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

FOURTH SECTION

DECISION

Application no. 5842/11
Vladimer Sharashenidze
against Georgia

The European Court of Human Rights (Fourth Section), sitting on 8 November 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 December 2010,

Having regard to the Government's proposal made on 7 September 2016 and the applicant's reply,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Vladimer Sharashenidze, is a Georgian national, who was born in 1970 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 represented by their Agent, Mr B. Dzamashvili, of the Ministry of Justice.

3. The applicant complained under Article 3 of the Convention about the alleged lack of adequate medical treatment in prison.

4. On 6 April 2011 the applicant's complaint under Article 3 of the Convention was communicated to the Government. On 7 September 2016 the Government wrote to the Court setting out the following friendly settlement proposal:

> "In light of the particular circumstances of the present case and with a view to securing the friendly settlement between the parties, the Government offer to pay 4,000 (four thousand) euros to Mr Vladimer Sharashenidze to cover any and all

pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.

This sum will be converted into Georgian Laris at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. 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 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 shall constitute the final resolution of the case (application no. 5842/11)."

5. By a letter of 4 October 2016 the applicant's representative informed the Court that her client accepted the Government's proposal.

THE LAW

6. 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. 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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 1 December 2016.

Andrea Tamietti
Deputy Registrar

Krzysztof Wojtyczek
President