

SUPREME COURT'S JUDGMENT

delivered in Stockholm on 30 December 2025

Case no.
B 5546-24

PARTIES

Appellant

1. C.A.

Counsel and public defender: Attorney K.B.

2. N.H.

Counsel and public defender: Attorney C.R.

Respondents

1. Prosecutor General

Box 5553

114 85 Stockholm

2. A.Z.

Represented by the Prosecutor

THE MATTER

Gross defamation

RULING APPEALED

Judgment of the Svea Court of Appeal of 2024-06-14 in case
B 8046-22

JUDGMENT

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

K.B. shall receive compensation from public funds for the representation of C.A. in the Supreme Court of SEK 7,930. Of the amount, SEK 6,344 relates to work and SEK 1,586 relates to value added tax. The state shall bear the cost.

C.R. shall receive compensation from public funds for the representation of N.H. in the Supreme Court of SEK 7,930. Of the amount, SEK 6,344 relates to work and SEK 1,586 relates to value added tax. The state shall bear the cost.

CLAIMS IN THE SUPREME COURT

C.A. and N.H. have both claimed that the Supreme Court shall dismiss the charges and the claim for damages.

N.H. has claimed in the alternative that the Supreme Court shall reduce the sentence and the damages.

The Prosecutor General has opposed modification of the judgment of the court of appeal.

REASONS FOR THE JUDGMENT**Background**

1. Sometime in May or June 2020, C.A. was interviewed by N.H. The interview took place remotely while N.H. was in the Philippines. It is not clear where C.A. was located.

2. The interview was about A.Z. and the accusations against him presented in the documentary series "*Att rädda ett barn*" which had been previously broadcast that year on Sveriges Television. The interview was conducted in Swedish.

3. In June 2020, N.H. published the interview on his YouTube channel. He was not present in Sweden at the time of publication.

4. It has been established that approximately two weeks after publication, the interview had been shown just over 8,500 times.

5. C.A. and N.H. were prosecuted for gross defamation. According to the charges, the interview portrayed A.Z. as being a criminal and having a reprehensible way of life, and the information could be expected to expose him to the contempt of others.

6. The district court determined that the crime had been committed in part in Sweden and was thus of the position that Swedish courts had jurisdiction to try the charges.

7. The district court sentenced C.A. and N.H. for gross defamation to a conditional sentence and day fines. They were also ordered to jointly and severally pay damages to A.Z. in the amount of SEK 15,000 plus interest.

8. The court of appeal modified the judgment of the district court such that day fines were not imposed.

What is at issue in the Supreme Court

9. The case pertains primarily to the question of whether Swedish courts have jurisdiction to examine a charge of defamation committed via the Internet where the measures to publish the information were taken outside Sweden.

Defamation

10. A person who identifies someone as being a criminal or as having a reprehensible way of life or otherwise provides information liable to expose that person to the contempt of others is guilty of defamation and is sentenced to a fine. Where the person who provided the information is obliged to make a statement or if, in view of the circumstances, it was otherwise justifiable to provide information about the matter, and if they show that the information was true or that they had reasonable grounds for it, they are not held responsible. (See Chapter 5, Section 1 of the Swedish Criminal Code.)

11. If the offence is gross, the person is guilty of gross defamation and is sentenced to a fine or imprisonment for at most two years. When assessing whether the offence is gross, particular consideration is given to whether the information was, in view of its content or the method or scope of its dissemination or for some other reason, liable to result in serious damage. (See Chapter 5, Section 2 of the Swedish Criminal Code.)

12. Defamation is complete when the information comes to the knowledge of a third party (*cf.* the “*Remaining Pictures*” case, NJA 2020, p. 917, para. 33).

Generally regarding Swedish jurisdiction

13. Provisions regarding the jurisdiction of Swedish courts to adjudicate certain offences are found in Chapter 2 of the Swedish Criminal Code. It follows from Section 1 that such jurisdiction exists for offences committed in Sweden. It is sufficient that any part of the criminal act has been committed in Sweden in order for the offence in its entirety to be deemed to have been committed here (*cf.*, Government Bill 2020/21:204, p. 141).

14. If criminal responsibility requires a certain effect of the action, the offence is also considered to have been committed in Sweden pursuant to Chapter 2, Section 1, second paragraph if the effect arose in Sweden. It is required that the effect has a direct connection to the criminal act. This means not only the effects

according to which the point of completion in a criminal-law sense occurred in Sweden but, also, immediate effects of a criminal act. Such consequences of an offence which lack immediate connection to the requirement for an offence do not affect the localisation of the offence, i.e. where the offence was deemed to have been committed. (*Cf.*, *ibid.*, Government Bill, pp. 98 and 142.)

Localisation of defamation offences committed through publication on the Internet from abroad

15. There are no specific provisions regarding localisation of offences committed on the Internet but, rather, the general provisions of Chapter 2 of the Swedish Criminal Code may be applied. Thus, where a certain act has been perpetrated and where the effect has occurred are decisive. An act has normally been perpetrated at the computer or comparable which was used in order for the computer system to perform a certain relevant function, while the effect may ultimately be localised by reference to the manner in which the individual penal provision was formulated. (See, *ibid.*, Government Bill, p. 99 f; *cf.*, also, the “*Cut-Off Ankle Monitor*” case, NJA 2023, p. 956, p. 12.)

16. When information forming the basis of defamation is published on the Internet from abroad, what determines whether Swedish jurisdiction is present in accordance with Chapter 2, section 1 is thus whether the effect of the defamation offence may be deemed to have occurred in Sweden.

17. A defamation offence committed by publishing information on the Internet is completed when the information comes to the knowledge of a third party (*cf.* para. 12). This is when the risk also arises that the person to whom the information pertains is subject to the contempt of others. It can be argued that the effect, within the meaning referred to in Chapter 2, Section 1, second paragraph, occurs at that point.

18. The consequence of such a perspective, however, is that the effect may be localised in all places in which the information has come to the knowledge of a

third party. In principle, the jurisdiction of Swedish courts to adjudicate defamation committed on the Internet would thereby be unlimited.

19. The fact that the information forming the basis of defamation has come to the knowledge of a third party thus may not be deemed to be sufficient in order for the effect of the offence, within the meaning intended by Chapter 2, Section 1, second paragraph, to be regarded as having occurred in Sweden. In addition, a condition should be that there is a relevant connection to Sweden.

20. The determination of whether there is such a connection should be based on objective, observable circumstances such as, for example, that the information pertains to Swedish citizens or others who reside here. Another circumstance which may be taken into account is whether the information is intended primarily for Swedish recipients. This may be the case where the information has been put on a Swedish website or other digital platform directed primarily to a Swedish audience. The assessment of the connection to Sweden must be made taking into account all circumstances in the individual case.

21. If there is a relevant connection to Sweden, the fact that the information in the individual case first reached third parties abroad does not prevent the effect from also being regarded as having occurred here (*cf.* para. 14).

The assessment in this case

22. The measures taken by N.H. to publish the interview with C.A. took place abroad. The interview, which was conducted in Swedish, however, has reached recipients in Sweden. It deals with a Swedish citizen who resides in Sweden. The information provided by C.A. in the interview, furthermore, relates to a documentary series which is directed to a Swedish audience and which has been acknowledged in Swedish media.

23. The information thereby has such a connection to Sweden that the effect of the defamation offence to which the prosecution relates has occurred in Sweden. Accordingly, Swedish courts have jurisdiction to adjudicate the offence.

24. Information is presented in the interview regarding A.Z. which is liable to expose him to the contempt of others. C.A. and N.H. have not been obliged to make a statement, nor has it otherwise been justifiable to provide the information. Accordingly, they are responsible for defamation.

25. There is no reason to reach any other assessment than that of the court of appeal on the question of classification, sanction or damages. Accordingly, the judgment of the court of appeal is affirmed.

Justices of the Supreme Court Anders Eka, Malin Bonthron, Stefan Reimer, Johan Danelius and Katrin Hollunger Wågnert (reporting Justice) participated in the ruling.

Judge referee: Erik Isoz.