

Mr Mark Moody-Stuart
Group Chairman
Royal Dutch/Shell Group
Shell Centre - London

Alfred Donovan
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November 1998 (cc. All Shell staff)

Dear Mr Moody-Stuart

THE LATEST BOMBHELL IN A SERIES OF SINISTER EVENTS

Not even in my worst nightmare could I have dreamt that by bringing a further legitimate legal action against Shell, we would be confronted, by coincidence or otherwise, with a series of sinister events. The latest bombshell is that the homes of the people most closely involved with the claim that my son, John Donovan, has brought against Shell have been burglarised.

In June, threats were made against my family and potential key witnesses, during an anonymous call from a London payphone. Shell UK Legal Director, Mr Richard Wiseman, denied that anyone at Shell had any connection with the incident. However, it was evident from his subsequent actions that he had doubts about the veracity of his denial. Details about the call, including the location of the payphone, were uncovered as a result of investigations by the Police, a BT Investigations Unit, and a national newspaper. The anonymous caller had inside knowledge of Shell's secret plans to go on the offensive against us. He not only disclosed that Shell was about to bring a Counterclaim, he even mentioned the grounds on which it was subsequently brought. Beyond any doubt, the caller was someone closely involved with Shell. Mr Wiseman evidently concluded that this was the case, as he launched an internal investigation at Shell-Mex House and personally interviewed Mr Andrew Lazenby, the key Shell manager in all of the four High Court Actions my son has brought against Shell (three of which Shell has already settled). The accuracy of the information the caller disclosed was clearly designed to prove his credibility and the potency of his threats.

During the same month, June 1998, an undercover operation was carried out at the offices of my sons company, Don Marketing. Shell and its lawyers were initially economical with the truth and only admitted their association with the "cloak and dagger" activity when forced into a corner. Mr Wiseman subsequently admitted in writing Shell's connection with the activities of a "Mr Phillips" who, when caught checking private mailboxes in the office reception area, had lied about the reasons for his visit. He left a business card in the name of "Don Consultants". Mr Phillips was identified on the card as being a Director of the firm. However, the firm is not registered at Companies House, nor does its name appear in any trade directory. Shell lawyers claimed that the purpose of the mission was for "routine credit enquiries" relating to the litigation. Since such information could have been obtained from a credit reference agency, their excuse was patently false.

Also in June, my son had a visit from a mysterious 6ft 5" American, called "Mr Charles Hoots" from Paris. He tracked down and interviewed a number of DM witnesses under the false pretence of being a journalist working for "The European". Although we know that Mr Hoots was engaged in an undercover investigation, we do not know on whose behalf. Can you please advise if his activity was associated with any Royal Dutch/Shell Group company?

Now we have the latest bombshell - the burglaries carried out against people associated with our SMART claim, including key witnesses. Brief cases have been forced open, papers examined, including privileged documents between DM and its solicitors. The latter included a brief issued to Dr Mary Vitoria QC - a document Shell's lawyers recently failed to obtain after making an application to the Courts (which was dismissed with costs).

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Personal and company bank statements for Don Marketing and its current and former Directors have also been examined. Such information goes beyond the bounds of "routine credit enquiries". One burglary was carried out at a house that Mr Hoots was keen to visit. The Police have been notified of the burglaries and of the circumstances linking all of them.

Your lawyers have admitted Shell's association with undercover investigator, Mr Phillips and have arrogantly indicated that he was not the only person carrying out enquiries. Under the circumstances, it does not seem unreasonable to ask you to provide answers on behalf of the Royal Dutch Shell Group to the question's Shell UK has thus far chosen to ignore. I therefore want to know whether any other "cloak and dagger" activity, including any forms of surveillance has been directed at DM directors or anyone associated with its claim? I ask this question because a private residence owned by a DM Director that we suspected had been the target of a surveillance operation, is one of the properties that have been burgled. I would also like to see a copy of the brief given to the enquiry agents instructed by your lawyers and to receive a written guarantee from you that no further investigative action will be undertaken at the behest of any Shell company, against DM, my family, or myself.

The climate of intimidation is such that DM Director, John Donovan (my son) recently felt it necessary to send a letter to every MP advising them of the threats and asking that they should notify the authorities if any suspicious fatal accidents occurred to any member of our family. A number of MP's have taken the matter very seriously, including Mr Paddy Ashdown, who kindly replied personally to the letter. Mr Wiseman apparently also takes the matter extremely seriously, as he has written to my son offering assurances in regard to our physical well being and that of our witnesses.

The question arises of whether it is conceivable that anyone at Shell would have the degree of malice towards DM that could lead to the sinister events that have occurred. I am aware of a number of incidents that provide an answer. One example is the Press Statement issued by Shell UK in March 1995 stating that my son and I were trying "to coerce Shell into settling false claims". No statement could have been more unfounded. Shell subsequently settled both of the relevant claims. We even received an apology letter from Dr Fay.

Although Shell is a member of the Centre for Dispute Resolution, Shell management has thus far ignored all proposals to refer the dispute to mediation. They are evidently following a strategy of trying to drain the courage and financial resources of a financially weaker opponent in the expectation that despite the overwhelming merit of the SMART claim, it will not reach the Courts. In other words, in a classic David and Goliath battle, Shell is apparently using a combination of intimidation and economic pressure in an attempt to frustrate justice. Shell contends that other forces may be at work. Mr Wiseman has indicated that in his view, someone was pursuing their own agenda by making the threats against us, in an effort to damage Shell. If he is correct, then the situation is even more dangerous and unpredictable, because it suggests that the same person may be behind other sinister events.

Under the circumstances, I want to provide Shell staff with absolute proof of our bona fides by offering a route to a speedy and fair resolution that would immediately take the heat out of the situation. I challenge Shell to put the dispute to mediation. If the mediators agree with Shell's assessment of the claim (that "it is entirely without substance") then my son will immediately transfer his SMART claim to Shell for £1. On the other hand, if the mediators agree with the assessment made by leading Counsel, Dr Mary Vitoria QC, then we would expect Shell to compromise the action. Since we have no wish to hold Shell to ransom, we would also agree that an independent licensing agency be instructed to devise a fair financial settlement. I do not believe that we could possibly make a fairer offer to Shell. If you fail to accept, there will be no room left for any doubt about who are the bad guys in this sleazy epic.

Alfred Donovan, Retired Director of Don Marketing (Cell-phone 0411 526 769).