

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

THIRD SECTION

DECISION

Application no. 14929/09
by Koba KOBAKHIDZE and Mamuka NINUA
against Georgia

The European Court of Human Rights (Third Section), sitting on 11 October 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 26 December 2008,

Having regard to the parties' letters of 31 August and 9 September 2011 accepting a friendly settlement of the case,

Having deliberated, decides as follows:

THE FACTS

The applicants, Mr Koba Kobakhidze and Mr Mamuka Ninua, are Georgian nationals who were born in 1974 and 1978 respectively and are currently serving prison sentences. They were represented before the Court by Ms Ana Chapidze, a lawyer practising in Kutaisi. The Georgian Government ("the Government") were represented by their Agent, Mr Levan Meskhoradze of the Ministry of Justice.

On 18 April 2011 the Court gave notice to the Government of the second applicant's complaint under Articles 3 and 13 of the Convention concerning the lack of adequate medical care in prison and both applicants' complaints

under Articles 3, 6 §§ 1 and 3 (c) and 13 of the Convention concerning their alleged ill-treatment by prison officers.

By letters of 31 August and 9 September 2011, the parties informed the Court that they wished to reach a friendly settlement in the case. Notably, the applicants declared that they were ready to desist from the proceedings before the Court in exchange for an undertaking by the Government to secure their early release from prison. The Government accepted that proposal, making a formal pledge to release the applicants as soon as a decision under Article 37 § 1 of the Convention was taken by the Court.

THE LAW

The Court takes note of the friendly settlement reached between the parties, and in particular of the Government's undertaking to secure the applicants' early release from prison. 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 (Article 37 § 1 *in fine* of the Convention).

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.

Marialena Tsirli
Deputy Registrar

Alvina Gyulumyan
President