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Luxembourg October 4 2010

**Att** : Mr. Marc Fischbach  
**Re** :  
**Case #** :  
**Your reference** :  
**Our reference** :  
**Posting by** : E-mail and Mail  
**Your fax #** : +352 26 27 01 02  
**Numbers of pages** : 86  
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**Copy** :

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Dear Sir/Ms.

Please find enclosed a transcript of a conversation with the police, as well as the latest correspondence between CSSF, the financial supervisory authority in Luxembourg, and us (including a list of documents). Reading these documents you will hopefully get a comprehensible preview of the case in particular as well as of an unlawful protective structure which has deprived us of all our rights as well as of our savings (+ € 500.000).<sup>1</sup> We suggest that you start with our letter of January 26 2010 to the Minister of Justice / Minister of Finance as this letter will provide you with a backdrop of the case, see List of documents, **document # 1**.

Our simple wish and expectation when we were exposed to this in 2008, was that the financial supervisory authority as well as the prosecutorial authority would at least investigate our allegations against the bank in question. They didn't.

During a meeting with the public prosecutor on January 6 2009 the prosecutor basically stated three points which could be read as follows: 1) banks don't commit crimes; 2) if you nevertheless should become a victim of any criminal actions from a bank, then you should go and talk with a lawyer (i.e. *not* the police), and 3) Danske Bank International S.A. is a big bank, not an insignificant fraudster with a small office, thus this bank can not act in violation with the law, hence there will be no investigation. 20 criminal complaints later, the public prosecutor has kept his word: All complaints have been shelved, and there will be no investigation as long as a big company is involved. Our criminal complaint of September 8 2010, see List of documents, **document # 11**, will give you a picture of how serious the situation is.

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<sup>1</sup> Please note that this case has nothing to do with the so called financial crisis.

Luxembourg as a nation is totally dependent on investors and financial institutions managing the investor's savings/funds, thus it is understandable (from the "ruler's" point of view, that is) that powerful institutions as CSSF and the public prosecutor will do whatever is in their power to nurture and protect this business no matter whether its activity is lawful or not. As this scenario could be hard to believe for some people, we would like to stress that our allegations are based on conclusive evidence (documents and voice recordings) nailing the bank to the alleged crimes. Both the public prosecutor as well as CSSF have been provided with extracts of transcripts of some of these recordings. Nevertheless they reject to investigate. We are also in possession of documents and voice recordings proving that the public prosecuting authority / police are obstructing investigations of crimes committed by high profile persons and/or companies, hence protecting the perpetrators. For further reading on this issue, please see List of documents, **document # 9**.

It isn't too much to ask for – or to expect – to be protected by the law and by the entities which by law were established to protect us against any threats, potential criminal actions/activity and misuse of authority. Nevertheless we have become a victim of serious financial crimes and extended misuse of authority, and in spite of citizen-protective legislation and powerful institutions established to protect us and these laws, we have faced what you could call the "*national financial conduct defence system*" which by all available means supports, nurtures and protects the financial business and all its activities (whether lawful or not), whereas the consequences left in its wake are put in the hands of the victims.

As a consequence of the bank's criminal actions, and the highly effective "*defence system*", we have been deprived not only of our right to protect and defend ourselves against this criminal activity, but also of all our savings and our right to vindicate what has been stolen.

There is at least one reason why this could happen with us in Luxembourg: Luxembourg has refused to implement EU-regulations established to protect investors. For this lack of fulfilling its obligations towards the European Union, the European Court of Justice passed its decision (on February 5 2009 ) finding that Luxembourg has failed to:

*"...adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'), the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive."*

For further reading on this issue, please see List of documents, **document # 1** and **11**.

On August 27 2010 one of the larger constructing firms in Luxembourg, Cardoso & Fils, was caught in the action carrying out covert surveillance on us. A local police officer did (at first) his job in an excellent manner that Friday. He took Ms. Baranyi's statement, looked up the registration number of the car, found and called the owner asking whether one of his employees had been at our address, and whether this person had taken photos at the given time. The owner confirmed both questions (although with an excuse which does not add up with the evident facts). This statement of the owner of the company – when pieced together with later statements from the same person – nails the company to covert surveillance. The problem is that this police officer – shortly after telling us what he had found – seems to have been instructed to obstruct further investigation and tell us a cover-up story, hence protecting the company and whoever is behind this illegal

surveillance activity. For half an hour this officer vigorously tried to mislead Ms. Baranyi not to press charges against Mr. Cardoso, instead of investigating and persecuting what obviously is assessed as unlawful covert surveillance. For further reading on indications of corrupt activity with the police, see List of documents, **document # 9**. As far as we can see there is an inner context between this serious incident and what is mentioned in the correspondence with CSSF. Anyhow this incident could be an indication of a far more widespread problem: Covert surveillance of wealthy clients of banks in Luxembourg.

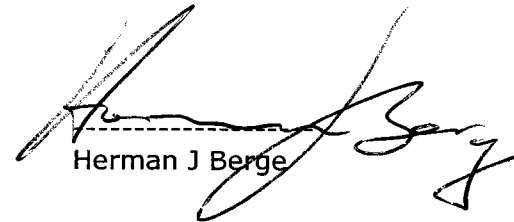
It is – let's say – unfortunate for EU as a whole to fund a country which so openly, directly and unchallenged is violating close to every single law which was established by an international community to protect its citizens.

Having said this, and on the basis of an advise from the European Commission (please see List of documents, **document # 12**), we would like to give an account of the case in a preliminary meeting with the Ombudsman and in this regard we would highly appreciate your soonest response to this complaint.

Sincerely,

  
Katalin Baranyi

Luxembourg October 4 2010

  
Herman J Berge