

Editorial

The theme of the presidential elections dominates the current issue of *The New Journal of Human Rights*. The completion and consequent publication of *NRDO* No. 1/2025 has been postponed so that the main analysis dedicated to the presidential elections and other relevant material could take into account the second round of voting and the final result of May 18th. We were thus able to publish in the MISCELLANEA section the statements of the Hungarian churches supporting pro-European candidates, previously available only in Hungarian. We have added the Electoral Appeal of the Presidium of the Higher Consistory of the Evangelical Church A.C. of Romania.

The electoral appeals also prove that the election of Nicușor Dan as President of Romania was considered a critical event for the evolution of the human rights situation in Romania.

In his study, Professor Corneliu-Liviu Popescu deconstructs, point by point, the complaint of former candidate Călin Georgescu to the ECHR and caustically concludes: "The publicity" given at the national level to the introduction of the individual application suggests that the European procedure was used exclusively for political propaganda purposes. This could have led the Court to identify an additional ground of inadmissibility, namely the abusive nature of the application. As regards the lawyer who represented the applicant in the European procedure, in a manner manifestly contrary to clear and settled European case-law, she either showed professional incompetence or acted as a lawyer of convenience".

Given the stakes, not only political but also societal, of former presidential candidate Călin Georgescu's confrontation with the national and international courts, the traditional European Court of Human Rights jurisprudence section reproduces in full the case of *Georgescu v. Romania*. Following it, we have published three other cases relevant to the way in which European judges have dealt with situations involving presidential candidates "stopped in their tracks" by national courts: *Rasul Guliev v. Azerbaijan*, *Ljube Boškoski v. Former Yugoslav Republic of Macedonia* and *Vladislav Anatolyevich Krivobokov v. Ukraine*. In all of them, the basic argument of the European judges was that the scope of Art. 3 of Protocol 1 is "the election of the legislature" (free elections ensuring free expression of the people's opinion "concerning the choice of the legislature"), not the election of a head of state. The exception being those cases where the fundamental law of the state grants the President the powers of a "legislator" - which is not the case in the constitutions of Romania, Azerbaijan, Macedonia or Ukraine. Perhaps this limitation of the European Convention is frustrating in a political system where the President is elected by universal suffrage and his powers are significantly greater than those of a parliamentarian. But these are the "rules of the game" accepted by the member states of the Council of Europe.

The study "The Presidential Elections of 2024/2025. What do they say about the relationship between elections and democracy in the age of social networks" critically analyzes the BEC and CCR decisions in the first iteration (in 2024) and the second iteration (in 2025) of

the elections for the office of President of Romania. The comments on the national decisions include references to the case law of the ECHR, which is relevant to this kind of cases both directly and indirectly. The study considers that the annulment of the presidential elections on October 6, 2024, was in line with the powers and obligations of the Constitutional Court, and the decision can be regarded as a memorable moment in its activity. On the other hand, extending the powers of the Constitutional Court in the "Șoșoacă case" turns the Court into a political filter for presidential candidates, which exceeds the acceptable level of interventionism. Given the danger that the Constitutional Court could become a direct political player, it is necessary to amend the law on the organization and functioning of the Constitutional Court.

The study looks at what happened in Romania during the electoral event as a case study for a deeper and more general topic: how legitimate can elections be given the new realities of social networks? A popular consultation under conditions that strip it of its substance, both symbolic and practical, calls into question the foundations of contemporary democracy. The suggestion that there is no "real ideology" of the electorate, but rather a virtual electorate whose identity "collapses" during elections and can be reconstructed through external interventions, needs further elaboration.

The "Summary of NCCD Case-law, race and ethnicity criteria, 2018", continues Liliana Ene's long-standing project to provide researchers with privileged access to the NCCD jurisprudence on these two criteria with important political and societal impact. Previously, the researcher had organized the jurisprudential material for the years 2008-2015. We can expect that in the future Liliana Ene will bring up to date the summary of NCCD case-law on race and ethnicity. The result would help the in-depth investigations on the "doctrine" of the NCCD, especially its evolution and coherence /incoherence.

The MISCELLANEA section also contains a review of Mircea Tanase's book, *Spring at Bug. The New Journal of Human Rights* has invited writer and editor Andrei Ruse to review the book as we consider it an exceptional editorial event. The written testimony of a Roma man who experienced deportation to Transnistria inspires reflections on marginalization, injustice and the cruelty of some people towards others, behaviors that reached appalling proportions during the Second World War.

The New Journal of Human Rights celebrates the 35th anniversary of the anti-communist revolutions in Europe with two documentaries. In the last issue we introduced Markus Meckel, a leading figure of East German dissidence who continued to campaign for human rights throughout the period 1990-2025. Through his writings translated into Romanian we now have access to his mobilizing ethos.

The documentary in *NRDO* no. 1/2025 presents a personality in the science of History, Antoon De Baets, Professor Emeritus of History, Ethics and Human Rights at the University of Groningen. De Baets links, theoretically and practically, his field of interest with the imperative of human rights. He initiated, led and directs the Network of Concerned Historians, a bridge between international human rights organizations and the global community of historians, whose purpose is to protect censored or persecuted historians. He is the author of a "human rights-based theory of the responsibilities of historians" built on the pillars of the responsibility *to respect* and *protect* history and historians and the responsibility *to promote*

history. We have chosen to publish here the Romanian version of his study "Open Letters in Closed Societies. The Values of Historians under Attack" (published in *History and Theory* 63, no. 4, 2024), which captures the liberating spirit of 1989.

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