

## 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](#)

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