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

FOURTH SECTION

DECISION

This version was rectified on 1 July 2014
under Rule 81 of the Rules of Court.

Application no. 65594/09
Irakli KHOKHIASHVILI
against Georgia

The European Court of Human Rights (Fourth Section), sitting on 6 May 2014 as a Committee composed of:

George Nicolaou, *President,*
Ledi Bianku,
Nona Tsotsoria, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 December 2009,

Having regard to the declaration submitted by the respondent Government on 17 February 2014 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Irakli Khokhiashvili, is a Georgian national, who was born in 1982 and lives in Kutaisi. He was represented before the Court by Ms L. Gvarliani, a lawyer practising in Tbilisi.

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

3. The application mainly concerned the alleged lack of adequate medical treatment for the applicant's various medical conditions in prison. Notice of the above complaint under Article 3 of the Convention was given to the Government on 21 December 2009.

4. After unsuccessful friendly-settlement negotiations, by a letter dated 17 February 2014 the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application. The relevant part of the declaration read as follows:

> "By way of a unilateral declaration the Government of Georgia acknowledge that in the particular circumstances of the instant case, there was a violation of Article 3 of the European Convention on Human Rights. They do so on account of the deficiencies identified in the course of the medical treatment of Mr Irakli Khokhiashvili in prison.
>
> In light of the above-mentioned, the Government declares that it is prepared to pay Mr Khokhiashvuli 4,500 (four thousand five hundred) Euros to cover any pecuniary and non-pecuniary damage and costs and expenses.
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> This sum will be converted into the national currency at the rate applicable on the date of the payment, and will be free from any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from the expiry of that period until the settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.[1] The payment shall constitute a final resolution of the case. …"

5. On 19 March 2014, the Court received a letter from the applicant informing the Court that he had accepted the terms of the Government's declaration and had agreed to waive any further claims against Georgia in respect of the facts giving rise to this application.

THE LAW

6. The Court finds that following the applicant's express agreement to the terms of the declaration made by the Government the case should be treated as a friendly settlement between the parties.

7. It therefore 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.

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[1] Rectified on 1 July 2014: the paragraph concerning the modalities agreed by the parties for the payment of the amount proposed has been added.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases pursuant to Article 39 of the Convention.

Fatoş Aracı
Deputy Registrar

George Nicolaou
President