

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

THIRD SECTION

DECISION

Application no. 3486/06
Zurab KAKULIA and Zaza BULISKERIA
against Georgia

The European Court of Human Rights (Third Section), sitting on 6 November 2012 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 15 November 2005,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Zurab Kakulia and Mr Zaza Buliskeria, are Georgian nationals, who were born in 1970 and 1964 respectively and live in Tbilisi. They were represented before the Court by Ms Tamuna Gabisonia and Mr Archil Chopikashvili, lawyers practising in Tbilisi. The Georgian Government ("the Government") were represented by their Agent, Mr Levan Meskhoradze of the Ministry of Justice.

On 24 May 2012 the Court gave notice to the Government of the applicants' complaints under Article 3 of the Convention concerning the material conditions of their detention in Tbilisi no. 1 Prison and the alleged lack of adequate medical treatment for their various diseases in prison.

By a letter of 25 September 2012 the Court received the Government's friendly settlement proposal saying that the Government are prepared to pay each applicant 3,000 (three thousand) euros in compensation for any pecuniary and non-pecuniary damage.

On 2 October 2012 the Court received the applicants' letter of acceptance of such proposal under which they agreed to waive any further claims against Georgia in respect of the facts giving rise to this application.

THE LAW

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.

As to the amount of compensation offered to the applicants, the Court considers that it should be converted into the national currency of the respondent State at the rate applicable on the date of the payment, and paid within three months from the date of notification of the Court's decision issued in accordance with Article 39 § 3 of the Convention. In the event of failure to pay this sum within the said three-month 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.

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