



Reports of Cases

Case C-420/20

**Criminal proceedings
against
HN**

(Request for a preliminary ruling from the Sofiyski rayonen sad)

Judgment of the Court (First Chamber) of 15 September 2022

(Reference for a preliminary ruling – Judicial cooperation in criminal matters – Charter of Fundamental Rights of the European Union – Articles 47 and 48 – European Convention for the Protection of Human Rights and Fundamental Freedoms – Article 6 – Directive (EU) 2016/343 – Strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings – Article 8 – Right to be present at the trial – Return decision accompanied by an entry ban of five years – Conditions for holding a trial in the absence of the person concerned – Obligation to be present at the trial provided for under national law)

1. *Judicial cooperation in criminal matters – Strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings – Directive 2016/343 – Right to be present at the trial*
(European Parliament and Council Directive 2016/343, Arts 1 and 8(1))

(see paragraphs 32, 33, 40-43, operative part 1)

2. *Judicial cooperation in criminal matters – Strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings – Directive 2016/343 – Right to be present at the trial*
(European Parliament and Council Directive 2016/343, Art. 8(2))

(see paragraphs 58-61, 66, operative part 2)

3. *Border controls, asylum and immigration – Immigration policy – Return of illegally staying third-country nationals – Directive 2008/115 – Ban on entry on a Member State's territory*
(European Parliament and Council Directive 2008/115, Art. 11(3))

(see paragraphs 62-65)

See the text of the decision.