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Ms. Viviane Reding  
European Commission Vice-President  
in charge of Justice, Fundamental Rights and Citizenship  
BE-1049 Brussels  
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Luxembourg January 20 2011

Att : Ms. Reding  
Re : Complaint: Baranyi Berge v Luxembourg  
Case number :  
Sent by : Mail and fax  
Your fax number : +32-2 296 07 46  
Pages : 33  
Attachments : 4 (30p)  
Copy :  
Priority : Urgent

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Dears Ms Reding,

As you will understand from reading this complaint, the legal system in Luxembourg is wide open to corruption and does not function according to law. You have been informed about the grave situation in your country in earlier correspondence, where families – like us – are deliberately deprived of all our rights.

According to the case law of the European Court of Justice (*Factortame*), national courts can suspend the enforcement of national legal provisions incompatible with Community law.

The Charter of Fundamental Rights of the European Union is one such Community law. Its Article 47 states that:

*Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.*

*Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.*

*Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.*

Any enforcement of laws or court decisions violating the Charter and its Article 47, could then be subject to interim measures.

The following facts are evident in regards to the case in question, No 2010/0732:<sup>1</sup>

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<sup>1</sup> Tribunal d'Arrondissement's secret decision of May 21 2010.

- The default decision was kept secret from us – by the court itself – for no less than 6 months; from May 21 2010 through November 9 2010.<sup>2</sup>
- The main hearing was kept secret from us.
- We were not summoned to the main hearing, hence the plain existence of the main hearing was kept secret from us.
- Our Appeal of December 16 2010 against the decision of May 21 2010, was by a fax of December 20 2010 flatly rejected and quashed by a bailiff, hence no court has rejected our right to appeal.
- Our Appeal of January 5 2011 against the bailiff's decision (which was dispatched by fax, thus not even attempted served) of December 20 2010, seems to have been quashed by an unknown entity in Luxembourg, as we haven't got any judicial reaction upon this appeal.
- We have thus not been allowed to utter one single word to our defence in this case before the courts in Luxembourg, but nevertheless we are ordered to pay the bank (that at present owes us some € 53 million) € 460.000.

These simple but all so serious facts demonstrate that every single letter in the aforementioned Article 47 has been violated by the Luxembourg Court of First Instance.

The decision of May 21 2010 of which the plaintiff now is enforcing through their own bailiff, is thus in obvious violation with Community law.

In compliance with ECJ case law, we thus petition you to do whatever is in your power to grant us interim measures against the said court decision passed by the Luxembourg Tribunal d'Arrondissement on May 21 2010.

\* \* \*

### **Some further facts on the matter**

During the period from July 2003 through 2011 our bank, Danske Bank International S.A. (Luxembourg) has carried out numerous criminal actions against us, basically defrauding us of all our savings, which at one time was estimated to some € 1 million.<sup>3</sup>

This criminal activity against us was discovered as a consequence of the banks' unlawfully notice of default in October 2008 and the unlawful closing of our bank account in December 2008. Subsequently we have filed some 21 criminal complaints against the bank.

The financial supervisory body in Luxembourg, CSSF, has closed and reopened the case three times, but has nevertheless consistently protected the bank and its criminal activity. Even the Public Prosecutor has protected the bank and its criminal activity, shelving all our criminal complaints, stating that such activity is not a crime in Luxembourg.

Make note that we have provided both CSSF as well as the public prosecutor with conclusive evidence on every criminal action reacted upon. Nevertheless the Luxembourg authorities refuse to act and thus protect and support serious criminal activity.

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<sup>2</sup> It is quite likely that the decision was kept secret from us to destroy the Christmas celebration, and to obstruct our right to have the administration of this case tried before the ECHR.

<sup>3</sup> This matter has nothing to do with the so called Financial Crisis.

In a secretly held hearing on May 21 2010, the Court of First Instance ruled (by default) that we owe the bank some € 460.000. We were not invited to this hearing, nor were we informed about the existence of this hearing. The default decision was – for some reason – held secret from us for some 6 months (November 9 2010).

Basically the determination of our civil rights and obligations have not been subject to a fair and public hearing by an independent and impartial tribunal. Quite on the contrary; our rights have not been subject to a court hearing at all. We have not been allowed to contradict any allegations from the bank, we haven't even been granted access to court.

As the Luxembourg authorities refuse to serve any documents in a language which we understand, we have had to translate the decision using the Google translation tool. On December 16 2010 we thus filed a thoroughly documented appeal, defence and counterclaim against the secret decision of May 21 2010.

Please find the appeal attached to this letter as **Appendix # 1**.

On December 20 2010 the bailiff faxed a document which seems to state that our appeal would not be accepted, as we were not represented by a lawyer.

Please find the bailiff's fax attached to this letter as **Appendix # 2**.

On January 5 2011 we filed an appeal against the bailiff's rejection of our appeal of December 16 2010.

Please find our appeal attached to this letter as **Appendix # 3**.

None of the courts or other relevant authorities has responded to our appeals.

On January 18 2011 we received a letter in French from the bailiff, of which we have translated using the Google translation tools.

Please find the letter attached to this letter as **Appendix # 4**.

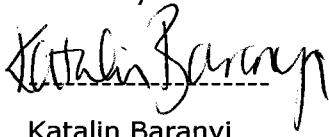
The said letter seems to state that the bailiff will confiscate our private belongings today and throw us out of our own fully paid house if we don't pay within 14 days.

The crimes committed against us by the bank and the named Luxembourg authorities have never been subject to any hearings, and will never be as long as the current regime is in power, it seems. On top of this the bank as well as the Government of Luxembourg owes us a significant amount of money. But even so, we do have a conventional right to defend ourselves against any claims. The Luxembourg courts together with their bailiffs have effectively and so far, successfully, deprived us of this right, totally.

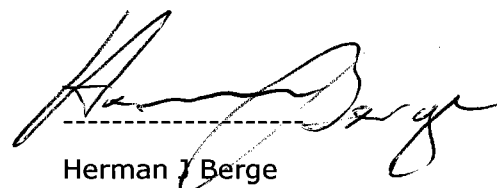
By this we ask you to do whatever is in your power to halt any actions (execution of decisions) against us until our complaint (of which will be submitted within short) has been tried in the ECJ, or at least until our rights have been tried through a fair and public hearing, before an independent and impartial tribunal established by law.

We would greatly appreciate your soonest response.

Sincerely

  
Katalin Baranyi

Luxembourg January 20 2011

  
Herman J. Berge