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Dear Sheila,

INQUIRY'S CLOSING SUBMISSIONS

Thank you for your letter of 9th October which informed me that I would not be the subject of criticism in Counsel to the Inquiry's closing submissions. A combination of my being on leave and it being lost in the system for a while explains my failure to acknowledge sooner.

The Director of Public Prosecutions has shown me a draft of its intended response to Counsel's closing submissions. In paragraph 28 of Counsel's submission he states:

"... in practical terms, there was no oversight of a decision which had the effect of the prosecution being discontinued. Although the Attorney General had the power to intervene, that power was essentially never used."

It may be that I have misunderstood the point Counsel is making – and I confess I have not read all of the submission – but it is capable of being read as a suggestion that the Attorney General failed in his Ministerial duty of superintendence. Superintendence is a core function of the relationship between the Attorney General and the Director Attorney General for which the Attorney General is directly responsible to Parliament. Given that the Attorney General had kept a close interest in the case and was specifically engaged in the decision to discontinue the prosecution of the Atkinsons, both the current Attorney General and Lord Goldsmith would be likely to strongly dispute the accuracy of such a view – if my understanding of it is correct.

It might assist if I clarified the difference between intervention and direction. Whilst it is true that a power of direction has not been used in respect of a prosecution decision,