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.

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