

20 February 2012

[John Champion SC]
Director of Public Prosecutions

565 Lonsdale Street
Melbourne
Victoria 3000

By email: director@opp.vic.gov.au

Dear Sir,

Re: Private Criminal Prosecution by Steven Unthank

Corporate Accused: GOVERNING BODY OF JEHOVAH'S WITNESSES
Case No.: B12083527

Corporate Accused: FAITHFUL AND DISCREET SLAVE
Case No.: B12083367

Corporate Accused: CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES
Case No.: B12083108

Corporate Accused: WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA, INC.
Case No.: B12083833

WATCHTOWER BIBLE AND TRACT SOCIETY OF AUSTRALIA
Case No.: B12082206

This letter is to acknowledge receipt today of your letter dated 17 February 2012 (Your Ref: 2011-00944) and your written notification that "should the charges in respect of the five accused remain on foot as of Tuesday 21st February" then you will exercise your power under section 22(1)(b)(ii) of the *Public Prosecutions Act 1994* (Vic) to "take over the prosecutions for the purpose of discontinuing them."

The right of a private individual to institute a prosecution for a breach of the law has been said to be "a valuable constitutional safeguard against inertia or partiality on the part of authority" (per Lord Wilberforce in *Gouriet -v- Union of Post Office Workers* [1978] AC 435 at 477).

The action taken by myself in bringing criminal charges against the above corporate accused was initiated in December 2010 when I made personal application to the Magistrates' Court of Victoria. This course of action taken by myself on behalf of the community followed 2 years and 6 months of "inertia" by Victoria Police, the Child Safety Commissioner, the Department of Justice, and the State Government of Victoria.

In June 2011 I was granted permission to bring private criminal charges against the above corporate accused in relation to breaches of the *Working with Children Act 2005* section 35(1)(a)(b)(c). The "Charge-Sheet And Summons (Corporate Accused)" for each of the above corporate accused was filed in the Magistrates' Court of Victoria on 26 July 2011. The filing fees were paid for by a number

of children within the Traralgon Congregation of Jehovah's Witnesses. It was actually these young children who engaged my services for the purpose of protecting themselves from those who hold little or no regard in assisting in protecting these children "from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body." *Working with Children Act 2005* section 1(1).

Among the group of children who engaged my services and paid for the filing fees from their pocket money including 2 young Jehovah's Witness children from the Traralgon Congregation who had been raped by a fellow member of the religion. Recently the Latrobe Regional Hospital called in Victoria Police to investigate the abuse of a 3rd child from the Traralgon Congregation of Jehovah's Witnesses. A Jehovah's Witness elder, from the Traralgon Congregation was caught in a private room of the hospital standing over this young girl. The girl was completely naked. This elder had gained unauthorised access to the paediatric ward of the hospital. He was not invited by the hospital or the parents. In fact the parents had written to the church instructing them that this elder was to have no contact with their child as the parents were of the opinion that the elder was a child abuser.

Another child who helped pay for the filing fees and had asked me to help him in this matter did so because many years ago his younger sister was raped by a member of the religion of Jehovah's Witnesses and he, as a very young boy, was powerless to prevent it. He witnessed the rape. During the rape the rapist inserted Lego blocks and figurines into his little sister vagina. This young boy froze in fear. Later he had to remove the Lego's. The rapist remains a 'fine upstanding' member of the religion of Jehovah's Witnesses and regularly gives talks from the church podium in his local Jehovah's Witness congregation, even though he confessed to the rapes to a number of Jehovah's Witness ministers.

I promised these children that I would do everything in my power to protect them and to see that they get justice, not just for the rapes and abuse, but justice against those who showed no regard for their sexual or physical safety and expressed this in action by refusing to comply with the *Working with Children Act 2005*.

Over the days, weeks, months, and years to come, I can proudly walk within the Victorian community knowing that I did everything within my power and within my ability to protect these children and to protect the community. I will hold me head high.

On the other hand, you have failed to protect these children, you have failed to serve justice, and you have failed to serve the community. The parents of these children have asked me to convey to you their abhorrence and outright disgust in you as a human being and as a public official because you never lifted your finger to help these children nor to serve the community. They have also asked me to inform you that they demand you immediate resignation as a violator of the human rights of these children.

Our *Charter of Human Rights and Responsibilities Act 2006* states in section 8:

- (1) Every person has the right to recognition as a person before the law.
- (3) Every person is equal before the law and is entitled to the equal protection of the law.

In section 17 of *the Charter* it states in law:

17. Protection of families and children

(1) Families are the fundamental group unit of society and are entitled to be protected by society and the state.

(2) Every child has the right, without discrimination, to such protection as is in his or her best interest and is needed by him or her by reason of being a child.

In your letter you stated that “on an evidentiary level, there is no reasonable prospect of conviction in relation to these offences.” My understanding, after an extensive search at the Supreme Court Library in Melbourne, is that there has never been a prosecution carried out in relation “to these offences.” There is enough evidence, namely, all the children and all the parents and the fact that the church elders (“ministers of religion”) did not have an Assessment Notice as required by the *Working with Children Act 2005* for the entire time period referred to in the charges sheets.

In your letter you stated a second and final reason for discontinuing the prosecution “it is not in the public interest.” Over 780,000 individual members of the public, in addition to thousands of clubs, charities, schools, organisations and religions, all complied with the *Working with Children Act 2005*. Only one organisation, that we know of, refused to comply. This thus provides irrefutable evidence that prosecution is in the best interest of the public.

The prosecution is not in the best interest of Victoria Police as such a prosecution would prove an embarrassment to the Chief Commissioner and Victoria Police as they failed to enforce the law. The prosecution is also not in the best interest of the Department of Justice, nor the Child Safety Commissioner, nor the current State Government, nor the previous State Government, as none of these took any action to protect the children or to enforce child protection laws.

To prosecute those who break child protection laws is in the best interest of the public and the community. Criminal breaches of child protection laws are of considerable public concern. To not prosecute is to weaken the law and undermine community harmony and public confidence in the administration of justice. The need for deterrence is paramount.

On the 8th November 2011, I lodge with the Magistrates’ Court a “Charge Sheet And Warrant To Arrest” in relation to the following 7 individuals:

GEOFFREY JACKSON	(Australian)
SAMUEL HERD	(American)
GERRIT LOSCH	(Austrian)
M. STEPHEN LETT	(American)
DAVID H. SPLANE	(Canadian)
ANTHONY MORRIS	(American)
GUY H. PIERCE	(American)

The above are the 7 members of the GOVERNING BODY OF JEHOVAH’S WITNESSES (unincorporated body) and are also the 7 members of the FAITHFUL AND DISCREET SLAVE (unincorporated body). They also comprise the main individuals who make up the committee of management for the CHRISTIAN CONGREGATION OF JEHOVAH’S WITNESSES (unincorporated body).

The application for arrest warrants was due process in response to their failure to attend court in relation to the charges brought against them and under the proviso of section 45 (1)(a) of the *Working with Children Act 2005*.

The application was referred by the senior registrar of the Magistrates' Court at Latrobe Valley to the Chief Magistrate for comment. Subsequently I was notified that I have been granted to make application to the sitting Magistrate for a decision as to issuing in relation to each of the arrest warrants.

This I intend to do prior to your taking "over these prosecutions for the purpose of discontinuing them." My reasons for this are purely due process of the law. I have included a copy of each of the arrest warrants for your perusal. I ask for your support.

Yours faithfully,

Mr Steven Unthank
Acting Prosecutor

COURT APPEARANCE SUMMARY

On Friday, 12 August, 2011, each of the Corporate Accused were served with a Summons to appear in the Magistrates' Court of Victoria at Latrobe Valley. Affidavits of service were lodge with the court.

The following are for your records on how each of the accused responded to the Summons and to the Charges:

Corporate Accused: GOVERNING BODY OF JEHOVAH'S WITNESSES
Case No.: B12083527

Summoned to appear at the Magistrates' Court at Latrobe Valley on 13 September 2011.

- Failed to appear and were not represented by counsel.
- Failed to appear or be represented for all subsequent court hearings.
- No "Notice of Appearance" filed.

Corporate Accused: FAITHFUL AND DISCREET SLAVE
Case No.: B12083367

Summoned to appear at the Magistrates' Court at Latrobe Valley on 13 September 2011.

- Failed to appear and were not represented by counsel.
- Failed to appear or be represented for all subsequent court hearings.
- No "Notice of Appearance" filed.

Corporate Accused: CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES
Case No.: B12083108

Summoned to appear at the Magistrates' Court at Latrobe Valley on 13 September 2011.

- Failed to appear and were not represented by counsel.
- Failed to appear or be represented for all subsequent court hearings.
- No "Notice of Appearance" filed.

Corporate Accused: WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA, INC.
Case No.: B12083833

Summoned to appear at the Magistrates' Court at Latrobe Valley on 13 September 2011.

- Failed to appear and were not represented by counsel.
- Failed to appear or be represented for all subsequent court hearings.
- No "Notice of Appearance" filed.

WATCHTOWER BIBLE AND TRACT SOCIETY OF AUSTRALIA

Case No.: B12082206

Summoned to appear at the Magistrates' Court at Latrobe Valley on 13 September 2011.

- Represented by legal counsel.
- Represented by legal counsel for all subsequent court hearings.

Summary

During every single court hearing the GOVERNING BODY OF JEHOVAH'S WITNESSES, and the FAITHFUL AND DISCREET SLAVE, and the CHRISTIAN CONGREGATION OF JEHOVAH'S WITNESSES, and the WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA, INC., all failed to appear or to be represented.

Only the WATCHTOWER BIBLE AND TRACT SOCIETY OF AUSTRALIA was represented by counsel from Vincent Toole Solicitors. Mr Vincent Toole is the in-house lawyer for the religion of Jehovah's Witnesses, a minister of religion, and part of the committee of management for the religion of Jehovah's Witnesses in Australia. He was directly appointed by the Governing Body of Jehovah's Witnesses as their "direct representative."