THULE DRILLING – A SHORT SUMMARY

In 2007/2008, Hans Eirik Olav – Chairman in Thule Drilling – was in charge of the Company's efforts to avoid bankruptcy. The rescue operation was successful, for the shareholders and its creditors. Assets valued at USD 550-600 million were saved. The rig company honored the rescue operation with a success fee of USD 6 million.

Three years later and one year after Olav resigned as Chairman, in September 2010, the company went bankrupt. The Oslo Probate Court handed over the estate to a liquidator, the law firm Ro Sommernes, which had been instrumental in the establishment of the company in 2005. The first Chairman of the company was Henrik Christensen, a lawyer and partner in Ro Sommernes. During his tenure as Chairman, Ro Sommernes acted as the company's self-appointed legal advisor. This engagement ended in the summer of 2007 when problems for the company became strenuous, as was the relationship between Hans Eirik Olav and Christensen, with the former replacing Christensen as Chairman of Thule Drilling.

Because the law firm of Ro Sommernes had such a distinct self-interest in the bankruptcy of the company – on top of its + 30 years close connection[1] with the Probate Court – it appears likely that the law firm requested the court in Norway to become the liquidator for the bankruptcy estate. By becoming the liquidator, the law firm obtained control over the information flow and could easily cover up its participation in the illicit tapping of funds from Thule in the period up to the summer of 2007.

In this connection it should be noted that the law firm of Ro Sommernes, among other things, denied Thule access to company documents which were in the possession of its partner Christensen. First, the law firm argued that Christensen had erased all e-mails more than 4 months old, which in itself is extraordinary as the law requires company files to be kept for 10 years. Later they argued that Christensen's PC had "crashed". Ro Sommernes finally went to court to prevent Thule and Thule's new Chairman, Hans Eirik Olav, from getting access to Thule documentation, and – for unexplainable reasons – the court gave them the right to keep these documents hidden from Thule, documents which contained the law firm and Christensen's dealings in Thule. When the law firm a few years later (September 2010) succeeded in getting the appointment of liquidator for the Thule bankruptcy estate, Ro Sommernes succeeded in having complete control over the information flow associated with Thule Drilling. In other words, this law firm acquired complete control over the company they were instrumental in establishing and thereafter tapped for monies/funds.

In connection with their work as liquidators and unlawful holder of parts of the Thule archives – archives which could have revealed the law firm's criminal activities related to the company in question – the liquidator found it prudent to file criminal charges against myself based on alleged wrongful behavior/willful misconduct. These false accusations – which could have been rejected with ease if the law firm/court had granted me access to its "secret" files – were instigated for the sole purpose of silencing me in my criticism over their role as liquidators of a company which in fact was established by one of the law firm's/liquidator's partners, and thus to prevent me from disturbing their role as liquidators, a position which for the past 5 years has given the law firm further opportunities to drain monies from Thule.

The criminal charges are based on a willful deception and wrongful description of the rescue operation in 2007/2008. In short the liquidator refused to admit that a rescue operation had indeed

[1] The law firm has been among the Oslo Probate Court's first choice of liquidators for many years.

taken place. As a consequence of this denial, both the liquidator and later on the Økokrim[2] and the courts refuse to evaluate the value of the work that was done and which saved the company from bankruptcy. On this wrongful premise, the liquidator could argue that the company had paid[3] a success fee without legal merit. The criminal charge is thus a falsification, most likely motivated by fear of being criminally pursued themselves.

Also with respect to our petition for disclosure in the estates documents, Ro sommernes have been successful in denying such legal actions. After more than 4 years of procrastinations and delays, I was finally informed by the state attorney that I would be allowed to review this documentation, only to be denied this a few weeks later, after the state attorney/prosecutor had discussed the matter with the liquidator, i.e. a direct and clear violation of my right to a fair trial according to UN resolutions and the European Convention on Human Rights, Article 6. The Norwegian courts did nothing to prevent this and remedy the situation.

These documents – which could disclose the law firms role and actions, and which would exonerate the defendant, me – therefore remain unavailable/secret to me, now also with the active participation of the state prosecutor and the Norwegian courts.

The SFO/prosecutor (investigator and prosecutor is one and the same in Norway) willingly let itself be used by the law firm of Ro Sommernes, to which they have close ties (e.g. both the law firm as well as SFO has one representative each in the Norwegian Advisory Council on Bankruptcy, an institution established and still controlled by Knut Ro, partner with Mr. Christensen in Ro Sommernes, and in 2011 I was – as indicated – charged on the basis of events associated with the abovementioned rescue operation.

During court proceedings in Oslo in October and November 2015, in the so called BOD civil damage suit related to Thule Drilling, the auditor for the estate reluctantly admitted under oath,[4] that the premise and conclusions, which form the basis for the criminal charge made against myself, was wrong, and therefore – and on a continuous basis – had been wrongfully presented in the liquidators reports to the courts, in the criminal charge and in the prosecution of myself.

In essence, the auditor for the estate declared to the court that he was aware of the fact that the basis for the charges against me failed, and that by being part of the filing of criminal charges he therefore acted willfully against his better judgment and the Norwegian penal code § 223. As will be evident from what follows below, this admission of guilt has nevertheless had no consequences for the liquidator, its auditor or judges involved in the matter. On the contrary, the police and state prosecutor, as well as the courts continue their quest to demolish the defendant, i.e. me, based upon information that has been quashed by the very person behind the criminal charges.

The undersigned was subsequently sentenced to 4 years imprisonment in January 2015. The first court of appeal has rejected my right to an appeal in accordance with the European Convention on Human Rights and the UN provisions for a fair trial. The appeal to the Supreme Court in Norway was submitted on 7th July 2016. The charges against the undersigned are easy to refute, and substantial amounts of evidence submitted to the courts, firmly establish my innocence.

[2] The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime, comparable to the role of the Serious Fraud Office. For the sake of clarity I will use this term when referring to Økokrim.

[3] A success fee was paid shortly after the successful rescue operation had been carried out.

[4] His testimony has been recorded on tape.

During this process, the SFO/state prosecutor has selected evidence at its own will and kept evidence in my favor from entering the case. They have manipulated evidence and they have refused to investigate the presentation of documented evidence which would exonerate the defendant. Because all investigation measures are done at the sole discretion of the SFO/state prosecutor (I reiterate that this is one and the same person/institution), important investigative actions – based on written documentation provided by the defendant, is simply shelved/put into a drawer permanently, with the knowledge and consent and cooperation of the courts.

Furthermore, the courts has allowed the prosecutor to present all its chosen witnesses, 10-15 in number, while the defendant has been denied each and every witness submitted to the courts. The violations of the defendant's basic human rights in accordance with above mentioned bodies are many and unquestionable. Based upon the facts that the courts refuse to hear my witnesses, refuse to have key-circumstances investigated, and refuse to take into account that the person behind the criminal charges against me has admitted and declared – in court – that there were no grounds for the charges against me, there is sufficient evidence to support the claim that courts are actively and willfully participating to ensure that violations of these human right conventions can continue, and thus that the courts willfully are preventing and obstructing due process.

For more than 5 years the accused and his family have been subjected to a continued unlawful persecution from a powerful public legal system, which appears to be impossible to correct, not even after declarations – such as by the auditor of the estate – which completely exonerate the grounds for criminal behavior by the defendant.

The defendant has taken steps to file criminal complaints against the SFO/state prosecutors for a number of breaches of the Norwegian penal code. The Special Police Investigative Unit have dismissed this without further investigation in spite of the fact that the allegations/charges against the state prosecutor are numerous and solid. Perhaps this is to be expected when the police is being asked to investigate its own people. The dismissal statistics in cases handled by the Special Unit is one sided and cannot be interpreted other than that the corruption within the police and state prosecutors are deeply rooted, and accepted as being "order of the day"within the system.

The defendant has had to initiate criminal charges against the leader of the Police Special Unit, requesting that another competent body treats these charges. The leader of the special Unit has subsequently handed the case over to a colleague in the same police district. The process is thus made into a farce, where the defendant and his family's life situation is made a mockery of at police headquarters.

The above represents a small piece of the miscarriage of justice which has been allowed to unfold over the past 5 years; a legal situation which can best be described as a soccer game where one team is allowed to «grab the ball with its hands», can ignore offside rules and gets a penalty kick every time the opponent, in this case me, complains to the referee, i.e. the prosecutor and the judge. In other words, it's a fight in which everything goes for the police, prosecutor and the courts, and any and all correctional attempts for a fair fight leads to expulsion and free kicks against the opposition. In reality there is no fight when one of the contenders is being bound, torn apart and trodden on, and is restricted to – at best – watch and observe what is taking place.

It is the defendant's conclusion that the treatment of the defendant confirms widespread and fundamental failure within the Norwegian police- and state prosecution authorities, as well as in the courts. The first and foremost requirement for a functioning democracy and legal system – equality before the law – is not followed. As is documented in my criminal complaint, the problem is rooted in continuous breaches of (and thus a contempt of) the Criminal Code, Criminal Procedure Act, Administration of Courts Act, and the Norwegian Constitution.

Therefore, it would appear that the main task of Norwegian judges has shifted, most likely due to the legislative and executive branches' failure to act in accordance with the principle of separation of powers. The judicial power's main task is no longer to protect the civilians against wrongdoings/criminal behavior by public officials, but rather be handpicked when deemed necessary by government and/or the Parliament, this to cover up abuse and outright criminal behavior committed by the police, state prosecutors or other public institutions during the course of their respective activities. In other words, the courts are used by the central administration to cover up any public failure (willful or unintended), and in so doing protect (by seemingly trustworthy court decisions) state interests and activities irrespective of the lawfulness of the given interest or activity.

The courts/judiciary are often mentioned as the last bulwark against tyranny. When that bulwark fails – which my case demonstrates is the case in Norway – democracy is lost, and with it essentially all human rights. Therefore and as long as this case stays inside the boundaries of Norway, factually and publicly, the police, state prosecutor and the courts may get away with this miscarriage of justice.

Further information (some in English/some in Norwegian) on: www.thuledrilling.info

Heo – July 2016