

Ms. Katalin Baranyi and Mr. Herman J Berge  
665, rue de Neudorf  
L-2220 Luxembourg  
Luxembourg

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Procureur d'Etat (State Public Prosecutor)  
Palais de Justice  
P.O. Box 15  
L-2010 LUXEMBOURG

Luxembourg February 3 2009

Att : Mr. Laurent Seck  
Re : Danske Bank Intl. S.A. – Criminal Complaint V  
Case # :  
Your reference :  
Our reference :  
Posting by : Fax and mail  
Your fax # : +352 26 20 25 29  
Numbers of pages : 13  
Attachment : 5 (10 p)  
Copy : CSSF

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We refer to Criminal Complaints of December 22 2008, January 26 and 28 2009 and February 2 2009.

## C R I M I N A L C O M P L A I N T

### 1. FORMAL INFORMATION

**Date of Crime** : January 9 2009  
**Scene of Crime** : Danske Bank International S.A., 13, rue Edward Steichen, 2011 Luxembourg.  
**Perpetrator** : Managing Director; Klaus Mønsted Pedersen (Luxembourg) and Legal Adviser; Ole Stenersen (Luxembourg).

The above named persons are employed with the Danske Bank International S.A., 13, rue Edward Steichen, 2011 Luxembourg.

### 2. CRIMINAL ACTIONS

On January 7 2009 we yet again requested the bank to give us access to all documents regarding our deposits, statements of our account balance, explanation on the unauthorised transactions/withdrawals of some + € 200.000 in 2006, as well as an explanation on the closing of our account.

**Appendix #1:** Letter of January 7 2009 to the Danske Bank.

In the bank's communication of January 9 2009 addressed to the CSSF the bank confirms to have:

"...gone through all transactions on all accounts..."

**Appendix #2:** Danske Bank's letter of January 9 2009 to CSSF.

This means that the bank has in the most thoroughly and qualified manner examined – which could be described as an investigative due diligence – all transactions regarding our savings account, and that the bank didn't find anything that could lead to any reactions from the bank.

\* \* \*

In the above mentioned letter of January 9 2009, the bank responds to the CSSF's request of November 2008 (we never got any copy of the correspondence to the bank from the CSSF, thus we are not able to identify this letter). The bank's response is misleading.

It is a fact – which the bank itself confirms – that we have deposited some € 1.001.100 or NOK 8.380.000 with the bank. Nevertheless the bank attempts to mislead the CSSF to believe that we have only deposited some €765.860,52, which is obviously incorrect. By this way of accounting we are left with a deficit of some €473.773,63 and upwards.

By presenting the case to the CSSF in this way – reducing our deposits by more than €235.000, not explaining that €780.000 of the outgoing transactions relates to the purchase of our house in Luxembourg – it looks like we have spent money far beyond our means.

In a further attempt to draw a suspicious veil over us and thus hopefully avoiding any scrutiny of their own actions, the bank's managing director as well as his legal adviser states in the letter to the CSSF that:

"...Mr. Berge fails to mention the debit transactions made by him and Ms. Baranyi."

On the contrary: Two months before the bank attempted to mislead the CSSF by this dishonest accusation, we requested the bank to:

"...inform us of the total amount of cash withdrawals and credit card charges, so that we can balance the account." See our letter to the bank of November 11 2008.

**Appendix #3:** Letter of November 11 2008 to the bank.

As the bank didn't respond to this we repeated our request in our letter to the bank of January 7 2009, a letter which we presume was the cause that eventually forced the bank to respond to the CSSF.

In its correspondence to the CSSF of January 9 2009, the bank leaves it unexplained on how they have come up with these amounts – and even more important; why using this *special* accounting method – thus making it impossible to check the validity and accuracy of the banks conclusions. Nevertheless, the bank has provided the CSSF with information which the bank knows is both incorrect as well as misleading.

Further on to this we refer to our letter to the CSSF of January 22 2009, which identifies the bank's attempt to mislead the CSSF.

**Appendix #4:** Letter to the CSSF of January 22 2009.

**3. IN CLOSING WE PETITION THE PROCUREUR D'ETAT (PUBLIC PROSECUTOR):**

- to investigate the above mentioned actions and prosecute the offender.

We do reserve the right to claim compensation for any economical loss, as well as non-pecuniary damages, these actions has caused us. In this regard we wish to be informed by the Public Prosecutor whether such a claim can be filed as a part of the criminal case.

\* \* \*

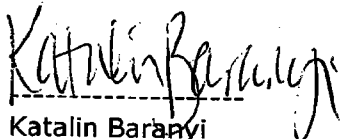
For your information the CSSF has, pursuant to article 58 of the law of April 5 1993 on the financial sector, ceased their intervention by its letter of January 22 2009.

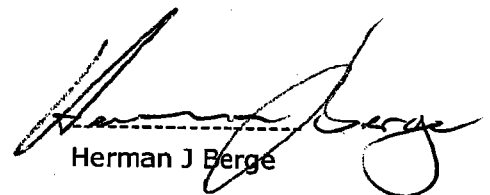
**Appendix #5:** Letter from the CSSF of January 22 2009.

\* \* \*

This Criminal Complaint is submitted to the Procureur d'etat in English in accordance with the ECHR.

Sincerely,

  
Katalin Baranyi

  
Herman J Berge

DATED in Luxembourg this 3 day of February 2009; delivered by fax and ordinary mail to the attention of Mr. Laurent Seck with the Procureur d'etat.

000001

Ms. Katalin Baranyi and Mr. Herman J Berge  
665, rue de Neudorf  
L-2220 Luxembourg  
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Phone : +352 43 12 65  
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Danske Bank International S.A.  
P.O. Box 173  
2011 Luxembourg

Luxembourg January 7 2009

**Att** : To the President/chairman Mr. Klaus Moensted Pedersen  
**Re** : Regarding our savings account 653147  
**Case #** :  
**Your reference** :  
**Our reference** : 653147  
**Posting by** : Mail, Registered mail, and fax  
**Your fax #** : 47 30 78  
**Numbers of pages** : 2  
**Attachment** :  
**Copy** :

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President,

We are still waiting for your response in regards to our letters of October 24 2008, reminders of November 8 and 11, as well as CSSF's letter to you of November 13 2008.

You have not responded to our demand for deletion of the "Spezialhypothek" of January 26 2007.

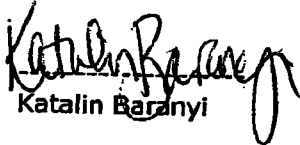
We have been in contact with the public prosecutor in Luxembourg, and we were kindly advised to, yet again, request an answer from you - this time by registered mail - demanding for the following:

- Full access to all documents regarding our deposits of some € 1 million with your bank, deposited on the following dates: July 7 2003, August 19 2003, September 7 2005, October 11 2005 and October 18 2006, at the amount of, respectively: NOK 4 million, NOK 1 million, € 266.466,69, NOK 100.000, and €120.184,93.
- Statement of our account balance as of December 31 2008, including copies of all transactions registered on this account from the opening and up to this said date.
- Explanation regarding the authorisations of transactions/withdrawals of some + €200.000 from our account in the period of March/June 2006 as well as August/December 2006.
- We are also asking for your explanation as to why our account was closed on December 19 2008.

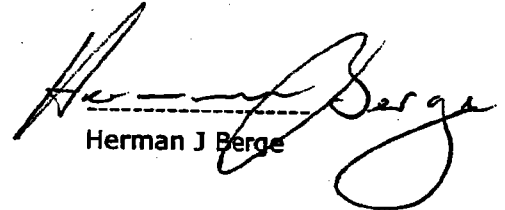
**Deletion of Spezialhypothek of January 26 2007**

There does not exist any legal grounds for your bank to register such a Spezialhypothek.  
The house was purchased with our own funds which were deposited with your bank on  
the dates mentioned above.

Without prejudice we reserve the rights to claim damages and compensations for any  
incurred losses from you personally.

  
Katalin Baranyi

Luxembourg January 7 2009

  
Herman J Berge

Commission de Surveillance  
du Secteur Financier  
L - 2991 Luxembourg

Danske Bank International  
13, rue Edward Steichen  
P.O. Box 173  
L-2011 Luxembourg  
Telephone +352 46 12 75 1  
Telefax +352 47 30 78  
www.danskebank.lu

9 January 2009

Ref.: 653147/Legal

**Your ref. SG.08/3589-NDE/MR/LTG1090 - Ms Katalin Baranyi & Mr Herman Berge**  
**Our client number 653147**

Dear Sirs,

Further to our letter of 17 November 2008 we have gone through all transactions on all accounts held under client number 653147 since the relationship was established in 2003. We have, in particular, focused on incoming and outgoing transfers and payments.

Referring to the clients' letter to you dated 27 October 2008 we wish to conform the incoming transfers quote by Mr. Berge.

Value 11 July 2003, NOK 4,000,000.00 was credited to the NOK current account 6531470801, cf. advice dated 7 July 2003 (Appendix # 1 sent by Mr. Berge).

Value 25 August 2003, NOK 1,000,000 was credited to the NOK current account 653170801, cf. advice dated 19 August 2003 (Appendix # 2 sent by Mr. Berge).

Value 12 September 2005, EUR 266,466.69 was received and immediately exchanged to NOK 2,073,377.31 that was credited to the NOK current account 653170801, cf. advice dated 7 September 2005 (Appendix # 3 sent by Mr. Berge).

Value 14 October 2005, NOK 100,000 was received and immediately exchanged to EUR 12,668.65 and credited to the EUR current account 653175501, cf. advice dated 11 October 2005 (Appendix # 4 sent by Mr. Berge).

Value 20 October 2006, EUR 120,184.93 was received and immediately exchanged to NZD 226,560.61 and credited to the NZD current account 653172801, cf. advice dated 18 October 2006 (Appendix # 5 sent by Mr. Berge).

In his letter Mr. Berge fails to mention the debit transactions made by him and Ms Baranyi. According to the account statements the following total amounts of outgoing transfers and payments have been made.

USD -2,030.63  
 GBP -42,018.14  
 SEK -49,540.92  
 NOK -707,060.54  
 NZD -3,082.93  
 EUR -1,202,755.49

Based on the exchange rates on 08/01/2009 the net incoming/outgoing transfer balance can be seen below:


EUR	-1,186,755.33		EUR	-1,186,755.33
USD	-2,030.63	0.727586	EUR	-1,477.46
GBP	-42,018.14	1.11388	EUR	-46,803.17
SEK	-49,540.92	0.092816	EUR	-4,598.19
NOK	6,366,316.77	0.105163	EUR	669,500.97
NZD	223,477.68	0.431182	EUR	96,359.55
				-473,773.62

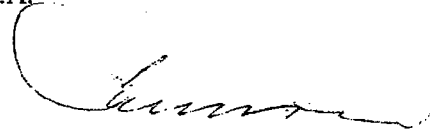
Furthermore, Mr. Berge seems to allege that he - without prior information - was told that his deposits had been lost. This is not true. In fact, the Bank has regularly sent account statements and portfolio valuation reports to the clients. Also, the Bank has had an ongoing dialogue with Mr. Berge. This is evidenced by the Bank's records. We regret having to note that Mr. Berge fails to acknowledge the fact that there have been losses on their investments. As evidence we attach copies of the quarterly portfolio valuation reports sent to the clients during 2008.

We finally wish to vehemently object to the absurd comparison with the BCCI case.

Please accept our apologies for the delayed reply.

Yours faithfully,  
 Danske Bank International S.A.

  
 Klaus Mønsted Pedersen  
 Managing Director

  
 Ole Stenersen  
 Legal Advisor

c.c. Mr. Herman J. Berge

Ms. Katalin Baranyi and Mr. Herman J Berge  
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Luxembourg

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Danske Bank International S.A.  
P.O. Box 173  
2011 Luxembourg

Luxembourg November 11 2008

**Att** : To the President/chairman  
**Re** : Your letter of October 17 2008, e-mail of October 20 2008, letter of November 3 2008.  
**Case #** :  
**Your reference** :  
**Our reference** : 653147  
**Posting by** : Mail and fax  
**Your fax #** : 47 30 78  
**Numbers of pages** : 2  
**Attachment** :  
**Copy** :

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Regarding our savings account 653147:

I am referring to our letter of October 24 2008, as well as our reminder of November 8 2008.

This is reminder # 2, and we are still waiting for you to inform us what is the status of our deposits which was deposited on the named savings account as follow:

On July 7 2003, August 19 2003, September 7 2005, October 11 2005 and October 18 2006 we deposited the amount of respectively NOK 4 million, NOK 1 million, € 266.466,69, NOK 100.000, and €120.184,93.

With a compound interest of 3,5% on our savings account, starting on the said dates, the balance as of today should be in total of € 1.153.984,43 or NOK 10.101.437,33 (as of Friday November 7 2008)

We notice from the land registry (hypothec register) that your bank has registered a bond in our house in the amount of €420.000 on January 26 2007.

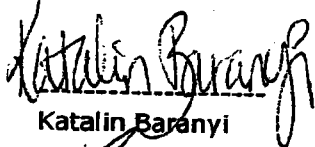
The house was bought with our own funds (some €695.000), which means that if we deduct the bond of €420.000 from our balance of € 1.153.984,43 we should have approximately €733.984,43 minus withdrawals and credit card charges during the period 2003-2008.

We herby ask the following:

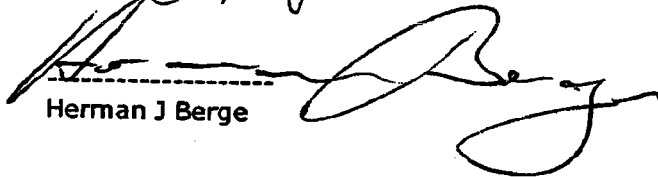


The bond on our house of €420.000,- to be deleted as the house was purchased of our own funds.

That the bank informs us of the total amount of cash withdrawals and credit card charges, so that we can balance the account.

  
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Katalin Baranyi

Luxembourg November 11 2008

  
-----  
Herman J Berge

Ms. Katalin Baranyi and Mr. Herman J Berge  
665, rue de Neudorf  
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Phone : +352 43 12 65  
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000004

Commission de Surveillance du  
Secteur Financier Luxembourg  
Secrétariat Général  
Ms. Danielle Mander  
110, route d'Arlon  
L-2991 Luxembourg  
Luxembourg

Luxembourg January 22 2009

Att : Ms. Mander  
Re : Deposits in Danske Bank International S.A., Luxembourg. The  
bank's letter of January 9 and 14 2009.  
Case # :  
Your reference :  
Our reference : 653147  
Posting by : Mail and fax  
Your fax # : 26 25 1 601  
Numbers of pages : 3  
Attachment :  
Copy : Danske Bank International S.A.  
Priority :

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**Your intervention.**

In the bank's letter to the CSSF of January 9 2009, the bank states that "...Mr. Berge fails to mention the debit transactions made by him and Ms. Baranyi."

On the contrary, in our letter to the bank of November 11 2008 we *asked* the bank to:

"...inform us of the total amount of cash withdrawals and credit card charges, so that we can balance the account."

The banks motivation for drawing this suspicious veil over us seems to origin from their ongoing efforts to avoid scrutiny of their own actions.

We have deposited more than € 1 million into our savings account with the bank. The bank has informed us that the deposit is basically lost. The bank alleges that the cause of this "loss" is our own withdrawals combined with the banks management of the savings account, the so called investments. By this it is not too much to ask for the bank to provide us and the CSSF with documents that could verify the withdrawals as well as establish a reasonable cause of the so called loss, e.g. providing us with all documents constituting any investment acts.

In the letter of January 9 2009, the bank somehow attempts to illustrate to the CSSF the amounts that have been withdrawn from our savings account. As anyone could agree on,

this statement is nothing but confusing. It is impossible to check and control the bank's numbers as there are no appendixes connected to each amount allegedly withdrawn.

In addition we do not understand why the bank is using exchange rates of January 8 2009 on amounts withdrawn and deposited on different dates in the period of July 2003 and onwards, in order to give an adequate as well as accurate explanation of what has happened to our savings.

The bank provides the CSSF with two columns allegedly giving proof of transfers. The first column is to establish a fact that we have withdrawn from our savings account the amount of some € 1.332.889,506 or some NOK 12.084.683,47.

The second column has been provided by the bank to establish a fact that we have deposited some NOK 6.366.316,77 and NZD 223.477,68 or some € 765.860,52 and that we have withdrawn some €1.239.634,15 leaving us with a deficit of some € 477.773,63.

This can not be regarded as an acceptable presentation or explanation on what has happened to our savings, whereas it is impossible to control whether the bank's data is correct.

The two columns in question are supposed to be somehow connected to each other, but after a closer look they appear to diverge and confuse rather than explain.

**Firstly:** In the first column the bank states that we have made a withdrawal of some NOK 707.060,54. In the second column this amount has disappeared from the account and the calculation without any explanation.

**Secondly:** The Euro-amount of some 1.202.755,49 stated in the first column to have been withdrawn is reduced by some €16.000,16 in the second column, with no further explanation.

**Thirdly:** Even though the bank acknowledge a deposit of some NOK 7.173.377,31 on page one of the letter to the CSSF, this deposit has been reduced by some NOK 807.060,54 in the second column on page two, without any explanation.

**Forthly:** Even though the bank acknowledge a deposit of some €120.184,93 on October 18 2006, stated on page one of the letter to the CSSF (the NZD deposit), the bank has reduced this amount by some €23.825,31 in the second column on page two. Even the NZD amount has been reduced by some NZD 3.082,93 without any explanation.

By this unexplainable and confusing accountancy the bank has reduced our deposit by more than NOK 1 million.

The fact is that our deposits represents approximately NOK 8.380.000 or € 1.001.100.- and not € 765.860,52 as the bank alleges. The difference of some € 235.240 has not been accounted for by the bank.

\* \* \*

It seems obvious that the bank by this rather dogmatic and apparently authoritative but still confusing accountancy, is trying to mislead the CSSF to believe that everything is ok, and that there are no reasons for further investigation or control on this matter. Such an act will be considered as of criminal nature, if the bank by their letters wilfully attempts to defraud the CSSF and us in order to conceal any embezzlement from our savings account or any other unlawful act made against our deposit.

Depositing such an amount in a bank normally gives a certain amount of interest added to the deposited amount every year, thus we were expecting some return on our deposit. According to the bank's accountancy our deposit on approximately €1 million has not given us any return in a period of more than five years, which in itself is quite striking.

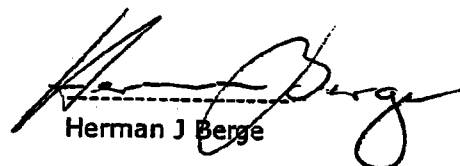
**In conclusion:** The bank has acknowledged our deposit of NOK 5.1 million and € 386.651,62. Even using the exchange rate of today, this amounts to the total of € 950.245,02, of which the amount of some € 184.384,50 (NOK1.670.874,99) is left unaccountable for.

This for your information.

Sincerely,

  
Katalin Baranyi

Luxembourg January 22 2009

  
Herman J Berge

MOTTATT  
26 JAN 2009

COMMISSION de SURVEILLANCE  
du SECTEUR FINANCIER

000005

Luxembourg, 22 January 2009

Ms Katalin Baranyi  
Mr Herman J. Berge  
665, rue de Neudorf  
L-2220 Luxembourg

Our/Reference : SG.09/247-NDE/MR/ LTG 1090  
Your/Reference :  
Dispatch: mail

Contact person : Natasha Deloge  
Direct dialing : (+352) 26 251 -

**Re: Your complaint dated 27 October 2008 against Danske Bank International SA**

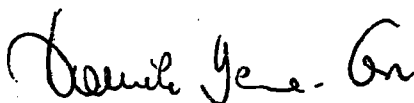
Dear Madam, dear Sir,

Following your letters dated 22 December 2008 and 7 January 2009 in the above mentioned matter, we have noted that you filed an official complaint with the Luxembourg public prosecutor. According to the guidelines governing our handling of customer complaints outlined in the CSSF circular 95/118 (web link [www.cssf.lu/uploads/media/iml95\\_118eng.pdf](http://www.cssf.lu/uploads/media/iml95_118eng.pdf)), we may inform you that the CSSF ceases its intervention pursuant to article 58 of the law of 5 April 1993 on the financial sector if one of the parties to a complaint has referred the matter to a court.

We there close this case but would nevertheless be obliged if you could keep us informed of the outcome of this matter.

Yours sincerely

COMMISSION de SURVEILLANCE du SECTEUR FINANCIER



Danièle BERNA-OST  
Secrétaire général



Jean-Nicolas SCHAUS  
Directeur général