



No interim measures issued against annulment of Romanian presidential election

The European Court of Human Rights has today decided, in a Chamber formation and by an unanimous vote, **not to issue an interim measure** in the case **Călin Georgescu v. Romania** (application no. 37327/24).

The case concerns the annulling by the Constitutional Court of Romania of the presidential elections of 2024, for which Mr Georgescu was a candidate.

Mr Georgescu had requested that interim measures be given, indicating, in particular, that the Constitutional Court decision should be suspended and the election process resumed.

The Court rejected the request as it fell outside of the scope of Rule 39 (interim measures) of the Rules of Court.

Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face an imminent risk of irreparable harm. For further information, see [the factsheet on interim measures](#).

Interim-measure request (Rule 39)

The applicant, Călin Georgescu, is a Romanian national, who was born in 1962 and lives in Mogosoia (Romania).

On 24 November 2024 the first round of the presidential elections took place in Romania, with the second round due to have been on 8 December 2024. Mr Georgescu was a candidate and reached the runoff. On 6 December the Constitutional Court of Romania annulled the entire election process (decision no. 32 of 6 December 2024) by virtue of Article 146 (f) of the Constitution. It ordered that the elections should be reorganised from the start by the Government on a future date. That was a final decision.

On 16 December 2024, alleging infringements of his rights provided for in Articles 6 (right to a fair trial) and 13 (right to an effective remedy) of the Convention and Article 3 of Protocol No. 1 to the Convention (right to free elections), Mr Georgescu sought interim measures under Rule 39 of the Rules of Court (interim measures) against the decision no. 32/2024 of 6 December 2024 of the Constitutional Court of Romania that annulled the presidential-election process that had been ongoing at the time of that decision. He requested specifically suspension of the effects of the Constitutional Court's decision until his application to the Court had been decided, in order to prevent irreparable harm to the democratic rights of the applicant and Romanian citizens; to oblige the Government of Romania to resume the electoral process, respecting the results of the first round; and to organise the second round of the presidential elections; to oblige the Romanian State to adopt measures to remedy democratic harm, restoring trust in the electoral process.

Decision of the Court

The decision was taken unanimously by a Chamber of seven judges.

In its decision, the Court reiterated that, in conformity with Rule 39, interim measures were applicable only in cases of imminent risk of irreparable harm to a Convention right which, on account of its nature, would not be susceptible to reparation, restoration or adequate compensation. Such measures could, moreover, be adopted only in exceptional circumstances, where this was necessary in the interests of the parties or the proper conduct of the proceedings.

The Court rejected Mr Georgescu's request as outside the scope of application of Rule 39. Taking into account his request, along with the grounds and reasons supporting it, the Court held that in accordance with its well-established practice, Mr Georgescu's request did not concern an imminent risk of irreparable harm within the meaning of Rule 39 § 1 of the Rules of Court.

The Court considered that the request fell outside the scope of Rule 39 of the Rules of Court, and decided not to indicate to the Government of Romania the interim measure sought.

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

We are happy to receive journalists' enquiries via either email or telephone.

Neil Connolly (tel: + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Jane Swift (tel: + 33 3 88 41 29 04)

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.