

Ms. Katalin Baranyi and Mr. Herman J Berge  
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Luxembourg

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

Luxembourg December 14 2009

Att : Mr. Laurent Seck  
Re : Danske Bank S.A. – Criminal Complaint XIV  
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 – December 14 2009.

**Scene of Crime** : **Nordea Bank S.A.**, 562, rue de Neudorf, L-2015 Luxembourg  
and/or **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)  
Managing Director; Jhon Mortensen (Nordea Bank S.A.,  
Luxembourg)

The above named persons – besides Mr. Mortensen – 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) and 101209 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.

By a letter of August 17 2009 Norwegian tax-crime authorities approached Mr. Berge indicating that he has committed crimes in regards to funds transferred to us from a bank account in Nordea Bank S.A. (Luxembourg). The Norwegian tax authorities had been provided with information about 1) the amount transferred; 2) the number of the bank account in which the funds were transferred from; 3) information about the owner of this account; 4) the number of the bank account in which the funds were transferred to, as well as 5) information about the owner of the latter account.

Even though it is far beside the point of this particular matter, you can rest assure that the funds in question were earned and transferred in compliance with agreements. No crime has been committed on our hand in regards to the Norwegian tax authorities either.

As far as we can understand there are only two possible alternatives in regards to how this information, protected by the Luxembourg Secrecy Act, has come into the hands of Norwegian authorities:

1. Nordea Bank S.A. has informed the Norwegian tax-crime authorities thus violating the above mentioned law, or
2. Danske Bank International S.A. has informed the Norwegian tax-crime authorities thus violating the above mentioned law.

None of the banks in question have contacted us about the "Norwegian approach" in Luxembourg, neither have they informed us about their leaking of protected information to Norwegian authorities.

No matter how this protected information has ended up in Norway, we are nevertheless facing a grave violation of the above mentioned laws, and thus a violation against our protected rights.

In the light of 14 criminal complaints submitted by us, 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.

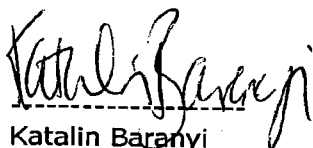
**3. IN CLOSING WE PETITION THE PROCUREUR D'ETAT (PUBLIC PROSECUTOR):**

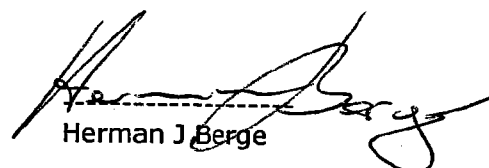
- to investigate the above mentioned actions and prosecute the offenders.
- to inform us, within two weeks of this letter, whether the actions pointed out in this and the previous criminal complaints are offences or not according to Luxembourg law.

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,

  
Katalin Baranyi

  
Herman J Berge

DATED in Luxembourg this 14<sup>th</sup> day of December 2009; delivered by fax and mail to the attention of Mr. Laurent Seck with the Procureur d'etat.

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665, rue de Neudorf  
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Danske Bank International S.A.  
P.O. Box 173  
2011 Luxembourg

Luxembourg December 14 2009

**Att** : President/chairman Mr. Klaus Moensted Pedersen  
**Re** : Regarding our savings account 653147  
**Case #** :  
**Your reference** :  
**Our reference** :  
**Posting by** : Registered mail and fax  
**Your fax #** : 47 30 78  
**Numbers of pages** : 2  
**Attachment** :  
**Copy** : CSSF; Procureur d'Etat (Public Prosecutor)

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President,

As you will learn from the content of the submitted criminal complaints against you and the bank (I to XIV), Danske Bank is in default:

The bank has committed numerous violations on the Secrecy Act; Committed Embezzlement and misuse of our savings in illegal FX-trade; demonstrated immorality and lack of confidence and loyalty; committed fraud; wilfully misleading us in regards to contracts, investments, transactions, and bank statements; committed perjury; leading CSSF to commit perjury; with criminal attempt creating a situation which in turn was meant to lead to a default on our end; concealing documents, voice recordings and other information which would bring light to this matter; committed extortion; leading third party to commit extortion; committed "skimming"; probably leaking protected personal information, confided to the bank, to Norwegian tax-crime authorities (or being accessory to such act); violating the MIFID regulations and In this regard carrying out transactions in violation of the MIFID regulations, etc.

The bank's actions, referred to in our criminal complaints, have caused substantial economic loss on our hand, which we demand to be compensated by the bank. In the meantime, and before we have reached a solution on this matter, we petition you to make – from our own funds, and without further due – some €15.000 available for us, and transfer this amount to the following account in our names:

BGL BNP Paribas  
50, av. J.F. Kennedy  
L-2951 Luxembourg

**IBAN #** : LU10 0030 2791 8250 0000

**BIC Code** : BGLLLULL

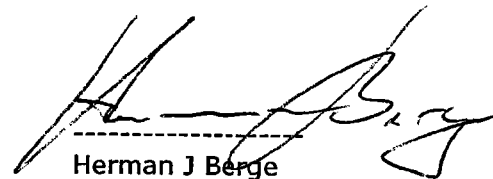
In regards to your legal advisers with Bonn Schmitt Steichen (BSS), we urge you to halt any such actions mentioned in BSS's letter of November 23 2009, as such actions will be taken as hostile in addition of being a criminal offence. Make notice that the assets which are left with the bank are our assets, not the bank's.

In addition we urge you to stop all communication (written and oral) with this law firm until it has been duly clarified whether this firm is representing our adversaries or in any other manner acts on behalf of, or appears as advisers of, or in any other manner is connected with our adversaries or their henchmen in this or in any other legal matters we are involved in.

We appreciate your prompt response.

  
Katalin Baranyi

Luxembourg December 14 2009

  
Herman J Berge