

complained, has declined to be a party to an Affidavit and does not appear to have suffered any consequences as a result of the mere invitation. I would have thought that any prosecution would have been more of a source of embarrassment to him than anything else.

9. Even if there was a realistic prospect of a conviction and proceedings were instituted, the prosecution would inevitably face legal argument from the defence to the effect that the substantial delay in bringing proceedings has produced genuine prejudice and unfairness to "S". In short, he could not receive a fair trial. I have already referred to this difficulty in paragraph 12 of my original Minute relating to the original eight complainants.
10. One aspect of the case which concerns me is the part played by Bartlett and the motives which he had in requesting the complainants to make Affidavits with a view to using their contents in "RAP". I note that both RO-A4 and RO-A68 independently told him of "S"'s activities but he did not act on the information in the normal way by either reporting them to the police or alternatively, encouraging each of them to report them to the police. "RAP" was obviously a local and politically alternative publication in which Bartlett made a significant contribution on a controversial topic. It is unclear whether he was paid for the article and, for that matter, whether any of the Affidavit makers were paid. Bartlett admits that it was an attempt on his behalf to undermine "S"'s personalised political campaign. I suspect that if proceedings were instituted the defence would labour the political aspects of the case and suggest that the complainants were being used by Bartlett to support his own campaign.
11. I now turn to the questions specifically posed:-
  - (i) Is it in the public interest?

In my view it is unnecessary to ask this question with regard to RO-A4's claim because I firmly believe that there would not be a realistic prospect of a conviction. I also believe that there would be no such prospect in respect of RO-A68's complaint but if I am wrong on that I doubt very much whether it would be in the public interest to proceed for the reasons I have already set out.
  - (ii) Will it serve a useful purpose?

It is really a different way of asking the public interest question to which I have already offered a response.
  - (iii) Is there any new evidence?