



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

FOURTH SECTION

**CASE OF BROWN v. THE UNITED KINGDOM**

*(Application no. 52770/99)*

JUDGMENT  
(Friendly Settlement)

STRASBOURG

29 July 2003

*This judgment is final but it may be subject to editorial revision.*



**In the case of Brown v. the United Kingdom,**

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of

Mr M. PELLONPÄÄ, *President*,

Sir Nicolas BRATZA,

Mrs V. STRÁŽNICKÁ,

Mr R. MARUSTE,

Mr S. PAVLOVSKI,

Mr L. GARLICKI,

Mr J. BORRERO BORRERO, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 8 July 2003,

Delivers the following judgment, which was adopted on that date:

**PROCEDURE**

1. The case originated in an application (no. 52770/99) against the United Kingdom of Great Britain and Northern Ireland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a United Kingdom national, Christopher W. Brown ("the applicant"), on 28 October 1999.

2. The applicant was represented by Mr S. Grosz, a lawyer practising in London. The United Kingdom Government ("the Government") were represented by their Agent, Mr C. Whomersley.

3. The applicant complained under Articles 8, 13 and 14 of the Convention about an investigation into his sexual orientation and about his discharge from the Royal Air Force by reason of his homosexuality in pursuance of the policy of the Ministry of Defence against homosexuals in the armed forces that existed at the time.

4. On 4 June 2002, after obtaining the parties' observations, the Court declared the application admissible.

5. In November 2002 the Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 5 June 2003 the Court received notification from the applicant's solicitors that a friendly settlement had been reached.

## THE FACTS

6. The applicant was born in 1963 and lives on the Isle of Man.

7. He joined the Royal Air Force (“RAF”) on 4 December 1979. In February 1999 the applicant, upon being asked, told his superior officer that he was homosexual. He was thereafter discharged on 30 June 1999, after more than 19 years of service and having attained the rank of sergeant, as a result of the policy of the Ministry of Defence that then existed against having homosexuals in the armed forces. It was noted at the time of his discharge that his service to the RAF had been exemplary.

8. The applicant complained under Articles 8, 13 and 14 of the Convention about the investigation and inquiries into his sexual orientation and about his discharge from the RAF by reason of his homosexuality. He claimed that he had suffered both pecuniary and non-pecuniary loss as a result of his discharge and sought to recover his legal costs and expenses.

## THE LAW

9. Following an exchange of correspondence between the parties, on 1 May 2003 the Court received a copy of a letter from the Government to the applicant’s solicitors offering to settle the present case for 52,500 pounds sterling (“GBP”).

10. On 8 May 2003 the Court received a copy of a letter from the applicant’s solicitors to the Government accepting the offer of GBP 52,500 on the condition that full payment was received prior to 30 May 2003.

11. On 5 June 2003 the applicant’s solicitors wrote to the Court to confirm that they had received the Government’s payment of GBP 52,500 and that the matter had therefore been concluded.

12. On 18 June 2003 the applicant’s solicitors confirmed to the Court that the sum of GBP 52,500 was in full and final settlement of all the claims made by the applicant in this application, including costs.

13. The Court notes that it considered the issues raised by the current application in its judgment in, *inter alia*, *Smith and Grady v. the United Kingdom* (nos. 33985/96 and 33986/96, 27 September 1999, ECHR 1999-VI), in which violations of Articles 8 and 13 of the Convention were found (with no separate issue under Article 14 in conjunction with Article 8 found to arise). The Court further observes that following that judgment, the former policy of the Ministry of Defence was abandoned and homosexuals have been allowed to serve in the United Kingdom armed forces as from 12 January 2000.

14. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on

respect for human rights as defined in the Convention and its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

*Decides* to strike the case out of the list.

Done in English, and notified in writing on 29 July 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE  
Registrar

Matti PELLONPÄÄ  
President