



Bangko Sentral ng Pilipinas

OFFICE OF THE DEPUTY GOVERNOR SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2010-037

To : **All Banks and Non-Bank Financial Institutions Under BSP Supervision**

Subject : **Anti-Money Laundering Council (AMLC)
Resolution No. 44 dated 09 June 2010**

Pursuant to Anti-Money Laundering Council Resolution No. 44 dated 09 June 2010 (copy attached), you are hereby informed that on 05 May 2010, the Chairman of the Security Council Committee conveyed to the Permanent Representative of the Philippines to the United Nations (UN) that the UN Security Council Al-Qaida and Taliban Sanctions (SCAQTS) Committee approved on 04 May 2010 the addition of **MUTHANNA HARITH AL-DARI** to its Consolidated List of Individuals and Entities subject to the Assets Freeze, Travel Ban and Arms Embargo set out in paragraph 1 of Security Council Resolution 1904 (2009) adopted under Chapter VII of the Charter of United Nations.

Under the same resolution, all covered institutions are directed to submit to the Council reports of covered or suspicious transactions, if any, involving **MUTHANNA HARITH AL-DARI**.

In accordance with Sections 7 and 9 of the Anti-Money Laundering Act (AMLA) of 2001, as amended, and Rule 9.3 of the Revised Implementing Rules and Regulations (RIRR), you are hereby directed to submit directly to the AMLC reports of covered and suspicious transactions, if any, involving the above-named individuals and entity.

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

 18 June 2010

Att: A/S

PANANALAPING MATATAG, BANSANG PANATAG



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 44 Series of 2010

In its Memorandum dated 5 May 2010, the AMLC Secretariat (AMLCSS) reported to the Council that:

On 4 May 2010¹, the Embassy of the United States of America, Manila through Mr. Tim Neely, Deputy Economic Counselor, requested the Anti-Money Laundering Council to designate and freeze the assets of **MUTHANNA HARITH AL-DARI**.

On 25 March 2010², the United Nations Security Council Al-Qaida and Taliban Sanctions Committee approved the addition of **MUTHANNA HARITH AL-DARI** to its Consolidated List of individuals and entities subject to the assets freeze, travel ban and arms embargo set out in paragraph 1³ of Security Council Resolution 1904 (2009) adopted under Chapter VII of the Charter of the United Nations. The details of the individual included in the list are as follows:

Name	: 1: MUTHANNA 2: HARITH 3: AL-DARI 4: na
Name (original script)	: مثنى حارث الضاري
Title	: Doctor
Date Of Birth	: 16 June 1969
Place Of Birth	: Iraq
A.k.a.	: a) Dr. Muthanna Al Dari b) Muthana Harith Al Dari c) Muthanna Harith Sulayman Al-Dari d) Muthanna Harith Sulayman Al-Dhari e) Muthanna Hareth Al-Dhari f) Muthana Haris Al-Dhari g) Doctor Muthanna Harith Sulayman Al

¹ Letter dated 4 May 2010 of Mr. Tim Neely, Deputy Economic Counselor, Embassy of the USA.

² SC/9893 dated 25 March 2010.

³ 1. Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertaking and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) ("the Consolidated List").

Dari Al-Zawba' **h)** Muthanna Harith Sulayman Al-Dari Al-Zobai **i)** Muthanna Harith Sulayman Al-Dari al-Zawba'i **j)** Muthanna Hareth al-Dari **k)** Muthana Haris al-Dari **l)** Doctor Muthanna al-Dari **m)** Dr. Muthanna Harith al-Dari al-Zowbai

Nationality : Iraqi

Address : **a)** Amman, Jordan **b)** Khan Dari, Iraq (previous) **c)** Asas Village, Abu Ghurayb, Iraq (previous) **d)** Egypt (previous)

Listed on : 25 March 2010

Other information : Provided operational guidance financial support and other services to or in support of Al-Qaida in Iraq.

The inclusion of **MUTHANNA HARITH AL-DARI** in the Consolidated List of the United Nations Security Council Al-Qaida and Taliban Sanctions Committee validates his being associated with Al-Qaida, a known terrorist organization.

The United Nations Security Council Resolution (UNSCR) 1373 adopted on 28 September 2001 provides that:

"The Security Council,

x x x

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that all States shall:

- (a) Prevent and suppress the financing of terrorist acts;
- (b) Criminalize the willful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;
- (c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated

from property owned or controlled directly or indirectly by such persons and associated persons and entities;

- (d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons."

Section 7(1) of R.A. 9160, as amended, provides:

"SEC. 7. Creation of Anti-Money Laundering Council (AMLC)
- The Anti-Money Laundering Council is hereby created and shall be composed of the Governor of the Bangko Sentral ng Pilipinas as chairman, the Commissioner of the Insurance Commission and the Chairman of the Securities and Exchange Commission as members. The AMLC shall act unanimously in the discharge of its functions as defined hereunder:

- (1) to require and receive covered or suspicious transaction reports from covered institutions;

x x x."

Moreover, the Revised Implementing Rules and Regulations of the Anti-Money Laundering Act of 2001, as amended, provide:

"Rule 13.7.2. Authority to Assist the United Nations and other International Organizations and Foreign States. – The AMLC is authorized under Section 7 (8) and 13 (b) and (d) of the AMLA to receive and take action in respect of any request of foreign states for assistance in their own anti-money laundering operations. It is also authorized under Section 7 (7) of the AMLA to cooperate with the National Government and/or take appropriate action in respect of conventions, resolutions and other directives of the United Nations (UN), the UN Security Council, and other international organizations of which the Philippines is a member. However, the AMLC may refuse to comply with any such request, convention, resolution or directive where the action sought therein contravenes the provision of the Constitution or the execution thereof is likely to prejudice the national interest of the Philippines."

As a charter member of the United Nations and as part of the international coalition against terrorism, the Philippines, through the Anti-Money Laundering

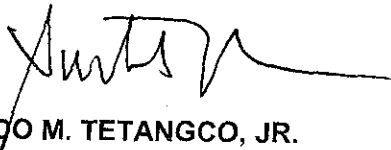
Council, must actively support the actions required under the subject UNSC Resolutions.

The Council resolved to:

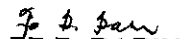
(1) Direct all covered institutions to submit to the Anti-Money Laundering Council reports of covered or suspicious transactions, if any, involving **MUTHANNA HARITH AL-DARI**; and

(2) Request the Supervising Authorities to disseminate copies of this Resolution to all covered institutions under their respective jurisdictions.

09 June 2010, Manila, Philippines.



AMANDO M. TETANGCO, JR.
Chairman
(Governor, Bangko Sentral ng Pilipinas)



FE B. BARIN
Member

(Chairman, Securities and Exchange Commission)



SANTIAGO JAVIER RANADA
Member
(Commissioner, Insurance Commission)