

# BILAG 8.

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

Luxembourg February 11 2008

Att : Mr. Laurent Seck  
Re : Danske Bank S.A. – Criminal Complaint VIII  
Case # :  
Your reference :  
Our reference :  
Posting by : Fax and mail  
Your fax # : +352 26 20 25 29  
Numbers of pages : 2  
Attachment :  
Copy : CSSF

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## CRIMINAL COMPLAINT

### 1. FORMAL INFORMATION

**Date of Crime**  
May 9 2008.

**Scene of Crime**  
In the car somewhere in Luxembourg.

**Perpetrator**

- a. Anne Kaupang Leighton, Wealth Manager/Account Manager, Steinsel.

The above named person works at Danske Bank International S.A., 13, rue Edward Steichen, P.O. Box 173, 2011 Luxembourg.

### 2. CRIMINAL ACTIONS

Law of 5 April 1993 on the financial sector, article 41, "Obligation of professional secrecy" 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.

On May 9 2008 we called Ms. Anne Kaupang Leighton as she earlier that day had asked us to do so. She was in her car with her son and another person when we called her. In this setting she told us that our Wealth Manager, Øyvind Bjørnsen, had been sacked and that he had been forced to leave office immediately. She also revealed Mr. Berge's name as the client of Mr. Bjørnsen in this conversation, and that she had taken over his responsibilities as our Wealth Manager.

It has by this been established as a fact that Ms. Kaupang Leighton, again, has provided a third party with information – that she was entrusted with – about us and about our relationship with this bank, which in itself is a clear violation of the above mentioned Law of 5 April 1993 on the financial sector, article 41.

Finally we find it essential to stress that this behaviour that we experience with Ms. Kaupang Leighton shows that she talks quite openly about the relationship between the bank and its clients despite the fact that she knows that such information is protected by law in the interest of the client. This leads us to believe – which obviously cannot be ruled out – that Ms. Kaupang Leighton might have revealed information about us and our relationship with the Danske Bank Int. S.A. to other third parties. The next assumption which follows as a consequence, is that this behaviour shows that the secrecy policy in the bank in general seems to be rather poor and thus not in compliance with the law.

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

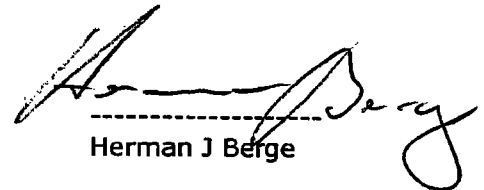
- to investigate the above mentioned actions and prosecute the offender.

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.

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 11<sup>th</sup> day of February 2009; delivered by fax and ordinary mail to the attention of Mr. Laurent Seck with the Procureur d'etat.