

## Resolution CM/ResDH(2024)321 Execution of the judgment of the European Court of Human Rights Mehenni (Adda) against Switzerland

(Adopted by the Committee of Ministers on 5 December 2024  
at the 1514<sup>th</sup> meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
40516/19	MEHENNI (ADDA)	09/04/2024	09/04/2024

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”),

Having regard to the final judgment transmitted by the Court to the Committee in this case and to the violations established on account of various issues relating to a preventive detention ordered in respect of the applicant after he had served his served his custodial sentence;

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action report provided by the government indicating the individual measures adopted to execute the judgment including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2024)1171);

Considering that the question of individual measures was resolved, given that the applicant was granted conditional release and left Switzerland on 2 May 2024, and he did not avail himself of the possibility of requesting the reopening of the domestic proceedings;

Recalling that the question of general measures required in response to the shortcomings found by the Court in this judgment continues to be examined within the framework of the *Kadusic* and *I.L. (No. 2)* cases also in the light of the Court's findings in this case, and that the closure of this case therefore in no way prejudices the Committee's evaluation of the general measures required;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in this case;

CONCLUDES that the necessary individual measures have been adopted;

DECIDES to continue to supervise the adoption of the necessary general measures concerning various issues related to detention of persons suffering from mental health problems in the cases *Kadusic* and *I.L. (No. 2)*;

DECIDES to close the examination of this case.