

SUPREME COURT'S JUDGMENT

delivered in Stockholm on 9 July 2025

Case no.
B 3626-24

PARTIES

Appellant

Prosecutor General
Box 5553
114 85 Stockholm

Respondents

1. E.B.

Counsel and public defender: Attorney L.G.

2. N.F.

Counsel and public defender: Attorney C.M.

3. A.T.

Counsel and public defender: Attorney P.B.

4. A.T.

Counsel and public defender: Attorney R.K.

5. I.A.

Counsel and public defender: Attorney J.K.

6. R.D.

Counsel and public defender: Attorney M.E.

7. F.G.

Counsel and public defender: Attorney A.N.

8. C.N.

Counsel and public defender: Attorney E.A.

9. G.L.

Counsel and public defender: Attorney C.L.

10. V.J.

Counsel and public defender: Attorney M.S.

11. A.B.

Counsel and public defender: Attorney A.Y.

THE MATTER

Sabotage

RULING APPEALED

Judgment of the Svea Court of Appeal of 2024-04-12 in case
B 13007-22

JUDGMENT

The Supreme Court affirms the judgment of the court of appeal.

The Supreme Court affirms the secrecy order of the court of appeal.

L.G. shall receive compensation from public funds for the defence of E.K. in the Supreme Court in the amount of SEK 51,205. Of the amount, SEK 38,064 relates to work, SEK 2,900 relates to loss of time, and SEK 10,241 relates to value added tax. The state shall bear the cost.

C.M. shall receive compensation from public funds for the defence of N.F. in the Supreme Court in the amount of SEK 32,626. Of the amount, SEK 25,376 relates to work, SEK 725 relates to loss of time, and SEK 6,525 relates to value added tax. The state shall bear the cost.

P.B. shall receive compensation from public funds for the defence of A.T. in the Supreme Court in the amount of SEK 54,379. Of the amount, SEK 40,443 relates to work, SEK 2,900 relates to loss of time, SEK 160 relates to outlays and SEK 10,875.75 relates to value added tax. The state shall bear the cost.

R.K. shall receive compensation from public funds for the defence of A.A. in the Supreme Court in the amount of SEK 49,933. Of the amount, SEK 34,892 relates to work, SEK 3,625 relates to loss of time, SEK 1,429 relates to outlays and SEK 9,987 relates to value added tax. The state shall bear the cost.

J.K. shall receive compensation from public funds for the defence of I.A. in the Supreme Court in the amount of SEK 46,915. Of the amount, SEK 36,082 relates to work, SEK 1,450 relates to loss of time, and SEK 9,383 relates to value added tax. The state shall bear the cost.

I.A. shall receive compensation from the state for costs of litigation in the amount of SEK 451 for travel expenses.

M.E. shall receive compensation from public funds for the defence of R.D. in the Supreme Court in the amount of SEK 32,131. Of the amount, SEK 24,980 relates to work, SEK 725 relates to loss of time, and - correctly calculated - SEK 6,426.25 relates to value added tax. The state shall bear the cost.

A.N shall receive compensation from public funds for the defence of F.G. in the Supreme Court in the amount of SEK 41,463. Of the amount, SEK 31,720 relates to work, SEK 1,450 relates to loss of time, and SEK 8,293 relates to value added tax. The state shall bear the cost.

E.A shall receive compensation from public funds for the defence of C.N. in the Supreme Court in the amount of SEK 31,635. Of the amount, SEK 24,583 relates to work, SEK 725 relates to loss of time, and SEK 6,327 relates to value added tax. The state shall bear the cost.

C.L shall receive compensation from public funds for the defence of G.L. incurred in the Supreme Court in the amount of SEK 49,834. Of the amount, SEK 31,720 relates to work, SEK 7,975 relates to loss of time, SEK 172 relates to outlays and SEK 9,966.75 relates to value added tax. The state shall bear the cost.

M.S shall receive compensation from public funds for the defence of V.J. in the Supreme Court in the amount of SEK 35,345. Of the amount, SEK 25,376 relates to work, SEK 2,900 relates to loss of time and SEK 7,069 relates to value added tax. The state shall bear the cost.

A.Y shall receive compensation from public funds for the defence of A.B. in the Supreme Court in the amount of SEK 41,666. Of the amount, SEK 25,376 relates to work, SEK 4,350 relates to loss of time, SEK 3,607 relates to outlays and SEK 8,333 relates to value added tax. The state shall bear the cost.

CLAIMS IN THE SUPREME COURT

The Prosecutor General has claimed that the Supreme Court is to sentence E.B., N.F., A.T., A.A., I.A., R.D., C.N., G.L., V.J. and A.B. to imprisonment for sabotage. The Prosecutor General has claimed that F.G. shall be sentenced to a conditional sentence and fines for sabotage.

E.B., N.F., A.T., A.A., I.A., R.D., C.N., G.L., V.J., A.B. and F.G. have opposed modification of the judgment of the court of appeal.

In the event of a verdict of acquittal, I.A. has claimed compensation from public funds for travel.

The Supreme Court has granted leave to appeal as set forth in paragraph 6.

REASONS FOR THE JUDGMENT

Background

1. During the morning rush hour of 29 August 2022, the accused (the demonstrators), bearing yellow vests and red flags, entered the roadway on European route E4 in Solna. The demonstrators sat on all southbound lanes of the roadway with banners bearing the text “*Återställ våtmarker*” [Restore wetlands]. The purpose of the action was to draw attention to the ongoing climate crisis. The police had to subsequently carry several of the persons from the roadway. Two of them had affixed themselves with glue and had to be removed with the aid of chemical agents. The road blockade encompassed all lanes of the roadway for a period of 20 minutes and, thereafter, two lanes for an additional half hour.

2. The action caused a traffic jam with kilometre-long queues in a southbound direction and a so-called gapers’ block northbound. Due to the road blockade, a responding ambulance was delayed by ten minutes. The response was initially classified as a priority one case, but it subsequently turned out that there was no danger to life. The demonstrators had, to some extent, prepared themselves to allow ambulances and other emergency vehicles to pass through.

3. The demonstrators were prosecuted for sabotage and disobeying police orders. The charge for sabotage pertained to the fact that they had,

together and in concert, seriously disrupted and prevented general traffic by blocking the way for traffic.

4. The district court sentenced the demonstrators for sabotage and disobeying police orders.

5. The court of appeal affirmed the judgment of the district court on the issue of disobeying police orders but acquitted the demonstrators of the charge of sabotage. The court of appeal found that it had been established that they acted in accordance with the statement of criminal act charged and was of the position that this action entailed such a measure as may be covered by the provision on sabotage. The court of appeal has made the determination that the road blockade disrupted and prevented general traffic but was not so serious that the act was to be regarded as sabotage.

6. The Supreme Court has granted leave to appeal with what the court of appeal established regarding the factual chain of events and intent as regards the charge of sabotage as its point of departure. Leave to appeal has not been granted in other respects.

What is at issue in the Supreme Court

7. The case pertains to criminal responsibility for sabotage for participating in a demonstration which intentionally impeded traffic for a certain period of time.

The penalty provision regarding sabotage

8. A person who destroys or damages property of considerable importance for defence, supplying the needs of the population, the administration of justice or public administration in the country, or the maintenance of public order and security in the country, or who, through some other measure not solely including the withholding of labour or

encouragement to do so, seriously disturbs or impedes the use of such property is guilty of sabotage and is sentenced to imprisonment for at most four years. The same applies if, through damage to property or some other measures stated above, a person otherwise seriously disturbs or impedes general traffic, or the use of telegraph, telephone, radio or a similar public service or other installation to supply the public with water, light, heat or power. (See Chapter 13, Section 4 of the Criminal Code.)

9. The archaic wording of the statutory section is explained by the fact that it was introduced in conjunction with the 1948 reform of the Penal Code. As a model, use was made of a temporary act from 1940 regarding punishment for sabotage which was adopted against the background of the prevailing crisis situation during the Second World War. While there was a penalty provision previously in the Penal Code, it prescribed only fines for, among other things, closing roads, streets, lanes or navigable water courses, and did not have specifically in view the sabotage targets which the current provision is intended to cover, even if damage to roads, bridges or other infrastructure was covered and could lead to penal servitude or prison. Older provisions and the regime in the 1940 Sabotage Act were aggregated in Chapter 19, Section 4 of the Penal Code in the 1948 reform. Only editorial changes were made in conjunction with the introduction of the Swedish Criminal Code, and the provision in the then Chapter 19, Section 4 of the Penal Code was otherwise transferred unamended to Chapter 13, Section 4 of the Swedish Criminal Code (see regarding the 1948 reform in respect of the offence of sabotage, legislative preparatory work in NJA II 1949, p. 8 ff.; *cf.*, also, Chapter 19, Section 15 of the 1864 Penal Code; legislative preparatory work in NJA II 1941, p. 89 ff.; and legislative preparatory work in NJA II 1962, p. 233 f.)

10. Chapter 13, Section 4, first paragraph states what may be the object of an act of sabotage. The so-called sabotage targets are comprised of

property of considerable importance for defence, supplying the needs of the population, the administration of justice, public administration or the maintenance of public order and security in the country. The preparatory works for the 1948 reform emphasised that property, in order to be the object of sabotage, must be of considerable importance in these respects. Examples that were mentioned included, among others, fortifications, vessels, highly important stocks, factories and mines important for supplying the needs of the population as well as fire and police stations while, on the other hand, vehicles, cannons and other weapons were not covered by the criminal responsibility. (See legislative preparatory work in NJA II 1949, p. 10.)

11. Chapter 13, Section 4, second sentence also punishes disturbances and impediments to general traffic or what today could be described as the general provision of telecommunications, water, heat and electricity. The preparatory works stated that the public traffic consisted of important traffic on roads, railways, tramways, aviation routes and water courses (see legislative preparatory work in NJA II 1949, p. 9).

12. The preparatory works state that no distinction in terms of seriousness is intended between the first and second sentence. The division was instead a result of the fact that the penalty provision in the original legislative proposal, in which a division was not made, was deemed to be too difficult to grasp and that a division would also shed light on the different interests to be protected. (*Cf.* legislative preparatory work in NJA II 1949, p. 12.)

13. The crime of sabotage consists, according to Chapter 13, Section 4, either of directing damage or other measure against the sabotage target in such a manner that the property is destroyed or damaged or the activity or use is disturbed or impeded. There is no limitation on what can constitute

another measure. As regards disturbing or impeding, this has in view such activities or use of such property as are of considerable importance. In order to be convicted of sabotage, it is necessary that it involves *serious* disturbance or *serious* impediment. (See legislative preparatory work in NJA II 1949, pp. 9 f. and 12.)

14. Criminal responsibility for sabotage does not require that the act involved danger to life, health or property in the manner which would otherwise apply to the public danger offences enumerated in Chapter 13 of the Swedish Criminal Code. On the other hand, the measure must threaten the important interests which the activity is intended to protect. (*Cf.* legislative preparatory work in NJA II 1949, p. 9.)

More specifically what characterises sabotage

15. The linguistic formulation and the systematic construction of the penalty provision regarding sabotage in Chapter 13, Section 4 provide support for the notion that criminal liability is primarily intended to attach to attacks or threats against vital societal interests such as defence, supplying the needs of the population, the administration of justice or public administration and the public order and security in the country (see the first sentence of the statutory section).

16. What is stated in the second sentence of the section regarding disturbance or impediment in the use of general traffic or for the supply of telecommunications, water, heat and electricity is to be assessed in the context. In order for disturbances or impediments directed at such sabotage targets to give rise to liability, they must be comparable in a qualitative respect to the attacks on, and disruptions of, the vital societal interests covered by the first sentence. Inherent in the assessment is that, at their foundations, the disruptions or impediments are to be characterised by the fact that they are of certain importance from a societal perspective.

Significance of the freedom to demonstrate

17. The freedom to demonstrate is governed by Chapter 2, Article 1, first paragraph (4) of the Instrument of Government. The intention of this freedom is that everyone shall be able to raise awareness and, in such manner, create discussion and influence opinion within the context of democracy. So that the freedom to demonstrate is not illusory, it must be accepted that everyday societal activity may be subjected to disruptions even if such cause irritation amongst those persons affected. It must also be kept in mind that the mere risk of imprisonment as a consequence of the participation in a peaceful demonstration may act as a deterrent.

18. In conjunction with an application of the penalty provision in Chapter 13, Section 4 of the Swedish Criminal Code to measures at a demonstration or in conjunction with other expressions of opinion, the freedom of demonstration and the freedom of expression protected by the Instrument of Government must accordingly be kept in mind. According to the Instrument of Government, these freedoms may not be restricted more than necessary in order to achieve the purposes justifying the restriction. It is natural that the penalty provision in such a situation is applied taking into account the powerful limitation in the requirement of necessity in the Instrument of Government in order to achieve the basic purpose of the legislation, i.e. with the restrictiveness, restraint and proportionality which is justified (see Chapter 2, Articles 20, 21, 23 and 24 of the Instrument of Government and, *cf.*, among others, the “*Rap Song*” case, case NJA 2021, p. 215, paras. 20–22 and 25 and the “*Speech in the Council*” case, case NJA 2023, p. 246, para. 11).

The assessment in this case

19. The purpose of the road blockade on E4 was to create opinion regarding the climate threat and the importance to the environment of

restoring wetlands. The demonstration took place for the purpose of shaping opinion and entails the exercise of the participants' freedom of demonstration and freedom of expression.

20. The disturbance of, or impediment to, traffic entailed in the demonstration lasted a total of 50 minutes, during which the southbound lane was completely blocked for 20 minutes and partially blocked during an additional half hour. A road blockade, limited in time, of this type in conjunction with a peaceful demonstration is not qualitatively comparable to the attacks on, and disruptions to, vital societal interests covered by the provision regarding sabotage, even if the road blockade took place on a trafficked thoroughfare during rush hour and caused long traffic queues. What has been stated regarding the delayed ambulance does not influence this assessment. Accordingly, the conditions for finding the participants guilty of sabotage are not present. As found by the court of appeal, there has been no disturbance or impediment which is as serious as required.

21. Accordingly, the Accused shall be acquitted of sabotage. The judgment of the court of appeal shall thereby be affirmed.

Justices of the Supreme Court Dag Mattsson, Eric M. Runesson, Stefan Reimer (reporting Justice), Jonas Malmberg and Anders Perklev participated in the ruling.

Judge referee: Johan Gredenius.