

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

THIRD SECTION

DECISION

Application no. 40123/10
Davit GUJEJIANI
against Georgia

The European Court of Human Rights (Third Section), sitting on 14 May 2013 as a Committee composed of:
Luis López Guerra, *President,*
Nona Tsotsoria,
Valeriu Griţco, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*
Having regard to the above application lodged on 6 July 2010,
Having regard to the parties' submissions of 14 March 2013,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Davit Gujejiani, is a Georgian national, who was born in 1979 and lives in Tbilisi. He was represented before the Court by Ms Mariam Neparidze, 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 3 January 2012 the applicant's complaints under Article 3 of the Convention concerning his alleged ill-treatment and the lack of adequate medical care for his various diseases in prison was communicated to the respondent Government under Rule 54 § 2 (b) of the Rules of Court.

4. On 14 March 2013 the parties informed the Court that they wished to effect a friendly settlement of the case. They submitted a mutually signed declaration, dated 21 February 2013, which reads as follows:

"Taking into account certain deficiencies identified with regard to the alleged ill-treatment facts in prison as well as shortcomings in respect of the medical treatment dispensed to Mr Davit Gujejiani,

Considering that the applicant, who had been sentenced to serve a prison sentence until 22 March 2020, was granted early release on 31 December 2012,

The applicant and the Government have agreed to a friendly settlement on the following terms:

The Government will pay the applicant 5,000 (five thousand) Euros in respect of any pecuniary and non-pecuniary damages, costs and expenses.

This sum will be converted into Georgian Laris at the rate applicable at the date of payment, and paid within three months of the date of notification of the Court's decision issued in accordance with Article 37 § 1 of the European Convention on Human Rights. In the event of failure to settle within this period, simple interest shall be payable on the amount in question at a rate equal to the marginal lending rate of the European Central Bank plus three percentage points. The payment will constitute the final resolution of the case.

Bearing in mind the above-mentioned agreement, the parties kindly ask the honourable Court to strike the instant case out of its list of cases in accordance with Article 39 of the Convention."

THE LAW

5. The Court takes note of the friendly settlement reached between the parties. It is satisfied that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of the application under Article 37 § 1 *in fine*.

For these reasons, the Court unanimously

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

Marialena Tsirli
Deputy Registrar

Luis López Guerra
President