

4 - My rights after the trial

Can I appeal?

You have the right to appeal to the Court of Appeal against a District Court decision. In general, if you want to appeal against decisions the District Court has made during the hearing (such as not hearing a witness), you can only do so when you appeal against the judgment.

If you appeal to the Court of Appeal against a District Court decision, the appeal period is 30 days. You have 7 days to inform the District Court that you are not satisfied with the decision and intend to appeal. The appeal must be made in writing. It must be addressed to the [Court of Appeal](#) and submitted to the [District Court](#) that decided the matter.

You may appeal against the decision because you feel that the court did not evaluate the evidence correctly and/or because you think the court interpreted the law incorrectly. The opposing parties, that is, the prosecutor and the injured parties (if any), have the same right to appeal as you have.

What happens if I appeal?

If you appeal, your sentence will not be enforced, unless the court orders that it must be. If the court orders that you must be detained or your detention must continue, you can make an extraordinary appeal against this decision. The Court of Appeal will consider the question of detention as an urgent case, separate from the main issue.

If you are in prison when you make the appeal and if you demand to be set free, the Court of Appeal may order that you are set free to wait for the Court of Appeal's decision on the main issue.

The time the Court of Appeal takes to process your appeal varies. If you are in detention, your appeal will generally be processed more quickly. If you disagree with the evaluation of the evidence, the Court of Appeal generally has to arrange a main hearing, and the evidence will be heard again. This usually slows the process down. In any case, the Courts of Appeal take several months to process appeals.

If the opposing parties have not announced that they are dissatisfied with the District Court decision and you decide to appeal, they do not need to announce their dissatisfaction, but they can still make what is called a counter-appeal within fourteen days of the date on which the original appeal period ended. In the counter-appeal they may, for example, demand that a sentence or compensation must be increased. If you revoke your appeal, any counter-appeals will lapse.

You may present new evidence or name new witnesses to support your appeal. Presenting new evidence during a criminal process is allowed, even during the main hearing at the Court of Appeal.

What happens during the appeal process?

After you have made the appeal, it is sent to the opposing parties for information – that is, the prosecutor and the injured parties. The opposing parties are requested to respond to the appeal by a set date. If the opposing parties have appealed, their appeals will also be sent to you for information.

After the written appeals stage, the Court of Appeal will decide whether it will hold a main hearing. It must hold a main hearing if one of the parties demands it, and if the decision of the Court of Appeal depends on whether the District Court evaluated the credibility of the oral testimonials correctly.

The court may also screen your appeal if a main hearing is not needed and three members of the Court of Appeal are convinced that the District Court decision was correct. In that case, your appeal will not be examined further and the District Court decision will be final.

What happens if the appeal is successful or unsuccessful?

The Court of Appeal will examine the correctness of the District Court decision as far as that has been requested. If you feel that the District Court decision is completely wrong, the result of your appeal may be that the Court of Appeal dismisses all charges and all demands for compensation. The Court of Appeal may also allow your appeal in part. For example, the Court of Appeal may also consider that you are guilty, but may lower your sentence.

If your appeal is dismissed, you will generally have to pay any cost of presenting evidence that the State has had to pay for, as well as any legal expenses of the injured parties. If your appeal is allowed in part, it is possible that you will not have to pay these costs. If your appeal is successful, you may also receive compensation for your own legal costs, unless the State pays them.

If the charges are dismissed because of your appeal and the decision of the Court of Appeal remains final, any relevant entry will be removed from your Criminal Record.

All the parties in a court case have the right to appeal against a Court of Appeal decision by applying for a [leave to appeal](#) at the Supreme Court. A leave to appeal is very seldom granted in criminal cases. In practice, if you are to get a leave to appeal, your case must have some value as a precedent. This means that it must have a more general importance. A leave of appeal is hardly ever granted simply because you feel that the Court of Appeal has evaluated the evidence incorrectly.

If a leave to appeal is granted, the Supreme Court will again review your case either in full or as far as the leave to appeal allows (such as the determining of the sentence). As a rule, Supreme Court hearings are written. The judgment will be final when the Supreme Court decides not to grant a leave to appeal or when it grants the leave and issues a judgment. If no one appeals against a District Court or Court of Appeal decision, the decision will be final when the appeal period ends at the latest. When the decision becomes final, that is the latest point at which it will be enforced.

I come from another Member State. Can I be sent back there after the trial?

If you are sentenced, you may be refused entry to Finland or expelled to another Member State. This can be done if the authorities feel that you are a danger to the general order or general security. In practice, you will not be removed from the country unless you have been sentenced for a fairly serious crime. The simple fact that you are guilty of a crime cannot be used as grounds for removing you.

[The Finnish Immigration Service](#) will decide whether you will be removed from the country. At the same time, it may forbid you to enter the country for up to 15 years. You may appeal against this decision at the [Administrative Court](#).

Charges are not entered in the [criminal record](#). If you are sentenced, the following sentences will be entered in your criminal record:

- unconditional or suspended imprisonment,
- suspended imprisonment together with a fine, community service or supervision,
- community service instead of unconditional imprisonment,
- juvenile punishment or a fine instead of juvenile punishment,
- dismissal from position as a civil servant, or
- waiver of sentence because of criminal irresponsibility.

The criminal records are kept by the [Legal Register Centre](#). The information is not public but the authorities may see it according to the conditions specified by law. In addition, the information may also be sent outside the EU/EES area on the basis of the [Convention on Mutual Assistance in Criminal Matters](#).

An entry in the Criminal Records is removed after a set period following the original date of a decision that has become final. Entries that do not concern unconditional imprisonment are removed after five years. Entries that

concern unconditional imprisonment of up to two years and community service are removed after ten years. Entries that concern unconditional imprisonment of two to ten years are removed after twenty years. Entries that concern imprisonment of more than five years are removed when a person has died or reached 90 years of age.

You cannot object to information being kept in the Criminal Records. However, with certain restrictions, you have the right to [check](#) what information is entered in your Criminal Records.

Related links

[Criminal Procedure Act](#), and in [Swedish \(unofficial translation\)](#)

[Criminal Code](#) and in [Swedish \(unofficial translation\)](#)

[Criminal Records](#) and in [Swedish \(unofficial translation\)](#)

[Criminal Sanctions Agency](#) and in [Swedish](#)

[Consideration of matters in a Court of Appeal](#) and in [Swedish](#)

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