



Government Offices of Sweden
Regeringskansliet



Minister of Justice Gunnar Strömmer
Government decision on December 1, 2022
Department of Justice Case Ju2022/02354

Government's Oversight in Torture Allegations Against the Chancellor of Justice and Investigative Authorities: Sequence of Events

1. Initial Submission to the Government:

Date:

20220707

Action:

Evidence supporting allegations of torture was submitted to the Swedish Government for review.

Outcome:

The government remained inactive on the initial report, leading to a total of 10 subsequent formal complaints regarding torture allegations presented at the end of this document.

2. Handling by the Special Prosecutor's Office (Särskilda åklagarkammaren):

Date:

June 30, 2022

Decision:

The case was forwarded to the Prosecutor General, marking the end of the Special Prosecutor's Office's involvement.

3. Prosecutor General Decision:

Date:

July 1, 2022

Decision:

No action was taken regarding the complaint against the Chancellor of Justice.

Reason:

The Chief Public Prosecutor clarified that allegations against the Chancellor of Justice are the government's responsibility, emphasizing the unique jurisdictional framework in Sweden.

Action:

Evidence supporting allegations of torture was submitted to the Swedish Government for review.

4. Government's Final Decision in case Ju2022/02354:

Date:

December 1, 2022

Decision:

Justice Minister Gunnar Strömmer announced the government's decision to not act on the complaint against the Chancellor of Justice in government case no Ju2022/02354.

Context:

The complaint revolved around the Chancellor of Justice's alleged role in concealing systematic torture crimes and accusations of the police manipulating evidence.

Analysis:

The outlined events underscore the Swedish government's pivotal role in addressing allegations against top officials. The absence of action on both the initial report and the subsequent complaint raises concerns about the system's ability to effectively handle grave allegations, emphasizing the importance of transparency and accountability in such processes.

Analysis and Argumentation on Sweden's Handling of Torture Allegations in Accordance with International Obligations:

1. Convention Against Torture (CAT) and Its Obligations:

The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) is a pivotal international treaty designed to prevent torture globally. Key provisions include:

Article 12: Mandates a prompt and impartial investigation when there's reasonable ground to believe torture has occurred.

Article 13: Guarantees the right of any individual alleging torture to have their case examined.

Article 14: Ensures victims of torture receive redress, including compensation and rehabilitation.

2. Potential Violations by the Swedish Government:

Lack of Investigation (Article 12 Violation): The government's inaction on the torture allegations may contravene Article 12's requirement for a prompt and impartial investigation.

Denial of Victim Rights (Article 13 & 14 Violations): Not addressing the complaint could be seen as denying the rights of victims to both complain and receive redress.

3. The Principle of Erga Omnes:

The principle of "erga omnes" in international law signifies certain fundamental rights so essential that they concern all states. Torture is universally prohibited under this principle, meaning every state has the duty to prevent and punish torture, irrespective of where it occurs or the nationality of the victim or perpetrator.

4. Implications for Swedish Justice Minister Gunnar Strömmer:

Complicity in Torture through Inaction:

If evidence suggests that Justice Minister Gunnar Strömmer was aware of the torture allegations and chose not to act, he could be seen as complicit through inaction. This would be a breach of the erga omnes principle.

Violation of International Law:

Torture is prohibited by multiple international treaties, including CAT. A state official's failure to act on allegations could be viewed as a breach of international law.

Violation of National Law:

In many countries, including Sweden, torture is also a crime under national law. A state official's deliberate inaction on alleged torture could be seen as complicity through inaction.

Moral and Ethical Responsibility:

Beyond legal implications, state officials have a moral and ethical duty to protect citizens' fundamental rights. Failing to act on alleged torture can be seen as a grave failure to uphold these duties.

Conclusion:

If Justice Minister Gunnar Strömmer was aware of the torture allegations and chose not to act, this could potentially be seen as a breach of both international and national law. The erga omnes principle underscores the seriousness of these allegations and the duty of all states to prevent and punish torture. The Swedish government's handling of these allegations raises significant concerns about its commitment to upholding international human rights standards.

Argumentation for the International Criminal Court (ICC) to Investigate Torture Allegations Involving High-ranking Officials Linked to the Swedish Government:

1. Jurisdiction of the ICC:

The International Criminal Court (ICC) is established to prosecute individuals for the gravest offenses of international concern, including war crimes, crimes against humanity, and genocide. Torture, when systematic and widespread, can be classified as a crime against humanity under the Rome Statute, the founding treaty of the ICC.

2. Complementarity Principle:

One of the foundational principles of the ICC is the principle of complementarity. This means that the ICC can only exercise its jurisdiction when national legal systems fail to do so, either because they are unwilling or genuinely unable to carry out the investigation or prosecution. The Swedish government's refusal to investigate allegations of torture by high-ranking officials could be seen as an unwillingness, thus potentially opening the door for ICC jurisdiction.

3. Gravity of the Crime:

The ICC typically focuses on the most severe crimes that shock the conscience of humanity. Systematic torture, especially when allegedly committed or condoned by high-ranking officials, certainly meets this threshold. The involvement of state actors in such heinous acts amplifies the gravity of the crime.

4. Precedents:

The ICC has previously investigated and prosecuted high-ranking officials from various countries for crimes against humanity, including torture. This demonstrates the court's willingness to hold those in power accountable, irrespective of their position or status.

5. International Obligations:

Sweden is a signatory to multiple international treaties, including the Convention Against Torture (CAT) and the Rome Statute. By failing to investigate and potentially prosecute allegations of torture, Sweden could be seen as neglecting its international obligations, further strengthening the argument for ICC intervention.

6. Deterrence and Accountability:

An ICC investigation would not only seek justice for the victims but also serve as a deterrent for other state actors. It sends a clear message that impunity for torture, even by high-ranking officials, will not be tolerated on the international stage.

7. Upholding International Justice:

The international community has a vested interest in ensuring that allegations of torture are thoroughly investigated and that perpetrators are held accountable. Allowing state actors to commit or condone torture without repercussions undermines the very essence of international justice and human rights.

Conclusion:

Given the gravity of the allegations, the potential unwillingness of the Swedish government to investigate, and the implications for international justice, there is a compelling argument for the International Criminal Court to intervene and investigate the alleged torture crimes involving high-ranking officials linked to the Swedish government.



2022-12-01
Ju2022/02354

Justitiedepartementet

Ale Rivinoja
Hultasjögatan 5
507 53 Borås

Anmälan mot justitiekanslern

Regeringens beslut

Regeringen vidtar inte någon åtgärd med anledning av din anmälan mot justitiekanslern.

Ärendet

Du har anmält justitiekanslern för brott i tjänsten.

På regeringens vägnar

Gunnar Strömmer

Sofiane Anaya

Kopia till

Justitiekanslern

The Government

Government decisions

2022-12-01

Ju2022/02354

Department of Justice

Ale Rivinoja

Hultasjögatan 5

SE-507 53 Borås

Complaint against the Chancellor of Justice

Government decision

The Government will not take any action on your complaint against the Chancellor of Justice

Case

You have reported Chancellor of Justice for crimes in the service.

On behalf of the Swedish Government

Signed

Gunnar Strömmer / The Minister of Justice

Signed

Sofiane Anaya

Copy to Chancellor of Justice

Phone : 08-405 10 10

Fax : 08-20 27 34

Webb: www.regeringen.se

Postal address : 103 33 Stockholm

Visiting address : Herkulesgatan 17

E-mail: ju.registrator@regeringskansliet.se

Ale Rivinoja
Bodagatan 29
50742 Borås

Kopia av din polisanmälan

Anmälningssuppgifter

Anmälningsdatum: 2022-06-30

Diarienummer: 0150-K3466-22

Enhet: Ärendesamordning 1 SU

Anmälningssätt: Skrivelse

Brott/händelse

Brottsbeskrivning: Tjänstefel

Brottsplats: Polisen Huvudkontor, Polhemsgatan 30

Postort: Stockholm

Datum/tid: t.o.m. 2022-06-30

Brott/händelse

Brottsbeskrivning: Tjänstefel

Brottsplats: Justitiekanslern, Birger Jarls torg 12

Postort: Stockholm

Datum/tid: t.o.m. 2022-06-30

Beskrivning av händelsen

Inkommen skrivelse

BROTTET

Målsägande anger i sin skrivelse att anmälan avser systematiska tortyrbrott där polis manipulerat bevis i förundersökning och JK döljer brott i domstol.

Anmälaren skriver också att denne har ingivit en framställan till Regeringen för beslut.

ÖVRIGT

Se inkommen skrivelse med tillhörande bilagor

Postadress

Särskilda utredningar
Box 12256
10226 Stockholm

Besöksadress

Telefon

114 14

Webbplats

polisen.se

Special investigations
Box 12256
10226 Stockholm

Date
2022-06-30

Ale Rivinoja
Bodagatan 29
50742 Borås

Copy of your police report

Registration information

Registration date: 2022-06-30

Diary number: 0150-K3466-22

Unit: Case coordination 1 SU

Application method: Letter

Crime/incident

Crime description: Malfunction

Crime scene: Police Headquarters, Polhemsgatan 30

Post office: Stockholm

Date/time: tom 2022-06-30

Crime/incident

Crime description: Malpractice

Crime place: Chancellery of Justice, Birger Jarls torg

12 Mailing address:

Stockholm Date/time: tom 06-30-2022

Description of the event

Received letter

THE CRIME

The plaintiff states in his letter that the report refers to systematic crimes of torture where the police manipulated evidence in the preliminary investigation and JK hides the crime in court.

The complainant also writes that he has submitted a petition to the Government for a decision.

OTHER

See received letter with associated attachments

Postal address

Special investigations
Box 12256
10226 Stockholm

visiting address

Telephone

114 14

Website

polisen.se



Ale Rivinoja
Hultasjögatan 5 LGH 1001
50753 BORÅS



Underrättelse om beslut

Överåklagare Anders Jakobsson har fattat följande beslut i ärende där du är målsägande.
Frågor om beslutet kan ställas till åklagaren.

Tjänstefel - 2022-06-30

BID: POD95-BR2022-158543380-NJ, Ext ärendenr: 0150-K3466-22

Brott avslutas

Ärendet har överlämnats till riksåklagaren i enlighet med 15 § ÅFS 2014:16.
Handläggningen vid Särskilda åklagarkammaren är därmed avslutad.



Anmälaren

Anmälan mot justitiekanslern

Riksåklagarens beslut

Anmälan föranleder inte någon åtgärd.

Ärendet

Du har, så som det har uppfattats, anmält bl.a. justitiekanslern för brott i tjänsten. Din anmälan (0150-K3466-22) har i den delen överlämnats till riksåklagaren.

Skälen för beslutet

Frågor om brott i tjänsten av justitiekanslern prövas av regeringen. Det innebär att det är regeringen som kan besluta att inleda förundersökning för utredning av sådant brott. Jag har inte uppfattat din anmälan som en anmälan mot justitiekanslern utan snarare att du vill informera om att du har anmält justitiekanslern för brott. En anmälan till regeringen avseende brott i tjänsten av justitiekanslern har bifogats din anmälan. Riksåklagaren kommer därför inte att vidta någon åtgärd med anledning av din anmälan.

Ärendet avslutas.

På riksåklagarens vägnar

Sofie Lundin

Detta beslut har godkänts digitalt och saknar därför namnunderskrift.

*För kännedom till
Polismyndigheten, Ärendesamordning 1 SU*



Sökanden

Anmälan om tortyr

Riksåklagarens beslut

Anmälan föranleder inte någon åtgärd.

Ärendet

Du har som, det får förstås, anmält bl.a. justitieombudsmannen, justitiekanslern, domare, åklagare och poliser för brott.

Din anmälan har överlämnats till riksåklagaren.

Skälen för beslutet

Dina anmälningsuppgifter får anses vara så allmänt hållna att de inte kan ligga till grund för en prövning av förutsättningarna för att inleda förundersökning. Riksåklagaren kan därför inte vidta någon åtgärd med anledning av anmälan.

Upplysningar

Frågor om brott i tjänsten av justitieombudsmannen prövas av riksdagens konstitutionsutskott. Det innebär att det är konstitutionsutskottet som kan besluta att inleda förundersökning för utredning av sådant brott. Den som med fog anser att justitieombudsmannen kan misstänkas för brott i tjänsten kan därför anmäla saken till konstitutionsutskottet.

Frågor om brott i tjänsten av justitiekanslern prövas av regeringen. Det innebär att det är regeringen som kan besluta att inleda förundersökning för utredning av sådant brott. Den som med fog anser att justitiekanslern kan misstänkas för brott i tjänsten kan därför anmäla saken till regeringen.

Med dessa upplysningar avslutas ärendet.

På riksåklagarens vägnar

Henrik Rasmusson
Tillsynschef

Detta beslut har godkänts digitalt och saknar där för namnunderskrift.

För kännedom till

Särskilda åklagarkammaren, AM-136751-21

Avdelningen för särskilda utredningar, 0150-K5118-21

2021-01-21 – Statement of act and act constituting torture offences

Statement of acts and acts constituting torture

E-mail letter with 9 attachments, 5000-K511017-14 and file appendices FR 7459-20, Opinion T6217-20
Explanation of how courts in their assessment and judgment ignore the circumstances of torture offences

2021-01-22 – Presentation of the court's decision on the reported torture offence

Explanation of how courts in decisions override torture offences

E-mail letter with 11 attachments, 5000-K511017-14, draft torture notification CPT, CAT appendices, etc.
Account of how courts in their assessment and judgment ignore the circumstances of torture crimes

2021-01-26 – Report on threats against lawyers, assault in court

Account of crime, abuse in legal proceedings, threats communicated to lawyer

E-mail nr1 letter with 6 attachments, 5000-K511017-14, opinion Sandra 2013-10-17, FR 7459-20 mm
Presentation of the situation with crime, abuse in legal proceedings and mediated threats to lawyer etc.

2021-01-26 – Report on threats against lawyers, assault in court

Statement of gun threats in court proceedings and crimes, assaults in legal proceedings

E-mail no2 letter with 3 appendices, Judgment and file appendices Western Court of Appeal for
Western Sweden case no T6217-20 Account of gun threats in court proceedings and more

2021-05-14 – Report on JK knowledge of crime, abuse in legal proceedings

Account of knife assaults during ongoing legal proceedings, Encase

E-mail with letter and report with 6 attachments, knife assault in home in relation K511017-14 mm
Account of repeated abuse in legal proceedings, EBM opinion to JK 1213-19, ang. Encase & Sylva

2021-09-08 – Request that the government make a decision regarding torture crimes

Request that the Government take a decision concerning: Torture offences

E-mail requesting that the government make a decision regarding the Swedish Government. torture
offence with 14 appendices, bodyguard murder, threats Detailed description of threats, abuse,
bodyguards, Heidar Testimony, JK knowledge of abuse

2021-09-10 – Request that the government make a decision regarding torture crimes

Request that the Government take action on the request

E-mail regarding the request the government makes a decision regarding the request for the
government. torture offences, appendix transcript Heidar Hilmarsson Question to the government
confirmation of receipt of e-mail from 2011-09-08 confirmed as received

2021-09-13 – Report of torture act and draft notification to CAT

Presentation draft CAT with notification and grounds for disclosure. bodyguards, threats, blackmail

E-mail with 11 attachments request for duty to act, Draft attachments CAT murder of bodyguard,
extortion Question to government confirmation of receipt e-mail from 2011-09-08 confirmed as
received

2021-11-24 – Claim request payment for damage incurred torture crime

Claim Request for payment to the government regarding damages incurred torture crime

E-mail with 5 attachments with claim request for payment of damages and attorney's costs etc.
Question to the government confirmation of receipt e-mail from 2011-09-08 confirmed as
received

2021-01-21 – Redogörelse för handling och gärning som utgör tortyrbrott

Redogörelse för handlingar och gärningar som utgör tortyrbrott

E-mail skrivelse med 9 bilagor, 5000-K511017-14 samt akt bilagor FR 7459–20, Yttrande T6217-20
Redogörelse hur domstolar i sin bedömning och dom struntar i omständigheter med tortyrbrott

2021-01-22 – Redogörelse för domstolens beslut vid redovisat tortyrbrott

Redogörelse för hur domstolar i beslut åsidosätter tortyrbrott

E-mail skrivelse med 11 bilagor, 5000-K511017-14, utkast tortyranmälan CPT, CAT bilagor mm
Redogörelse hur domstolar i sin bedömning och dom struntar i omständigheter med tortyrbrott

2021-01-26 – Redogörelse vapenhot mot advokat, övergrepp i rättssak

Redogörelse för brott, övergrepp i rättssak, hot som kommuniceras advokat

E-mail nr1 skrivelse med 6 bilagor, 5000-K511017-14, yttrande Sandra 2013-10-17, FR 7459–20 mm
Redogörelse för situationen med brott, övergrepp i rättssak samt förmedlade hot till advokat mm

2021-01-26 – Redogörelse vapenhot mot advokat, övergrepp i rättssak

Redogörelse för vapenhot i domstolsprocess samt brott, övergrepp i rättssak

E-mail nr2 skrivelse med 3 bilagor, Dom samt akt bilagor Västra HR mål nr T6217-20
Redogörelse för vapenhot i domstolsprocess med mera

2021-05-14 – Redogörelse för JK kännedom om brott, övergrepp i rättssak

Redogörelse för knivöverfall under pågående rättsliga processer, Encase

E-mail med skrivelse och anmälan med 6 bilagor, knivöverfall i hem i relationen K511017-14 mm
Redogörelse för repeterade övergrepp i rättssak, EBM yttrande till JK 1213–19, ang. Encase & Sylva

2021-09-08 – Hemställan att regering fattar beslut angående tortyrbrott

Hemställan att regering fattar beslut ang. tortyrbrott

E-mail med hemställan att regering fattar beslut ang. tortyrbrott med 14 bilagor, mord på livvakt, hot
Detaljerad beskrivning av hot, övergrepp, livvakter, Heidar Vittnesmål, JK kännedom om övergrepp

2021-09-10 – Hemställan att regering fattar beslut angående tortyrbrott

Begäran att regering vidtar åtgärder med anledning hemställan

E-mail angående hemställan att regering fattar beslut ang. tortyrbrott, bilaga utskrift Heidar Hilmarsson
Fråga till regering bekräftelse av mottagande e-mail från 2011-09-08 som bekräftas som emottaget

2021-09-13 – Redovisning av tortyrhandling och utkast en anmälan till CAT

Redovisning utkast till CAT med anmälan och grunder ang. livvakter, hot, utpressning

E-mail med 11 bilagor hemställan om handlingsplikt, Utkast bilagor CAT mord på livvakt, utpressning
Fråga till regering bekräftelse av mottagande e-mail från 2011-09-08 som bekräftas som emottaget

2021-11-24 – Kravframställan betalning på skada uppkommen tortyrbrott

Kravframställan om betalning till regering angående skadestånd uppkommen tortyrbrott

E-mail med 5 bilagor med kravframställan om betalning av skadestånd och ombudskostnad m.m.
Fråga till regering bekräftelse av mottagande e-mail från 2011-09-08 som bekräftas som emottaget