

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

THIRD SECTION

DECISION

Application no. 7791/08
by Eduard KAKABADZE
against Georgia

The European Court of Human Rights (Third Section), sitting on 8 March 2011 as a Committee composed of:

Alvina Gyulumyan, *President,*
Luis López Guerra,
Nona Tsotsoria, *judges,*

and Marialena Tsirli, *Deputy Section Registrar*,

Having regard to the above application lodged on 10 December 2007,

Having regard to the parties' observations on the admissibility and merits of the application,

Having regard to the applicant's letter of 22 December 2010 and to the respondent Government's comments of 26 January 2011,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Eduard Kakabadze, is a Georgian national who was born in 1952 and lives in Tbilisi. He was represented before the Court by Ms Lia Mukhashavria, a lawyer practising in Tbilisi. The Georgian Government ("the Government") were represented by their Agent, Mr Levan Meskhoradze of the Ministry of Justice.

The application, notice of which was given to the Government on 2 July 2008, mainly concerned, under Articles 3 and 6 § 1 of the Convention, the general conditions of the applicant's detention, the quality of the medical treatment dispensed for his cardiac problems in prison and the absence of

sufficient reasoning in the Supreme Court's decision upholding, at cassation, the applicant's criminal conviction.

Subsequently, on 31 December 2008 and 13 March 2009, the parties exchanged their observations on the admissibility and merits of the case.

On 22 December 2010 the applicant personally informed the Court that he wished to withdraw his application as the matter had been resolved on the domestic level.

On 26 January 2011 the Government commented that they did not object to having the application struck out of the list of pending cases. They also submitted that on 31 December 2010 a domestic court, having regard to the applicant's state of health, had suspended the remaining part of his prison sentence.

THE LAW

In the light of the foregoing circumstances, the Court considers that the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the application (cf. *Archaia v. Georgia* (dec.), no. 6643/10, 14 December 2010; *Murad Todua v. Georgia* (dec.), no. 6024/10, 9 November 2010).

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Marialena Tsirli
Deputy Registrar

Alvina Gyulumyan
President