

The preliminary investigation regarding a suspicion of rape, less serious crime, was conducted between 2010 and 2017. On 19 May 2017, the then prosecutor responsible for the investigation decided to discontinue the investigation as the suspect was not available for the execution of the decision on surrender issued in the United Kingdom as a result of the European Arrest Warrant (EAW) issued in Sweden. This obstacle to execute the warrant was removed on 11 April 2019, whereupon the counsel for the injured party petitioned for the resumption of the preliminary investigation.

The preliminary investigation was duly resumed on 13 May 2019.

The primary focus of the resumed preliminary investigation has been on supplementing both the oral and written evidence in order to reassess the overall evidential situation, in which regard the Swedish Supreme Court's statements on the evaluation of evidence in cases involving sexual offenses have been taken into account

## **DECISION**

The preliminary investigation is discontinued.

### *Points of departure for evaluating the evidence*

In Sweden, the principle of free sifting of evidence applies. The Supreme Court has made a number of rulings regarding the evaluation of evidence in cases involving sexual offences. In summary, these imply that it is insufficient for the injured party's version of events to be more credible than the suspect's; however, a credible assertion of events on the part of the injured party in combination with other facts that have emerged may be sufficient for a conviction. The assessment should therefore initially consider the evidence referred to in support of the allegation. Only if this evidence is deemed sufficient should the suspect's version of events and the evidence in support of this be evaluated as a rebuttal of the allegations against her/him.

In cases involving a sexual offence, the oral evidence is often of crucial importance. That a long period of time has elapsed since the alleged offence or the media has reported on the events in question are factors that may influence witness statements.

### *Evidence evaluation in the case*

The injured party has submitted a credible and reliable version of events. Her statements have been coherent, extensive and detailed.

In some areas, the parties have provided consistent information while in others they have entirely different perceptions of events.

It can be confirmed that support for the injured party's assertion – and therefore of the alleged criminal act – is now deemed to have weakened, largely due to the long period of time that has elapsed since the events in question.

In my overall assessment, the evidential situation has been weakened to such an extent that that there is no longer any reason to continue the preliminary investigation. It cannot be assumed that

further inquiries will change the evidential situation in any significant manner. The preliminary investigation is therefore discontinued.