

# Christian Congregation of Jehovah's Witnesses



1 Kingdom Way, West Hanningfield, Chelmsford CM2 8FW

Telephone [REDACTED]

Direct Line [REDACTED]

## LEGAL DEPARTMENT

LEM:LET 13 August 2020

Professor Alexis Jay  
Chair, Independent Inquiry into Child Sexual Abuse  
PO Box 76107  
London,  
SE1P 6HJ

Sent by e-mail

Dear Professor Jay:

### **Re: Comments by Panel Member Mr Ivor Frank**

This is an important letter.

As you are aware, the procedure that has been adopted during the course of this inquiry is that the matters and documents about which a witness may be questioned are confined to those included in the evidence bundle (prepared by the Inquiry) for the particular part of the Inquiry to which that witness is speaking. The procedural fairness embodied in this requirement is obvious, particularly for an inquiry that is considering matters that may extend many years into the past. The necessity for this procedure is underscored by the fact that the Inquiry is live-streamed, available for the world to see and hear, and that the Inquiry concerns matters of acute concern and strong feelings for many individuals and organisations. In short, adherence to procedural fairness is a matter of utmost importance.

For the part of the Inquiry directed to Jehovah's Witnesses, the Inquiry produced an evidence bundle comprising 2 lever-arch files ("the Evidence Bundle") and it took live evidence on 10 and 11 August 2020.

At the conclusion of the live-stream video testimony of Mr Paul Gillies on 11 August 2020, panel member Mr Ivor Frank proceeded to ask Mr Gillies a series of questions on a records management seminar that was said to have occurred in 2017. In his questions, Mr Frank alleged that at that 2017 seminar, elders in England were counselled to "get rid of documents" and "that the reason for getting rid of documents was because Satan was coming after you ... Satan in the form of a legal process."

None of this is touched upon in any of the documents in the Evidence Bundle. Nor was there any other forewarning of this line of questions. On any analysis, embedded in the questions were very serious allegations against both Mr Gillies and Jehovah's Witnesses.

When making these very serious allegations, Mr Frank repeatedly consulted and read from a printed text. Furthermore, in that live-stream video questioning Mr Frank referred twice to a gentleman named "Shawn Bartlett" as the person that he alleged had advised elders to destroy the records. (11 August 2020 transcript, pp. 118-120)

There is a very prejudicial implication to Mr Frank's grave allegation, certainly as understood by anyone viewing the live-stream video transmission: the Britain Branch Office of Jehovah's Witnesses (the Britain Branch Office) had been counselled to destroy records pertaining to

allegations of child sexual abuse (CSA). In effect, Mr Frank implied that Mr Bartlett had counselled a criminal offence (in the light of the Chair's 23 June 2015 letter requiring non-State institutions to retain CSA records) and that the Britain Branch Office was complicit in that offence. Mr Frank was well aware that his allegation was being live-streamed to an indeterminate audience of people in England and Wales and indeed worldwide. The video recording of that live-streamed allegation is now accessible to anyone in any country in the world via the Internet. That false allegation has and will continue to be given wide broadcast given the very important and significant issues before the Inquiry. Mr Frank's allegation is also summarised in Twitter posts published by the Inquiry on its official Twitter feed.

We have reviewed the evidence bundle provided to Mr Gillies by the Inquiry and are unable to find any document that supports the allegation made by Mr Frank. We have also reviewed the disclosure provided by the Inquiry to Christian Congregation of Jehovah's Witnesses (CCJW Britain) and, again, are unable to locate any document that supports the allegation made by Mr Frank.

Neither Mr Gillies nor CCJW Britain were given any advance notice by the Inquiry or by Mr Frank that this very serious allegation would be raised. We assume that the Inquiry also did not give notice to Shawn Bartlett that a panel member would imply during a live-stream video broadcast that would be accessible to anyone anywhere in the world, and for repeated viewings, that Mr Bartlett had committed or counselled a criminal offence.

Regrettably, Mr Frank chose to ambush Mr Gillies with this grave and far reaching allegation of a criminal offence knowing that, without advance notice, Mr Gillies may not be in a position to provide accurate information to the Inquiry in response to Mr Frank's allegation. The fact that no advance notice whatsoever was given of the allegation, and the manner in which Mr Frank made his allegation, strongly suggests or leaves the impression that Mr Frank's live-stream video allegation was designed for public consumption to humiliate Mr Gillies, Mr Bartlett, the Britain Branch Office, and elders of Jehovah's Witnesses by implying that each of them has committed a very serious crime.

Mr Frank's actions are all the more disturbing considering that we have unequivocally explained to the Inquiry the document retention policy of Jehovah's Witnesses concerning CSA allegations. As stated in our letter dated 25 September 2019, information concerning CSA allegations are marked "Do Not Destroy" and are kept "indefinitely." This is confirmed in Mr Gillies' 2 December 2019 witness statement (paras 78-79).

Furthermore, Mr Frank and the Inquiry were well aware that in compliance with the Chair's request for documents, we had already provided disclosure of our CSA records to the Inquiry (see inter alia the letters of Kingsley Napley solicitors to the Inquiry dated 31 March 2017, 25 August 2017, and 6 April 2018). In particular, the 6 April 2018 letter from Kingsley Napley confirmed that the Britain Branch Office had complied with the Chair's request for disclosure of CSA records. That letter went on to inform the Inquiry that the Britain Branch Office was "currently undertaking a branch-wide records management project, which is separate and apart from and unconnected to the Inquiry's request for documents." The Inquiry's email to us dated 5 March 2020 (point No. 3) confirms that Jehovah's Witnesses were the only religious organisation that had provided CSA records to the Inquiry prior to the current investigation being launched in April 2019.

In other words, prior to making his live-stream video allegation, Mr Frank should have been well aware that the Britain Branch Office had not destroyed its CSA records and, instead, had fully disclosed to the Inquiry its CSA records and that Jehovah's Witnesses were the only religious

organisation to have disclosed its CSA records to the Inquiry prior to the opening of the present investigation.

We are anxious to bottom this out and to contain the damage that has been done. To be clear, that damage is not just to Mr Gillies and Jehovah's Witnesses (considerable though that damage is). There is also an incipient damage to the Inquiry itself: to the perception of it having been conducted fairly; to it being untainted by apparent or actual bias; and to its conclusions and recommendations being reliable. In addition, there is the damage to Shawn Bartlett who is not a participant or witness to these proceedings and who may need to receive notice of the grave allegations made by Mr Frank and be given the opportunity to seek legal advice and to respond to Mr Frank's allegations.

Both Mr Gillies and Jehovah's Witnesses wish to have a proper opportunity to deal with Mr Frank's questions. In order to be able to do so, Mr Gillies and Jehovah's Witnesses need to see the documents that Mr Frank had in posing the questions and in casting the aspersions that he did. To that end, we ask that the Inquiry provide us by close of business on 14 August 2020 with answers to the following, along with any and all supporting documents or other information:

1. *How did Mr Frank and/or the Inquiry obtain the information that Mr Frank relied on to make his allegation? When did Mr Frank and/or the Inquiry first obtain that information? Did Mr Frank and/or Inquiry staff watch or listen to a recording of the 2017 seminar?*

Please provide us with a copy of the information received and/or consulted by Mr Frank. If an internet resource, please provide us with the date and time when Mr Frank first accessed that resource.

2. *Did Mr Frank first locate the information entirely on his own? If so, please set out in detail how it was that he came upon that information? Please provide the date and time when this occurred.*
3. *Was the information provided to Mr Frank or the Inquiry by an individual or entity, either in hard copy or electronic copy or by a link or other reference to an internet resource? Were there private discussions, emails, or any other interactions between Mr Frank or the Inquiry with these individuals or entities and if so, who and when and how long those discussions lasted?*

Please provide us with the names of those persons and entities, the dates of any and all communications between Mr Frank, the Inquiry, and these individuals or entities. Please be aware that Internet blogs and posts are boasting that it was provided by Mr Lloyd Evans, "Mark J. O'Donnell", and "Jason Wynne". Mr Wynne, who refers to himself as an "IICSA Core Participant", published: "Gillies, you are caught. You can thank @MarkJO'Donnell, @cedarsjwsurvey and @jasonwmwynne for giving IICSA Shawn Bartlett on a plate." As you are aware, Lloyd Evans has testified during the public hearing that he is the "founder and senior editor" of jwsurvey.org (10 August 2020 transcript, p. 50).

4. *Prior to making his live-stream allegation to Mr Gillies, did Mr Frank share or discuss that allegation with any other panel member?*

Please identify which panel members Mr Frank spoke to and the specific nature of the information that he shared with that panel member.

We respectfully ask that this information be provided to us as soon as possible and, in any event, no later than end of business on 14 August 2020.

In the meantime, in order to contain the irreparable damage and harm to both Mr Gillies and Jehovah's Witnesses, please ensure that video footage of any of the exchange between Mr Frank and Mr Gillies not be disseminated more widely than it already has and that there is no other further dissemination of that exchange. Please confirm by return that this is acceded to.

Failing a satisfactory response, we reserve our rights to seek judicial relief.

Yours sincerely,  
*Christian Congregation  
of Jehovah's Witnesses*  
Legal Department