[SE] Chief Editor of Evening Newspaper Convicted of Violating the Press Act

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The chief editor of the evening newspaper Expressen has been convicted of defamation and ordered to pay SEK 75,000 (ca. EUR 8,200) for violations of *Tryckfrihetsförordningen* (the Freedom of the Press Act).

Expressen had published on its placard the news that a famous actor (M.P.) had suffered acute alcohol poisoning and been admitted to a clinic. The same information was found on the front page of the newspaper. The newspaper and its Internet version featured an article with pictures of the clinic, which was said to be M.P.' s "new home". The information was later disproved. Five days later, Expressen published an apology on the placard and in the newspaper. M.P. rejected the apology and reported Expressen for defamation to *Justitiekanslern* (the Chancellor of Justice).

The Chancellor of Justice can act as a public prosecutor in cases involving violations of the freedom of the press in certain circumstances. The Chancellor found that the content of the article constituted defamation and proceeded to the prosecution of the chief editor of Expressen who, as such, is legally responsible for the publications. Public prosecution for violations of the Freedom of the Press Act is unusual and this is the first time in 15 years that a public prosecution for defamation has been initiated. Cases brought under the Freedom of the Press Act are first heard by a jury. If the jury finds that a violation has been committed, the matter will be assessed by the court, which then renders the judgment. The court may not deliver a harsher judgment than the jury has decided.

In this case, the jury considered that the information in the newspaper constituted defamation. The chief editor admitted that the information in the article was erroneous but argued that at the time of publication it was believed to be true. Further, the chief editor denied that publication of the information constituted defamation since M.P.'s alcohol problems were well known at the time and he had previously been outspoken about his private life in the newspapers. The information was therefore not intended to compromise M.P' s reputation.

However, the court found that the information in the newspaper did constitute defamation. M.P. had claimed SEK 500,000 in damages, SEK 200,000 of which constituted compensation for the violation of his personal rights. The remainder was claimed in order to deter future violations. However, the court considered

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that preventive considerations should not be taken into account when determining the amount and awarded SEK 75,000 in damages.

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Judgment of the district court of Stockholm on 15 December 2006, Case no. B 11840-06

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