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

FOURTH SECTION

DECISION

Application no. 25759/08
Dimitri MIKELADZE
against Georgia

The European Court of Human Rights (Fourth Section), sitting on 6 December 2016 as a Committee composed of:

Krzysztof Wojtyczek, *President,*
Nona Tsotsoria,
Marko Bošnjak, *judges,*

and Andrea Tamietti, *Deputy Section Registrar,*

Having regard to the above application lodged on 23 May 2008,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Dimitri Mikeladze is a Georgian national, who was born in 1977 and lives in Tbilisi. He was represented before the Court by Ms S. Abuladze, a lawyer practising in Tbilisi.

2. The Georgian Government ("the Government") were successively represented by their Agents, Mr L. Meskhoradze and Mr B. Dzamashvili, of the Ministry of Justice.

3. The case concerned the alleged lack of medical care for the applicant's bronchial asthma in prison. He had been serving a six-year prison term for a drug offence on the basis of a conviction delivered against him on 16 February 2007.

4. After the Government had been given notice of the application under Article 3, they informed the Court that they had reached a settlement with the applicant in the domestic proceedings. Thus, on 2 September and 2 November 2016 the Court received declarations signed by both parties, whereby the applicant agreed to have his application struck out of the Court's list of cases against an undertaking by the Government to pay him

EUR 3,000 (three thousand euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses. This amount will be converted into the respondent State's national currency at the rate applicable on the date of payment and be free of any taxes that might be applicable to the applicant. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

5. In the light of the above, the Court considers 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*.

6. Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 12 January 2017.

Andrea Tamietti
Deputy Registrar

Krzysztof Wojtyczek
President