

# Prosecute bankers and auditors, says law expert

■ Maynooth Prof claims ample evidence that institutions and auditors broke the rules

by Juno McEnroe

A LEADING law professor has insisted there is now ample evidence that banks and their auditors broke the law and has called for criminal prosecutions to be brought against them.

Following the publication of two damning bank reports this week, the head of law at NUI Maynooth said it is time to bring those responsible for the banking crisis before the courts.

There had "not even been

a sniff of court" for these people so far, warned Prof Sandeep Gopalan.

Among concerns, one report found banks had seriously breached internal lending practices.

"If we already have documentation with the regulator that there were breaches, what are we waiting for?" asked Prof Gopalan.

Enough information was unearthed about practices

under former Anglo Irish Bank chief Sean FitzPatrick following his arrest that could permit action, suggested the law department head.

"It seems that there is enough to take action under the criminal theft and fraud offences act, which deals with fraud accounting," the former Wall Street investment banker said.

It was also time for

criminal proceedings to be brought against the banks' auditors, he claimed.

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But in other jurisdictions where huge financial scandals were investigated, perpetrators had been prosecuted within short

criminal proceedings to be brought against the banks' auditors, he claimed.

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periods, said Prof Gopalan.

One of the biggest financial scandals in US history saw charges brought against former WorldCom chief Bernie Ebbers in 2003, over one year after he defrauded investors with the telecommunications company.

The Maynooth law professor also pointed out that Wall Street's biggest con-man, Bernie Madoff, was also jailed not long after

investigations began into his stockbroker affairs.

"Yet, here you have two years since [the banking scandals in Ireland] and there's not even a sniff of court for any of these people," he added.

The very threat of jail sentences or even fines would push those responsible to reveal details about the causes of the banking scandals, argued the college head.

"Regardless of whether you succeed in convicting or sentencing these people to jail time, the very process of prosecution will unearth information which otherwise would never come out."

He also suggested some responsibility for the banking crisis had to be taken by the financial regulator's office, which may have been aware of uncontrolled practices. "What more can a commission of inquiry accomplish?" he said.



**Sandeep Gopalan: 'Not even a sniff of court.'**