

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 51437/10
Tariel ABASHIDZE
against Georgia

The European Court of Human Rights (Third Section), sitting on 18 June 2013 as a Committee composed of:

Ján Šikuta, *President,*
Luis López Guerra,
Nona Tsotsoria, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 2 September 2010,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Tariel Abashidze, is a Russian national, who was born in 1952 and lives in Tbilisi. He was represented before the Court by Mr Besarion Kartsivadze, a lawyer practising in Tbilisi.

2. The Georgian Government ("the Government") were represented by their Agent, Mr Levan Meskhoradze of the Ministry of Justice.

3. On 26 May 2011 the Court gave notice to the Government of the applicant's complaints under Article 3 of the Convention concerning the alleged lack of adequate medical treatment for his serious pulmonary disorders in prison and the refusal of the domestic courts to suspend his prison sentence.

4. In December 2013 the applicant was released from prison on the basis of a Presidential pardon of 7 December 2012.

5. On 31 May and 3 June 2013 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Georgia in respect of the facts giving rise to this application against an undertaking by the Government to pay him 4,500 (four thousand five hundred) euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into the respondent State's national currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable to the applicant. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

6. The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Marialena Tsirli	Ján Šikuta
Deputy Registrar	President