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

Luxembourg January 15 2010

Att : Mr. Laurent Seck  
Re : Danske Bank S.A. – Criminal Complaint XV  
Case # :  
Your reference :  
Our reference :  
Posting by : Fax and registered mail  
Your fax # : +352 26 20 25 29  
Numbers of pages : 3  
Attachment :  
Copy : CSSF

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

### 1. FORMAL INFORMATION

**Date of Crime** : July 7 2003 – January 15 2010.

**Scene of Crime** : Danske Bank International S.A., 13, rue Edward Steichen, P.O. Box 173, 2011 Luxembourg.

**Perpetrators** : Managing Director; Klaus Mønsted Pedersen (Luxembourg)  
Legal Adviser; Ole Stenersen (Luxembourg)  
Wealth Manager; Anne Kaupang Leighton (Steinsel)

The above named persons are employees of the Danske Bank International S.A., 13, rue Edward Steichen, P.O. Box 173, 2011 Luxembourg.

In regards to the facts in this matter, we refer to previous criminal complaints of 221208, 260109, 280109, 020209, 030209, 050209, 100209, 110209, 091209 (IX, X, XI and XII), 101209 and 141209, which we advise you to read and assess thoroughly.

As mentioned in the criminal complaint submitted on December 22 2008, the bank informed us in their letters of October 17 2008 and November 3 2008 – as well as in their letter of January 14 2009 – that we were in breach of a Multipurpose Line Agreement (MLA) which sole purpose (according to the MLA itself) was acquisition of real estate (i.e. our house).

We do oppose to the notion that we are part of a legitimate MLA agreement, in this regard please see the criminal complaint I of December 22 2008. For the sake of the argument, let us nevertheless presume that this MLA is valid.

## **2. THE OFFENCE**

Law of April 5 1993 on the financial sector, article 41, "Obligation of professional secrecy" which stipulates that:

«All administrators, members of managing and supervisory bodies, directors, employees and other persons in the service of credit institutions, other financial sector professionals, settlement entities, central counterparties, clearing houses and foreign operators of systems authorised in Luxembourg, as referred to in Part I of this Law, shall be required to keep secret any information confided to them in the context of their professional activities. Disclosure of such information shall be punishable by the penalties laid down in Article 458 of the Penal Code.»

The Penal Code, article 458, punishes violations of secrets entrusted to professionals:

"...all other persons that disclose secrets in their custody by virtue of their status or profession, apart from cases where they are called to testify in a court of law or before a parliamentary commission of investigation or otherwise compelled by law to lift their secrecy obligation, will be subject to imprisonment for eight days to six months and a fine of 20.000 to 200.000 francs.

During a phone conversation<sup>1</sup> between us and the bank on August 31 2007, the bank revealed that it is actually Danske Bank AS, Copenhagen, Denmark, who assesses Danske Bank International S.A.'s clients and their financial status, and who has the final say prior to any agreements between the bank in Luxembourg and its clients. In violation with Law of April 5 1993 on the financial sector, article 41, "Obligation of professional secrecy", client-information is on a continuous and illegal basis transmitted out of Luxembourg and in to Danish territory for assessment.

Danske Bank AS, Copenhagen, is not subject to Luxembourg Secrecy Act or to any other Luxembourg financial or civil regulations. Information originating from Danske Bank International S.A. in Luxembourg can thus freely be used for any purpose outside Luxembourg. These facts make Danske Bank International S.A. actually a *branch* of Danske Bank AS rather than an independent limited company governed by Luxembourg law.

In the light of 15 criminal complaints submitted by us (four of them directly involving violation on the bank secrecy), and how the CSSF and the Public Prosecutor has reacted upon these complaints, there are no reasons to conclude otherwise than that the state of Luxembourg does not provide any bank secrecy and secondly, that the clients of the banks located in Luxembourg in reality are not protected by any law in regards to their rights.

As a consequence of an obvious malfunctional control body (CSSF), consistently and effortlessly protecting the banks' interests (see previous criminal complaints), the State itself is liable to any loss incurred by this malfunction.

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

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

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<sup>1</sup> Danske Bank International S.A. has refused to hand out this recorded conversation and is thus liable for concealing and withholding documents intended for use in a court of law. Withholding such documentation – hence protecting and concealing a continuous criminal activity – is regarded as a criminal offence.

- to inform us, within two weeks of this letter, whether the actions pointed out in this and the previous criminal complaints are offences or not according to Luxembourg law.

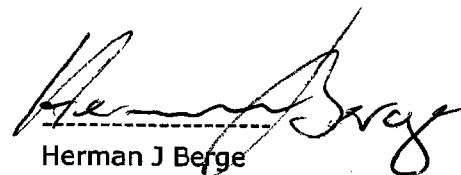
We do reserve the right to claim compensation for any economic loss, as well as non-pecuniary damages, these actions have caused us. In this regard we wish to be notified by the Public Prosecutor whether such claims can be filed as part of the criminal case.

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

Sincerely,



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Katalin Baranyi



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Herman J Berge

DATED in Luxembourg this 15<sup>th</sup> day of January 2010; delivered by fax and mail to the attention of Mr. Laurent Seck with the Procureur d'etat.