

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

THIRD SECTION

DECISION

Application no. 34361/10
by Giorgi NIZHARADZE
against Georgia

The European Court of Human Rights (Third Section), sitting on 8 March 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 16 June 2010,

Having regard to the observations submitted by the respondent Government on 29 October 2010,

Having regard to the applicant's letter of 16 December 2010,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Giorgi Nizharadze, is a Georgian national who was born in 1973 and is currently detained in a medical establishment of the Ministry of Penitentiary, Probation and Legal Assistance ("the prison hospital"). He was represented before the Court by Ms Maia Donadze, a lawyer practising in Tbilisi. The Georgian Government ("the Government") were represented by their Agent, Mr Levan Meskhoradze of the Ministry of Justice.

On 12 July 2010 the Court gave notice to the Government of the applicant's complaints under Articles 3 and 13 of the Convention

concerning the lack of adequate treatment for his viral hepatitis C (HCV) and certain brain disorders in prison.

On 29 October 2010 the Government submitted their observations on the admissibility and merits of the application, which included medical information on the applicant's state of health. Those submissions disclosed that he had started receiving the anti-HCV and other types of relevant treatment in prison. The medical file confirmed that the applicant benefited from permanent medical supervision in the prison hospital and that his general condition remained stable.

By a letter dated 16 December 2010, the applicant, instead of submitting his observations in reply to those of the Government, informed the Court that he wished to withdraw his application. No other explanation was given. The applicant's withdrawal request was confirmed by his representative on 20 December 2010.

THE LAW

In the light of the foregoing, the Court considers that the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the application (cf. *Archaia v. Georgia* (dec.), no. 6643/10, 14 December 2010; *Murad Todua v. Georgia* (dec.), no. 6024/10, 9 November 2010).

For these reasons, the Court unanimously

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

Marialena Tsirli Deputy Registrar	Alvina Gyulumyan President