



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

AFFAIRE COYNE c. ROYAUME-UNI

CASE OF COYNE v. THE UNITED KINGDOM

(124/1996/743/942)

ARRET/JUDGMENT

STRASBOURG

24 septembre/Septembre 1997

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SUMMARY¹

Judgment delivered by a Chamber

United Kingdom – independence and impartiality of court martial (Air Force Act 1955)

I. ARTICLE 6 § 1 OF THE CONVENTION

No reason for distinguishing case from Findlay v. the United Kingdom – in view of convening officer's role, court martial not an objectively independent and impartial tribunal.

Conclusion: violation (unanimously).

II. ARTICLE 50 OF THE CONVENTION

A. Damage

Pecuniary damage: no causal link established.

Non-pecuniary damage: finding of violation sufficient just satisfaction.

B. Costs and expenses: award of part of sums claimed.

Conclusion: respondent State to pay applicant specified sum for costs and expenses (unanimously).

COURT'S CASE-LAW REFERRED TO

25.2.1997, Findlay v. the United Kingdom

1. This summary by the registry does not bind the Court.

In the case of Coyne v. the United Kingdom¹,

The European Court of Human Rights, sitting, in accordance with Article 43 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) and the relevant provisions of Rules of Court A², as a Chamber composed of the following judges:

Mr R. RYSSDAL, *President*,

Mr F. GÖLCÜKLÜ,

Mr C. RUSSO,

Mr A. SPIELMANN,

Mr I. FOIGHÉL,

Mr R. PEKKANEN,

Sir John FREELAND,

Mr M.A. LOPES ROCHA,

Mr L. WILDHABER,

and also of Mr H. PETZOLD, *Registrar*, and Mr P.J. MAHONEY, *Deputy Registrar*,

Having deliberated in private on 28 June and 26 August 1997,

Delivers the following judgment, which was adopted on the last-mentioned date:

PROCEDURE

1. The case was referred to the Court by the European Commission of Human Rights (“the Commission”) on 16 September 1996, within the three-month period laid down by Article 32 § 1 and Article 47 of the Convention. It originated in an application (no. 25942/94) against the United Kingdom of Great Britain and Northern Ireland lodged with the Commission under Article 25 by Mr Paul Matthew Coyne, a British citizen, on 23 November 1994.

The Commission’s request referred to Articles 44 and 48 and to the declaration whereby the United Kingdom recognised the compulsory jurisdiction of the Court (Article 46). The object of the request was to obtain a decision as to whether the facts of the case disclosed a breach by the respondent State of its obligations under Article 6 § 1 of the Convention.

Notes by the Registrar

1. The case is numbered 124/1996/743/942. The first number is the case’s position on the list of cases referred to the Court in the relevant year (second number). The last two numbers indicate the case’s position on the list of cases referred to the Court since its creation and on the list of the corresponding originating applications to the Commission.

2. Rules of Court A apply to all cases referred to the Court before the entry into force of Protocol No. 9 (1 October 1994) and thereafter only to cases concerning States not bound by that Protocol. They correspond to the Rules that came into force on 1 January 1983, as amended several times subsequently.

2. In response to the enquiry made in accordance with Rule 33 § 3 (d) of Rules of Court A, the applicant stated that he wished to take part in the proceedings and designated the lawyer who would represent him (Rule 30).

3. The Chamber to be constituted included *ex officio* Sir John Freeland, the elected judge of British nationality (Article 43 of the Convention), and Mr R. Ryssdal, the President of the Court (Rule 21 § 4 (b)). On 17 September 1996, in the presence of the Registrar, the President drew by lot the names of the other seven members, namely Mr F. Gölcüklü, Mr R. Macdonald, Mr C. Russo, Mr A. Spielmann, Mr R. Pekkanen, Mr M.A. Lopes Rocha and Mr L. Wildhaber (Article 43 *in fine* of the Convention and Rule 21 § 5). Subsequently, Mr I. Foighel, substitute judge, replaced Mr Macdonald, who was unable to take part in the further consideration of the case (Rules 22 § 1 and 24 § 1).

4. As President of the Chamber (Rule 21 § 6), Mr Ryssdal, acting through the Registrar, consulted the Agent of the United Kingdom Government (“the Government”), the applicant’s lawyer and the Delegate of the Commission on the organisation of the proceedings (Rules 37 § 1 and 38). Pursuant to the order made in consequence, the Registrar received the applicant’s memorial on 28 April 1997.

5. In a letter dated 14 March 1997, the Government expressed the view that it would not be necessary to hold oral proceedings and, in a letter dated 8 April 1997, the Secretary to the Commission informed the Court that the Commission’s Delegate also saw no reason to hold a hearing. The applicant, however, in a letter dated 28 April 1997, stated that if the claim for either just satisfaction or costs was contested, he would welcome the opportunity to make representations at a hearing before the Court. On 28 May 1997, the Court decided that it would be necessary to hold an oral hearing, limited to issues under Article 50 of the Convention.

6. On 24 April 1997 the President decided that legal aid should be granted to the applicant for the proceedings before the Court (Rule 4 of the Addendum to Rules of Court A).

7. In two letters dated 29 April 1997, the Government indicated that they had no submissions to make on the merits and offered to settle the case on the basis of the payment of the applicant’s reasonable legal costs and expenses. This offer was rejected by the applicant on 6 May 1997.

8. By a letter dated 7 May 1997, the Government requested the Registrar to obtain from the applicant a breakdown of the legal costs and expenses incurred by him in the Strasbourg proceedings. Mr Coyne responded in a letter dated 16 May 1997. In a letter dated 9 June 1997, the Government commented in detail on the applicant’s claims under Article 50 of the Convention. The applicant submitted written observations in response on 13 June 1997.

9. In accordance with the Court's decision (see paragraph 5 above), a hearing limited to issues under Article 50 of the Convention took place in public in the Human Rights Building, Strasbourg, on 23 June 1997. The Court had held a preparatory meeting beforehand.

There appeared before the Court:

(a) *for the Government*

Mr M.R. EATON, Deputy Legal Adviser,
Foreign and Commonwealth Office, *Agent,*
Mr J. EADIE, *Counsel;*

(b) *for the Commission*

Mr N. BRATZA, *Delegate;*

(c) *for the applicant*

Mr G. BLADES, *Solicitor.*

The Court heard addresses by Mr Bratza, Mr Blades and Mr Eadie.

AS TO THE FACTS

I. CIRCUMSTANCES OF THE CASE

10. The applicant, Mr Paul Matthew Coyne, was born in 1972 and lives in Bedford.

11. He joined the Royal Air Force ("RAF") in 1990. In June 1992, when he was serving as a non-commissioned officer in Brüggen, Germany, he applied for premature voluntary release from the force. This was granted with a view to his final discharge on 9 December 1992. However, following a police investigation into his financial activities in Germany, his final release was refused and the decision was taken to charge him with various offences of forgery and deception and to try him by RAF court martial in Brüggen.

12. In August 1993 Mr Coyne was charged, pursuant to section 70 (1) of the Air Force Act 1955, with four civilian criminal offences (the second and fourth charges being expressed as alternatives to the first and third charges)

of using a false instrument together with obtaining services by deception contrary to the Forgery and Counterfeiting Act 1981 and the Theft Act 1968. The charges were connected to a false application for a bank loan.

13. The convening officer (see paragraphs 24–29 below) was the Air Officer Commanding no. 2 Group, RAF, Rheindahlen and as such was the senior commander of all air force personnel serving in Germany (including approximately one thousand officers).

On 26 January 1994 the convening officer convened a district court martial, appointing all three members of the court martial by name. The president was a wing commander of the RAF Station, Uxbridge. He was a permanent president and subordinate in rank to the convening officer. The other two members of the court martial were a squadron leader and a flight lieutenant, both of whom were stationed in Germany and subordinate in rank to, and within the chain of command of, the convening officer.

14. The prosecuting officer was appointed by the convening officer from the Directorate of Legal Services and was also within the convening officer's chain of command. A judge advocate was appointed by the Judge Advocate General's Office (see paragraphs 32–33 below).

15. The court martial took place at the RAF Station, Brüggen on 26–28 January 1994. After pleading not guilty to all the charges against him, Mr Coyne was found not guilty on the first and second charges, guilty on the third (under the Forgery and Counterfeiting Act 1981) and consequently no finding was made on the fourth charge. He was sentenced to nine months' detention, dismissal from the air force and reduction to the ranks.

16. On 31 January 1994 he presented a petition against conviction and sentence to the confirming officer (see paragraph 36 below), claiming that the judge advocate had erred in his summing up of the case, that the finding of guilt on one charge was inconsistent with his acquittal on another charge and that the sentence was excessive. However, on 7 March 1994, his conviction and sentence were confirmed by the confirming officer who had obtained the advice of a judge advocate (not the trial judge advocate).

17. On 8 March 1994 Mr Coyne presented an appeal petition against conviction and sentence to the Defence Council (see paragraphs 37–38 below). The Air Force Board, having obtained the advice of the Judge Advocate General, informed the applicant's legal representative on 26 May 1994 of its decision to reject the petition.

18. The applicant's subsequent application for leave to appeal against conviction and sentence to the Courts Martial Appeal Court (see paragraphs 39–44 below) was accepted by a single judge of that court, not

on any of the grounds presented by the applicant, but on the basis of a question raised by the single judge as to whether the judge advocate had properly advised the court martial as to what was required to be proven to establish that an instrument was “false”.

On 11 October 1994, the Courts Martial Appeal Court rejected Mr Coyne’s appeal, on the grounds that the judge advocate had properly advised the court martial.

19. No reasons were given for the decisions of the court martial, the confirming officer or the Air Force Board. The applicant was legally represented before the Courts Martial Appeal Court.

II. RELEVANT DOMESTIC LAW AND PRACTICE

A. The law in force at the time of Mr Coyne’s court martial

1. General

20. The law and procedures which applied to the applicant’s court martial were primarily contained in the Air Force Act 1955 (“the 1955 Act”). Since the Commission’s consideration of the case, certain provisions in that Act have been amended by the Armed Forces Act 1996 (“the 1996 Act”), which came into force on 1 April 1997 (see paragraphs 45–49 below).

21. Many civilian offences were also offences under the 1955 Act (section 70 (1)). Although the final decision on jurisdiction lay with the civilian authorities, air force personnel who were accused of such offences were usually tried by the air force authorities unless, for example, civilians had been involved in some way.

Jurisdiction issues between the United Kingdom air force authorities and the German authorities in matters concerning servicemen stationed in Germany are governed by the North Atlantic Treaty Organisation Status of Forces Agreement 1951. Although the German and United Kingdom authorities have concurrent jurisdiction in such matters, in practice the German authorities waive jurisdiction.

22. Depending on their gravity, charges against air force law could be tried by district, field or general court martial. These were not standing courts: they came into existence in order to try a single offence or group of offences.

At the time of the events in question, a district court martial consisted of a president, who could not be under the rank of flight lieutenant and was appointed by name by the convening officer (see paragraphs 24–29 below), and at least two other officers, appointed either by name by the convening officer or, at the latter’s request, by their commanding officer.

23. Each member of the court martial had to swear the following oath:

“I swear by almighty God that I will well and truly try the accused before the court according to the evidence, and that I will duly administer justice according to the Air Force Act 1955, without partiality, favour or affection, and I do further swear that I will not on any account at any time whatsoever disclose or discover the vote or opinion of the president or any member of this court martial, unless thereunto required in the due course of law.”

2. *The convening officer*

24. Before the coming into force of the 1996 Act, the convening officer of a district court martial had to be a “qualified officer” or an officer not below the rank of flight lieutenant to whom the qualified officer had delegated his or her powers. To be a “qualified officer”, an officer had to be not below the rank of squadron leader or corresponding rank and in command of a body of the regular air force or of the command within which a body of the regular air force was serving.

The convening officer assumed responsibility for every case to be tried by district court martial. He would decide upon the nature and detail of the charges to be brought and was responsible for convening the court martial.

25. He would draw up a convening order, which would specify, *inter alia*, the date, place and time of the trial, the name of the president and the details of the other members, all of whom he could appoint (see paragraph 13 above). He ensured that a judge advocate (see paragraph 31 below) was appointed by the Judge Advocate General’s Office and, failing such appointment, could appoint one. He also appointed, or directed a commanding officer to appoint, the prosecuting officer.

26. Prior to the hearing, the convening officer was responsible for sending an abstract of the evidence to the prosecuting officer and to the judge advocate, and could indicate the passages which might be inadmissible. He procured the attendance at trial of all witnesses to be called for the prosecution. When charges were withdrawn, the convening officer’s consent was normally obtained, although it was not necessary in all cases, and a plea to a lesser charge could not be accepted from the accused without it.

27. He had also to ensure that the accused had a proper opportunity to prepare his defence, legal representation if required and the opportunity to contact the defence witnesses, and was responsible for ordering the attendance at the hearing of all witnesses “reasonably requested” by the defence.

28. The convening officer could dissolve the court martial either before or during the trial, when required in the interests of the administration of justice (section 95 of the 1955 Act).

29. The convening officer usually acted as confirming officer also (see paragraph 36 below).

3. The Judge Advocate General and judge advocates

30. The Judge Advocate General at the time of the events in question was appointed by the Queen in February 1991 for five years. He was answerable to the Queen and removable from office by her for inability or misbehaviour. He had the role of adviser to the Secretary of State for Defence on all matters touching and concerning the office of Judge Advocate General, including advice on air force law and the procedures and conduct of the court-martial system. He was also responsible for advising the confirming and reviewing authorities following a court martial (see paragraphs 36–38 below).

31. Judge advocates are appointed to the Judge Advocate General’s Office by the Lord Chancellor. They must have at least seven and five years experience respectively as an advocate or barrister.

32. At the time of the events in question, a judge advocate was appointed to each court martial, either by the Judge Advocate General’s Office or by the convening officer. He was responsible for advising the court martial on all questions of law and procedure arising during the hearing and the court had to accept this advice unless there were weighty reasons for not doing so. In addition, in conjunction with the president, he was under a duty to ensure that the accused did not suffer any disadvantage during the hearing. At the close of the hearing, the judge advocate would sum up the relevant law and evidence.

33. Prior to the coming into force of the 1996 Act, the judge advocate did not take part in the court martial’s deliberations on conviction or acquittal, although he could advise it in private on general principles in relation to sentencing. He was not a member of the court martial and had no vote in the decision on conviction or sentence.

4. The court martial hearing

34. The procedure at the time of the events in question was as follows. At the commencement of the trial, the accused could object to individual members of the court martial, such objection being considered in closed court.

The accused was then asked to plead in respect of the charge. If a plea of not guilty was entered the procedure was similar to that followed in the (civilian) Crown Court. After the prosecution had made its case, the defence could enter a submission of no case to answer. If this submission was not accepted, the judge advocate would advise the accused on the alternatives open to him and the defence would proceed with its case. Witnesses could be called for the prosecution and the defence and both sides could make a closing submission, the defence submission being the last. During the trial the court martial could adjourn to consult the convening officer on points of law; the latter then had to take legal advice from the Judge Advocate General. The members of the court martial retired (without the judge advocate) to deliberate on their findings, returned and pronounced those findings. Their votes and opinions were private and it was not announced whether or not there had been a decision by a majority.

35. In the event of a conviction or a plea of guilty, the prosecuting officer put in evidence the defendant's service record and other evidence having a bearing on the sentence to be imposed. The defence made a plea in mitigation and could call witnesses in support. The members of the court martial then retired (this time with the judge advocate) to consider the sentence.

The sentence was announced in open court. There was no provision for the giving of reasons by the court martial for its decision on culpability or sentence.

5. Confirmation and post-hearing reviews

36. Until the amendments introduced by the 1996 Act, a court martial's findings were not effective until confirmed by a "confirming officer". Prior to confirmation, the confirming officer used to seek the advice of the Judge Advocate General's Office, where a judge advocate different from the one who acted at the hearing would be appointed. The confirming officer could withhold confirmation or substitute, postpone or remit in whole or in part any sentence.

37. Once the sentence had been confirmed, the defendant could present a petition of appeal against conviction and/or sentence to the "reviewing authority", which was usually the Air Force Board in cases involving air force personnel. It had the power to quash a finding and to exercise the

same powers as the confirming officer in relation to substituting, remitting or commuting the sentence.

38. A petitioner was not informed of the identity of the confirming officer or of the reviewing authority. No statutory or formalised procedures were laid down for the conduct of the post-hearing reviews and no reasons were given for decisions delivered subsequent to them. Neither the fact that advice had been received from the Judge Advocate General's Office nor the nature of that advice was disclosed.

6. *Courts Martial Appeal Court*

39. The Courts Martial Appeal Court ("CMAC") was established by the Courts Martial (Appeals) Act 1951 and was confirmed by the Courts Martial (Appeals) Act 1968. The CMAC had the same status and, in essence, the same procedure as the (civilian) Court of Appeal, Criminal Division. Its judges included ordinary and *ex officio* judges of the Court of Appeal and judges of the High Court nominated by the Lord Chief Justice.

40. If an appeal petition was rejected by the Air Force Board an appellant could apply to a single judge of the CMAC (and, if necessary, also to the full court) for leave to appeal against conviction. There was no provision for an appeal against sentence only, although certain powers of revising sentences, pursuant to an appeal against conviction, were available to the CMAC.

41. The hearing of the substantive appeal did not constitute a full rehearing on all points of fact and law. However, the CMAC was empowered to consider any question required for the doing of justice and could order a retrial. It also had power, *inter alia*, to order the production of documents or exhibits connected with the proceedings, order the attendance of witnesses, receive evidence, obtain reports from members of the court martial or from the judge advocate and order a reference of any question to a special commissioner for inquiry.

42. The CMAC had to allow an appeal against conviction if it considered that the finding of the court martial was, in all the circumstances, unsafe or unsatisfactory or involved a wrong decision on a question of law. The appeal had also to be allowed if there was a material irregularity in the course of the trial. In any other case, the appeal had to be dismissed.

43. An appellant required the leave of the CMAC to attend any hearing in relation to the appeal. Leave would only be granted where the CMAC considered that his presence would serve some useful purpose or was

necessary in the interests of justice. Legal aid for an appeal to the CMAC was available under certain conditions and the appellant could obtain an order for costs in his favour if his appeal was allowed.

44. A further appeal, on a point of law of general public importance, could be made to the House of Lords with the leave of the CMAC or of the House of Lords itself.

B. The Armed Forces Act 1996

45. Under the 1996 Act, the role of the convening officer ceases to exist and its functions are split among three different bodies: the “higher authorities”, the prosecuting authority and court administration officers (1996 Act, Schedule I).

46. The higher authority, a senior officer, decides whether any case referred to him by the accused’s commanding officer should be dealt with summarily, referred to the new prosecuting authority, or dropped. Once the higher authority has taken this decision, he has no further involvement in the case.

47. The prosecuting authority is the legal branch of the relevant Service. Following the higher authority’s decision to refer a case to it, the prosecuting authority has absolute discretion, applying similar criteria to those applied in civilian cases by the Crown Prosecution Service, to decide whether or not to prosecute, what type of court martial would be appropriate and precisely what charges should be brought. It also conducts the prosecution (1996 Act, Schedule I, Part II).

48. Under the new legislation, court administration officers have been appointed in each Service. They are independent of both the higher and the prosecuting authorities and are responsible for making the arrangements for courts martial, including arranging venue and timing, ensuring that a judge advocate and any court officials required are available, securing the attendance of witnesses and selection of members. Officers under the command of the higher authority will not be selected as members of the court martial (1996 Act, Schedule I, Part III, section 35).

49. Each court martial now includes a judge advocate as a member. His advice on points of law is binding on the court and he has a vote on sentence (but not on conviction). The casting vote, if needed, rests with the president of the court martial, who gives reasons for the sentence in open court. The Judge Advocate General no longer provides general legal advice to the Secretary of State for Defence (1996 Act, Schedule I, Part III, sections 35, 41 and 43).

50. Findings by a court martial are no longer subject to confirmation or revision by a confirming officer (whose role is abolished). A reviewing authority has been established in each Service to conduct a single review of each case. Reasons are now given for the decision of the reviewing

authority. As part of this process, post-trial advice received by the reviewing authority from a judge advocate (different from the one who officiated at the court martial) is disclosed to the accused. A right of appeal against sentence to the CMAC has been added to the existing right of appeal against conviction (1996 Act, section 17 and Schedule V).

PROCEEDINGS BEFORE THE COMMISSION

51. In his application to the Commission of 23 November 1994 (no. 25942/94), Mr Coyne complained that he had been denied a fair hearing by an independent and impartial tribunal established by law, contrary to Article 6 § 1 of the Convention. He also complained about delay by the authorities in dealing with his case, the extension of his date of discharge from the RAF and the procedure by which he was assessed for legal aid.

52. On 28 November 1995 the Commission declared admissible the complaints about the lack of a fair hearing by an independent and impartial tribunal established by law and declared the remainder of the application inadmissible. In its report of 25 June 1996 (Article 31), it expressed the unanimous opinion that there had been a violation of Article 6 § 1 of the Convention in that Mr Coyne had not received a fair hearing before an independent and impartial tribunal and that it was not necessary to consider separately his submissions relating to the fairness of the court-martial proceedings or his complaint that the court martial did not constitute a tribunal “established by law”. The full text of the Commission’s opinion is reproduced as an annex to this judgment¹.

FINAL SUBMISSIONS TO THE COURT

53. In their written observations (see paragraph 8 above) and at the hearing before the Court, the Government submitted that, save for his reasonable legal costs and expenses, the applicant should not be awarded any compensation under Article 50 of the Convention. The applicant, however, asked that substantial compensation be awarded.

1. *Note by the Registrar*: For practical reasons this annex will appear only with the printed version of the judgment (in *Reports of Judgments and Decisions* 1997), but a copy of the Commission’s report is obtainable from the registry.

AS TO THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

54. The applicant claimed that his trial by court martial failed to meet the requirements of Article 6 § 1 of the Convention, which provides (so far as is relevant):

“In the determination of ... any criminal charge against him, everyone is entitled to a fair and public hearing ... by an independent and impartial tribunal established by law ...”

55. The Commission found that the applicant had not been given a fair hearing by an independent and impartial tribunal.

In view of the decision and reasoning of the Court in its *Findlay v. the United Kingdom* judgment of 25 February 1997 (*Reports of Judgments and Decisions* 1997-I), the Government chose to make no submissions with regard to this conclusion.

56. The Court recalls that in its above-mentioned *Findlay* judgment it found that a court martial convened pursuant to the Army Act 1955 did not meet the requirements of independence and impartiality set by Article 6 § 1 of the Convention, in view in particular of the central part played in its organisation by the convening officer (op. cit. pp. 279-83, §§ 68-80).

57. The Court notes, first, that there were no significant differences between the part played by the convening officer in the organisation of Mr Coyne's court martial, under the Air Force Act 1955, and that of Mr Findlay, under the Army Act 1955. Secondly, however, it notes that there are some disparities between the present case and that of Mr Findlay, notably that Mr Coyne pleaded not guilty to the charges before the court martial, whereas Mr Findlay pleaded guilty. In consequence, under the system as it then was, Mr Coyne could and did appeal against his conviction to the Courts Martial Appeal Court, which possibility was not open to Mr Findlay (see paragraph 40 above).

However, as the Court found in paragraph 79 of its above-mentioned *Findlay* judgment, since an accused faced with a serious criminal charge is entitled to a first-instance tribunal which fully meets the requirements of Article 6 § 1, the organisational defects in the court martial could not be corrected by any subsequent review procedure.

58. The Court therefore sees no reason for distinguishing the present case from that of Findlay; indeed, the Government have not asked it to take such a course.

It follows that, for the reasons expressed in the above-mentioned Findlay judgment, the court martial which dealt with Mr Coyne's case was not independent and impartial within the meaning of Article 6 § 1.

In conclusion, there has been a violation of Article 6 § 1.

II. APPLICATION OF ARTICLE 50 OF THE CONVENTION

59. The applicant claimed compensation under Article 50 of the Convention, which states:

"If the Court finds that a decision or a measure taken by a legal authority or any other authority of a High Contracting Party is completely or partially in conflict with the obligations arising from the ... Convention, and if the internal law of the said Party allows only partial reparation to be made for the consequences of this decision or measure, the decision of the Court shall, if necessary, afford just satisfaction to the injured party."

A. Pecuniary damage

60. The applicant sought compensation for the reduction in income and earning capacity he had experienced since his conviction in January 1994.

61. The Government observed that there were no grounds for believing that Mr Coyne would not have been convicted and suffered the same or similar consequences if the court martial had been organised to comply with Article 6 § 1 and that no causal link had been established between the breach of the Convention complained of and the alleged financial loss.

62. The Court recalls that in its above-mentioned Findlay judgment it decided not to award compensation for either pecuniary or non-pecuniary damage on the ground that it was impossible to speculate as to the outcome of the court-martial proceedings had the violation of the Convention not occurred (op. cit., p. 284, §§ 85 and 88). The applicant in the present case did not contend that he was wrongly convicted or sentenced or that the court martial would have reached a different verdict had it been organised in accordance with the Convention. Moreover, he conceded in his memorial that it would be impossible for the Court to speculate in this connection.

The Court agrees. It cannot see that any causal link has been established between the breach of the Convention complained of and the alleged pecuniary loss.

B. Non-pecuniary damage

63. Mr Coyne also submitted that he was entitled to compensation for non-pecuniary damage in view of the fact that he had been convicted by a tribunal which did not meet the requirements of Article 6 § 1.

64. The Court considers that in the circumstances of the case the finding of a violation in itself constitutes sufficient just satisfaction for the alleged non-pecuniary damage.

C. Costs and expenses

65. In his memorial, Mr Coyne sought an order for the costs of his application to Strasbourg in the sum of 20,000 pounds sterling (GBP), although he did not at any time provide a detailed account of the costs and expenses he had incurred.

66. In view of the limited issues raised by the case and in the absence of any detailed breakdown of the costs, the Court, as did the Government, finds the sum of GBP 20,000 to be excessive. Making its assessment on an equitable basis, it awards the sum of GBP 6,000 in respect of costs and expenses, less the amounts received in legal aid from the Council of Europe but together with any value-added tax which may be chargeable.

D. Default interest

67. According to the information available to the Court, the statutory rate of interest applicable in the United Kingdom at the date of adoption of the present judgment is 8% per annum.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
2. *Holds* that the finding of a violation in itself constitutes sufficient just satisfaction for the non-pecuniary damage alleged by the applicant;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, in respect of costs and expenses, 6,000 (six thousand) pounds sterling, less 10,566 (ten thousand five hundred and sixty-six) French francs to be converted into pounds sterling at the rate applicable on the date of delivery of the present judgment, together with any value-added tax which may be chargeable;
 - (b) that simple interest at an annual rate of 8% shall be payable from the expiry of the above-mentioned three months until settlement.
4. *Dismisses* the remainder of the claim for just satisfaction.

Done in English and in French, and delivered at a public hearing in the Human Rights Building, Strasbourg, on 24 September 1997.

Signed: Rolv RYSSDAL
President

Signed: Herbert PETZOLD
Registrar