AS TO THE ADMISSIBILITY OF

Application No. 26525/95
by Paul Andrew HUNT
against the United Kingdom

The European Commission of Human Rights (First Chamber) sitting in private on 9 April 1997, the following members being present:

Mrs. J. LIDDY, President
MM. M.P. PELLONPÄÄ
E. BUSUTTIL
A. WEITZEL
C.L. ROZAKIS
L. LOUCAIDES
B. MARXER
B. CONFORTI
I. BÉKÉS
G. RESS
A. PERENIC
C. BÎRSAN
K. HERNDL
M. VILA AMIGÓ
Mrs. M. HION
Mr. R. NICOLINI

Mrs. M.F. BUQUICCHIO, Secretary to the Chamber

Having regard to Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 3 February 1995 by Paul Andrew Hunt against the United Kingdom and registered on 15 February 1995 under file No. 26525/95;

Having regard to the reports provided for in Rule 47 of the Rules of Procedure of the Commission and the respondent Government's indication that they have no observations on the admissibility of the applicant's complaints;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is a British citizen, born in 1964 and resident in Lincolnshire. He is represented before the Commission by Mr. Gilbert Blades a solicitor practising in Lincoln. The facts as submitted by the applicant may be summarised as follows.

A. Particular circumstances of the case.

In early 1994 the applicant, who was a Senior Aircraftman in the Royal Air Force of the United Kingdom stationed in Cyprus, was charged (pursuant to section 70 of the Air Force Act 1955) with a number of civilian criminal offences. He was charged with two offences of theft, eight offences of using a false instrument and three offences of forgery contrary to the Theft Act 1968 and the Forgery and Counterfeiting Act 1981, respectively.

The Convening Officer, by order dated 17 March 1994, convened a district court-martial to try the applicant on the charges. On 22 April 1994 the court-martial sitting in Cyprus found the applicant

guilty on all charges and he was sentenced to six months imprisonment, to dismissal from the air force and to stoppages of pay.

The applicant subsequently petitioned the Confirming Officer against conviction and sentence. His conviction was confirmed, his sentence of imprisonment was changed to six months detention and the balance of the sentence was confirmed. The applicant's conviction was promulgated on 21 June 1994.

On 22 June 1994 the applicant petitioned the Defence Council against conviction and sentence. By letter dated 9 September 1994 the applicant's representative was informed of the decision, taken by the Air Force Board, to quash the finding (and therefore the sentence) in relation to the first charge and to otherwise reject the petition.

On 11 August 1994 the applicant applied to a single judge of the Courts-Martial Appeal Court for leave to appeal to that court against conviction. On 23 November 1994 this application was rejected.

The applicant subsequently renewed his application for leave to appeal against conviction before the full Courts-Martial Appeal Court. On 17 January 1995 this application was rejected by the full court.

B. Relevant domestic law and practice.

The Commission refers to the "Relevant domestic law and practice" contained in its report on the Coyne application (No. 25942/94, Comm. Report 25.6.96, unpublished).

COMPLAINTS

The applicant complains under Article 6 of the Convention that he was denied a fair and public hearing by an independent and impartial tribunal established by law.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 3 February 1995 and was registered on 15 February 1995.

On 17 May 1995 the Commission decided to communicate and adjourn the application.

On 2 July 1996 the Commission decided to request the Government's observations. In their letter received on 7 November 1996 the Government stated that they have no observations on the admissibility of the application.

THE LAW

The applicant complains under Article 6 (Art. 6) of the Convention that he was denied a fair and public hearing by an independent and impartial tribunal established by law. The Government have no observations on the admissibility of the applicant's complaints.

The Commission considers that the application raises complex and serious issues under Article 6 (Art. 6) of the Convention which require determination on the merits. It follows that these complaints of the applicant cannot be dismissed as manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention. No other ground for declaring them inadmissible has been established.

For these reasons, the Commission, unanimously,

DECLARES THE APPLICATION ADMISSIBLE, without prejudging the merits.

M.F. BUQUICCHIO Secretary to the First Chamber	J. LIDDY President of the First Chamber