Defendants (criminal proceedings)

Sweden

These factsheets explain what happens when a person is suspected of or accused of a crime which is dealt with by a trial in court. For information on minor offences like road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to Factsheet 5. If you are the victim of a crime, you can find full information about your rights here.

Summary of the criminal process

The following is a summary of the normal stages in the criminal process.

A crime is reported to the police;

The criminal investigation (preliminary investigation) is carried out by the police; in the case of more serious crimes the investigation is led by the prosecutor;

There is a possibility in the majority of cases of getting a public defence counsel;

In the case of more serious or repeated crimes the prosecutor may ask the court for you to be held in detention. A special detention hearing will then take place;

The prosecutor brings a prosecution in the district court;

The district court holds a trial (main hearing) to examine whether it is proven that you have committed the crime and, if so, to decide on sanctions etc;

If an appeal is lodged by any of the parties, the Court of Appeal examines whether the district court's judgment should be confirmed or changed;

In a few cases the judgment can also be reviewed by the Supreme Court;

The judgment becomes legally enforceable, that is to say final, and the sentence will be enforced if there has been a conviction.

Details about all of these stages in the process and about your rights can be found in the factsheets. This information is not a substitute for legal advice and is intended to be for guidance only. If you need assistance, always check with a lawyer or other expert to establish what applies in your particular situation.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

Click on the links below to find the information that you need

1 – Getting legal advice

2 – My rights during the investigation of a crime

questioning

arrest

detention

continuing police investigation

preparation of the case by the defence

prosecution

3 – My rights during the trial

4 – My rights after the trial

5 – Road traffic offences

Related links

Swedish Courts

Swedish Prosecution Authority

Swedish Bar Association

Crime Victim Compensation and Support Authority

Swedish Prison and Probation Service

Last update: 09/11/2020

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1 - Getting legal advice

Getting independent legal advice is very important when you are involved in some way with the criminal process. These factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay.

Your right to a public defence counsel

If the court requests that you are held in detention, a public defence counsel will be appointed for you immediately. On the other hand, if you are not detained, you may not get a public defence counsel until criminal proceedings are started. However, you always have the right to ask for a public defence counsel to be appointed for you if you are suspected of a crime for which the minimum sentence is six months in prison. You may also have the right to a public defence counsel in other cases.

Finding a lawyer

If you want a particular lawyer, you are normally entitled to ask for this person to be appointed as your public defence counsel. The district court will otherwise appoint a public defence counsel for you. If it does so, this person will be appointed from among the lawyers who regularly take on jobs as public defence counsel at the district court in question. Each district court has a list of local lawyers who usually take on jobs as public defence counsel.

You can also search for lawyers who work on criminal cases on the website of the Swedish Bar Association.

Paying for a lawyer

If a public defence counsel is appointed for you, the State will pay the lawyer's costs. If you are found guilty of the crime you are suspected of, depending on your financial circumstances, you may have to repay all or some of these costs. This will be decided by the court.
If you want a lawyer whose practice is in a part of the country other than that where the court is located, you may have to pay for the lawyer's travel expenses and travelling time yourself.
You can also choose a private defence counsel. If you do so, you will have to pay the entire cost yourself. If you are acquitted, however, it is possible for you to have the whole or part of this cost reimbursed.

Related links

Swedish Bar Association
National Legal Aid Authority

Last update: 09/11/2020

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2 - My rights during the investigation of a crime and before the case goes to court

It is a condition for the commencement of any criminal investigation that the police or prosecutor must have been notified of a crime. The aim of the criminal investigation is to clarify if a crime has been committed and if so, which person or persons may be suspected of this crime.
If it is a more serious crime and there is a suspect, the investigation will be led by a prosecutor. The investigation will otherwise be led by the police.

What are the stages of a criminal investigation?

Questioning

Individuals who may be assumed to have information which would be useful for the investigation are questioned first. These may include the victim of the crime, the person who is suspected of the crime, if any, or witnesses. A person who is suspected of a crime may be either under arrest or at liberty when questioned.
Various kinds of samples may also be taken and handed over to other authorities for analysis. All questioning is done by the police and only in exceptional cases in the presence of a prosecutor. If you do not speak the language, an interpreter must be available. If there is a reasonable level of suspicion that someone has committed a crime, he or she must be informed of that suspicion when being questioned.

Arrest

If the prosecutor considers the grounds for suspicion to be sufficiently strong, he or she may decide that you should be arrested. In this case there must also be a risk that, if you remain at liberty, you might impede the investigation, or continue to commit crimes, or disappear. The prosecutor must then, within a particular time limit, either release you or request the district court to order your detention.

Detention

If you are suspected of a more serious crime and there are also special reasons for you to be detained, the prosecutor may ask the district court to order your detention. The detention hearing must be held within four days of your arrest. At this hearing the district court will consider whether you should stay in detention or be released. If you are detained, the detention order must be reviewed at prescribed intervals.

Continuing police investigation

Regardless of whether or not you are detained, the investigation will continue to clarify whether there are sufficiently strong suspicions to prosecute you. The investigation must be carried out as quickly as possible, particularly if you are held in detention. If it is necessary for the investigation to continue for a longer period, more detention hearings may be held. When the investigation has been completed, the police will present the investigation to the prosecutor and also to the suspect and the suspect's defence counsel. You and your defence counsel have the right to ask for anything you regard as important to be added to the investigation before the prosecutor decides whether or not you will be prosecuted.

Preparation of the case by the defence

You and your lawyer have the right to produce your own evidence for use in the trial. You and your lawyer are also entitled to meet to prepare for the court hearing.

Prosecution

If the prosecutor believes that he has sufficient evidence against you to have you convicted, he or she must bring a prosecution against you. The charges must make clear what crime you are suspected of and what you have done that is a criminal offence. They must also make clear what evidence against you the prosecutor will be presenting.
For more information about your rights during the various stages of the procedure, click on the links below:

Questioning (1)
Arrest (2)
Detention (3)
Continuing police investigation (4)
Preparation of the case by the defence (5)
Prosecution (6)

Questioning (1)

Why might the police want to question me?

The purpose of questioning is to clarify whether any crime has been committed and, if so, whether you have any information to supply. This applies whether you are a witness, the victim of a crime or suspected of a crime.

Who will be present at the questioning?

You will be questioned by the police. One or more police officers may carry out the questioning. The prosecutor will not normally be present at the questioning. If you are suspected of a crime for which you are entitled to have a lawyer, you can request that a lawyer is appointed for you and is present at the questioning.
If you do not speak the language, you are also entitled to have an interpreter. The police will pay the interpreter's costs. You should normally wait until you have a lawyer present and have access to an interpreter before answering questions. The prosecutor or police will decide who else is entitled to be present at questioning.

What will happen at the questioning?

The police will tell you at the start of the questioning if you are being questioned as a suspect or for some other reason. Your rights will not be read out to you. You have the right both to remain silent and to speak during questioning. Anything you do say may be used against you. The questioning may be either recorded on tape or noted down in the form of a summary of what you have said.

What role does the lawyer play in questioning?

The lawyer's role in questioning is to be available to answer any questions from you and to guarantee that the questioning is done correctly. The lawyer does not have the right to intervene in the questioning if it is carried out correctly. He may, however, be entitled to ask you questions.

Is there anything that is prohibited in questioning

During questioning, the police are not allowed to use information known to be incorrect, or make promises or offer the prospect of advantages, in order to obtain a confession. Nor may the suspect be threatened, put under pressure or deliberately exhausted. The person being questioned is also entitled to customary meals and necessary rest.

How long can I be held for questioning?

If you are not under arrest, you are not normally allowed to be held for questioning for more than six hours. In exceptional cases you may be obliged to stay for another six hours. After that you are entitled to leave unless you are placed under arrest. Special rules apply to children.

How does the questioning end?

The questioning ends with you being offered the possibility of listening to the recording or having the police notes read out to you. You will then be asked if what has been written down provides a correct picture of what you have said during questioning.

What happens after questioning?

After the questioning the police will report to the prosecutor or police officer leading the investigation on what has emerged. If it is a less serious offence, the report to the prosecutor will not take place until the investigation has been completed. If you are suspected of a crime that may lead to detention, the prosecutor is often sent a report after each round of questioning. The prosecutor will then decide if you are to be arrested or released.

Arrest (2)

When might I be arrested?

If there are grounds for you to be detained, you may be arrested while the court considers the matter of detention. What is required for you to be held in detention is explained in Detention (3). You can also be arrested even if the grounds for detention are not fully met if there are reasonable grounds for suspecting that you committed the crime and it is considered very important that you are detained pending continuation of the investigation.

Who issues the arrest warrant?

It is the prosecutor who decides if you are to be arrested or not. It must be clear from the warrant what crime you are suspected of and why you are being arrested. If the arrest warrant is not cancelled by the prosecutor, he or she must submit a request for your detention to the district court no later than twelve noon on the third day after issue of the warrant. He must otherwise order your release. The district court must hold a detention hearing without delay, but no later than four days after you have been arrested or the arrest warrant has been enforced.

Who can arrest me?

If there are grounds to arrest you, a police offer may arrest you even without an arrest warrant in urgent cases. If you are caught in the act of committing a crime which can lead to a prison sentence or fleeing from the scene of such a crime, you may be arrested by anyone. The same applies if you are wanted for a crime. The person who arrests you must, however, hand you over to a police officer as quickly as possible.

Can I see a lawyer?

If you are arrested, you have the right to ask for a public defence counsel to be appointed for you. This will be done by the district court at the request of the prosecutor.

What happens during the time I am under arrest?

During the time you are under arrest the police have the right to question you further. The same rules then apply as in the previous rounds of questioning.

What rights do I have during the time I am under arrest?

During the time you are under arrest the prosecutor may decide that you will not be allowed to contact whoever you want. If you require a doctor or need to contact your embassy or consulate, it is the duty of the police to act as go-between for this. You are also always entitled to contact your lawyer and meet him or her without anyone else being present. You will normally be held in a police cell during the period of arrest.

Detention (3)

When might my detention to be requested?

If there are probable grounds for suspecting you of a crime for which the sentence can be one year or more in prison, a request can be made for you to be held in detention. However, there must also be a risk that you will

abscond or avoid trial or serving of a sentence, or

while at liberty dispose of evidence or in some other way impede investigation of the case, or

continue to commit crimes.

If the lightest sentence for the crime is two years in prison, you will normally be held in detention unless it is evident that there are no grounds for detention. Regardless of how serious the crime is, the court may order your detention if you are unknown and refuse to give your name and address or there is reason to believe that the information you have given is false. You may also be held in detention if you do not have a place of residence in Sweden and there is a risk that you will elude trial or the serving of a sentence by leaving the country.

In some cases you may also be detained even if there are only 'reasonable grounds' for suspecting you of a crime. This is a lower degree of suspicion than 'probable grounds'.

If there is reason to believe that the sentence will be only a fine, you cannot be detained.

Is there anything in my personal circumstances that may mean that I will not be detained?

The court will have to weigh up the need for detention against what it means for you to be detained. If the consequences of detention would mean excessive intrusion or harm for you, you may not be detained. This issue may become relevant if the investigation takes a long time, for instance.

What if I am under 18 years of age?

There are special rules for young people between the ages of 15 and 18. These rules mean that more is required for them to be held in detention. Either the crime must be very serious, or there must be other very important grounds for detaining them.

Do I have the right to speak to a lawyer and have an interpreter in the detention hearing?

You will personally be present at the detention hearing held in the district court together with your public defence counsel, who will be a lawyer. You are always entitled to have a public defence counsel if your detention has been requested. If you need an interpreter, this person will also take part in the hearing and translate everything that is said.

What will happen in the detention hearing?

In the hearing the prosecutor will say what you are suspected of. You will also have an opportunity to speak for yourself. The prosecutor, your lawyer and the judge all have the right to ask you questions. You decide for yourself whether or not you wish to answer the questions. Normally neither the victim of a crime nor witnesses are questioned in the detention hearing. But what you have said when questioned by the police may be read out. The prosecutor can also describe the outcome of forensic or medical examinations.

The detention order

After the proceedings, the district court will retire to consider if you should be held in detention or not. The district court will then announce its decision in your presence. If you are not detained, you have the right to leave immediately. If you are held in detention, the court will decide at the same time the latest date by which the prosecutor must commence proceedings. The district court will usually decide that a prosecution must be brought within two weeks of the detention order. While waiting for the main hearing to be held in the district court, you will be held in custody.

What happens if the investigation is not finished by the date set by the district court?

If you are still a suspect when the time limit set by the district court for proceedings to be initiated has expired and the investigation has nevertheless not been completed, the prosecutor can request a longer time to bring a prosecution. A new hearing may be necessary to examine whether you should continue to be held in detention. These new hearings are often held by video-conferencing, meaning that you take part from your place of detention in the company of your lawyer, the prosecutor takes part from his or her office, and the judge sits in the courtroom at the district court.

What happens if I am detained at a lower level of suspicion?

If you are detained as a suspect of a crime on the basis of ‘reasonable grounds’, the prosecutor must present further evidence against you within one week so that the suspicions are reinforced to reach the level of ‘probable grounds’. You must otherwise be released.

What happens in the case of a European Arrest Warrant?

If a European Arrest Warrant is issued in any other Member State, this request can be examined by a court in the country where you are located. The court will then decide whether you should be extradited to the country that has requested this. You are also entitled to speak to a lawyer and have an interpreter at these hearings. A prosecutor may decide before these hearings take place that you should be arrested, and the court may decide that you should be held in detention until it is possible to extradite you. The court will not consider the question of your guilt but only the question of whether the formal requirements for extradition have been met.

What restrictions might there be on my right to have contact with other people?

At the time when it decides on your detention, the district court will also decide whether the prosecutor should have the right to limit your contacts with the outside world, that is to say reading newspapers and watching television, as well contacting friends and family. The same applies to your opportunities to mix with other detainees. It is the prosecutor who decides the extent of these restrictions. However, you are entitled to contact your lawyer and your embassy at any time.

Do I have the right to send and receive post?

You are entitled to write letters to anyone you want, but all post from and to you will be read by the prosecutor. If the letters contain anything about the suspected crime, the letter will either not be forwarded to the recipient or those parts of the text will be made illegible. Your correspondence with your lawyer will never be read by anyone else, whatever the letters contain.

Can I appeal against the detention order?

If you are dissatisfied with having been detained, you can appeal against the detention order to the Court of Appeal. The Court of Appeal will then study the documents from the district court without holding a hearing and will consider whether you should be held in detention or not. It is possible for the decision of the Court of Appeal to be referred to the Supreme Court, but special grounds are required for your appeal to be heard there.

Can anything happen that results in my being released?

If there are no longer grounds for you to be held in detention, the prosecutor must order that detention should cease. This may be because the evidence against you has weakened, or there may no longer be special grounds for keeping you in detention because, for example, it is no longer thought that you might impede the investigation. If the court decides in a new detention hearing that there are no longer grounds for you to be detained, the court must order your immediate release.

Can I be released on bail?

It is not possible to be released on bail in Sweden.

Continuing police investigation (4)

Will the police only produce evidence that is to my disadvantage?

In conducting their investigation, the police are obliged to produce evidence to your advantage as well as to your disadvantage. If you want any particular individuals to be interviewed by the police, you should discuss this with your lawyer before the request is passed on to the police.

Do the police have the right to carry out searches, take DNA samples, fingerprints etc.?

Provided they have a warrant from the prosecutor, the police have the right to search your home, place of work, car or any other place of relevance to the investigation. This only applies if you are suspected of a crime that can carry a prison sentence. There may also be orders to conduct body searches and physical examinations and take DNA samples. In some cases there may be a need for a doctor to examine if you have any injuries on your body and if these can be linked to the crime you are suspected of committing. If you are arrested or held in detention, you are also obliged to have fingerprints taken and to be photographed.

Do I have the right to study the police investigation?

During their continuing investigation, the police will put together material to provide the basis for the prosecutor’s decision as to whether or not you should be prosecuted. Before the prosecutor takes this decision, you have the right to study the whole investigation with the assistance of an interpreter or translator. There will not usually be enough time to translate the investigation into your own language, but you are entitled to learn of the contents by an interpreter reading out to you the contents of the investigation. Your lawyer is also entitled to study the investigation.

What happens if the suspicions change during the investigation?

The suspicions held against you may change during the investigation. This means that further suspicions of crime may be added, while other suspicions may prove to be unfounded or difficult to prove. In addition, changes may occur with regard to what crime you are suspected of committing. The police are obliged to inform you of any such changes in suspicions.

Preparation of the case by the defence (5)

Do I have the right to request additions to the police investigation?

You and your lawyer have the right to request that the police include in the investigation additional matters you think important. This applies both to the questioning of various people and written information or investigations by experts.

It is very important that you carefully review the whole investigation so that the material presented to the prosecutor as the basis for a decision is as complete as possible. Although additions can also be made to the investigation after a prosecution has been started, it may be better from your own point of view to try to get the prosecutor to close the investigation so that you avoid being prosecuted.

Can my lawyer conduct an investigation of his or her own?

You and your lawyer also have the right to carry out your own investigations. The problem is, however, that there is usually limited time in which to carry out these investigations, especially if you are held in detention. In addition, it will generally be difficult for your lawyer to obtain payment from the court for his or her own investigations. But there are no legal obstacles to carrying out your own investigations.

Prosecution (6)

In what circumstances is the prosecutor allowed to bring a prosecution?

If the prosecutor believes that he or she can have you convicted, he or she is entitled to bring a prosecution against you. He will then submit a summons application to the district court stating the crime you are suspected of committing, why you are suspected of the crime and what evidence the prosecutor is presenting.

When must a prosecution be brought?

If you are held in detention, the prosecutor must commence a prosecution within the time limits set by the court. The court will otherwise cancel the detention order.

If you are not held in detention, the prosecutor must initiate a prosecution before the crime has been time-barred. The time-bar for a crime is two years or more. The more serious the crime, the longer the time-bar will be. There is now no time-bar for the prosecution of certain very serious crimes such as murder.

When will the case be heard in the district court?

When a prosecution has been started, the district court will summon you and others who are to be questioned for a hearing. If you are held in detention, the hearing will be held as soon as possible, but no later than two weeks from the date on which the prosecution was commenced.

There are special time limits for young people below the age of 18 years. The main hearing will normally be held within two weeks of commencement of a prosecution.

Is there any alternative to prosecution?

If the crime is not too serious and you plead guilty, you may be ordered to pay a summary penalty instead of being prosecuted. The prosecutor will issue this order and set the level of fine which you are to pay. If you submit an admission of guilt and pay the fine, no trial will take place. You cannot then appeal against the summary penalty order. It will be noted in the record of criminal convictions that you have accepted the summary penalty order.

Related links

Swedish Courts

Swedish Prosecution Authority

Last update: 09/11/2020

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3 - My rights during the trial

Where will the trial be held and who is entitled to be present?

The trial will normally be held in the district court in whose area the crime has been committed. The trial will be public, except in certain cases of sex crimes, in cases where the suspect is young, and in the case of crimes against national security. The whole or parts of the trial may also take place behind closed doors in certain other cases. Anyone who disrupts the trial or influences witnesses may be ejected from the courtroom.

Who will decide the case?

The court normally consists of a presiding judge, who is a lawyer, and three lay judges. The lay judges are not qualified lawyers but are appointed by the municipal executive in the area of the district court. In addition there is a recording clerk from the court. The district court officials sit at one table, the prosecutor at another table and you and your defence counsel at a third table. Witnesses, if any, sit at a separate table.

What happens if new information emerges during the trial?

If new circumstances emerge during the hearing, the prosecutor may amend the indictment. If you plead guilty on certain charges, this may mean that the prosecutor will not need to present such detailed evidence against you on these counts. However, it is not possible for you to negotiate with the prosecutor to get a lighter sentence if you plead guilty.

Do I have to be present at the trial?

In the case of less serious offences to which you plead guilty, the case can be decided without you being present. As a general rule, however, you have to be personally present. If you do not attend the hearing, the court can either sentence you to payment of a conditional fine or rule that you must be taken away by the police. A conditional fine is a pre-determined sum of money which you must pay.

Can I have an interpreter?

If you do not understand Swedish, you are entitled to have an interpreter on hand who will translate everything that is said during the trial. If this is the case, it is important to tell the district court in plenty of time before the trial that you need an interpreter. The interpreter will usually be present in the courtroom, but telephone interpreting may also be available.

Can I have a lawyer and must I have a lawyer?

There is no duty to appoint a lawyer, and you are entitled to appear in your own defence. If you are entitled to a public defence counsel and you have not objected to one being appointed for you, the court will appoint a lawyer to act as your public defence counsel. If you wish to have a particular lawyer, you must inform the court of this beforehand. If you are dissatisfied with your lawyer, it may be possible under certain conditions to change your public defence counsel.

Can I speak at the trial and what will happen if I do not?

The accused person always has the right to speak during the trial. On the other hand, you are not obliged to speak. It varies from case to case whether it is advantageous to speak or remain silent. The accused does not take any oath and is under no obligation to tell the truth. If you do not tell the truth and this is discovered by the prosecutor or the court, this may affect the credibility of everything else you have said.

What happens with regard to evidence?

Before the hearing begins you are entitled to study the prosecutor's evidence. The witnesses who will be questioned during the trial must also be questioned during the investigation of the crime and their statements must be quoted in full in the police investigation. You are entitled to put questions to the prosecutor's witnesses through your lawyer and to challenge the information they provide.

If you wish to present your own evidence, you have the right to do so. This applies both to witnesses and to documents etc. Your witnesses should also be questioned by the police during the investigation of the crime. If they have not previously been questioned, the prosecutor may request that they should first be questioned by the police, meaning that the hearing may be adjourned and held on a different day instead. Your lawyer will begin the hearing with your own witnesses, but both the prosecutor and the court have the right to put questions to the witnesses.

The court is entitled to reject evidence that is not relevant to the case. Evidence that you are a decent person or other character evidence usually has no or very little evidential value.

How does the trial begin?

The trial begins with the prosecutor reading out the charges on which he claims you are guilty. The victim's lawyer will then present any claim for damages. Your lawyer will tell the court whether you plead guilty or not guilty to the crime of which you are accused and what your response is to the claim for damages.

The prosecutor will then speak in a little more detail about what, in his view, has happened and examine any written evidence. Your lawyer can then present his view of what happened and examine the written evidence.

How will I and the victim of the crime be questioned?

If there is any victim (aggrieved party) present, this person will then be questioned. The prosecutor will start this questioning, but the victim's lawyer and your lawyer and the court can all put questions to the victim. When questioning of the victim has finished, it is your turn to speak. You have the right to speak yourself, if you wish, before the prosecutor starts putting questions to you. Questions can also be put to you by your lawyer, the victim's lawyer and the court.

How will the witnesses be questioned?

Once your questioning has finished, it is time for the questioning of witnesses. The prosecutor's witnesses will be questioned first, followed by your witnesses. The prosecutor, the lawyers and the court can all put questions to the witnesses. All questioning - of the victim, you and the witnesses - will be recorded audiovisually.

Examination of my personal circumstances

After the evidence has been examined, it is time for your personal circumstances to be examined. This means an examination of your finances, housing situation, family situation, any substance abuse problems and any previous convictions in Sweden or other countries. This is done for the purpose of investigating what sentence is most appropriate within the limits of what is possible in your case.

How does the trial end?

The trial ends with the prosecutor, the victim or the victim's counsel, and finally your lawyer presenting closing speeches (pleas). Both the prosecutor and the lawyers argue how the court should judge the case and what sentence you should be given if you are convicted.

When and how will I find out what the court has decided?

The court can then either deliver a judgment the same day, after brief deliberation, or announce its judgment after about a week. 'Delivery' of the judgment means that the court reads out a summary of the judgment in your presence. If the judgment is announced on any day other than the day of the hearing, you need not attend and the judgment will be sent to you and your lawyer. The judgment will always be in writing.

What sanctions can be imposed?

Imprisonment – for a set period of no less than 14 days and no more than 18 years, or for life. Prison sentences exceeding six months are served in an institution. Prison sentences for a shorter time may under certain conditions be served by electronic tagging.

Protective supervision – monitoring for a certain period of time, normally one year, followed by two years on probation. This can be combined with a fine, imprisonment for a maximum of three months, community service and/or treatment for substance abuse or disease.

Conditional sentence – probation for less than two years. A conditional sentence is normally combined with a fine or community service.

Fine – either a fine of a particular fixed sum or a means-related fine linked to the seriousness of the crime and your level of daily income. The minimum fixed fine is 200 Swedish kronor (approximately €20) and the minimum means-related fine is 30 day-fines of 50 Swedish kronor (approximately €150).

Community service – combined with protective supervision or a conditional sentence. This means a particular number of hours, between 40 and 240, of unpaid work in your spare time.

Special care – substance abusers can be sentenced to be treated for their abuse, and anyone suffering from a serious mental disorder can be sentenced to receive forensic psychiatric care.

Other sanctions may also be appropriate for young people: juvenile service and juvenile care.

Last update: 09/11/2020

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4 - My rights after the trial

Can I appeal against the judgment of the district court?

Both the prosecutor and the person convicted can appeal against the judgment of the district court. Exceptions apply, however, if the sanction is only a fine or, from the perspective of the prosecutor, if you have been acquitted of less serious offences. In these cases, special permission is required for consideration of the appeal by the Court of Appeal.

What changes can I request in the district court's judgment?

You can either appeal and request acquittal or request a lighter sentence. You do not need to give a detailed explanation as to why you are appealing, but it may sometimes be to your advantage to do so.

What happens with regard to evidence in the district court?

When lodging an appeal you must say what evidence you want the Court of Appeal to study. You are also entitled to present new evidence in the Court of Appeal. An audiovisual recording of the questioning of the individuals heard in the district court will be played back. As a general rule they will therefore not be questioned again in the Court of Appeal. This also applies to your own questioning. Only in exceptional cases may any supplementary questions be asked in the Court of Appeal.

What is the time limit for appeals?

An appeal must be lodged within three weeks from the date of the district court judgment. If you have appealed within this time, the prosecutor has a week to decide whether he or she also wishes to appeal.

When will the appeal be heard?

If you are in detention when you appeal, the Court of Appeal must begin its hearing within eight weeks from the date of the district court judgment. You can otherwise anticipate that it will take three to twelve months before an appeal will be heard in the Court of Appeal.

What happens at the appeal hearing?

The main hearing in the Court of Appeal follows roughly the same procedure as in the district court. The greatest difference is that you and others who have been questioned will not be questioned again and that the recording from the district court will be watched and listened to instead.

Can I be given a stricter sentence in the Court of Appeal?

If you are the only one to appeal, the Court of Appeal cannot impose a heavier sentence than the district court. If the prosecutor has also appealed, the Court of Appeal's sentence may be either lighter or heavier.

What happens if I am unsuccessful in the Court of Appeal?

If you are unsuccessful in the Court of Appeal, it is possible to appeal to the Supreme Court. But leave to appeal is required for the Supreme Court to consider your case, which means that special grounds are required for your case to be considered.

Am I entitled to compensation if I am acquitted?

If you are acquitted and the judgment is not appealed against, you are entitled to compensation for the time you have been under arrest and in detention. The compensation covers loss of income and the actual loss of liberty. Your claim for compensation will be examined by the Office of the Chancellor of Justice. If you have not been deprived of your liberty, you will not receive any compensation other than the costs of your own evidence etc.

Will any record be kept of the judgment?

A conviction will be recorded in the criminal records registry, among other places. How long it will stay there depends on the sentence you have received. If you have been acquitted, the record will be deleted. You cannot influence the record yourself. The record is accessible to you yourself and certain authorities in the system of justice in Sweden and other Member States.

When does the conviction become final?

A conviction becomes final when the deadline for appeal has expired or the Supreme Court has settled the case, either by not granting leave to appeal or by handing down a judgment. There are also certain options for accepting the judgment before the appeal period has expired and consequently starting to serve the sentence.

Can I be tried again after the judgment has become final?

Once a court has tried you for a criminal offence, the court cannot try you again other than under very special circumstances. This only happens about once a year. As a general rule, this also applies to crimes for which you have been prosecuted in another Member State.

Can I be allowed to serve my sentence in my home country?

It may be possible for you to serve your sentence in your own home country if you so wish. You should apply to the Swedish Prison and Probation Service . The sentence will otherwise be served in Sweden.

Related links

Office of the Chancellor of Justice

Swedish Prison and Probation Service

Last update: 09/11/2020

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5 - Road traffic offences

What is the normal penalty for road traffic offences?

If you are accused of committing a minor road traffic offence, the usual penalty is a fine. If you have been stopped by the police at the scene and admit the offence, they may issue you with a notice of fine.

What happens if I deny the offence?

If you deny committing an offence, after criminal investigation by the police the matter will be passed to a prosecutor for a decision on whether to bring a prosecution. There will then be a district court hearing if criminal proceedings are commenced. You are not normally entitled to have a public defence counsel in these cases. On the other hand, you are entitled to engage a lawyer at your own expense, and to have an interpreter if you do not speak the language.

What happens in the case of more serious road traffic offences?

If you are suspected of more serious road traffic offences, for example serious drink-driving (more than 100 milligrams per millilitre), the normal sentence is at least one month in prison. If the prosecutor believes he can prove that you are guilty, the matter will always be brought to court. You may then be entitled to a public defence counsel.

Related links

Swedish Police

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