

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

SECOND SECTION

DECISION

Application no. 65063/09
by Serapion GABEDAVA
against Georgia

The European Court of Human Rights (Second Section), sitting on 28 January 2011 as a Committee composed of:
Dragoljub Popović, *President,*
Nona Tsotsoria,
Kristina Pardalos, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*
Having regard to the above application lodged on 19 November 2009,
Having regard to the parties' observations,
Having regard to the applicant's letter of 20 November 2010,
Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Serapion Gabedava, is a Georgian national who was born in 1985 and, prior to his imprisonment, lived in the village of Kortskheli, Zugdidi District. He was represented before the Court by Mr Vakhtang Gabedava, a lawyer practising in Zugdidi. The Georgian Government ("the Government") were represented by their Agent, Mr Levan Meskhoradze of the Ministry of Justice.

On 11 January 2010 the Court gave notice to the Government of the applicant's complaints under Articles 2 and 3 of the Convention concerning the lack of treatment for his pulmonary multidrug-resistant and fibro-cavernous tuberculosis (TB) in prison.

On 6 May 2010 the Government submitted their observations on the admissibility and merits of the application, which included medical information about the applicant's state of health. Those submissions disclosed that he had started receiving an anti-TB treatment.

On 9 July 2010 the applicant submitted his observations in reply to those of the Government, in which he expressed his satisfaction with the Government's attention towards his state of health. However, he made a few conditions as regards his further treatment in prison, including the need for his temporary transfer to a civil TB hospital for the purpose of a comprehensive medical examination. The Government commented on his submissions on 8 September 2010.

By a letter of 20 November 2010, the applicant requested the Court to strike his application out of its list of cases. He maintained that the relevant authorities had provided him with the requisite anti-TB treatment, the course of which would expire on 29 December 2010. The applicant added that the results of his latest medical examination in a civil TB hospital had revealed an amelioration of his state of health, thus confirming the adequacy of the dispensed treatment.

THE LAW

In the light of the foregoing, 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 case.

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.

Françoise Elens-Passos
Deputy Registrar

Dragoljub Popović
President