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Reference: DM/GDS
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Private & Confidential

For the attention of Lord Hutchinson
c/o The Office of the Liberal Democrats
House of Lords
London
United Kingdom

By fax: +44 20 7219 2377

17 September 2009

Dear Lord Hutchinson

I take this opportunity at extending to you my compliments and greetings and kindly request, if possible, your assistance on the case of *R v George Blake* for whom you nobly acted as Defence Counsel in 1961.

I understand, of course, that the case was heard in camera and am not requesting any specific information other than to clarify with you two specific matters and issues of law which are not and cannot be covered by any confidentiality provisions.

Under the provisions of Art. 8 of the Official Secrets Act 1911, no proceedings can take place without FIRST the leave of the Attorney General. At that time it was Mr Manningham-Buller QC, who also prosecuted the case with Lord Parker, the Lord Chief Justice, as trial judge. I find absolutely nothing within the prosecution file which indicates that the Attorney General did indeed grant leave prior to the proceedings being instituted. That being the case and notwithstanding a guilty plea, the said conviction must surely, as a matter of law, be a nullity.

In the case of *R v Angel*, 52 Cr.App.R.280 CA, notwithstanding a plea of guilty by the defendant at trial, the conviction was quashed. It is the leading authority on the subject. The statutory requirement for such being a safeguard to the individual, notification of consent is also a pre-requisite. In the case of *R v Angel*, 52 Cr.App.R.280 CA, the Lord Chief Justice, sitting with Winn LJ and Ashworth J, held:

"In the result, the Court has no alternative but to quash the conviction on the ground that the trial was a complete nullity, and accordingly will allow the appeal for that purpose."

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As a consequence, and as in the precedent of *R v Angel*, 52 Cr.App.R.280 CA, the entire trial at the Central Criminal Court, and the subsequent conviction, must be held as unsafe and unsatisfactory and quashed accordingly.

I would be truly obliged if Your Lordship remembers whether or not you had been notified of the leave of the Attorney General as this is indeed a most crucial point, often overlooked by lawyers.

The second issue I ask Your Lordship is whether or not Your Lordship can remember any legal argument regarding the nationality of Mr Blake? According to the file, since his father was a naturalised British citizen, notwithstanding his place of birth being Holland and, at the time of his birth, his father being a Turkish citizen and mother Dutch, the Central Criminal Court presumed Mr Blake to be British. As Your Lordship will well understand and undoubtedly agree, nationality is and can be acquired either by place of birth or father's nationality. The crux is that the nationality of place of birth takes priority and, coupled with the fact that Mr Blake's father was not naturalised until Mr Blake was in his teens, confirms that the Central Criminal Court was wrong to presume Mr Blake a British citizen because if, as is clear, Mr Blake was not British, he owed no allegiance to the Crown and thus could not be indicted under the 1911 OSA.

I am aware that this was a very long time ago but I rely upon your Lordship's memory and be obliged for a response urgently.

With kindest regards



Giovanni Di Stefano
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