

Faculty of Fine Art, Music and Design

Att: Katrine Hjelde, Head of Department

Dato: 28 mars 2025
Ansvarlig: André Møkkelgjerd

Vår ref: 2025-0230
Deres ref:

Partnere

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PARTICIPATION OF ODEE FRIÐRIKSSON IN THE MA-EXHIBITION

1. Introduction

I am assisting ODEE Friðriksson with the ongoing case with KMD, concerning his completion of the ART350 course this spring. Since February this year, there has been extensive correspondence between Friðriksson and various employees at the Faculty of Fine Art, Music and Design (KMD).

In short, as I understand, the KMD refuses to allow Friðriksson to exhibit his planned work at the master's students' graduation exhibition from April 11th to 27th, unless he reveals (parts of) the content of the work. KMD insists on this requirement, as they consider it necessary to carry out a risk assessment of the work before potentially allowing it to be exhibited.

On Friðriksson's behalf, it is argued that KMD does not have the legal grounds to require him to disclose the content of the work before the exhibition, nor that the work must "pass" an additional risk assessment before it is exhibited.

It is also argued that KMD's decision to demand the disclosure of the content of the work is based on a faulty factual foundation.

Furthermore, it is argued that KMD's position, which denies Friðriksson participation in the exhibition unless he reveals the content of the work, is in violation of the prohibition of prior

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censorship as stated in Section 100, Fourth Paragraph, of the Norwegian Constitution and art. 10 of the European Convention of Human Rights.

Therefore, it is requested that KMD withdraw these demands against Friðriksson and allow him to participate in the exhibition.

The following will further elaborate on our claims. The communication between Friðriksson and KMD has so far been conducted in English, and we will continue in this language.

2. Lack of Legal Basis and Lack of Evidence

Department Head Hjelde writes in an email to Friðriksson on March 4, 2025, that Friðriksson's work has not been removed from the exhibition, but that they lack the necessary information about his work to proceed with the exhibition. Furthermore, Hjelde states that they need to carry out a risk assessment of the work.

Appendix 1: March 4, 2025, Email from Katrine Hjelde

Friðriksson submitted the completed Exhibition Information Sheet to KMD on January 27, 2025. The form was signed by Friðriksson's then supervisor, Frans Jacobi. In section 7 of the form, Friðriksson is asked to describe any health and safety risks. He writes as follows:

*The work does not present any foreseeable health or safety risks to myself or others.
The work does not make use of dangerous materials or slippery surfaces.
Regarding triggering content. If the definition of triggering content is as follows:
Topics, depictions, and discussions that can evoke heightened negative emotions, re-traumatization, and or secondary trauma for the viewer.
I cannot guarantee that the work will not trigger viewers as responses are deeply personal and shaped by individual experiences.
In fact, I do expect the work to create conflict and drama as that is often central to my work's purpose and impact for societal discussion.*

Appendix 2: January 27, 2025, Exhibition Information Sheet

It is clear that the work does not pose any health, safety, or risk to the public, but that some viewers may be triggered based on their individual experiences. It is not unusual for an artwork to potentially elicit a reaction from its audience.

I fail to see any legal basis for KMD's requirement that Friðriksson reveal the content of his work. I also fail to see any legal justification for their demand that a risk assessment must be conducted on the work before it is exhibited. See the Public Administration Act § 24, in reference to § 25.

When he has clearly expressed that the artwork does not pose any health and safety risks, but may be triggering for some, and that the allegations of possible criminal actions are unfounded, the artwork must be considered as an expression that is clearly within the boundaries of freedom of speech.

KMD is requested to provide legal basis for their requirements.



Further, it appears that KMD's demand for disclosure and a risk assessment is based on suspicion that the work may potentially contain illegal actions. In this context, I refer to Frans Jacobi's email to Friðriksson where he refers to "the fact that you have announced that it might include some kind of illegal action."

Appendix 3: March 4, 2025, Email from Frans Jacobi

Friðriksson denies announcing that his work may include illegal actions.

KMD is requested to provide clarification on the basis for these allegations. In this context, I refer to the Public Administration Act §§ 17 and 18 regarding the obligation of public authorities to investigate and Friðriksson's right to be informed of the documents related to the case.

3. Exclusion from the Exhibition is in Violation of the Constitution's Prohibition of Prior Censorship

Section 100, Fourth Paragraph, of the Norwegian Constitution states that:

Prior censorship and other preventive measures may not be applied unless so required in order to protect children and young persons from the harmful influence of moving pictures.

The right to exhibit art is protected by freedom of expression. The threshold for prior interference with this freedom is high. In the preparatory works of the law and in the case law of the Supreme Court, the threshold is formulated as requiring that the expression must lead to "irreversible harm," ("irreversible skader") as seen in the Supreme Court's judgment in Rt-2007-404 (Brennpunkt), paragraph 78, referring to paragraph 48.

In this case, there is no basis to suggest that Friðriksson's work will lead to "irreversible harm." On the contrary, he has made it clear that it will not pose any health and safety risks

Friðriksson does not wish to disclose the content of his artwork. But reiterates that it will not pose any health and safety risk.

KMD's demand that he must disclose the content to participate in the exhibition constitutes illegal prior censorship.

4. Conclusion

On these grounds I request that KMD withdraw their demands against Friðriksson and allow him to participate in the exhibition.

The opening day of the exhibition is April 11th. I understand that the students are to have access to the premises for necessary preparations from April 7th. Therefore, a resolution to the matter is urgent.

I request a response to this letter by the end of **Tuesday, April 1st.**

If the letter is not responded to, we will have to consider further legal action.



Vennlig hilsen
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