



## Changes to the procedure for interim measures (Rule 39 of the Rules of Court)

On 26 June and 6 November 2023, in the context of wider procedural reforms, the Plenary Court has adopted several decisions clarifying and codifying its existing practice relating to interim measures.

Under the Convention system, interim measures (Rule 39 of the [Rules of Court](#)) are applied in exceptional circumstances, in cases where there is an imminent risk of irreparable harm. They play a vital role in avoiding irreversible situations that would prevent national courts and/or the Court from properly examining Convention complaints and, where appropriate, securing to the applicant the practical and effective benefit of the Convention rights asserted. The Court may indicate interim measures until further notice, or for a limited period of time, depending on the circumstances of the case. Parties to the proceedings may request the Court to reconsider its decision to indicate interim measures or may lodge a fresh request where the initial request has not been granted if the circumstances change.

A failure by a respondent State to comply with interim measures undermines the effectiveness of the right of individual application guaranteed by Article 34 of the European Convention on Human Rights and the State's formal undertaking in Article 1 to protect the rights and freedoms set forth in the Convention. When issuing interim measures, the Court exercises its jurisdiction to ensure observance of the engagements undertaken by the High Contracting Parties in the Convention and Protocols thereto, in accordance with Article 19, which jurisdiction extends to all matters concerning their interpretation and application, as provided in Article 32.

Following the aforementioned decisions of the Plenary Court, certain proposed amendments to Rule 39 have been submitted today to Contracting Parties for written comments, in accordance with Rule 116 of the Rules of Court. Similar consultations will be launched with a number of organisations with experience in representing applicants before the Court as well as relevant Bar associations.

An updated Practice Direction accompanying the amended Rule 39 will be prepared and published following the consultation process. Practice directions are issued by the President of the Court to provide clarification on aspects of the Court's procedure. An updated Practice Direction may seek to provide further details on the decision-making process when requests for interim measures are lodged.

The Plenary Court has also decided the following:

- Disclosure of the identity of the judges who render the decisions on interim measure requests;
- Maintaining the practice of providing reasons for Rule 39 decisions on an ad hoc basis and issuing press statements where the circumstances of the cases so require;
- Issuing formal judicial decisions to be sent to the parties;
- Maintaining the established practice of adjourning the examination of the requests for interim measures and requesting the parties to submit information in those circumstances where the situation is not extremely urgent and where the information that the applicants could submit to the Court was not sufficient to enable the Court to examine the request.

The date on which the above changes to the procedure will be implemented will be communicated in due course.

For further information, see [the factsheet on interim measures](#).

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.