

SWEDEN

Sandra Friberg

Damages for Violations of Rights and Matters of Limitation

- 2014: The Supreme Court establishes a right to damages for wrongful deprivation of Swedish citizenship.
- 2018: When is a claim for damages time-barred
 - a) in a case of wrongful deprivation of citizenship?
 - b) in a case of wrongful deprivation of liberty?

General Rules on Limitation

- The Act on Limitation (1981:130)
 - A claim for damages has a ten-year limitation period

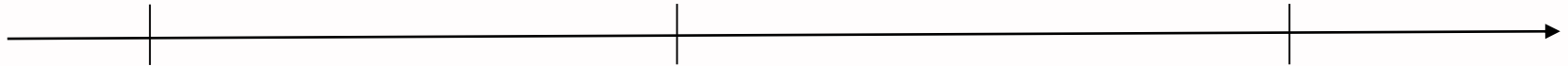
 - A claim that emanates from a tortious act is, as a main rule, considered to arise at the time of the act, even if the damage occurs at a later time. An on-going tortious act can be time-barred gradually, day-by-day...

The Supreme Court 2018, 103

**Deregistration
November 1989**

**Registration
January 2013**

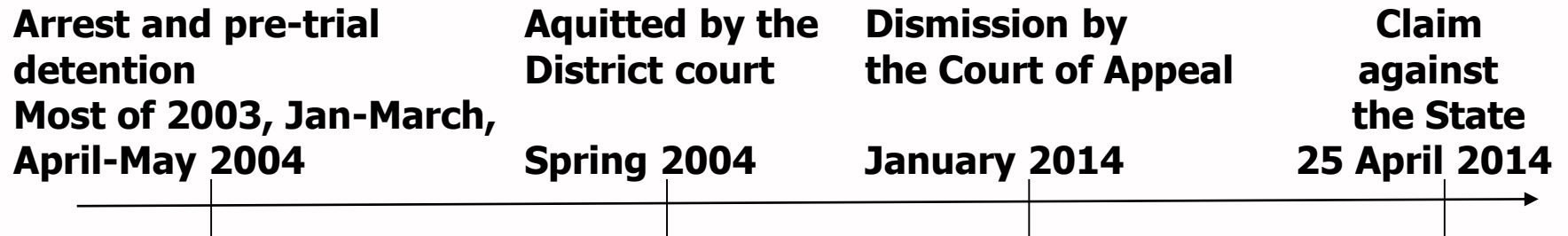
**Claim against the State
19 August 2014**



- The Starting Point of Limitation
 - “It is clear that the starting point cannot be solely the wrongful decision to deregister the citizenship in 1989.”
 - “If limitation is time-barred gradually, the claim relating to the time-period before 19th August 2004 would be time-barred.”

- “Regarding claims of the present kind, the period of limitation should have its starting point at the time when the wrongful declaration is corrected.”
- “The period of limitation is thus suspended during the time of the breach.”
- Since the claim was filed in August 2014, no part of the claim was time-barred.

The Supreme Court 2018, 793



- The Chancellor of Justice (JK) found that the claim was time-barred before 24 April 2004.

- The Supreme Court stated that the main rule on limitation shall apply. The starting point is therefore the first day of the wrongful decision on deprivation of liberty.
- In order to avoid limitation, a person would have to take steps to interrupt limitation, even though the person has no right to compensation yet.
- The claimant was awarded compensation for the wrongful deprivation of liberty post-24th April 2004.