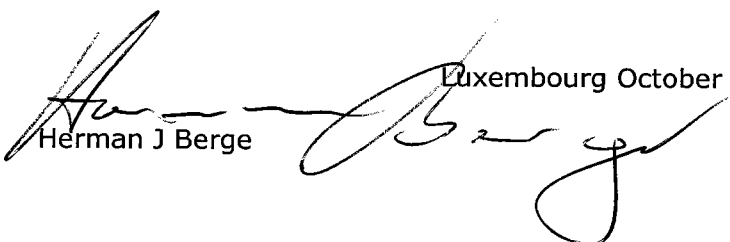
In conclusion the "President" of the Borgarting Court of Appeals, Ola Dahl, has *acted* as a justice for 12-13 years without meeting the formal and absolute qualifications as a justice. Signing these documents today – for reasons of convenience or by instruction – will not make Dahl "more judge" than he has been the previous 12-13 years. In this regard it is a fact that he has refused to sign these documents for more than a decade, hence he has – every day of his duty as a "judge" – scorned the universal motives of what the said provisions is built upon, provisions which was established to safeguard the independence of the judiciary and to protect the users of the court. No one can trust or believe that Dahl really mean what he has signed on July 26 2010 as he for more than a decade refused to sign these words of independence. This conclusion is heavily supported by the fact that Dahl, as the President of the Court of Appeals, still accepts that his court is occupied by "justices" who consistently refuse to; 1) take an oath and 2) sign their declaration of independence.

I remind the Council that Norway is a member of the Council of Europe and thus has freely and formally promised to honour its treaties and protocols, obligations and commitments. The Council is not free of duties and responsibilities, as it has committed itself to promote and protect its aims set out in the Treaty of London. As the facts shows, Norway has failed to honour relevant treaties and protocols, even though duly signed and ratified, and the Council of Europe is aware of these violations but has failed to act upon them.

As the Council of Europe should know, any actions carried out in violation with the Treaty of London and other subsequent treaties – with the silent consent of the Council – inflicting economic loss or other forms of damages on citizens, will lead to liability as well as expulsion.

Having said this I petition – yet again – the Council of Europe to take immediate action and keep me updated on this issue.

Sincerely,

Luxembourg October 22 2010  
Herman J Berge

App. # 1.

Resultat:

<Forrige | 401 - 500 | Neste>

Sortering: Treff | **Kronologisk** | Alfabetisk

Visning: Skjul sammendrag

1998

**1998-02-25. RG 1998 1596. Borgarting lagmannsrett - dom.**

...mens de øvrige fem dommere fant dette bevist. Tre **lagdommere** anså angrepet avverget da tiltalte sparket, mens...A (advokat Stein Viken) Rettens medlemmer:


**Ola R Melheim, Ola Dahl** og Erik Chr Stoltz med meddommere. Tiltalte A...

**Stikkord:** Strafferett. Nødverge. Straffeloven § 48.

**Sammendrag:** En 33 år gammel mann, tidligere ustraffet, ble frifunnet for legemsfornærmelse med skadefølge. Den samlede lagmannsrett anså tiltalte for å ha handlet i nødverge da han grep inn i et slagsmål og la gjerningsmannen i bakken. To meddommere anså det ikke bevist at tiltalte deretter hadde sparket gjerningsmannen, mens de øvrige fem dommere fant dette bevist. Tre lagdommere anså angrepet avverget da tiltalte sparket, mens de to andre legdommerne anså tiltalte for fortsatt å være i en nødvergesituasjon. Sparkene ble ansett straffriende etter straffeloven § 48 fjerde ledd.

■ Gå til toppen av dokumentet (Kilde:Rettsavgjørelser > Lagmannsrettene)

App. # 2.

 <b>DOMSTOL</b> ADMINISTRASJONEN
24 FEB. 2010
Saksnr. <i>200300667-21</i>
Enhet/saksbeh. <i>JUR-GLO</i>
Arkiv <i>221 Ola Dahl</i>

*Jeg*

*lagdommer*  
.....  
embetsstilling

*Ola Dahl*  
.....  
fullt navn

*lover høytidelig,*

*at jeg vil vise Konstitusjonen og Kongen lydighet og troskap*

*Oslo*  
.....  
Sted      *28 januar* ..... 19 *99*  
Dato

*Ola Dahl*  
.....  
underskrift

App. # 3.

## Forsikring

Jeg forsikrer at jeg samvittighetsfullt vil oppfylle mine plikter som dommer – at jeg vil handle og dømme således som jeg etter loven og for min samvittighet kan forsvare, og verken av hat eller vennskap, verken for gunst eller gave eller av annen årsak vike fra rett og rettferdighet.

Sted og dato, ..... Oslo 26/7-10



Ola Dahl

App. # 4.

## **L22.05.1981 nr. 23 Lov om embedsed etter Grunnloven § 21.**

Kortform: embedsedloven

Forkortelse:

Departement: Justis- og politidepartementet (JD)

Ikrafttredelse: 22.05.1981

Sist endret: L14.06.1985 nr. 71

### **Paragraf**

1, 2, 3

#### **§ 1.**

Ved utnevning i embete kan forsikring avgis istedenfor ed dersom den som utnevnes hører til et trossamfunn som ut fra sin bekjennelse eller religiøse oppfatning ikke tillater ed. Det samme gjelder dersom avleggelse av ed strider mot vedkommendes egen religiøse oppfatning, eller vedkommende ikke tror på en allmektig og allvitende Gud.

#### **§ 2.**

Departementet kan frita en person som ikke er norsk borger fra plikten til å avlegge ed eller forsikring etter reglene i Grunnloven § 21, såfremt han risikerer å tape sitt fremmede statsborgerskap ved å avlegge slik ed eller forsikring, eller dersom andre særlige grunner foreligger.

#### **§ 3.**

**Ved utnevning i embete må ed eller forsikring etter Grunnloven § 21 være gitt før embetsbrev blir utferdiget og før vedkommende tiltrer embetet. Dersom ed eller forsikring ikke er gitt innen en frist som departementet fastsetter, faller utnevningen bort.**

II

Loven tar til å gjelde straks.