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7<sup>th</sup> May 2013

Dear Sirs,

"GREY WOLF - The Escape of Adolf Hitler - The Case Presented" by Simon Dunstan and Gerrard Williams. Published by Sterling Publishing

We represent the investigative journalists and researchers, Ms Laurence de Mello and Mr Abel Basti, who are currently working under a business partnership. The purpose of this letter is to bring to your attention our clients' claims against both the authors and publishers of the above captioned book ('The Book'). Also, it has just come to our attention that Mr Gerrard Williams is making a documentary film called "Grey Wolf", to be distributed by Galloping Films of Australia, the trailer of which can be viewed on YouTube<sup>1</sup>. This letter is addressed to the parties involved.

#### Background

After World War II there was a well known, if scantily supported theory that Hitler did not die in his bunker but escaped to Argentina. From the early 1990s Abel Basti conducted in-depth research into the purported presence of Hitler in Argentina during the 1940s and 1950s. He interviewed eyewitnesses, recorded and filmed interviews and researched official archives. In the course of these researches he expended considerable mental labour, skill, judgement, time, money and efforts. His intellectual efforts included the choosing of lines of enquiry to be pursued and the judicious selection of the matters to be included. The results of Mr Basti's efforts are recorded in documentation he originated, including but not limited to the books "Bariloche Nazi", "Hitler en Argentina", "Hitler überlebte in Argentinien" (German Version), "El exilio de Hitler" and "Los secretos de Hitler" (the latter has not been published), notes, photographic frames, and sound and video recordings. Mr Basti's collection of materials was also confidential material: nobody could have had access to the collection without his permission. Although some of it was published and might,

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<sup>1</sup> [http://www.youtube.com/watch?feature=player\\_embedded&v=M9q6bSIWAgo](http://www.youtube.com/watch?feature=player_embedded&v=M9q6bSIWAgo).

in principle, have been assembled from published sources, it would have required the application, skill and ingenuity of the human brain in going out to find the pieces, select them and assemble them.

In about 2007 Mr Basti and his investigations came to the attention of British journalist Gerrard Williams, then working for Al-Jazeera television. They met in Argentina. Mr Williams was keen to make a documentary film based on Mr Basti's research and he secured finance for the project through investors outside of Argentina. The film project was then called "Grey Wolf".

On 15<sup>th</sup> October 2007 Mr Basti entered into a written contract with the production company set up by Mr Williams, Gerbil Films Limited. By this contract Mr Basti undertook to sell and the company undertook buy the exclusive rights in all media to Mr Basti's research, materials and books in consideration of substantial payments to be made and other benefits. Mr Williams was in Argentina for 7 days in 2007 to meet Mr Basti and sign the contract and he visited Argentina on three further occasions in 2008 (nine days in February, twelve days in April and eleven days in July). On one of these visits Mr Basti introduced Mr Williams to two key witnesses, Jorge Colotto and captain Monasterio. Mr Basti had already interviewed these two gentlemen and had recorded them on tape.

Filming began in September 2008 and Mr Williams remained in Argentina for three months. In May 2009 Mr Williams told Mr Basti that as a result of the economic downturn across the world his investors had withdrawn from the project and he could not pay Mr Basti the sums due to him. They included the remaining instalment of US\$ 32,500 and US\$ 66,429 for work done as a consultant on the film.

On 12<sup>th</sup> August 2009 Mr Basti formally notified Mr Williams of the termination of the contract of October 2007. Later in 2009 Mr Williams proposed a new contract to Mr Basti with a new company, Lobos Gris Limited, and Gerbil Films Limited. The proposed terms were unacceptable to Mr Basti and no further contract was entered into.

Mr Basti asked Mr Williams to return all the physical materials he had given him including film and texts of interviews and his books. For your information a list of these is scheduled to this letter. Mr Williams did not reply to the request and did not return any material to Mr Basti.

We have advised our clients that the copyright in Mr Basti's documentation did and does belong to Mr Basti; that in any event he is the owner of the moral rights in the works and he has never waived them; that the information he imparted to Mr Williams (and hence Gerbil Films) was confidential and imparted on terms of confidence; and that he is the owner of the chattel property in the physical items.

Mr Basti and Ms De Mello began working on a venture which combined their research, to be produced by KPC Media Limited (KPC). The project was to be a six part series for television, pitched through KPC media as an exclusive work to British networks from September 2011 with the working title, "Children of Odessa". This was to be based on material from Mr Basti and supplemented by additional investigations and research.

#### Publication of The Book

In September 2011 it came to Mr Basti's attention that Sterling were about to publish a Book entitled "Grey Wolf" by Williams and Dunstan. On 14<sup>th</sup> September 2011 he sent a layperson's letter to Sterling setting out his claims over the content of The Book and requesting that publication be halted (translation copy attached). He did not receive a reply. Ms de Mello contacted Sterling's legal department and had discussions with Ms Brooke Barona. The matter was referred to Mr Feuer who suggested that the claims be set out in full and presented to the authors' solicitors.



On 16<sup>th</sup> October 2011 KPC became aware of The Book following the broadcast of Mr Williams' publicity interview on Sky News. KPC could not proceed with the "Children of Odessa" venture as the exclusivity element had been discredited and undermined by the publication of The Book.

#### The Source Material

In December 2011 Mr Ricardo D'Aloia, the editorial director of *Ambito Financiero*, a respected newspaper in Argentina, became aware of The Book. He was most concerned to read the Preface, which states that Mr D'Aloia gave interviews and tapes, filmed by Mr Basti whilst he worked for that newspaper, to the Book's authors. This is untrue. On 6<sup>th</sup> December 2011 Mr D'Aloia wrote to Sterling saying, *"I must make it emphatically clear as regards that material, that the company 'Ambito Financiero' never, either via me or any other authorized person, gave Mr Gerrard Williams any rights over that material. ... It is not possible for any rights to have been given since the exclusive owner of that material is Mr Basti"*. A copy of the letter is attached. Mr D'Aloia has not received a reply.

In the Book, the Publisher's note states *"The authors have spent the last five years researching this subject – travelling the globe, interviewing eyewitnesses, unearthing documents, and piecing together a mountain of evidence that has convinced them of a fact almost too horrible to contemplate: that Adolf Hitler escaped punishment and lived out his life in relative tranquillity in Patagonia until his death in 1962"*. That is, of course, a grossly misleading statement.

Not content with passing off what are mainly the efforts of Mr Basti as their own – instead of giving him proper credit, as it should have done – the Book proceeds to add insult to injury. Thus the reference to Mr Basti, on page XXIII, the Book wrongly cites a photograph of Hitler as one taken from one of Mr Basti's books as proof of Hitler's survival. The authors state: *"Basti presents this photo as proof of Hitler's survival"*. This is incorrect. Mr Basti does not mention anywhere that the picture is either authentic or is evidence of Hitler's survival. The false statement by Messrs Williams and Dunstan is damaging to the professional integrity of Mr Basti and is a derisory acknowledgement of his work. We insist that it is removed from any subsequent editions of The Book, whether paperback or new editions.

#### Violation of Mr Basti's rights

Mr Basti's claims are principally for infringement of copyright, moral rights and breach of confidential information. For the sake of simplicity at this stage, we describe these claims in relation to the law of England. However, we are reasonably confident that effectively similar liability exists in every jurisdiction where the tortious acts were committed.

**Copyright.** Mr Basti is an Argentine citizen and therefore enjoys the benefits of the Berne Convention as reflected in the laws of approximately 150 countries. Taking England as our example, Mr Basti owns the literary copyright in the books and interviews and the film and sound recording copyrights in video and audio interviews. It is well established in English law that literary copyright protects not only the author's language but also his original selection, arrangement and compilation of the materials ("his own intellectual creation") such that, if another author takes a substantial part of these elements in writing a book of his own, he infringes the copyright, even if it is expressed in different words.

**Moral rights.** Under Article 6 *bis* of the Berne Convention an author has the right to claim authorship of his work and to object to any distortion, mutilation or other modification of his work, or other derogatory action in relation thereto, which would be prejudicial to his honour or reputation; and those rights are inalienable. In England this is reflected in Chapter IV of Part I of the Copyright, Designs and Patents Act 1988 (the 1988 Act.) Thus under section 77 Mr Basti has the

right to be identified as the author whenever his work or *any substantial part thereof* (s. 89) or an adaptation thereof is published commercially. While section 78 requires that his right be asserted, it may be asserted at any time. Mr Basti hereby asserts his right and signs this letter accordingly. The same end is arrived by an alternative route, namely, that under the common law he has the right not to have his work passed off as that of another author. Furthermore under section 80 he has a right not to have his work or *any part thereof* (section 89) subjected to derogatory treatment, defined as a distortion or mutilation or other treatment prejudicial to his honour or reputation as author. The omission of any meaningful acknowledgement constitutes a breach of Mr Basti's right of paternity under section 77 of the 1988 Act.

#### Infringement of Literary Copyright

We have identified at least 9 significant instances of infringement of our clients' literary copyright in his books and the interview transcripts. These relate to the interviews with and stories about the following: Henri Batinic, Catalina Gomero, Monasterio, Inalco, Mar Chiquita, Hernán Ancin, Araceli Mendez, Ingebor Schaeffer, Jorge Colotto, all of whom are key characters in the Book.

Mr Williams knew and acknowledged that Mr Basti had terminated the contract of 2007 and that his licence to use his resources, information and copyright material ceased. Despite this he proceeded to infringe egregiously Mr Basti's rights.

#### Breach of Confidential Information


In addition, the use by Messrs Williams and Dunstan of the confidential information imparted to Mr Williams as such under the 2007 contract is a breach of confidence resulting in our clients suffering financial losses in respect of which they are entitled to be compensated. Publication of the Book eliminated the exclusivity of the film production in which our clients had invested considerable expertise, time and money over 12 months filming. As a direct consequence of the unauthorised use of the confidential information, the production was halted and the commission was withdrawn. The abortive costs just for the production development, apart from pre-production losses, sales and distribution losses are approximately US\$130,450.

#### Remedy

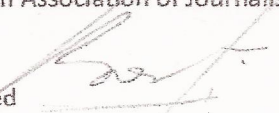
We wish to give you the opportunity of reaching a resolution that is satisfactory to our clients provided it may be achieved in short order and we invite your proposals for compensation.

All our clients' rights are reserved.

Yours faithfully,

  
Annette Raitz  
Solicitor

For and on behalf of the  
British Association of Journalists.

  
Signed  
Abel Basti

Hereby asserting his moral rights under the Copyright, Designs and Patents Act 1988

Encs.



**Materials handed by Abel Basti to Gerrard Williams:**

Copy of the film "Edén Hotel", of Cuini Amelio Ortiz, 3 SAT.

Original video, interview with Hernán Ancín.

Original video, interview with Catalina Gamero

Original video, interview with Mr. Jorge Batinic

Original video, interview with captain Manuel Monasterio

Original video, interview with Araceli Méndez

Four copies of my interviews published in the newspaper "La Mañana del Sur" related to the case (interviews with Hernán Ancín, Catalina Gamero, Jorge Batinic and Manuel Monasterio)

Written copy of the textual statements from Mrs. Ingeborg Schaeffer, in an unpublished documentary from the producer "Cuatro Cabezas".

Written copy of the statements made to the author by the Minister of Tourism of Rio Negro, Omar Contreras.

Written copy of the statements made to the author by the police chief, Jorge Coloto.

Written copies of my researches and interviews in Mar Chiquita, Province of Córdoba.

Written copy of my researches and interviews made in the province of Mendoza.

5 copies of the book "Hitler en Argentina"

5 copies of the book "Bariloche Nazi"

14 hardcopy photographs

32 digital photographs

1 copy of my claim filed with Argentine military with the exact coordinates of the location of a sunken submarine in Argentine waters.

***PLAGIARISM (Book: Grey Wolf)*** -----

**Sender:** ABEL RICARDO BASTI; 20 de febrero 412, 1º piso "C", 8400, Bariloche, RIO NEGRO. ARGENTINA-----

**Addressee:** STERLING PUBLISHING; 387 Park Avenue South; New York; NY 10016-8810; USA.  
San Carlos de Bariloche, as of this fourteenth day of September of the year two thousand and eleven.-----

**Reference:** Book published by Sterling Publishing, a member of the BARNES & NOBLE Group, named "Grey Wolf: The Escape of Adolph Hitler" (Hardback) and authored by Gerrard Williams and Simon Dunstan.-----

I hereby notify you --and, should the case arise, hold you liable as publishers--, that the work of reference, which is about to be published by your firm as announced through the Internet, undoubtedly includes material, documentation and research of which I am the sole author and exclusive copyright owner, and dissemination of which by and for the benefit of third parties I have never authorized. By the same token, the promotional "author video" of the work to which access is provided through the Barnes & Noble webpage, as well as through "You Tube", contains material of which I own copyright and research of which I am the author. I have already used said material in works that were long ago published in the Argentine Republic, Spain and Germany, to wit: "Bariloche Nazi" and "Hitler in Argentina", both of them self-publications, "El Exilio de Hitler" published in Argentina by Editorial Sudamericana-Mondadori and in Spain by Editorial Absalon, "Hitler überlebte in Argentinien" coauthored by Jan Van Helsing and me and published in Germany by "Amadeus Verlag" publishers, and "Los Secretos de Hitler" not yet published but edited by Editorial Sudamericana-Mondadori, all of which guarantees the truthfulness of my statements. **Therefore, I hereby formally and legally demand that you immediately refrain from publishing and putting the work you are**



offering for sale in circulation and that the above-referenced promotional video be removed from the world wide web. -----

As a matter of fact, a contract by and between me and Gerrard L. Williams, who alleged to be acting on behalf of "Gerbil Films Ltd.", was entered on October 15, 2007 with Mrs. María Eugenia Favret serving as a witness. Mr. Williams failed to perform the contract and, therefore, said contract was terminated by breach as per the notice I have sent on August 12, 2009 which was received and consented by Mr. Williams and Gerbil Films Ltd. on November 3, 2009 at their contractual address, that is, 32 Buckley Road, NW6 7LU, LONDON, UK.-----

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Thus, all the material and research of which I am the copyright owner that Mr. William had obtained as a result of my performance of the above mentioned contract -- in which no assignment of copyright nor of moral rights was made-- may not be legally used by him, nor by any other person without my express authorization which, obviously, I am not giving under these conditions.

Should you fail to meet the demand herein, I will be obliged to bring legal action for damages against those appearing as authors of the work of reference and against the publishing group as a whole, which is to be held liable for the publication.-----

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YOU ARE HEREBY DULY NOTIFIED. -----

ABEL RICARDO BASTI. National Identity Document No. 12286303 (one-two-two-eight-six-three-zero-three). -----



Buenos Aires, 6<sup>th</sup> December, 2011

STERLING PUBLISHING  
387 Park Avenue South.  
New York,  
NY 10016-8810.  
USA.

To whom it may concern,

It has come to my attention that there is a false statement which involves me personally in a text in the book "Grey Wolf", for which you are the editors responsible.

The aforementioned paragraph is, *"However, video interviews with eyewitnesses filmed in the 1990's while Basti was working for Ambito Financiero, one of Argentina's most respected daily newspapers, are compelling. It is the words of these witnesses, on a tape given to us by the paper's editorial director Ricardo D'Aloia, that have contributed to the findings published in this book"* (Preface, page XXIII).

Mr Gerrard Williams states that, via me, he had gained access to journalistic, historical and investigative material which is in fact the property of Mr Abel Basti and it is for this reason that I am writing to you - in order to clarify the fact that the statement is not at all true.

The video interviews of Hernán Ancín (pages 274-275), Jorge Batinic (page 271), Catalina Gomero (page 270) and Araceli Méndez (page 280), in addition to other recorded material related to the investigation of Nazi leaders in the Argentinian Republic (images which have been published by you in the aforementioned book, were carried out by Abel Basti and thus have always been his property exclusively. They have never belonged to the newspaper "Ambito Financiero", even though it was this medium which at one time circulated them via "La Mañana del Sur", another paper of the same group.

I must make it emphatically clear as regards that material, that the company "Ambito Financiero" never, either via me or any other authorized person, gave Mr Gerrard Williams any rights over that material. Not for editing, publishing or distributing those images. It is not possible for any rights to have been given since the **exclusive owner of that material is Mr Basti** and we could not have given Mr Williams rights that were better or more extensive than those that we ourselves have for that material. And as such, the statement published in the aforementioned piece of work, and which I emphatically refute here, that I had given Mr Williams the property of that material for its publication in his book is completely **false**, given that it was not in my power or that of "Ambito Financiero" so to do.

I hope you will understand that I do not appreciate in any way having been named without my authorization in your publication, and so involved in such an unpleasant episode with which I have absolutely no relation. I therefore request the appropriate measures be taken.

I look forward to hearing from you,

Yours faithfully,



Ricardo D'Aloia  
DNI 14.026.014